

Case No.: SDP-0409/02

Applicant: VOB L.P.

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. 11-97, approving with conditions a specific design plan for the elimination of a connection to Leeland Road, and a minor reconfiguration of the lot layout with a resultant addition of one lot for a single-family detached house, for property in Beech Tree, North Village, Sections 4 and 5, described as approximately 41.86 acres in the R-S Zone, located on the southern side of Leeland Road, approximately 3,200 feet west of its intersection with Robert Crain Highway (U.S. 301), Upper Marlboro, is:

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 and/or submit additional documentation as specified:
 - a. Present a writing from the Department of Public Works and Transportation (DPW&T) stating that Stormwater Management Concept Plan 4305-2005 00 is a revision of Stormwater Management Concept Plan 958009110.
 - b. Provide standard sidewalks along both sides of all internal roads within the subject application (North Village, Sections 4 and 5), unless modified by DPW&T.
 - c. The Type 2 tree conservation plan (TCP 2) shall be revised as follows:
 - (1) Revise the TCP coversheet to indicate on the overall plan of the Beech Tree project on which are shown in their correct relation to one another,

all phase or section numbers, all approved or submitted specific design plan numbers, and all approved or submitted tree conservation plan numbers;

- (2) Revise the woodland conservation worksheet to correctly reflect and calculate the requirement for the site and indicate how the assigned woodland conservation requirement for the site will be provided;
- (3) Add an up-to-date overall woodland conservation summary sheet for the entire Beech Tree project, which indicates how the woodland conservation requirement is being provided for the entire site;
- (4) Correct the specific design plan number in the separation note;
- (5) Correctly label on the cover sheet all adjacent development that is not part of this specific design plan, so grading onto adjacent properties can be evaluated as consistent with those development cases;
- (6) Provide afforestation/reforestation planting area instead of natural regeneration in all areas proposed for planting;
- (7) Indicate on the plan and in the legend the placement of permanent tree protection devices along the vulnerable edges of all afforestation/reforestation;
- (8) Propose afforestation/reforestation for all plantable areas of the primary management area (PMA) where mitigation planting has not been provided;
- (9) Provide a specimen tree table that includes the disposition of individual trees;
- (10) Show all existing woodlands in the ultimate right-of-way and the public utility easement which are indicated as “tree preservation-not counted” as “woodland counted as cleared” in response to frontage and utility installation requirements, and revise the individual sheet tree tables, the woodland conservation worksheet for TCP 2-025-10, and the overall summary woodland conservation worksheet to reflect additional clearing;
- (11) Add a note to the general notes which indicates that Leeland Road is a designated historic road;
- (12) Remove the term and graphic for “proposed tree line” and use the limit of disturbance to reflect all clearing;

- (13) Have the revised plan signed by the qualified professional who prepared it;
 - (14) Revise the overall woodland conservation worksheet to accurately reflect the clearing and/or grading of the PMA that has occurred under prior permits and an accounting of temporary versus permanent PMA shall be submitted. The net PMA impacts shall be found not to exceed the 0.77 acre previously approved for SDP-0409/01, and the total woodland conservation provided shall not be less than 15.30 acres; and
 - (15) Revise the plan to include homeowners association (HOA) open space Parcels M and N (PM 230 @ 25) in their entirety.
- 2. Prior to the 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 federal and state wetland permits, evidence that all approval conditions have been complied with, and any associated mitigation plans.
 - 3. Prior to approval of revised grading permits for the subject property, the revised approved technical stormwater management plans for the subject property and adjacent properties shall be submitted, if a revision is required by the Department of Public Works and Transportation (DPW&T), to ensure that the plan is consistent with the habitat management program, and that required water quality features are provided and maintained at all storm drain outfalls.
 - 4. Prior to approval of the final plats to adjust the lotting pattern in North Village, Section 4, that includes the vacation (Section 24-112 of the Subdivision Regulations) of the Lake Forest Drive connection to Leeland Road and the approval of the final plat to terminate Lake Forest Drive in a cul-de-sac, the applicant shall:
 - a. Secure the dedication by record plat or deed of an adequate alternative second access from the Beech Tree subdivision to Leeland Road. The alignment shall be coincident with the master plan right-of-way of I-300 located on the north side of Leeland Road, have a minimum right-of-way width of 60 feet, and shall be deemed acceptable to the Department of Public Works and Transportation (DPW&T) and Maryland-National Capital Park and Planning Commission (M-NCPPC).
 - b. Submit a Phase I archeological study for Parcel 7. If a Phase III review is recommended on archeological sites identified in the Phase I survey on Parcel 7, the right-of-way alignment shall be referred to the Historic Preservation Commission (HPC) to evaluate impacts to any significant archeological resources. A determination by the Planning Board or its designee, in consultation with the Department of Public Works and Transportation (DPW&T), may result in a modification to the alignment to avoid significant archeological resources on Parcel 7.

5. Prior to issuance of the 1,400th building permit, the applicant shall provide an eight- to ten-foot-wide asphalt master plan hiker-biker trail immediately adjacent to the west side of the lake within the community (as agreed to by the Department of Parks and Recreation (DPR) and as required by CDP-9706 DPR). As recommended by DPR, this trail shall be eight feet wide where it is adjacent to roadways and ten feet wide in all other locations.
6. 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 the Department of Parks and Recreation (DPR) for review and approval.
7. Prior to issuance of the 2,200th building permit, the applicant and the applicant's heirs, successors, and/or assignees shall have finished construction on the balance of said master plan trail through the stream valley park.

Ordered this 30th day of January, 2012, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Toles.

Vote: 8-0

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