

Case No. SDP-0406/03

Applicant: VOB Limited Partnership

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 08-44, to approve with conditions a specific design plan for the addition of 5 single-family detached lots to the previously approved specific design plan consisting of 168 single-family detached, and single-family attached lots, for a project referred to as Beech Tree, North Village, on property described as approximately 50.25 acres of land in the R-S Zone, on the west side of US 301, south of the intersection of Leeland Road and US 301, Upper Marlboro, is:

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 the specific design plan, the applicant shall:
 - a. Provide the required plant units and landscape schedules to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
 - b. Provide a new stormwater management concept approval from DPW&T to include the new lots.
 - c. Provide a site plan note to explain how the residential dwelling units that are adjacent to the golf course will be protected from errant shots and show the screening details, if necessary.
 - d. Provide the required minimum 15-foot clearance between a building and a WSSC water and sewer easement in the vicinity of the lot that is fronting on Nancy Gibbons Lane.

- e. Revise the plans to meet all previous park and trail conditions as approved in SDP-0406, to be reviewed by the Department of Parks and Recreation as the designee of the Planning Board.
 - f. Provide the approved total number of lots in the preliminary plan of subdivision covering this property and the breakdown of each section on the site plan.
 - g. The following architectural standards shall apply to the proposed development:
 - (1) All units shall have a full front façade (excluding gables, windows, trim and doors) constructed of brick, stone or stucco, or shall be treated with a full-width front porch.
 - (2) Any side elevation which faces the public street shall be designed with materials and details in a manner consistent with the front elevation. In the event the opposite side of such dwelling unit is not highly visible from the public street and, as a result, the homeowner chooses not to display such treatment, the side yard of such unit shall be planted with an evergreen buffer. A side elevation which is highly visible from the public street as a result of being angled on a corner lot or projecting forward from the neighboring house more than 20 feet shall display significant architectural features which contribute to the aesthetic of the unit. Significant architectural features include, but are not limited to, bay projections, wrap-around porches, sunrooms, conservatories, pergolas, and other architectural embellishments consistent with the architecture defined on the front elevation of the unit.
2. 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 plan and that water quality is provided at all stormdrain outfalls. If revisions to the TCP II are required due to changes to the technical stormwater management plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.
 3. Prior to 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 the first final plat for any lots covered in SDP-0406/03, the applicant shall enter into maintenance and public use agreements with the Department of Parks and Recreation for perpetual maintenance of the master-planned trail and easement on the homeowners association land located between Beech Tree Parkway and the Presidential Golf Course.

5. Prior to issuance of any building permit, the applicant shall
 - a. 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 Detached: \$225,000-500,000+
 - b. Record a new plat to reflect the addition of the five lots.
6. Prior to the issuance of the 1,001st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - a. Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
 - b. Widen northbound US 301 to provide three exclusive through lanes from 1,000 feet south of Leeland Road to 2,000 feet north of Leeland Road
 - c. Widen Leeland Road to provide two exclusive left turn lanes and one free-flowing right- turn lane.
7. Prior to the issuance of the 1,501st building permit for any residential unit of the development, the applicant shall widen southbound US 301 to provide three exclusive through lanes from 2,000 feet south of Trade Zone Avenue to 1,000 feet north of Leeland Road. This improvement will augment an improvement from a previous phase.
8. Prior to the issuance of the 1,993rd building permit for any residential unit of the development, a schedule for construction of either (a) the improvements in CIP Project FD669161 or (b) the upgrading of US 301 to a fully controlled access highway between MD 214 and MD 725 shall be provided by the SHA or by DPW&T to the Planning Department.
9. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 6 through 8 above will require the filing of a SDP application, and a new staging plan reflecting said changes must be included with application.
10. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line. The location of the 1.5 safety factor lines shall be reviewed and approved by M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

“No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor line. Accessory structures may be positioned beyond the building restriction line, subject to prior written approval of the Planning Director, M-NCPPC and DER.”

11. At time of building permit, exact building footprints and elevations for each house shall be shown on the site plan.
12. No grading or cutting of trees or tree removal on the site (covered by SDP-0406/03) shall occur until after approval of the specific design plan by the District Council.
13. No two units located next to or immediately across the street from each other may have identical front elevations.
14. The developer, his heirs, successors and/or assignees shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the detailed site plan, landscape plan, and plans for recreational facilities.

Ordered this 21st day of July, 2008, by the following vote:

In Favor: Council Members: Dean, Bland, Dernoga, Campos, Olson, Turner, Harrison, Exum and Knotts

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