

Case No. SP-02053

Applicant: Cherrywood Land

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 decision of the Planning Board in PGCPB No. 03-97, to approve a detailed site plan for 139 single-family detached residential units on property described as approximately 83.2 acres of land in the R-R Zone, on the north side of Marlboro Pike, about 500 feet east of Brooklee Drive, known as the Charles Hill cluster, Upper Marlboro, Maryland, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose findings and conclusions are hereby adopted as the findings of fact and conclusions of law of the District Council. The Council will also add conditions supported by the record.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certification of the detailed site plan:

(a) The applicant shall revise the site/grading, landscaping, and architectural drawings, as follows:

- (1) All building setbacks are shown as the shortest distance between property line and dwelling;
- (2) All options for each dwelling shall have full dimensions;
- (3) Old Marlboro Pike shall be labeled on all sheets;
- (4) The landscape schedule for Section 4.1 (Residential Requirements) shall be revised to show the tree counts for each lot;

(5) On all lots whose rear yards are oriented toward Old Marlboro Pike, landscape easements shall meet the requirements of Section 4.6 of the Landscape Manual;

(6) For the 40-foot landscape buffer, there shall be one evergreen tree at eight feet center to center along the property line adjacent to the Historic Site, in addition to other planting requirements in the Landscape Manual; and the landscape buffer shall be provided on homeowners' association land or in a landscape easement maintained by the homeowners' association;

(7) A six-foot, sight-tight vinyl fence shall be placed along the property line adjacent to the Historic Site; and

(8) Rear elevations shall be shown with additional articulation for Lots 10 through 18.

(b) The applicant shall submit to the Department of Parks and Recreation detailed construction drawings for the trail, including without limitation layout, widths, grading, cross-sections, and limits of disturbance.

(c) The Type II Tree Conservation Plan shall be revised to show the following:

(1) A note stating: "This plan accommodates a Master Plan Trail within a Woodland Conservation Area. These two uses have been coordinated to avoid conflicts. Every major revision to the trail alignment, to require significant clearing or grading of woodlands with heavy equipment, shall be coordinated with the M-NCPPC Environmental Planning Section and the M-NCPPC Parks Department."

(2) The “Trail Plan” shall be incorporated in the plans, to allow placement of the trail, minimal grading (only where necessary due to slopes), a 3-foot shoulder along each side of the trail, a 4-foot maintenance area along each shoulder (within which understory vegetation may be controlled), and removal where necessary of larger trees which may be determined later to be hazardous. (The plan allows maintenance and safety issues associated with the trail to be addressed without Woodland Conservation implications.)

2. Prior to the approval of final plats, the scenic easement along Old Marlboro Pike shall be reviewed and approved by the Environmental Planning Section. The easement shall then be recorded and shown by metes and bounds description on the final plats.

3. Prior to issuance of any permits for the site, the location of the off-site mitigation shall be identified, and an easement for the mitigation shall be recorded in the land records of Prince George’s County.

4. Prior to release of building permits for Lots 6 through 21, a 40-foot bufferyard shall be planted along the common boundaries between the property and the Historic Site.

5. All wood burning fireplaces shall have brick or stone chimneys.

6. A minimum of 60% of the dwelling units shall have full brick or stone front facades.

Ordered this 28<sup>TH</sup> day of July, 2003, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Dernoga 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: \_\_\_\_\_  
Peter A. Shapiro, Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council