

Case No.: SDP-0316

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 entire record, that the Planning Board's decision in Resolution PGCPB No. 04-121, approving with conditions a Specific Design Plan for 49 single-family lots on property known as Beech Tree, East Village, Section 9, described as 69.56 acres of land in the R-S Zone, 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 certification of the Specific Design Plans:
 - a. The site/grading, landscape and architectural plans shall be revised to show the following:
 - (1) The total number of units previously approved and the total number of units proposed in the subject SDP.
 - (2) Additional landscaping along the rear of Lots 19 to 24, Block K, and along the side yards of Lot 30, Block K, and Lot 8, Block T.

- (3) Correct acreage of the area covered by SDP-0316.
 - (4) Six-foot-wide hiker-biker path along the entire frontage of the west side of Moores Plain Boulevard.
- b. The Type II Tree Conservation Plan, TCPII/49/98-04, shall be revised to:
- (1) Revise the key map on the cover sheet to indicate each Specific Design Plan for Beech Tree.
 - (2) Remove the TCP notes from the key map.
 - (3) Correct each TCPII approval block on every sheet to include the PGCPB resolution number and date for the approvals of TCPII/49/98, TCPII/49/98-01 and TCPII/49/98/02.
 - (4) Document all revisions with appropriate notes in the revision block on each sheet.
 - (5) Add the following note to sheet 46: “No disturbance of woodland on the site shall occur until it is affirmed that such removal is consistent with the Habitat Management Plan for the Stripeback Darter approved by the Wildlife and Heritage Division of DNR.”
 - (6) Add the following note to sheet 46: “Prior to the issuance of any grading permit for the site, the Type II TCP shall be revised to incorporate the recommendations of the approved Habitat Management Plan for the Stripeback Darter.”
 - (7) Add the following note to sheet 46: “There shall be no grading, cutting of trees or tree removal from the site until such time as the recommendations of the Habitat Management Plan have been incorporated into the Type II TCP.”
 - (8) Add the following note to each sheet of the TCPII that shows reforestation/afforestation areas: “All reforestation/afforestation areas adjacent to lots and split rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to issuance of use and occupancy permits for the adjacent lots.”

- (9) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- c. The applicant shall revise the stormwater management concept plan to include the lots in SDP-0316 and shall obtain stormwater management concept approval from the Department of Environmental Resources. The applicant shall submit a detailed analysis prepared by a geotech engineer to assure that no lots be created with a safety factor of less than 1.5 to the Department of Environmental Resources for review and approval.
2. Prior to issuance of grading permits, each grading permit shall show required on-site wetland mitigation areas.
3. Prior to the 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 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 TCPII revisions are required because of changes to technical stormwater management plans, the revisions shall be handled at staff level, if the changes result in less than 20,000 square feet of additional woodland cleared.
5. Prior to the issuance of any building permit, a soils report addressing specific remedies and their locations in all areas where Marlboro clay presents development problems shall be reviewed and approved by the M-NCPPC 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 boreholes and shall identify individual lots where Marlboro clay poses a problem.
6. The building permit drawings shall include building dimensions and building height for every single-family dwelling and building setbacks for each lot.

7. 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.
8. 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 in 1989 dollars.
9. The transportation improvements and phasing outlined in the conditions of approval for SDP-9907 shall be fulfilled.
10. During the review of the CDP for the L-A-C-zoned portion, the extension of the six-foot-wide hiker-biker trail along one or both sides of Moores Plain Boulevard to Leeland Road shall be explored.

Ordered this 4th day of October, 2004, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Dernoga and Hendershot

Vote: 6-0

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: _____
Tony Knotts, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council