

Case No. SP-03023

Applicant: Watkins Park Land, LLC

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. 03-182, to approve a detailed site plan for 34 single-family lots, of which 33 are new lots, and one is an existing house, on property described as approximately 24.01 acres of land in the R-R Zone, known as The Highlands, located on the southwest corner of the intersection of Largo Road and West Kettering Drive, Upper Marlboro, 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.

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

1. Prior to certificate approval of this detailed site plan, the applicant shall make the following revisions:
 - a. Revise both the detailed site plan and the landscape plan to show graphically that Lot 35 of Preliminary Plan 4-94010 is not a part of this detailed site plan application and revise all calculations and plan notes correspondingly.
 - b. Revise the landscape plan to show the Type D bufferyard between the Mount Lubentia site and Lots 25 through 31.
 - c. Revise architectural elevations to incorporate features of Federal-style plantation architecture as recommended in the Historic Preservation and Public Facilities Planning Section memorandum dated July 17, 2003. The buildings on the specific lots shall meet the requirements prescribed in Condition 8 below.
 - d. Revise landscape detail sheets to provide sign details in accordance with Section 27-624, Gateway Signs requirements.
 - e. Revise both the detailed site plan and the landscape plan of Lot 30 to ensure that the existing woodland adjacent to Lot 31 will be preserved to the greatest extent

possible.

- f. Provide the design of the fences (to be erected along the western boundary of Lot 35, along the shared boundaries between Lot 35 and Lots 25 through 31, and along the West Kettering Drive and MD 202 frontages in order to fulfill Sections 4.6 and 4.7 requirements) on the detail sheet. The fences along the Historic Site, Lot 35, shall be split-rail wood fences. All other fences located within the Sections 4.6 and 4.7 bufferyards shall be sight-tight vinyl fences.
 - g. Revise the landscape plans for Lots 5 to 13 to provide two additional shade trees (in addition to the requirements of Section 4.1) in the front yards.
 - h. Revise the landscape plan to provide a Section 4.6 landscape schedule for the bufferyard that is located between the stormwater pond and Lots 21 and 22.
 - i. Provide fence and outdoor deck details, if they are proposed, to be reviewed and approved by the Urban Design Section. Fences, decks and other structures shall be painted or stained, in order to be compatible with the Historic Site.
 - j. Provide standard sidewalks along both the west side of Magruder Drive and the north side of Enoch Court. A standard sidewalk shall also be provided along the subject property's frontage of West Kettering Drive. The existing sidewalk along West Kettering Drive shall be reflected in Sheet 4 of the detailed site plan.
2. Prior to certificate approval of Detailed Site Plan DSP-03023, a complete inventory of the existing Magruder family cemetery prepared in accordance with Section 24-135.02 of the Subdivision Regulations shall be submitted to the Historic Preservation and Public Facilities Planning Section.
 3. At the time of final plat, the existing Magruder family cemetery on Lot 31 shall be recorded in an easement to Lot 31 that requires the owner of Lot 31 to be responsible for maintenance and preservation of the cemetery in perpetuity. Any alternative arrangements in the future shall be approved by the Planning Board. However, in no event shall responsibility for maintenance and preservation of the cemetery fall upon the homeowners association for the Highlands.
 4. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Area preservation area and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. In addition, the following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is permitted.”

5. The following note shall be placed on the final plat:

“Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans shall be submitted to the M-NCPPC, Planning Department.”

6. Prior to issuance of a building permit for Lot 31, the applicant shall obtain a variance from the Board of Zoning Appeals for the required location of an accessory structure if the existing shed is to remain on Lot 31.
7. Prior to issuance of any permits, the applicant shall provide evidence that all on-site landscape and storm drain easements have been recorded among the land records of Prince George’s County.
8. Prior to issuance of any building permits, the applicant shall provide special treatments on architectural elevations as follows to be reviewed and approved by the Urban Design Section and the Historic Preservation/Public Facility Planning Section acting as the designee of the Planning Board:
 - a. All buildings shall have red brick front elevations.
 - b. For buildings on Lots 1, 25 to 30 and 34, a hip roof shall be the dominant roof pattern on the front and rear elevations. Rear elevations shall be treated similarly to the front in regard to, but not limited to, design, color and finish. The design of the units on the above-noted lots shall incorporate a minimum of four architectural features including hip roofs from the five categories as recommended by the Historic Preservation Commission or as determined to be consistent with the above. The applicant shall explore to the extent possible the use of shutters and a reasonably balanced fenestration pattern on the rear elevations.
 - c. Buildings on Lots 1, 27 to 29 and 34 with the side elevations that are adjacent to and facing West Kettering Drive and the internal subdivision street shall have on that elevation at least three architectural features in a reasonably balanced composition.
 - d. For buildings on Lots 5 to 14, front elevations shall be finished with 100 percent red brick. The design of the buildings on the above-mentioned lots shall

incorporate a minimum three architectural features including entry porch from the five categories as recommended by the Historic Preservation Commission or as determined to be consistent with the above.

- e. For buildings on Lots 2, 32 and 33, rear elevations shall be treated in substantially the same way, but excluding color and finish material, as the front elevations.
- 9. No two units located next to or across the street from each other may have identical front elevations.
- 10. The developer, his heirs, successors and/or assignees shall display in the sales office all of the plans approved by the Planning Board for this subdivision, including all exterior elevations of all approved models, the detailed site plan and the landscape plan.
- 11. The applicant agrees that Lot 35 is not bound by the site plan requirements applicable to Lots 1-34. Lot 35 shall not be a part of the HOA as it is a separate lot containing a historic home and the detailed site plan conditions are only applicable to the newly created lots. Lot 35 is included in the DSP for the purposes of compatibility as a historic site and to allow the creation of a legal lot. A note to such effect shall be placed on detailed site plan and final plat.

Ordered this 24th day of November, 2003, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Shapiro, Hendershot and Dernoga

Vote: 6-0

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