

Case No.: SDP-0406

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. 05-25, approving with conditions a specific design plan for construction of 169 single-family detached and attached dwelling units in the Beech Tree community, located on the west side of MD 301, southwest 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) Submit to the Department of Parks and Recreation for review and approval the detailed construction drawings for the trail.
 - (b) Provide a landscape strip between the single-family detached houses in North Village 3 and the property of the Susan Hodges cemetery to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
 - (c) Delete any reference to Section 4.7 bufferyard and the respective schedule from the Landscape Plan.
 - (d) Add three site plan notes as follows:

“At least 60 percent of the townhouse units and 100% of the single-family detached units shall have brick front facades. Chimneys on all units shall be of brick or stone.”

“Stormdrain outfall headwalls located adjacent to the trail shall be stone-faced.”

“Guardrails shall be installed along the trail at the stormwater management outfall.”

- (e) Provide parking calculations for the townhouse portion on the site plan.
- (f) Label width of all rights-of-way shown on the site plan.
- (g) 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/permission from Department of Parks and Recreation have been obtained.
- (h) Delineate the relocated floodplain limit on all applicable site plans.
- (i) Label “Public Utility Easement” on all applicable site plan sheets.
- (j) Provide a site plan note to explain how the residential dwelling units that are adjacent to the golf course will be protected from errant shots and show the screening details, if necessary.
- (k) Provide the required minimum 15-foot clearance between a building and a WSSC pipeline around Lots 1, 2 and 7, Block B.
- (l) Show the master plan trail in North Village Section 1 on all relevant site plan sheets.
- (m) Provide details of the retaining wall on the site plan.
- (n) Provide lot standards for corner lots.
- (o) Provide standard sidewalks along both sides of all internal roads, unless modified by the Department of Public Works and Transportation.
- (p) Add evergreen trees between the rear area of these townhouse buildings: In Block E, between Lots 39-42 and Lots 47-52. The addition and placement of trees shall be approved by Urban Design.

- (q) Add sidewalks connecting the housing area to the proposed elementary school site.
2. Revise Type II Tree Conservation Plan, TCPII/49/98-05, as follows:
- (a) Revise the Key Map on the cover sheet to indicate each specific design plan for Beech Tree.
 - (b) Remove the TCP notes from the Key Map.
 - (c) 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, TCPII/49/98-02, TCPII/49/98-03 and TCPII/49/98-04.
 - (d) Document all revisions with appropriate notes in the revision block on each sheet.
 - (e) 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."
 - (f) 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."
 - (g) 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."
 - (h) 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 (or any other approved permanent) fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to the Use and Occupancy Permit for the adjacent lots. However, in planting areas where all stock is 1 inch caliper or larger, the permanent fencing maybe substituted with three-wire temporary fencing and additional signage must remain in place for five years."
 - (i) Replace the worksheet on sheet 46 with a TCPII phased worksheet.
 - (j) Have the revised plan signed and dated by the qualified professional who prepared the plan.

3. Make the following master plan trail-related revisions:
 - (a) Locate trail either a minimum of 10 feet from private property lines or a minimum of 25 feet from building. Additional mitigation measures shall be approved by the Planning Board designee (Department of Parks and Recreation), in locations where the trail is closer than 10 feet from the private property line.
 - (b) Mark trail clearly at street crossings with stop signs and road striping.
 - (c) Design trail with a maximum 8.3 percent grade, maximum two percent cross slope grade.
 - (d) Construct the ten-foot-wide asphalt trail with a minimum of three-inch bituminous concrete surface course and a minimum of four-inch compacted CR-6 base.
 - (e) Provide a landscaping plan for the trail easement area to provide a buffer between incompatible uses and create a linear park type setting. Berming shall be provided in the 30-foot-wide trail easement along the side property line of Lot 18 Block B, and Lots 17 and 18, Block C, and the area shall be extensively landscaped.
4. 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 and \$150,000 for a townhouse (in 1989 dollars).
5. Prior to construction, the master plan trail shall be field located and approved by the Department of Parks and Recreation.
6. Prior to submittal of any building permits for the lots covered under the subject SDP, the applicant shall demonstrate that the Susan Hodges 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 development shall be provided, as deemed necessary by the Planning Board or its designee.

- (c) A wrought-iron fence with brick piers shall be provided to delineate the cemetery boundaries, and an interpretive marker shall be placed close to or attached to the fence. Historic Preservation staff shall review and approve the fence design and placement and the proposed text for the interpretive marker.
 - (d) Arrangements for perpetual maintenance shall be made. 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.
 - (e) The applicant shall arrange and require homeowners' association maintenance of the cemetery in perpetuity. The applicant shall make suitable financial arrangements, approved by Parks and Recreation, for a fund or other mechanism for the initiation and continued maintenance of the cemetery.
7. 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 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 M-NCPPC 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; the report 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, 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. The Final Plat shall show all 1.5 Safety Factor Lines and a 25-foot building restriction line from the 1.5 Safety Factor Line. The location of the 1.5 Safety Factor Lines shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The Final Plat shall contain the following note:

“No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 Safety Factor Line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.”
- 13. At time of building permit, exact building footprints shall be shown on the site plan and elevations for each house provided.
- 14. Prior to issuance of building permits for Lots 3 to 18, Block B, NV1, the portion of the master plan trail to the east of the lots shall be constructed and the design of the proposed bridge along the trail shall be submitted in accordance with Park and Recreation Facilities Guidelines. Plans for the bridge shall be prepared by a registered professional engineer and bear his/her stamp and signature on all plans and specifications.
- 15. Boardwalk shall be used in the areas designated as wetlands to assure dry passage along the master planned trail. The applicant shall obtain all required permits for any construction in wetlands and wetlands buffers.
- 16. No grading or cutting of trees or tree removal on the site (covered by SDP-0406) shall occur until after approval of the specific design plan by the District Council.
- 17. 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.
- 18. At time of issuance of building permit, the applicant shall pay the fair share of \$263.34 per unit to the Treasury of Prince George's County

toward the provision of the Leeland Road Fire Station and ambulance to alleviate the existing inadequacy of services.

19. No two units located next to or across the street from each other may have identical front elevations.
20. 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.

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

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

Opposed:

Abstained:

Absent: Council Members Bland and Exum

Vote: 7-0

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