

Case No.: SDP-0409

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 administrative record, that the Planning Board's decision in Resolution PGCPB No. 05-74, approving with conditions a specific design plan for construction of 65 single-family detached dwelling units in the Beech Tree community, 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 certificate approval of this specific design plan, the applicant shall revise the site plan and landscape plan as follows:
 - (a) Provide the total number of units previously approved and the total number of units proposed in the subject SDP.
 - (b) Provide all approved or submitted specific design plan numbers and all approved or submitted Tree Conservation Plan numbers for Beech Tree on the coversheet.
 - (c) Provide the required minimum number of shade tree and ornamental/evergreen trees on Lots 6 to 14, Block H, pursuant to the requirements of Section 4.1 of the Landscape Manual.
 - (d) Relocate all proposed trees that are outside the limit of disturbance (LOD) within the LOD line.

- (e) Provide additional landscaping around the Smith family cemetery along with the design of the interpretive marker to be reviewed and approved by the Historic Preservation and Public Facilities Planning Section and the Urban Design Section as the designees of the Planning Board.
 - (f) Provide additional landscaping around the stormwater management pond at the intersection of Lake Forest Drive and the cul-de-sac road leading to Block H for review and approval by the Urban Design Section as the designee of the Planning Board.
 - (g) Provide a minimum 20-foot-wide landscape buffer along the rear property lines of Lots 33 through 40, Block F.
 - (h) Label all abutting HOA parcels consistent with Preliminary Plan of Subdivision 4-00010.
 - (i) Provide details of the retaining wall on the site plan.
 - (j) Provide lot standards for corner lots.
 - (k) Show building setbacks (front, sides and rear) graphically on the site plan.
 - (l) Delete all off-site grading unless the applicant can confirm with evidence to the Urban Design Section, as the designee of the Planning Board, that required grading easements have been obtained.
 - (m) Provide entrance sign details on the detail sheet.
2. Revise Type II Tree Conservation Plan, TCPII/49/98-06, as follows:
 - (a) Replace the worksheet on sheet 46 with a TCPII phased worksheet that shows the acreage of each phase.
 - (b) Have the revised plan signed and dated by the qualified professional who prepared the plan.
 3. Prior to approval of each building permit for a dwelling unit, the applicant shall again demonstrate that the price of the dwelling unit will not be lower than \$225,000 for a single-family detached house (in 1989 dollars).
 4. Prior to submittal of any building permits for the lots covered under the subject SDP, the applicant shall demonstrate that the Smith family cemetery shall be preserved and protected in accordance with the Prince George's County Subdivision Regulations Section 24-135.02 including:

- (a) An inventory of existing cemetery elements (two copies shall be provided: one to the Prince George's County Historical Society library and the other to the Historic Preservation and Public Facilities Planning Section).
 - (b) Measures to protect the cemetery during the development shall be provided as deemed necessary by the Planning Board's designee.
 - (c) A permanent wall or fence shall be provided to delineate the cemetery boundaries, and an interpretive marker shall be placed at a location close to or attached to the cemetery fence wall. The applicant shall submit for review and approval by the Historic Preservation and Public Facilities Planning Section staff a proposed text for the marker at the Smith family cemetery.
 - (d) Arrangements for perpetual maintenance. A perpetual maintenance easement shall be prepared and attached to the legal deed (i.e., the lot delineated to include the cemetery). Evidence of this easement shall be presented to and approved by the Planning Board or its designee prior to final plat.
5. Prior to issuance of any permit, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$420 to the Department of Public Works and Transportation for the placement of Class III bikeway signage along Lake Forest Drive.
 6. At time of issuance of building permits, the applicant shall pay the fair share of \$263.34 per unit for ambulance service for 41 units to the Treasury of Prince George's County toward the provision of the Leeland Road Fire Station and ambulance services to alleviate the existing inadequacy of services.
 7. Prior to approval of building or grading permits, the 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 storm drain outfalls. If revisions to the TCPII 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.
 8. Prior to issuance of any permits for Beech Tree, the applicant shall demonstrate to the Environmental Planning Section that all applicable conditions of the State wetland permit have been addressed.
 9. Prior to issuance of grading permits, each grading permit shall show required on-site wetland mitigation areas.

10. Prior to issuance of any building permit, the applicant shall provide a soils report addressing specific remedies and their locations in all areas where Marlboro Clay presents development problems that shall be reviewed and approved by the 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 of the boreholes, and identify individual lots where Marlboro Clay poses a problem.
11. Prior to issuance of the 132nd 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 Trade Zone Avenue to 2,000 feet south of Trade Zone Avenue.
 - (b) Construct an internal site connection from Beech Tree Parkway to Leeland Road.
 - (c) Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.
12. At the time of building permit, exact building footprints shall be shown on the site plan and elevations for each house that shall be provided.
13. No grading or cutting of trees or tree removal on the site (covered by SDP-0409) shall occur until after approval of the specific design plan by the District Council.
14. 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.
15. No two units located next to or across the street from each other may have identical front elevations.
16. 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.
17. At least 90% of the single-family detached 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 front porch. The same treatment shall be given to side elevations, where either side is entirely visible from the public street, and both sides shall be designed with materials and details in a manner consistent with the front elevation. 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 nearest corner of the neighboring house more than 20 feet, shall display significant architectural features which contribute to the aesthetics of the unit. Significant architectural features include, but are not limited to, bay projections, wraparound porches, sunrooms, conservatories, pergolas, and other architectural embellishments consistent with the architecture defined in the front elevation of the unit.

18. Flag lots are not permitted anywhere in the development project.
19. There shall be no sharing of driveways between lots. Each lot shall have its own separate driveway.

Ordered this 11th day of July, 2005, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Campos

Vote: 8-0

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