

Case No.: SDP-0617/01 Beech Tree
West Villages 2, 4 & 5

Applicant: V.O.B. Limited Partnership

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. 12-93, approving with conditions a revision to Specific Design Plan SDP-0617, including increasing the number of single-family detached lots from 113 to 139 and the number of single-family attached lots from 43 to 52, for a total of 191 lots in the Residential Suburban Development (R-S) Zone, located on the west side of Robert Crain Highway (US 301), south of Leeland Road, in Planning Area 79 and Council District 6, West Villages Sections 2, 4, and 5, are located in the west central portion of the subdivision, is:

AFFIRMED, as the basis for this action, the District Council adopts the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 12-93, as its findings and conclusions in this case.

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. Show the ten-foot-wide public utility easement along all public rights-of-way.
 - b. Revise the tracking chart to reflect the correct number of approved units.
 - c. Show the Liber and Folio (31724/176) as a general note for the hiker/biker trail easement.
 - d. Submit an exhibit containing a tracking chart that includes all pending specific design plans.

- e. Provide crosswalk treatments at all intersections along Lake Forest Drive consistent with previous approvals within the Beechtree subdivision, unless modified by the Department of Public Works and Transportation (DPW&T).
- f. Relocate the outfall east of the stormwater management pond (West Village, Section 5) to avoid overflow across the 50-foot-wide master-planned trail easement.
- g. The technical stormwater management plans for the subject portion of the development, if available, shall be submitted and specific information shall be provided about how water quality benefits are being provided at all storm drain outfalls associated with this section of the Beech Tree development. Additionally, the submission shall include a statement of how the technical stormwater management plans are consistent with the habitat management plan. If the technical stormwater management plans are not available prior to certification, it is acceptable that they shall be submitted prior to issuance of grading permits, and information provided at that time regarding how water quality benefits are being provided at all storm drain outfalls associated with this section of the Beech Tree development and how the technical stormwater management plans are consistent with the habitat management plan.
- h. If wetlands are impacted within the area of the instant SDP, the approved wetland mitigation plans for the entire Beech Tree development shall be submitted, so that it can be determined if the subject Type II tree conservation plan (TCPII) is affected, and the subject TCPII shall be revised to show the location of any on-site wetland mitigation areas.
- i. The overall woodland conservation summary worksheet and the individual woodland conservation worksheet for this specific design plan shall be revised to indicate the quantity of afforestation provided inside and outside the primary management area.
- j. An exhibit specific to the area of this SDP, shall be prepared and submitted that illustrates the area of approved primary management area (PMA) impacts with the acreage of each impact provided. Areas of PMA mitigation shall also be shown and labeled with appropriate acreages. This exhibit must demonstrate that the Planning Board's approval of variances with preliminary plan approvals has not been exceeded on subsequent specific design plans, and that the PMA mitigation requirements have been satisfactorily fulfilled in conformance with the preliminary plan.
- k. If the acreage of variances approved with the preliminary plan approvals specific to the area of this SDP, are not in substantial conformance with the approved

acreage, a mitigation plan shall be prepared for the on-site restoration of primary management area impacts in excess of those approved by the Planning Board.

1. If within the area of the this SDP it is determined that there are PMA impacts that exceed those approved in the preliminary plan then a schedule shall be prepared indicating which specific design plans (SDPs) and their associated tree conservation plans will be revised to provide required mitigation for primary management area impacts in excess of those approved on the preliminary plan.
2. Prior to any ground disturbance or the approval of any grading permits, the applicant shall:
 - a. Provide a final report detailing the Phase III archeological investigations at Site 18PR573 to Historic Preservation staff and, to ensure that all artifacts are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, Maryland, the applicant shall provide proof of disposition of the artifacts to Historic Preservation staff.
 - b. If the technical stormwater management plans are not available prior to certification, the applicant shall provide them prior to any ground disturbance or approval of any grading permits together with information: (1) a statement explaining how water quality benefits are being provided at all storm drain outfalls associated with this section of the Beech Tree development; and (2) how the technical stormwater management plans are consistent with the Habitat Management Plan prior to issuance of grading permits.
3. Prior to issuance of the 50th building permit for units contained within this SDP, the applicant shall provide language for an interpretative sign that discusses the results of the Phase I, II, and III archeological investigations at Site 18PR573 and the historical background of the tract on which it is located.
4. Prior to the 100th building permit for units contained within this SDP, the applicant shall install the interpretive sign and provide a photograph of the placement of the sign to Historic Preservation staff.
5. Prior to approval of building permits for Block J, Lots 7-13, 17-20, and 43-52, the Declaration of Covenants shall be revised to ensure that they include language notifying the homeowners of the location of the existence of a public trail adjacent to the lots referenced above.
 - a. The Declaration of Covenants shall include the Master Plan Public Trail Disclosure Notice.
 - b. The contract purchasers of Lots 7-13, 17-20, and 43-52 of Block J shall sign a disclosure notice of the public trail location.

6. Prior to approval of the first building permit in Block B:
 - a. The trail connection location shall be posted at 200-foot intervals and inspected by the Maryland-National Capital Park and Planning Commission (M-NCPPC) trails coordinator.
 - b. The signage shall be approved by the trails coordinator prior to posting and shall state at a minimum: "Future location of a public trail."
 - c. The signage shall be constructed of durable materials, shall utilize colors that will attract attention, and shall be directed toward the lots of the subdivision and the public street.
 - d. The height of the signage shall be determined by the trails coordinator in consideration of the site grading to ensure visibility of the signs. This condition may be waived at certain locations by the trails coordinator, at the request of the applicant, if they agree that specific site conditions make the posting unwarranted.
7. Prior to 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 required federal and state wetland permits, demonstrate that permit approval conditions have been complied with, and submit any associated mitigation plans.
8. Prior to certification of the specific design plan, the Type II tree conservation plan (TCP II) shall be revised as follows:
 - a. The TCP approval block shall be revised to show the correct format for the TCP number and include all previous approvals of the plan.
 - b. The Maryland-National Capital Park and Planning Commission (M-NCPPC) approval block shall be revised to include all previous approvals of the plan.
 - c. The TCP separation note on all sheets shall be revised to state:

"TCP II-021-10 was separated from TCP II-049-98 with the approval of SDP-0617."
 - d. The tree protection device details shall be labeled as "temporary" or "permanent," consistent with the labeling in the plan legend.
 - e. The notation under the split-rail fence detail shall be revised to state:

"Split-rail fence to be located along vulnerable edges for all areas of afforestation/reforestation."

- f. A legend shall be provided on all plan sheets.
- g. All woodland conservation areas shall be labeled by methodology and area.
- h. Natural regeneration shall be removed from the plan and replaced with afforestation/reforestation areas. However, if natural regeneration begins to occur before planting has started, the applicant may submit additional site sampling to the Environmental Planning Section to demonstrate that regeneration has occurred and the TCP II may be revised to reflect natural regeneration at that time.
- i. The location of tree conservation signage shall be indicated on each plan sheet where a permanent tree protection device (split-rail fence) is not provided.
- j. Natural regeneration shall be removed from the tree table indicated on each sheet, and redistributed to afforestation/reforestation.
- k. A Summary Tree Table shall be provided in the plan set which summarizes the information from individual tree tables.
- l. The graphic symbol for the edge planting treatment shall be included in the legend, and further details shall be provided on the appropriate sheet which describes the edge planting treatment and its appropriate implementation.
- m. The edge treatment shall be provided whenever afforestation areas are located directly adjacent to residential lots.
- n. All woodland conservation areas shall be a minimum of 35 feet in width and 2,500 square feet in area.
- o. A “clear zone” a minimum of ten feet from the top and the bottom of a retaining wall shall be maintained as a work and maintenance zone.
- p. Retaining walls, which are structures, shall not be counted as woodland conservation area.
- q. The woodland that was previously preserved in the area of the pavilion shall be counted as cleared as well as a ten-foot-wide maintenance and clearing zone around the edge of the pavilion.
- r. In areas where the recreational facilities are directly adjacent to woodland conservation areas, specifically the pavilion area and adjacent to the hiker/biker trail, a temporary wooden protective fence shall be provided, and indicated on the plan and in the legend.

- s. After the revised areas for the woodland conservation areas located on-site have been determined, the individual TCPII worksheet, and the overall woodland conservation summary table shall be revised to reflect how the requirement for the site is being met. The overall woodland conservation summary sheet included on the TCPII plan sheet shall include all plans and plan revisions approved and certified to date.
 - t. The revised plan shall be signed and dated by the qualified professional who prepared it
9. Prior to approval of the final plat, the liber and folio of the recorded Declaration of Covenants shall be noted on the final plat along with a description of the proximity of the development to the public trail.
 10. 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 which 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 a projecting forward from the neighboring house more than 20 feet, shall display significant architectural features which contribute to the aesthetic of the unit. Significant architectural features include, but are not limited to, bay projections, wrap-around porches, sunrooms, conservatories, pergolas and other architectural embellishments consistent with the architecture defined on the front elevation of the unit.
 11. No two units located next to or across the street from each other may have identical front elevations.
 12. The developer, its heirs, successors, and/or assigns shall insure that each builder maintains in the appropriate sales office(s) copies of its currently approved architecture (including all exterior elevations of all approved models), copies of currently approved Site Plans, Landscape Plans and plans for recreational facilities appropriate for that portion of the property being developed, as well as the corresponding approved Comprehensive Sketch Plan and Subdivision Plan.
 13. Prior to the issuance of the 1,001st 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.
- 14. 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.
- 15. 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.
- 16. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in conditions 13 through 15 above will require the filing of a revision to SDP-9907, and must include a new Staging Plan reflecting said changes.
- 17. Prior to signature approval, the applicant shall revise all images of the SDP to reflect consistency with the actual layout.

In order to protect adjacent properties and the surrounding neighborhood, affirmance is also subject to the following additional conditions by the District Council.

- 18. Prior to certificate approval of this specific design plan, the applicant shall revise the site plan to show the proposed Winterbourne Drive as a 55-foot right-of-way with 26 feet of paving with sidewalks on both sides of the road, starting at the intersection of Lake Forest Drive and continuing approximately 2,500 feet, then transitioning to a 55-foot right-of-way with 36 feet of paving and sidewalks on both sides of the road for approximately 125 feet for the remainder of the limits of the subject SDP. Unless this condition is modified or prohibited by DPW&T, the applicant shall provide sidewalks on both sides of the road.
- 19. Prior to signature approval, the applicant shall revise all images of the SDP to reflect all garage doors shall have a style, color and appearance consistent with the actual layout to the majority of garage doors on townhouses in other sections of Beechtree.

Ordered this 28th day of January, 2013, by the following vote:

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

Opposed:

Abstained:

Absent: 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: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council