

Case No. SP-03088

Applicant: Judy Barragan

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 04-122, to approve with conditions a detailed site plan, SP-03088, for a contractor's office with outdoor storage yard on property described as approximately 0.39 acres of land in the I-1 Zone, southeast of Poplar Hill Lane, and northeast of Alexandria Ferry Road, Clinton, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall revise the plan and show complete compliance with the requirements of Sections 4.3 (b) of the Landscape Manual for the eastern and western property lines in front.
2. No storage of any kind and no new structures shall be allowed in the front yard.
3. All parking spaces and access to the site in the front yard shall be paved with either asphalt or concrete that is consistent with the street surface on which the site has frontage.
4. Along the street frontage other than where access drives are located, a minimum 10-foot-wide landscape strip shall be established with trees provided in accordance with the Landscape Manual, and with shrubs provided at twice the normal requirement of the Landscape Manual. The trees and shrubs shall be regularly watered and fertilized in order to maintain them in good health; however, in the event any are damaged or die they shall be promptly replaced.
5. Any front yard area outside of the landscape strip which remains green area shall be landscaped with at least one shade tree for each 300 square feet of green area.

6. All existing fences aligned parallel to the street and located at or in front of the rear wall of the main structure on the lot shall be removed and replaced with the following: a six-foot-high solid wood fence (wood boards painted or stained a terra cotta color) or a sight-tight vinyl fence. Any vehicular entrance to the rear yard shall be gated and treated in the same way as the fence. Any storage area in the rear yard or elsewhere on the lot shall be enclosed with the same fence.
7. One sign is permitted on the site to identify the business. This sign shall be a permanent ground-mounted sign no more than six feet in height and containing no more than 25 square feet of sign area. All other existing signs shall be removed.
8. No final Certificate of Occupancy shall be issued until the requirements of conditions 2-7 above have been complied with. The applicant shall submit photographs to DER to show the condition of the property and compliance with all conditions, before issuance of the Certificate of Occupancy.
9. No more than one year after the date of approval of this Order, the applicant, his successors or assignees ("applicant"), shall submit to the Department of Environmental Resources (DER) photographs (and other evidence if appropriate) to demonstrate that all applicable elements of conditions 2-7 above continue to be fulfilled and that all structures and landscaping are being maintained in presentable condition and good working order. Every two years after that on the anniversary of the approval of this Order, the applicant shall submit current photographs and evidence to DER to demonstrate full compliance again in the same way.
10. Failure to submit the required evidence in a timely way shall be grounds for revocation of the Use and Occupancy permit by DER. Failure to demonstrate by means of the photographs and evidence submitted full compliance with the intent of these conditions shall be grounds for revocation of the Use and Occupancy permit by DER.

Ordered this 28th day of March, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council