

Case No. SP-03020

Applicant: Joseph B. Marini

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. 03-190 (A), to reapprove with conditions a detailed site plan, SP-03020, for a contractor's office with outdoor storage yard on property described as approximately 0.6519 acres of land in the I-1 Zone, on the north side of Poplar Hill Lane, 800 feet from Old Alexandria Ferry Road, Clinton, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

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

1. Prior to signature approval, the applicant shall revise the detailed site plan to:
 - a. Indicate the limits of outdoor storage on the subject property.
 - b. Include a note on the plan that no construction of new structures or storage shall be allowed in the front yard of the subject property.
 - c. Include landscaping in the island in the front yard as required in condition 9 below.
 - d. Include a note that applicant shall maintain the landscaping so as to provide attractive year-round visual interest.
 - e. A detail shall be added on the site plan for a new wood fence.
 - f. Include in the above detail gates to be utilized on driveway openings on either side of the existing single-family house on the subject property, built of the same or similar material and design as the fence.

- g. Include a schedule demonstrating that the perimeter landscape strip along the shared boundary with Lot 7 complies with Section 4.3 of the *Landscape Manual*.
 - h. Show all proposed plant materials at least five feet from the common boundary with Andrews Air Force Base.
2. Revise the stormwater concept to reflect changes to the site plan to the satisfaction of the Department of Environmental Resources.
 3. Demonstrate to the satisfaction of the Subdivision Section that Lot 6 was legally subdivided, or the applicant shall complete the subdivision process for the subject property.
 4. Prior to issuance of a use and occupancy permit, the applicant shall upgrade the existing front fence that screens the rear yard from a view of Delano Road with the solid wood fence as described in the above condition.
 5. Prior to issuance of any sign permits, the applicant shall submit the details of the proposed sign identifying the business on the site for review and approval by the Urban Design Section acting as the designee of the Planning Board. One permanent ground-mounted sign fronting the street is permitted inside the landscaped front yard area.
 6. The applicant shall demonstrate that access to the loading space measures a minimum of 22 feet wide or shall successfully pursue a departure application for same.
 7. No storage of any kind and no new structures shall be allowed in the front yard.
 8. All parking spaces and access to the site in the front yard shall be paved with either asphalt or concrete that is consistent with the street surface on which the site has frontage.
 9. Along the street frontage other than where access drives are located, a minimum 10-foot-wide landscape strip shall be established with trees provided in accordance with the Landscape Manual, and with shrubs provided at twice the normal requirement of the Landscape Manual. The trees and shrubs shall be regularly watered and fertilized in order to maintain them in good health; however, in the event any are damaged or die they shall be promptly replaced.
 10. Any front yard area outside of the landscape strip which remains green area shall be landscaped with at least one shade tree for each 300 square feet of green area.
 11. All existing fences aligned parallel to the street and located at or in front of the rear wall of the main structure on the lot shall be removed and replaced with the following: a six-foot-high solid wood fence (wood boards painted or stained a terra cotta color) or a sight-tight vinyl fence. Any vehicular entrance to the rear yard shall be gated and treated in the same way as the fence required above, except chain link shall be utilized along the rear

property line and the rear five feet of the side property line, to address concerns of security agency personnel at Andrews Air Force Base. Final design and placement of the fence shall be approved by Urban Design.

12. One sign is permitted on the site to identify the business. This sign shall be a permanent ground-mounted sign no more than six feet in height and containing no more than 25 square feet of sign area. All other existing signs shall be removed.
13. No final Certificate of Occupancy shall be issued until the requirements of conditions 7-12 above have been complied with. The applicant shall submit photographs to DER to show the condition of the property and compliance with all conditions, before issuance of the Certificate of Occupancy.
14. No more than one year after the date of approval of this Order, the applicant, his successors or assignees ("applicant"), shall submit to the Department of Environmental Resources (DER) photographs (and other evidence if appropriate) to demonstrate that all applicable elements of conditions 7-12 above continue to be fulfilled and that all structures and landscaping are being maintained in presentable condition and good working order. Every two years after that on the anniversary of the approval of this Order, the applicant shall submit current photographs and evidence to DER to demonstrate full compliance again in the same way.
15. Failure to submit the required evidence in a timely way shall be grounds for revocation of the Use and Occupancy permit by DER. Failure to demonstrate by means of the photographs and evidence submitted full compliance with the intent of these conditions shall be grounds for revocation of the Use and Occupancy permit by DER.

Ordered this 28th day of March, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, 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: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council