

Case No. SP-05011

Applicant: Oxbridge Development Partnership  
@Ritchie Marlboro, LC

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

REVISED ORDER AFFIRMING PLANNING BOARD DECISION,  
WITH ADDITIONAL CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 05-249, to approve with conditions a detailed site plan for 108 single-family residential lots and recreational amenities, on property known as Marlboro Pointe Cluster, described as approximately 74.97 acres of land in the R-R Zone, located east of Ritchie Marlboro Road, approximately 727 feet from the intersection of Foyette Lane, Upper Marlboro, 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 signature approval of the plans, the applicant shall provide the additional specified materials or revise the plans as follows:
  - a. Applicant shall indicate the bioretention ponds as shown on approved Stormwater Concept Plan 35758-2003 and submit revised referral comments from DER stating that the subject detailed site plan is consistent with the relevant approved stormwater concept plan.
  - b. Applicant shall bond and install the proposed recreational facilities in accordance with the following schedule. The schedule shall be included on the plans and in public and private recreational facilities agreements, as appropriate:

Recreational Facility	Bonded By	Completed By
Sitting Area including benches and a gazebo	Issuance of the first building permit for the proposed subdivision	Issuance of the 27 <sup>th</sup> building permit for the proposed subdivision
1,000-foot on-site eight-foot-wide hiker-biker trail	Issuance of the first building permit for the proposed subdivision	Issuance of the 40 <sup>th</sup> building permit for the proposed subdivision
Tennis and Basketball Court	Issuance of the first building permit for the proposed subdivision	Issuance of the 54 <sup>th</sup> building permit for the proposed subdivision
1,100 foot off-site eight-foot-wide hiker/biker trail	Issuance of the first building permit for the proposed subdivision	Issuance of the 81 <sup>st</sup> building permit for the proposed subdivision

- c. The building height on each house type shall be included on the template sheet.
- d. The dimensions for all options on all house types shall be indicated.
- e. The applicant shall include a parking schedule including one space per recreational court and one per picnic table and shall show the required parking spaces on the plan.
- f. The applicant shall include a Section 4.6 *Landscape Manual* schedule ensuring that the lots backing up to Ritchie Marlboro Road shall have adequate buffering.
- g. Applicant shall include top and bottom elevations for all retaining walls. Retaining walls over 18 inches shall include a safety fence and walls above 6 feet with a safety fence shall meet main building setbacks. The Urban Design Section shall review and approve plans for the retaining walls as designee for the Planning Board.
- h. Gateway signs shall be reviewed and approved by the Urban Design Section as designee for the Planning Board to ensure that:

- i. Maximum lettering area per gateway sign is 12 square feet.
  - ii. Maximum height is six feet above grade.
  - iii. The sign is located at the entrance to the subdivision, set back from the roadway to maintain unobstructed lines of vision for 500 feet in all directions of travel.
  - iv. Attractive year-round landscaping shall be provided at the base of the gateway sign.
  - v. The applicant has entered into a maintenance agreement approved by DER.
- i. The applicant shall correctly identify the location of Historic Resource 79-000-36, site of the Navajo Tenant House on the detailed site plan.
  - j. Applicant shall revise the plans to include a trail connection from the subject site to the existing master plan trail on the adjacent M-NCPPC land at a location agreeable to the Department of Parks and Recreation.
  - k. Applicant shall revise the plans to indicate standard sidewalks along both sides of all internal roads (including Street A and Street C between Street B and Ritchie-Marlboro Road, unless modified by DPW&T).
  - l. The Department of Parks and Recreation shall confirm that the connection with the adjacent master plan trail is located as was agreed to between the applicant and the Department of Parks and Recreation.
  - m. Applicant shall provide evidence that they have recorded an easement to accommodate a 50-foot landscape buffer containing the plantings required in a “D” buffer as defined in the Prince George’s County *Landscape Manual* along its eastern boundary shared with land owned by Prince George’s County and used to impound automobiles. In no event shall the width of the buffer be reduced from 50 to the 40 feet normally required for a “D” buffer in the *Landscape Manual*. Additionally, if existing woodland is to partially or entirely meet the requirements of the *Landscape Manual*, the applicant shall provide staff with a letter from a licensed forester or other qualified professional stating that the existing woodland meets the requirements of the *Landscape Manual* with respect to the type and quantity of plantings required and/or specifying the exact type and quantity of plantings necessary to augment the existing woodland to meet the requirements of the *Landscape Manual*. The purpose of this condition is to provide an effective

screen between the county-owned impoundment lot and the proposed subdivision. If such an easement cannot be obtained, the site plan shall be redesigned and may involve a loss in the number of lots in the subdivision in order to accommodate the required buffer on-site. Any structure located within the easement, if obtained, must be removed or Alternative Compliance must be pursued and obtained by separate application.

- n. Applicant shall add a note to the plans stating that if wet areas must be traversed, suitable structures shall be constructed to ensure dry passage along the trail.
  - o. A note shall be added to the plans stating that the applicant shall work with staff from the Department of Parks and Recreation and determine if material from barns can be reused and if so it shall be offered to the Department of Parks and Recreation, or to the *Newel Post*, the county's architectural salvage depot.
  - p. A note shall be added to the plans stating that the applicant shall place an historic marker or other interpretive device at or near the site of Historic Resource 79-000-36 Site of the Navajo Tenant House and shall consult with Historic Preservation staff on design, location and wording.
  - q. A note shall be added to the detailed site plan stating that a minimum of 60 percent of the units shall have front facades constructed entirely of brick. Applicant shall provide a brick tracking chart on the detailed site plan.
  - r. All facades shall have a minimum of two architectural features. Highly visible side facades of highly visible units in the subdivision shall have a minimum of three architectural features. A list of highly visible units shall be developed by the Urban Design Section as designee of the Planning Board.
2. Prior to the issuance of any building permits for the proposed project, the applicant shall provide the additional specified materials or shall revise the plans as follows:
- a. The proposed house type shall be indicated on the subject lot(s).
  - b. Front, side and rear setbacks shall be indicated on the plans.
  - c. A chart indicating the percentage of lot coverage for each lot shall be shown on the plans. Lot coverage is to include dwelling, driveway, any covered steps, porches or options.
  - d. Applicant shall submit a recorded declaration of covenant with the building permit application. Such document shall identify the area on the lot(s) by bearings and distances where landscaping is required by Section 4.6, and the specific parties committed to maintain that landscaping in perpetuity.

- e. Prior to the issuance of any permits, the Type II tree conservation plan and the technical stormwater management plan shall be consistent. A copy of the approved technical stormwater management plan shall be submitted to the Environmental Planning Section for inclusion in the TCPII file prior to the issuance of any grading permits. In the event the TCPII and technical stormwater management plans are not consistent one or both plans shall be revised as necessary prior to the issuance of the grading permits.
  - f. The following certification shall be placed on all building permits and shall be signed and dated by an engineer with expertise in acoustical engineering: "The construction shown on this building permit has been evaluated and will result in interior noise levels of 45 dBA Ldn or less."
3. Prior to certification of the Type II tree conservation plan, it shall be revised as follows:
    - a. Not to count the planting areas between the proposed noise walls and lots as meeting any part of the woodland conservation requirement.
    - b. Add a note that fee-in-lieu may be substituted for off-site conservation, if the total is less than 1.00 acre
    - c. Remove post-planting note 6.C. on sheet 2 of 14 regarding a deer management plan.
    - d. Have the revised plan signed and dated by the qualified professional who prepared the plan.
  4. The following recreational amenities shall be added: a tennis court and a separate basketball court, in compliance with Dept. of Parks and Recreation standards. The multipurpose court shall be removed.
  5. At least 90% of the units shall have brick front facades.
  6. These lots shall be shown on a diagram to be filed with the Clerk of the Council and the Urban Design Section:
    - a. Lots 1, 4, 12, and 13 in Block A;
    - b. Lots 1, 4, 16, and 17 in Block B;
    - c. Lots 1, 3, 4, and 10 in Block C;
    - d. Lots 1 and 16 in Block D;
    - e. Lots 1, 5, and 6 in Block E;
    - f. Lots 1, 8, 9, and 14 in Block F; and
    - g. Lots 1, 6, 15, and 18 in Block G.

Ordered this 22nd day of May, 2006, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Bland and Hendershot

Vote: 7-0

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: \_\_\_\_\_  
Thomas E. Dernoga, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council