

Case No.: DSP-15003  
The Ridges at Landover Metro

Applicant: SM Waterford Estates, LLC

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

FINAL DECISION — APPROVAL OF DETAILED SITE PLAN

Pursuant to Section 25-210 of the Land Use Article ("LU"), Md. Ann. Code (2012 Ed. & Supp. 2014) and Section 27-290 of the Prince George's County Code (2011 Ed. & Supp. 2014, or as amended) ("PGCC"), we have jurisdiction to issue the final decision in this Detailed Site Plan Application Number 15003, ("DSP-15003").<sup>1</sup> For the reasons that follow, Planning Board's approval of Applicant's request for a revitalization detailed site plan for 165 fee-simple townhouse units and 193 residential condominium units, of which, 154 are two-family dwelling units (two-over-two) and 39 are townhouse units, for a total of 358 dwelling units, is AFFIRMED.

FACTUAL AND PROCEDURAL BACKGROUND

The Ridges at Landover Metro is a residential revitalization plan for 165 fee-simple townhouse units and 193 residential condominium units, of which, 154 are two-family dwelling units (two-over-two) and 39 are townhouse units, for a total of 358 dwelling units. The subject property is surrounded by a mix of developed land. To the west is property in the I-1 Zone. To the north is Beall's Pleasure, which is in the R-18 (Multifamily Medium Density Residential) Zone, designated Historic Site 72-2, which is also individually listed in the National Register of Historic

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<sup>1</sup> See also *Cnty. Council of Prince George's Cnty. v. Zimmer Dev. Co.*, 2015 Md. LEXIS 565, \*109 (Md. Aug. 20, 2015) (The District Council is expressly authorized to review a final decision of the county planning board to approve or disapprove a detailed site plan and the District Council's review results in a final decision).

Places (1979), and the right-of-way of Beall's Court. The property is bounded on the south side by the right-of-way of Landover Road (MD 202) and on the east side partially by the right-of-way of 75th Avenue and partially by properties in the C-O (Commercial Office) and C-S-C (Commercial Shopping Center) Zones. Further east, across 75th Avenue, is a larger property in the R-18 Zone, which has been redeveloped with multifamily dwelling units. *See* PGCPB No. 15-66, p. 2. The subject property was improved with 594 multifamily apartment units in the 1960s. The 1993 *Approved Master Plan and Sectional Map Amendment for Landover and Vicinity (Planning Area 72)* retained the property in the R-18 Zone. The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* also retained the R-18 Zone for the subject property.

On February 25, 2005, Planning Board approved DSP-04010, a residential revitalization plan, for the removal of 27 existing multifamily apartment buildings (with a total of 594 units) and one swimming pool, and replaced them with 308 residential condominium units in the form of normal townhouses, which we affirmed. *See* PGCPB No. 05-58, District Council Order of Approval, 7/11/2005.

On June 5, 2008, Planning Board approved the first revision to DSP-04010, (DSP-04010-01), which we affirmed. The revision replaced the 308 previously approved residential condominium units (140 multifamily units and 168 townhouse units) with 323 regular fee-simple townhouse units. *See* PGCPB No. 08-91, District Council Order of Approval, 10/27/2008.

On June 3, 2010, Planning Board approved the second revision to DSP-04010 (DSP-04010-02), which we affirmed. Approval of DSP-04010-02 was subject to four conditions, to add two single-family attached (townhouse) models, the Adams and Fitzgerald. *See* PGCPB No. 10-63(C), District Council Order of Approval, 9/27/2010.

On May 5, 2011, Planning Board approved the third revision to DSP-04010 (DSP-04010-

03), for 284 fee-simple townhouse units and 39 condominium units, which we affirmed. *See* PGCPB No. 11-39, District Council Order of Approval, 3/26/2012.

On January 27, 2011, the Planning Board approved Preliminary Plan of Subdivision 4-10015 for the site with 16 conditions, to subdivide the property into 284 fee-simple lots and three parcels. *See* PGCPB No. 11-06.

On February 12, 2015, Planning Board approved Preliminary Plan of Subdivision 4-13031 for 165 lots, 1 outlot, and 47 parcels, including variations from Sections 24-121(a)(4) and 24-128(b)(12) of the Subdivision Regulations. PGCPB No. 15-18, superseded Preliminary Plan of Subdivision 4-10015, adopted in PGCPB No. 11-06.<sup>2</sup> *See* PGCPB No. 15-18.

On April 22, 2015, the Development Review Division of the County’s Planning Department (“Technical Staff”) accepted DSP-15003 for review—as a revitalization detailed site plan for 165 fee-simple townhouse units and 193 residential condominium units, of which 154 are two-family dwelling units (two-over-two) and 39 are townhouse units, for a total of 358 dwelling units—from SM Waterford Estates, LLC, (“Waterford”). Subsequently, Technical Staff transmitted its conditional recommendation of approval of DSP-15003 to Planning Board for its consideration. *See* Exhibit 15, Technical Staff Report, 6/11/2015. Planning Board held a hearing on June 25, 2015. At the conclusion of the hearing, Planning Board voted to approve DSP-15003, subject to conditions and certain considerations. *See* 6/25/15, Tr. Subsequently, on July 16, 2015,

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<sup>2</sup> The Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same property, including the approval of a preliminary plat of subdivision. *See* PGCC § 27-141. *See also* Rules of Procedure for the Prince George’s County District Council: Rule 6: Oral Argument and Evidentiary Hearings: (f) The District Council may take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances and regulations. It shall give effect to the rules of privileges recognized by law. The District Council may exclude incompetent, irrelevant, immaterial or unduly repetitious evidence.

Planning Board adopted a resolution that embodied its vote and approval of DSP-15003 from June 25, 2015. The resolution was sent to all persons of record and to the Clerk of the County Council. *See* Exhibit 18, PGCPB No. 15-66, Notification of Planning Board Action.

On August 20, 2015, Joseph S. Rogers and J. Whitson Rogers (“Rogers”) appealed Planning Board’s decision, PGCPB No. 15-66, to the District Council.<sup>3, 4</sup> *See* Notice of Appeal, 8/20/2015.

Oral argument was held on the Rogers appeal on October 19, 2015. *See* PGCC § 27-290(c), Zoning Agenda, 10/19/2015.

### FINDINGS AND CONCLUSIONS

#### A. Rogers Appeal

The Rogers present four (4) issues on appeal. According to the Rogers, those issues pertain to the family’s right-of-way, the stormwater measures for the project, the fact that not all property owners have signed off on the Detailed Site Plan and language removal that appears to go against specific language required by the Planning Board in a previous review of the project. *See* Notice of Appeal, 8/20/2015, p. 1.

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<sup>3</sup> Planning Board’s decision on a Detailed Site Plan may be appealed to the District Council upon petition by any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board’s decision. *See* PGCC § 27-290(a).

<sup>4</sup> Marian Dombroski, a person of record, filed an untimely appeal on October 19, 2015, the date of oral argument in DSP-15003. Because Dombroski’s appeal was approximately two (2) months late, we lack jurisdiction over her appeal. *See* PGCC § 27-290(a). As a matter of courtesy at oral argument, we permitted Dombroski to speak and present certain slides from a PowerPoint Presentation, which was part of her opposition testimony at Planning Board’s public hearing on Preliminary Plan of Subdivision 4-13031. After Planning Board approved Preliminary Plan of Subdivision 4-13031, (PGCPB No. 15-18) Dombroski elected not to appeal to the Circuit Court.

- Right-of-Way

The Rogers concede that DSP-15003 has identified the family's right-of-way and the plan has not encumbered the right-of-way through the entire development except for the last 400 feet, which are encumbered by Beall's Court and Beall's Lane. *See* Notice of Appeal, 8/20/2015, p. 2. We find that, as it relates to DSP-15003, the issue of the right-of-way is moot and no controversy exists to prohibit approval of DSP-15003. The issue of the family's right-of-way has been fully litigated and resolved by the Court of Special Appeals of Maryland and the Circuit Court of Prince George's County. *See Joseph S. Rogers, ETC. v. DB Aster, LLC*, No. 1450, September Term, 2010 (Unreported opinion, filed March 7, 2012); *P-M Hunters Ridge, LLC, v. Joseph Sheppard Rogers, et al.*, CAE05-06618, 6/17/15, Transcript of Proceedings. We decline to interfere with the rulings of either Court. Counsel for Waterford has acknowledged—as it relates to its property—the existence of the right-of-way and that Waterford will not interfere with the family's right-of-way. *See* 6/17/15, Tr. pp. 10–13. Unlike prior DSPs for the site, DSP-15003 has been redesigned not to interfere with the family's right-of-way determined by the Courts. *See* PGCPB No. 15-66, p. 4, PGCPB No. 15-18, pp. 5–6. Counsel for Waterford has also acknowledged that the last 400 feet, which are encumbered by Beall's Court and Beall's Lane, is not property subject to approval in DSP-15003. *See* 6/17/15, Tr. pp. 10–13.

In the alternative, approval of DSP-15003 is subject to the following condition:

“This Detailed Site Plan has been approved subject to all covenants, easements, servitudes, rights-of-way, and other restrictions, recorded or unrecorded, which were in effect on the date of approval.” *See* PGCPB No. 15-66, p. 18, Condition 1. b.

In light of Condition 1. b., coupled with the courts resolution of the right-of-way issue, we find that approval of DSP-15003 will not encumber the family's right-of-way.

- Stormwater

The Rogers express concerns about proper stormwater drainage from the proposed development, and request that we require Waterford to take into account the drainage coming from Beall's Pleasure to the front part of the property along with the stormwater from the development itself and ensure that the measures being put into place will provide a remedy to the flooding, which should include removal of trees from both sides of the property line that could impede the flow of stormwater. The Rogers also state that there appears to be a violation of State law because Planning Board's approval of DSP-15003 contained only a concept approval as opposed to a final approval plan for stormwater management from Waterford. *See* Notice of Appeal, 8/20/2015, pp. 3–4.

Stormwater Management is the use of Environmental Site Design for the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to prevent accelerated channel erosion, increased flood damage and/or degradation of water quality. The administration of stormwater management plans in the County, including the duties and power to regulate and approve, is vested in the Director of the Department of Permitting, Inspections, and Enforcement. *See* PGCC Subtitle 32. *See also* §§ 32-171(a) (27), (63). Some of the stated purposes of Subtitle 32 or Divisions within it, are to prevent property damage, protect living resources and prevent environmental degradation to safeguard the public's health, safety, welfare and economic well-being by establishing minimum requirements for grading, reforestation, woodland conservation, drainage, erosion control and pollution discharge and control on land and to watercourses within Prince George's County, and to establish procedures by which these requirements are to be administered and enforced. Subtitle 32 also implements the provisions of the Code of Maryland Regulations (COMAR) 26.17.01, the 2011 Maryland Standards and

Specifications (Standards and Specifications) and the Stormwater Act of 2007 (Act). *See* § 32-174. A Concept Plan is the first of three required Plan approvals that includes the information necessary to allow an initial evaluation of a proposed project. A Site Development Plan is the second of three required plan approvals that includes the information necessary to allow a detailed evaluation of a proposed project. A Final Stormwater Management Plan is the last of the three required plan approvals that includes the information necessary to allow all approvals and permits to be issued by the Department. *See* PGCC § 32-171 (a) (14), (33), (60). A Concept Plan shall be submitted for approval to the Director of the Department of Permitting, Inspections, and Enforcement. All preliminary plans of subdivisions shall be consistent with any County approved Concept Plan. Finally, this Concept Plan shall serve as the basis for all subsequent construction. *See* PGCC §§ 32-104(a), 32-177(a) (b) (d).

Waterford submitted a Stormwater Management Concept Approval Plan, Case No. 16527-2004-03, at Preliminary Plan of Subdivision 4-13031, which was approved on May 22, 2013, and expires on May 22, 2016. *See* Exhibit 6, Stormwater Management Approval. Approval of Preliminary Plan of Subdivision 4-13031 and development of the property is subject to conformance with Stormwater Management Concept Approval Plan, Case No. 16527-2004-03. *See* PGCPB No. 15-18, pp. 2, 16, Exhibit 6, Stormwater Management Approval. When a Conceptual Site Plan or Detailed Site Plan is required for development, the following order of approvals shall be observed: (1) Zoning; (2) Conceptual Site Plan; (3) Preliminary Plat of Subdivision; (4) Detailed Site Plan; (5) Final Plat of Subdivision (a final plat of subdivision may be approved prior to a detailed site plan, if the technical staff determines that the site plan approval will not affect final plat approval); (6) Grading, building, use and occupancy permits. *See* PGCC 27-270 (a). Waterford also submitted Stormwater Management Concept Approval Plan, Case No.

16527-2004-03, with application DSP-15003. *See* PGCC § 27-282(e)(11), Exhibit 6, Stormwater Management Approval.

The Director of the Department of Permitting, Inspections, and Enforcement approved Stormwater Management Concept Plan, Case No. 16527-2004-03, subject to the following conditions:

THE PROJECT IS DIVIDED INTO TWO DRAINAGE AREAS. A DRAINAGE DIVIDE RUNS APPROXIMATELY THROUGH THE CENTRE OF THE SITE IN EAST-WEST DIRECTION. STUDY AREA 1 DISCHARGES TOWARD STATE ROUTE 202 AND STUDY AREA 2 DISCHARGES TOWARD 75<sup>TH</sup> AVENUE. TWO INFILTRATION TRENCHES ARE PROPOSED TO TREAT THE WQV. A HOLDING CONCRETE CHAMBER DESIGNED TO HOLD 10% OF THE WQV WILL BE REQUIRED FOR PRETREATMENT. THE EXISTING IMPERVIOUS FOR DA.1 IS 5.92 ACRES. A 20% WQV TREATMENT IS REQUIRED. NO PRETREATMENT IS REQUIRED FOR EXISTING IMPERVIOUS. THE PROPOSED NEW IMPERVIOUS FOR DA.1 IS 0.42 ACRES. 100% WQV PLUS PRETREATMENT SHALL BE REQUIRED FOR 0.42 ACRES. THE EXISTING IMPERVIOUS FOR DA.2 IS 6.54 ACRES. A 20% WQV WITH NO PRETREATMENT IS REQUIRED. THE PROPOSED NEW IMPERVIOUS FOR DA.2 IS 1.87 ACRES. 100% WQV PLUS PRETREATMENT SHALL BE REQUIRED FOR THE 1.87 ACRES. A DOWNSTREAM ADEQUACY ANALYSIS FOR THE CONNECTING STORMDRAIN IS REQUIRED AT THE TIME OF TECHNICAL REVIEW AND APPROVAL. A COMBINATION OF INFILTRATION TRENCHES AND STORM FILTERS WILL BE UTILIZED FOR THE REQUIRED WQV TREATMENT IN AREA 2. A STREET CONSTRUCTION PERMIT SHALL BE SECURED FOR ALL STREETS THAT SERVE FEE-SIMPLE TOWNHOUSE LOTS.

A FEE-IN-LIEU OF \$18,560 WAS PAID UNDER REV.-00.

THIS CONCEPT COVERS REVISION 3 TO THE PREVIOUSLY APPROVED SITE DEVELOPMENT CONCEPT UNDER CASE #16527-2004-02. THE ROAD AND RESIDENTIAL LOT LAYOUT HAVE BEEN REVISED.

FINE GRADING PERMIT REQUIRED. IT INCLUDES SOILS REPORT, EROSION AND SEDIMENT CONTROL, TCPII, STREET TREE AND LIGHTING, COST ESTIMATE, LANDSCAPE PLAN, SITE AND GRADING PLANS, FINE GRADING SUBDIVISION CHECKLIST.

REVISED BY SB 12-18-2014.

*See* Exhibit 6, Stormwater Management Approval.



Because development of the site shall be in conformance with Stormwater Management Concept Approval Plan, Case No. 16527-2004-03, and any subsequent revisions, it is clear from the record that the developer, Waterford, of the Ridges at Landover Metro, will be subject to the lawful requirements of Stormwater Management pursuant to PGCC Subtitle 32. *See* PGCPB No. 15-18, pp. 2, 16, Exhibit 6, Stormwater Management Approval. We find no violation of PGCC Part 3, Division 9 of Subtitle 27 because approval of DSP-15003 was submitted for review and approval with a lawfully approved stormwater concept plan by the Department of Permitting, Inspections, and Enforcement. *See* Exhibit 6, Stormwater Management Approval. We also find no violation of State law because PGCC Subtitle 32 provides for a tiered process of approval, which contemplates implementation of the provisions of the Code of Maryland Regulations (COMAR) 26.17.01 by the Director of the Department of Permitting, Inspections, and Enforcement, not Planning Board. *See* Notice of Appeal, 8/20/2015 (The Rogers concede that Planning Board has no authority to review stormwater matters).

- Accountable Property Owners

The Rogers allege K. Hovnanian Homes of Maryland, LLC, is the owner of 7,569 square feet of the subject property. *See* Notice of Appeal, 8/20/2015, Exhibit L. The record reflects that DB Aster, LLC, is the owner of 23.57 acres of the subject property. *See* Exhibit 1, Signed Application Form. The Rogers seek an “assurance that all parties are in agreement with what is being proposed.” *See* Notice of Appeal, 8/20/2015, p. 5. Pursuant to PGCC § 27-282 (a), a Detailed Site Plan shall be submitted to the Planning Board by the owner of the property or his authorized representative. The application for DSP-15003 was submitted to Planning Board by DB Aster, LLC, as the owner of 23.57 acres of the subject property in March 2015. *See* Exhibit 1, Signed Application Form. The Rogers provide no evidence that Exhibit L, the 7,569 square feet of land

owned by K. Hovnanian Homes, is within the 23.57 acres owned by DB Aster, LLC. Even if we assume that Exhibit L, the 7,569 square feet of land owned by K. Hovnanian Homes, is within the 23.57 acres owned by DB Aster, LLC, notice of the DSP-15003 was sent to all adjoining property owners, including owners whose properties lie directly across a street, alley, or stream. *See* Exhibit 9, Informational Mailing Letter, Affidavit, Receipt & List of Addresses. K. Hovnanian Homes provided no objection to DSP-15003. Based on the record, we find that DSP-15003 was properly submitted by DB Aster, LLC, as the owner and authorize representative of the subject property to develop the Ridges at Landover Metro.<sup>5</sup>

In the alternative, approval of DSP-15003 is subject to the following condition:

“This Detailed Site Plan has been approved subject to all covenants, easements, servitudes, rights-of-way, and other restrictions, recorded or unrecorded, which were in effect on the date of approval.” *See* PGCPB No. 15-66, p. 18, Condition 1. b.

To the extent that DB Aster, LLC was not an authorized representative for K. Hovnanian Homes of Maryland, LLC, we find that Condition 1. b. provides the assurance requested by the Rogers that all parties be in agreement with the proposed development. *See* PGCPB No. 15-66, p. 18, Condition 1. b.

- Proposed and Accepted Language Change

In 2012, we approved DSP-04010-03, for 284 fee-simple townhouse lots, and 39 condominium townhouses for a total of 323 dwelling units, on the subject property for a project known as Hunter’s Ridge. Because of the pending litigation concerning the Rogers family right-

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<sup>5</sup> On or about February 13, 2012, the Clerk of the County Council and the Director of the Planning Board received uncontested documentation from Gibraltar Capital and Asset Management that DB Aster, LLC—by virtue of a Deed dated December 20, 2011, and duly recorded among the Land Records of Prince George’s County in Liber 33214 at Folio 062—was the new owner of the subject property, (approximately 23.57 acres of land in the R-18 Zone), formerly owned by Metro-Landover Developers, LLC. *See* District Council Order of Approval, 3/26/2012.

of-way in *Joseph S. Rogers, ETC. v. DB Aster, LLC*, No. 1450, September Term, 2010, DB Aster, LLC and Joseph S. Rogers agreed to the following condition of approval in DSP-04010-03:

8. No development shall take place within the right-of-way (contested) known as “Mathias Road” until such time as all issues concerning the use and ownership of such right-of-way have been finally determined by the disposition of the current litigation between the parties (Court of Special Appeals No. 1450, Sept. Term 2010), by final and unappealable judicial decision or settlement by the parties. *See* District Council’s Final Order in DSP-04010-03, March 26, 2012, p. 4.

The Rogers request that we approve DSP-15003 subject to Condition 8 from DSP-04010-03. We decline the Rogers request because the issue of the family’s right-of-way has been fully litigated and resolved by the Court of Special Appeals of Maryland and the Circuit Court of Prince George’s County. *See Joseph S. Rogers, ETC. v. DB Aster, LLC*, No. 1450, September Term, 2010 (Unreported opinion, filed March 7, 2012); *P-M Hunters Ridge, LLC, v. Joseph Sheppard Rogers, et al.*, CAE05-06618, 6/17/15, Transcript of Proceedings. We also decline to interfere with the rulings of either Court. Counsel for Waterford has acknowledged—as it relates to its property—the existence of the right-of-way and that Waterford will not interfere with the family’s right-of-way. *See* 6/17/15, Tr. pp. 10–13. Unlike prior DSPs for the site, DSP-15003 has been redesigned not to interfere with the family’s right-of-way as determined by the Courts. *See* PGCPB No. 15-66, p. 4, PGCPB No. 15-18, pp. 5–6. Counsel for Waterford has also acknowledged that the last 400 feet, which are encumbered by Beall’s Court and Beall’s Lane, is not property subject to approval in DSP-15003. *See* 6/17/15, Tr. pp. 10–13.

Regardless, approval of DSP-15003 is subject to the following condition:

“This Detailed Site Plan has been approved subject to all covenants, easements, servitudes, rights-of-way, and other restrictions, recorded or unrecorded, which were in effect on the date of approval.” *See* PGCPB No. 15-66, p. 18, Condition 1. b.

We find that Condition 1. b. is equivalent to and broader in scope than Condition 8 from DSP-04010-03 to provide protection and assurance to the Rogers that the family’s right-of-way will not be encumbered by the Ridges at Landover Metro. In our final analysis, the right-of-way issue in litigation has been acknowledged and resolved. *See Joseph S. Rogers, ETC. v. DB Aster, LLC*, No. 1450, September Term, 2010 (Unreported opinion, filed March 7, 2012); *P-M Hunters Ridge, LLC, v. Joseph Sheppard Rogers, et al.*, CAE05-06618, 6/17/15, Transcript of Proceedings.

- Approval of DSP-15003

Finding no factual or legal error committed by Planning Board, we hereby adopt the findings and conclusions set forth within PGCPB No. 15-66, and approve DSP-15003 as follows:

- A. APPROVED a Waiver from Section 25-128(b), Tree Canopy Coverage, of the Prince George’s County Code for the reduction of the required tree canopy coverage by seven percent (approximately 0.25 acre), and
- B. APPROVED Detailed Site Plan DSP-15003 for The Ridges at Landover Metro, subject to the following conditions:
  - 1. Prior to certificate approval of this detailed site plan (DSP), the applicant shall provide the required information or make the following revisions to the plans:
    - a. Add a brick elevation tracking table to the site plan. This table may be combined with the High Visibility End Unit table.

b. Add site plan notes as follows:

“This Detailed Site Plan has been approved subject to all covenants, easements, servitudes, rights-of-way, and other restrictions, recorded or unrecorded, which were in effect on the date of approval.”

“At least 60% of the front façade of a stick of units shall have a brick finish (excluding gables, bay windows, trim, and doors).”

“The side elevations of the units (including both townhouses and condominium units) shown on the site plan that are designated as high-visibility units shall consist of one story of brick and a minimum of three architectural features, in a balanced composition.”

“In addition to the high visibility units, 16 condominium units on Alley 12 that are oriented toward 75th Avenue shall have brick on full front façades, and on all side elevations which face or stand at an angle less than 90 degrees from the 75th Avenue right-of-way. Instead of full brick treatment, those side elevations can also choose to have one story of brick and a minimum of two architectural features, in a balanced composition.”

“No building stick shall be all vinyl siding.”

“Any building elevations for those lots adjacent to and fronting on Beall’s Pleasure (Historic Site 72-002), specifically those lots currently identified as Lots 13, 14-21, 37 and 38 on the northern end of Sheet 3,

shall ensure that these elevations will be sheathed entirely in brick and exclude the use of non-masonry materials at the third story or in any dormer features to be built. In addition, any end wall for the units listed above visible from Beall's Pleasure shall also be sheathed entirely in brick to match the adjacent façade."

- c. Revise the Section 4.1(3) schedule to correctly label the number of buildings for the two-over-two dwelling.
  - d. Maintain a minimum of ten feet between lighting fixtures and trees.
  - e. Provide an enlargement or exhibit of the off-site sidewalk required along 75<sup>th</sup> Avenue in Condition 10b of Preliminary Plan of Subdivision 4-13031 for inclusion with the approved plans, per Condition 11 of 4-13031.
  - f. Label the proposed entrance features on the plans and reduce the height to no more than six feet and demonstrate conformance to Section 27-624 of the Prince George's County Zoning Ordinance, as necessary.
  - g. Revise the landscape plan to provide the Section 4.6(c)(2) buffer yard and the landscape schedule.
  - h. Provide a wrought-iron fence along the boundary area adjacent to Beall's Pleasure.
2. Prior to issuance of building permits for Parcels 1, 2, and 3, Block D; Parcels 1 and E4, Block E; and Lots 1–9, Block A, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells within the 65 dBA Ldn noise corridor of Landover Road (MD 202) will attenuate noise to interior noise levels of 45 dBA Ldn or less.

3. Prior to issuance of the 124th building permit for fee-simple units, the amenities on Parcel B2 shall be completed and be available for use by the residents.
4. Prior to issuance of the building permit for the 145 condominium units, the tot-lot on Parcel E4 shall be completed and be available for use by the residents.
5. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. Construct a standard five-foot-wide sidewalk along the subject site's entire frontage of 75th Avenue, unless modified by the Prince George's County Department of Public Works and Transportation (DPW&T).
  - b. Construct a standard five-foot-wide sidewalk along the subject site's entire frontage of Beall's Court, unless modified by the Prince George's County Department of Public Works and Transportation (DPW&T). These frontage improvements will include the north side of the court.
  - c. Provide standard sidewalks along both sides of all internal roads, excluding the portion of the private alleys, unless modified by the Prince George's County Department of Public Works and Transportation (DPW&T).

ORDERED this 27<sup>th</sup> day of October, 2015, by the following vote:

In Favor: Council Members Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles 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: \_\_\_\_\_  
Mel Franklin, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council