

Case No.: SDP-0315

Applicant: VOB Ltd. Partnership

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 entire record, that the Planning Board's decision in Resolution PGCPB No. 04-65, approving with conditions a Specific Design Plan for 39 townhouses on property known as Beech Tree, East Village, Section 4, described as 11 acres of land in the R-S Zone, located on the west side of MD 301, south of the intersection of Leeland Road and MD 301, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

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

1. Prior to certification of the Specific Design Plans:
 - a. The site/grading, landscape and architectural plans shall be revised to show the following:
 - (1) The total number of units previously approved and the total number of units proposed in the subject SDPs.
 - (2) Parking schedules, including correct number of proposed parking spaces, parking spaces included within garages, on-street parking, and garage dimensions.

- (3) Depressed curbing or ramps in the area of parking for the physically handicapped.
 - (4) Top and bottom wall elevations for all retaining walls.
 - (5) All design standards approved by the CDP on the cover sheet.
 - (6) A table to demonstrate compliance with yard area requirements. If a deck enclosure option is used, yard area calculations shall include the option.
 - (7) Elimination of garages adjacent to each other on the front of proposed units, unless technical requirements or conditions call for adjacent garages.
 - (8) Additional evergreens for the following lots:
 - Block Q Lots 5 to 13 (along the rear)
 - Block O, Lots 10 to 15 (along the rear)
 - Block M, Lot 58 (along the side yard)
 - (9) The proposed Yoshino cherry tree replaced with a tree with a narrower spread on the landscape palette.
 - (10) At least 60 percent of the total number of units with brick front facades.
 - (11) A six-foot-wide hiker-biker trail along the entire frontage of Moore's Plain Boulevard.
- b. The Type II Tree Conservation Plan, TCPII/49/98-02, shall be revised to:
- (1) Revise the key map on the cover sheet to indicate each Specific Design Plan for Beech Tree.
 - (2) Remove the TCP notes from the key map.
 - (3) Correct each TCPII approval block on every sheet to include the PGCPB resolution number and date for the approvals of TCPII/49/98, TCPII/49/98-01 and TCPII/49/98/02.

- (4) Document all revisions with appropriate notes in the revision block on each sheet.
 - (5) Add the following note to sheet 46: “No disturbance of woodland is permitted on the site until it is confirmed that it is consistent with the Habitat Management Plan for the Stripeback Darter approved by the Wildlife and Heritage Division of DNR.”
 - (6) Add the following note to sheet 46: “Prior to the issuance of any grading permit for the site, the Type II TCP shall be revised to incorporate the recommendations of the approved Habitat Management Plan for the Stripeback Darter.”
 - (7) Add the following note to sheet 46: “No grading or cutting or removal of trees is permitted on the site until the recommendations of the Habitat Management Plan have been incorporated into the Type II TCP.”
 - (8) Add the following note to each sheet of the TCPII that shows reforestation/afforestation areas: “All reforestation/afforestation areas adjacent to lots and split rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to issuance of use and occupancy permits for the adjacent lots.”
 - (9) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- c. The applicant shall demonstrate to the satisfaction of the Urban Design Section that prices of proposed dwelling units will not be lower than the following range (in 1989 dollars):

Single-Family Attached: \$150,000-200,000+

- 2. Prior to issuance of grading permits, each grading permit shall show required on-site wetland mitigation areas.
- 3. Prior to the issuance of any permits for Beech Tree, the applicant shall demonstrate to the M-NCPPC Environmental Planning Section that all applicable conditions of the State wetland permit have been addressed.

4. Prior to approval of building or grading permits, the M-NCPPC Environmental Planning Section shall review all technical stormwater management plans approved by the Department of Environmental Resources (DER). The Environmental Planning Section shall work with DER and the applicant to ensure that the plan is consistent with the Habitat Management Program and that water quality is provided at all stormdrain outfalls. If TCPII revisions are required because of changes to technical stormwater management plans, the revisions shall be approved at staff level, unless they call for clearing of more than 20,000 square feet of additional woodland.
5. Prior to the issuance of any building permit, a soils report addressing specific remedies and their locations in all areas where Marlboro clay presents development problems shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The report shall include a map showing all borehole locations and logs of all boreholes and shall identify individual lots where Marlboro clay poses a problem.
6. All structures shall be fully equipped with a fire suppression system built in accordance with National Fire Protection Association (NFPA) Standard 13D and all applicable County laws and regulations.
7. Prior to approval of each dwelling unit building permit, the applicant shall again demonstrate that the price of the dwelling unit will be within the range in Condition 1 (c) above.
8. The applicant shall meet all transportation improvement and phasing conditions stated in the approval resolution for SDP-9907.

Ordered this 14th day of May, 2004, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Exum, Peters and Shapiro

Vote: 6-0

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: _____
Tony Knotts, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council