

Case No.: SDP-0512

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. 07-51, approving with conditions a specific design plan for construction of 107 single-family detached dwelling units in the Beech Tree community, located on the west side of US 301, south of the intersection of Leeland Road and US 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 approved number of dwelling units for each type of dwelling along with the development caps for the entire Beech Tree project.
 - (b) Remove the retaining wall from Lot 13, Block G.
 - (c) Provide standard sidewalks along one side of all internal roads within the subject application.
 - (d) Provide all approved or submitted tree conservation plans including revision numbers on the coversheet.
 - (e) Provide a revised Section 4.1 Landscape Schedule pursuant to Section 4.1 of the Landscape Manual.

- (f) Relocate the limit of disturbance adjacent to Block A, Lots 1-10 to include clearance for the master planned trail construction.
 - (g) Show berming on both sides of the trail and extensive landscaping along the 30-foot right-of-way extension on the north side of Presidential Golf Drive.
 - (h) Submit details for any stormwater management outfalls on dedicated parkland. All exposed concrete surfaces (e.g. head walls, end walls and riser structures) shall have an architectural treatment of brick or stone veneer as shown in the Park and Recreation Facilities Guidelines to be reviewed and approved by the Department of Parks and Recreation.
2. Revise Type II Tree Conservation Plan, TCP II/49/98-11, as follows:
- (a) Revise sheet 34 to show the details for the WSSC water line.
 - (b) Replace the worksheet with the phased worksheet that provides for all future development.
 - (c) Correct the worksheet to show 0.80 acres of fee-in-lieu and 28.31 acres of reforestation.
 - (d) 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 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 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.
5. At the time of building permit, exact building footprints shall be shown on the site plan and height information for each townhouse model also shall be provided on the building elevations.

6. Prior to issuance of grading permit, each grading permit shall show required on-site wetland mitigation areas.
7. The applicant and the applicant's heirs, successors and/or assignees shall provide the following transportation related improvements:

Phase I: The golf course

- (a) Prior to the issuance of the first building permit for the golf course clubhouse, the developer shall have begun construction of the improvements listed below:
 - (1) Lengthen the northbound US 301 left turn lane at Swanson Road as required by the SHA. [*This improvement has not yet begun*]

Phase II: Residential development

- (b) Prior to the issuance of any residential building permit, the following improvements shall be in place, under construction, bonded (or letter of credit given to the appropriate agency for construction), 100 percent funded in a CIP/CTP or otherwise provided by the applicant, heirs, successors or assigns:
 - (1) Leeland Road

Widen the one-lane bridge approximately 3,500 feet west of US 301 to 22 feet of paving in accordance with DPW&T standards. [*This improvement has not yet begun, however, it has been bonded as per DPW&T*]

Phase III: Residential development - building permits 351 - 1,000

- (c) Prior to the issuance of the 350th building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - (1) Construct internal site connection from Beech Tree Parkway to Leeland Road.
 - (2) Modify the existing median opening to preclude left turns from eastbound Swanson Road to northbound US 301.

Phase IV: Residential development - building permits 1,001- 1,500

- (d) 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:
 - (1) Widen southbound US 301 to provide three exclusive through lanes from 1,000 feet north of Leeland Road to Beech Tree Parkway.
 - (2) 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
 - (3) Widen Leeland Road to provide two (2) exclusive left turn lanes and one (1) free flowing right turn lane.

Phase V: Residential development - building permits 1,501 - 1,992

- (e) Prior to the issuance of the 1,501st building permit for any residential unit of the development, the following improvements shall be completed by the applicant:
 - (1) 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.

Phase VI: Residential development - building permits 1,993 - 2,400

- (f) 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.
- (g) Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in conditions (a) through (f) above will require the filing of a SDP application, and a new staging plan reflecting said changes must be included with application.

8. The applicant and the applicant's heirs, successors and/or assignees shall provide the following trails related improvements:
 - (a) Prior to issuance of the 2,000th building permit the applicant shall submit detailed construction plans and details for construction of the balance of the master plan trail through the stream valley park to DPR for review and approval.
 - (b) Prior to issuance of the 2,200th building permit, the applicant shall have finished construction on the balance of the said master plan trail through the stream valley park.
 - (c) Prior to the issuance of the 2,200th building permit or prior to the issuance of the building permit for Lot 28, Block H, whichever comes first, the applicant shall construct a minimum six-foot wide, asphalt trail connection from Winterbourne Drive to the master plan stream valley trail, as indicated on approved Preliminary Plan 4-00010. This trail connection shall be completed in conjunction with the stream valley trail.
9. No grading or cutting of trees or tree removal on the site (covered by SDP-0512) shall occur until after approval of the specific design plan by the District Council.
10. 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.
11. The applicant shall convey .99± acres of open space to M-NCPPC in exchange for .38± acres of open space to be conveyed to the applicant as designated on attached "Exhibit A."
12. Subject to the approval of the full Commission, the Planning Board authorizes the Executive Director to dispose of 0.38± acres of park property as shown on attached "Exhibit A."
13. Dedication of parkland shall be subject to the following conditions:
 - (a) An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
 - (b) M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.

- (c) The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - (d) The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by The M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - (e) Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - (f) All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - (g) All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - (h) The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.
 - (i) No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
14. At least 90 percent 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 width front porch. Any side elevation that directly 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 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.

Ordered this 14th day of May, 2007, by the following vote:

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

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: _____
Camille A. Exum, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council