

Case No.: SDP-0416

Applicant: VOB Limited 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. 06-182, approving with conditions a Specific Design Plan for construction of 84 single-family, detached residential dwellings on property described as approximately 41.86 acres in the R-S Zone, located in the southwest quadrant of the intersection of Robert Crain Highway (MD 301) and Leeland Road, 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:
 - a. Submit a letter of commitment providing the estimated timing of the installation of the historical markers and/or interpretive plaques acceptable to the Historic Preservation Section, describing:
 - (1) Plans and timing for the replication of the precise location of the foundation footprint of the Pentland Hills house site within the open space and the public road right-of-way, with the approval of the Department of Public Works and Transportation, using interpretive materials to demonstrate the stages of the building's construction techniques to be used.

- (2) Test for the historical markers or interpretative plaques to be placed both at the Pentland Hills site and at the public road and an informational brochure about Pentland Hills and the archeological site to be distributed through the development's community center. Text for both the plaques and the brochure shall be reviewed and approved by the Historic Preservation Section/M-NCPPC.
- b. Correct reference to "Leeland Drive" on the plans to "Leeland Road."
- c. Clearly identify Pentland Hills historic site on the plans.
- d. Add block names wherever a block or a portion of a block appears on a given sheet.
- e. Demonstrate that the proposed names of the culs-de-sac are traditional names of the property, owners and family homes or that due consideration was given to such names prior to assigning names to the culs-de-sac.
- f. Provide standard sidewalks along one side of all internal roads within the subdivision, unless modified by the Department of Public Works and Transportation.
- g. Add a note to the plans stating that no grading or cutting of trees or tree removal shall occur until after approval of the Specific Design Plan by the District Council.
- h. Include on the cover sheet a clearly legible 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 for Beech Tree. Specifically, correct the number and type of units included in Specific Design Plan SDP-0315 and include all approved or submitted Tree Conservation Plan numbers for Beech Tree.
- i. Correct all references to townhomes or multifamily housing in the plans to appropriately read single-family dwelling units, when referring to the subject of this Specific Design Plan.
- j. Confirm that the acreage covered by the subject Specific Design Plan is 84 and make reference to that acreage consistent throughout the plans.
- k. Correct the lot tabulation so that the summation of the subtotals of the two villages and three blocks in fact equals 84 units and make reference to the number of units requested as part of this Specific Design Plan consistent throughout the application.

1. Applicant shall include the area of the site in the floodplain under the general notes.
 - m. A note shall be added to the plans stating that Pentland Hills Drive from the intersection of Presidential Golf Club Drive to its intersection with the most southern cul-de-sac that is the subject of this Specific Design Plan shall be built to DPW&T Standard No. 12 (36-foot pavement within a 60-foot right-of-way) or as determined by DPW&T.
 - n. Correct general note 21 to correctly indicate that the development of the subject site is the subject of Preliminary Plan of Subdivision 4-99026, not 4-00010.
 - o. Revise the Lot Standard Table to add the minimum lot width at the front street line.
 - p. Redesign lots, if necessary, so that they meet the minimum lot width requirement of 25 feet, established in the applicable Comprehensive Design Plan.
 - q. Provide all top and bottom wall elevations for retaining walls.
 - r. The site plan shall be revised to label the ultimate right-of-way of each public street on each sheet of the site plan. Such revision of the site plan shall be reviewed for accuracy by the Transportation Planning Section as designee of the Planning Board.
2. Prior to issuance of building or grading permits for this section:
 - a. The applicant shall apply to the HPC for a redetermination of the Environmental Setting for Pentland Hills.
 - b. 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 features are provided at all storm drain 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.
 - c. Show all building setbacks from the shortest distance between the dwelling (including any options) and the property lines.

- d. Phase I archeological investigations shall be conducted according to Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1994), and the Prince George's County Planning Board's Guidelines for Archeological Review (May 2005), and report preparation should follow MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The report shall be reviewed and approved by the Staff Archeologist as designee of the Planning Board. Further archeological investigations shall be completed if determined necessary by the Staff Archeologist.
 - e. The applicant shall assist volunteers from the Newel Post, the Prince George's County Architectural Salvage Depot, in determining whether any historic building fabric might be safely salvaged from the historic site prior to its demolition. The salvage effort shall be conducted with representatives of the Newel Post and the demolition contractor to facilitate safe and reasonable removal of historic building fabric. Any materials salvaged from the property shall be delivered and donated by the applicant to the Newel Post.
3. Prior to the issuance of any building permits for the subject SDP the applicant shall provide the following:
- a. A fee to Prince George's County, which shall serve as a fair share contribution towards the construction of the Proposed Leeland Road Station and acquisition of an ambulance. The fair share fee is \$201.65 per dwelling unit for the lots proposed beyond response time standards for ambulance service.
 - b. Applicant shall provide information regarding actual percentage of lot coverage, per lot, on the plans.
4. Prior to the issuance of each building permit for a particular lot, the applicant shall provide the following:
- a. Detailed information for each specific lot shall be provided as required, such as type of model and specific building footprint
 - b. The applicant shall demonstrate that the price of the dwelling unit will not be lower than \$225,000 for a single-family detached house (in 1989 dollars).

5. Prior to the 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.
6. Prior to the issuance of the 2,200th building permit, the applicant, his heirs, successors, and/or assignees shall have finished construction on the balance of said master plan trail through the stream valley park.
7. 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.
8. 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 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.”
9. If, after the golf course is completed and in use and the adjacent residential areas are completed and occupied, it becomes apparent that errant golf balls are creating an unexpected hazard to persons or property off the golf course by repeatedly leaving the golf course property, the developer and/or golf course operator shall be required to retrofit the golf course with landscape screens or nets, as determined by the Planning Director and in heights and locations specified by the Planning Director, sufficient to prevent the travel of golf balls beyond the lot lines of the site on which the golf facility is located. Such screens or nets shall be continuously maintained so as not to fall into disrepair.

10. 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:
 - a. Lengthen the northbound US 301 left turn lane at Swanson Road as required by the SHA. (This improvement has not yet begun.)
11. 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:
 - 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 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. Prior to the issuance of the 1,001th 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 Leeland Road to Beech Tree Parkway.
 - b. 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.
 - c. Widen Leeland Road to provide two exclusive left turn lanes and one free flowing right turn lane.
13. 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:
 - a. 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.
14. 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.

15. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in conditions 10 through 14 above will require the filing of a SDP application, and a new Staging Plan reflecting said changes must be included with application.

Ordered this 18th day of September, 2006, by the following vote:

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

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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council