

Case No.: SDP-0615/02 Beech Tree
South Village Section 6
and East Village Section 14

Applicant: V.O.B. 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 Planning Board's decision in Resolution PGCPB No. 12-101, approving with conditions a specific design plan for reduction in the number of semidetached lots from 22 to 4; add 56 townhouse lots; eliminate the two single family detached lots; and add 7.89 acres to the SDP, is:

AFFIRMED, as the basis for this action, the District Council adopts the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 12-101, as its findings and conclusions in this case.

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

1. Prior to certificate approval of this specific design plan (SDP), the applicant shall revise the site plan and landscape plan as follows and/or submit additional documentation as specified:
 - a. The applicant shall correct the key map to accurately reflect the location of Sheets 5 and 6 within the overall SDP.
 - b. The plans, including the "Previously Approved SDP's" chart on the coversheet, shall be revised to consistently reflect that the following as currently proposed under the subject SDP, and would be the resultant totals for the overall Beech Tree development after its approval:

	Single-family	Single-family	Townhouse
Currently approved under this	-2	-20	56
Totals with this SDP approval	1,110	4	471

- c. The plan shall be revised to reflect a crosswalk from the sidewalk along Tiberton Terrace to the trail along Presidential Golf Drive, unless modified by the Department of Public Works and Transportation (DPW&T).
 - d. The plan shall be revised to extend the sidewalk along the north side of Shalbourne Lane to the trail along Presidential Golf Drive.
 - e. The plan shall be revised to provide a crosswalk for the trail along Presidential Golf Drive at Shalbourne Lane.
 - f. The plan shall be revised to label the six-foot trail on Sheet 6 from the intersection of Shalbourne Lane southward along the east side of Presidential Golf Drive.
 - g. The applicant shall revise Stormwater Management Concept Plans 10218-2007 and 3306-2010 for the project and deliver to staff a written indication from the Department of Public Works and Transportation (DPW&T) that the SDP conforms to the relevant approved stormwater concept plans, as revised.
 - h. Prior to signature approval, the applicant shall add the standard Tree Canopy Coverage Ordinance schedule to a landscape plan detail sheet demonstrating provision of the required minimum of 1.716 acres or 74,748.96 square feet of tree canopy for the subject site.
 - i. The applicant shall revise the tracking chart on the coversheet to add a column labeled "Units Approved in CDP-9706" and shall state that 1,680 single-family dwellings (detached and attached), 480 townhouses, and 240 multi-family units were approved under CDP-9706.
2. Prior to 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.
3. Prior to issuance of the 1,501st 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 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.

4. Prior to 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 SHA or DPW&T to the Planning Department.
5. Prior to approval of a final plat for the SDP, it shall include a note that states:

“Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall pay the public safety surcharge for the residential units in East Village 14 as proffered in the letter dated September 13, 2012 (Antonetti to Chellis).”
6. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 2 through 4 above will require the filing of a revision to the Specific Design Plan (SDP-9907) application, and a new staging plan reflecting said changes must be included with application.
7. Prior to issuance of each building permit in East Village 14, the applicant and the applicant’s heirs, successors, and/or assignees shall pay the public safety surcharge as proffered in the letter dated September 13, 2012 (Antonetti to Chellis).
8. Prior to issuance of any grading permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit valid copies of all required federal and state wetland permits, demonstrate that permit approval conditions have been complied with, and submit any associated mitigation plans.
9. Prior to certification of the specific design plan, the approved wetland mitigation plans for the entire Beech Tree development shall be submitted. If it is determined that the subject Type II tree conservation plans (TCPII) are affected, the subject TCPIIs shall be revised to show the location of any on-site wetland mitigation areas.
10. Prior to signature approval of the specific design plan (SDP), the SDP and the Type II tree conservation plan (TCPII) shall be amended to show a complete delineation of the primary management area (PMA) on Parcel 11.
11. Prior to certification of the specific design plan, the Type II tree conservation plan (TCPII) shall be revised as follows:
 - a. All plan sheets shall be revised as follows:
 - (1) The corrected separation note shall be provided on all plan sheets referencing TCPII-023-12 and TCPII-24-12.
 - (2) All plan sheets shall be signed by the qualified professional who prepared it.

- (3) Natural regeneration shall not be included as an afforestation/ reforestation methodology on the plans and shall be removed from the legend and the tree table. If natural regeneration occurs before planting occurs on the site, the applicant may submit appropriate sampling information and photographs with a request to revise the afforestation/ reforestation areas to natural regeneration areas.
 - (4) The Tree Table located on each plan sheet shall be revised to provide an area for primary management area (PMA) impacts inside and outside the 100-year floodplain, and PMA restoration activity.
 - (5) Elements shall be removed from the legend which is not applicable to the plan sheets, such as landscaping elements, plat lines, soil boundaries, and soil classifications.
 - (6) Retaining walls shall have a ten-foot-wide zone clear of woodland conservation for maintenance purposes at the top of the wall and the bottom of the wall. These areas shall not be credited as woodland conservation and shall be assumed cleared.
 - (7) Reforestation and preservation areas shall not be shown in storm drain easements or utility easements, and these areas shall be assumed to be cleared.
 - (8) Woodland conservation areas on individual plan sheets shall be labeled by woodland conservation methodology and area in acres.
 - (9) The location of woodland conservation signage shall be shown on the plans.
- b. The cover sheet shall be revised as follows:
- (1) The legend shall be removed from the cover sheet since it is not applicable to the key map provided, and “Area Part of this Application” shall be labeled “Legend.”
 - (2) The gross tract area for the submittal shall be corrected to conform to the gross tract area of the SDP.
 - (3) A revised stormwater management (SWM) concept approval number for the current application shall be included in the notes.
 - (4) Note 24 shall be amended to indicate that no historic resources are associated with the current application.

- (5) The label revisions shall be added to the revisions table.
- c. Sheet 2 of 6 shall be revised as follows:
 - (1) Approval blocks shall be provided for both TCPII-23-2012 and TCPII-024-12.
 - (2) Individual worksheets shall be included for TCPII-023-12 and TCPII-024-12.
 - (3) The most current overall woodland conservation worksheet for the project shall be included on the plan set at the time of certification.
 - (4) The individual worksheets and the overall worksheet shall reflect the same quantities, particularly with regard to primary management (PMA) impacts and PMA restoration.
 - (5) Only one permanent tree protection fence detail should be provided on the detail sheet.
- d. Sheets 3 and 4 of 6 shall be revised as follows:
 - (1) An approval block for TCPII-023-12 shall be added to these sheets.
 - (2) Temporary wooden tree protection fencing shall be shown along all vulnerable edge of afforestation/reforestation areas and indicated on the plan and in the legend.
- e. Sheet 5 of 6 shall be revised as follows:
 - (1) The primary management area (PMA) delineation shall be corrected to show the PMA located on the south side of the tributary along the northern sheet boundary.
 - (2) The cover sheet and notes and details sheet for the TCPII shall contain two approval blocks.
 - (3) The approved roadway connection from Presidential Golf Course Drive to US 301/Village Drive shall be shown on the plan. Preservation shall not be shown in the assumed right-of-way, but it does not need to be counted as cleared.
 - (4) An approval block for TCPII-024-12 shall be added to the sheet.

- f. Sheet 6 of 6 shall be revised as follows:
 - (1) The plan shall be revised to reflect the off-site clearing for the Washington Suburban Sanitary Commission (WSSC) utilities associated with independent Type II Tree Conservation Plan TCPII-102-06-01. No afforestation/reforestation or preservation shall be credited in the WSSC rights-of-way.
 - (2) A note shall be added to the plan sheet which identifies the clearing approved as part of TCPII-102-06-01, and the area approved with that application shall be delineated on the plan sheet.
12. Prior to certification of the specific design plan (SDP), impacts to the primary management area (PMA) on the site shall be addressed as follows:
- a. The overall woodland conservation summary worksheet and the individual woodland conservation worksheets associated with this SDP shall be revised to differentiate the quantity of afforestation/reforestation provided inside and outside the PMA.
 - b. An exhibit shall be prepared and submitted that illustrates the area of previously approved PMA impacts and currently proposed impacts to South Village 6, with the acreage of each impact provided. Areas of PMA mitigation shall also be shown and labeled with appropriate acreages. This exhibit should demonstrate that the Planning Board's approvals of variances with preliminary plan approval have not been exceeded on the current application, and that the amount of PMA mitigation that is being providing towards fulfilling the overall requirements for the Beech Tree development has been maximized to the extent feasible.
 - c. An exhibit shall also be prepared and submitted that illustrates the area of previously approved PMA impacts and currently proposed impacts to East Village 14 with the acreage of each impact provided. Areas of PMA impact and PMA mitigation shall also be shown and labeled with appropriate acreages. This exhibit should demonstrate how the Planning Board's approval of variances with preliminary plan approval have been affected by the current proposal, and that the amount of PMA mitigation that is being provided towards fulfilling the overall requirements for the Beech Tree development has been maximized to the extent feasible. For this purpose, installation of the WSSC utility projects shall be considered to be previously approved impacts.
 - d. If the acreage of PMA impacts approved with the preliminary plan approval is less than the acreage shown on the current application, a mitigation plan shall be prepared for the current application which identifies potential mitigation sites, and the quantity that will require to be addressed in other areas of the Beech Tree development.

13. Prior to certification of the specific design plan, the applicant shall submit a copy of the revised stormwater management concept plans and associated letters from the Department of Public Works and Transportation (DPW&T) for inclusion in the case file.
14. Prior to certification of the specific design plan, the technical stormwater management plans, if available, shall be submitted and specific information shall be provided about how water quality benefits are being provided at all storm drain outfalls associated with this section of the Beech Tree development and how the technical plans are consistent with habitat management plan for the golf course. If the technical plans are not available prior to certification, the plans shall be submitted prior to issuance of grading permits.
15. At time of issuance of building permit, the applicant shall pay \$201.65 per unit for ambulance service for 24 units in this SDP 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.
16. Prior to the final plat, a landscape covenant shall be recorded among the land records of Prince George's County for the landscaped bufferyard between Lots 1-12 and the golf course.
17. No two units located next to, attached to, or directly across the street from each other may have identical front elevations.
18. The developer, its heirs, successors, and/or assigns shall insure that each builder maintains in the appropriate sales office(s) copies of its currently approved architecture (including all exterior elevations of all approved models), copies of currently approved Site Plans, Landscape Plans and plans for recreational facilities appropriate for that portion of the property being developed, as well as the corresponding approved Comprehensive Sketch Plan and Subdivision Plan.

In order to protect adjacent properties and the surrounding neighborhood, affirmance is also subject to the following additional conditions by the District Council.

19. The following lots shall have rear decks:

Block F, Lots 1 – 44; and Block X, Lots 1, 2, 3 and 16.

20. The following lots shall have side entry units:

Block F, Lots 1, 5, 6, 23, 32, 42, and 44; and Block X, Lots, 1, 3, and 16.

21. The following lots shall have pergolas:

Block F, Lots 1, 11, 12, 23, 32, 42, and 44; and Block X, Lots 1, 3, and 16.

22. The following lots shall have fully fenced rear yards:

Block F, Lots 1 – 44.

23. The following lots shall have partial/side fences in rear yards:

Block X, Lots 1 – 16.

24. Prior to signature approval, the applicant shall revise all images of the SDP to reflect all garage doors shall have a style, color and appearance consistent with the actual layout to the majority of garage doors on townhouses in other sections of Beechtree.

Ordered this 28th day of January, 2013, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman,
Olson, Patterson, Toles and Turner.

Opposed:

Abstained:

Absent: 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: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council