

Case No. SP-05006

Applicant: Gilligan Development, Inc.

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 decision of the Planning Board in PGCPB No. 06-63, to approve with conditions a detailed site plan, SP-05006, for construction of 16 single-family dwellings for a project referred to as Trumps Hill, on approximately 8.72 acres of land in the R-80 Zone, on the north side of North Marlton Avenue, approximately 100 feet east of Crain Highway, Upper Marlboro, 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 the issuance of permits, the applicant shall provide documentary proof of approval from the adjoining property owner and the Department of Public Works and Transportation for the proposed access to North Marlton Avenue.
2. Prior to the issuance of building permits, Heathermore Boulevard shall be constructed from Trumps Hill Road to US 301.
3. Prior to certificate approval, the plans shall be revised as follows:
 - (a) To clearly label and delineate the 40-foot scenic easement along Trumps Hill Road. The 40-foot easement is measured from the 10-foot public utility easement that runs parallel to the ultimate right-of-way of Trumps Hill Road.
 - (b) Show the 40-foot-wide landscape yard and 50-foot-wide building restriction line on the site, landscape, and tree conservation plans, the full length of the shared property line between the subject site and the historic site. The schedule demonstrating conformance to Section 4.7 shall be changed to show the existing woodland as fulfilling the requirement of the buffer, where existing woodland will be retained.

4. Prior to signature approval of the architectural elevations, the following revisions shall be made to the plans.
 - a. The 2200 model front elevations shall be revised to create a balanced and symmetrical window placement.
 - b. The Uphill House, Elevation 3, shall be revised to address the alignment of the door and the windows and the possibility of adding windows to the front façade at the basement level. The incorporation of a brick water table on this unit is appropriate as a standard feature.
 - c. The 2200, the 2700, and the Uphill House models shall be revised to incorporate at least two end wall features.
 - d. All proposed chimneys, regardless of their location on the dwelling, shall be of masonry construction.
 - e. Brick colors to be used shall be limited to a traditional “red brick” palette. Nontraditional colors such as beige, white, pink, yellow, and brown shall not be used. Prior to certification, brick samples shall be provided to the Historic Preservation Commission staff for review and approval. Any changes to approved samples must be reviewed and approved by Historic Preservation Commission staff and the staff of the Urban Design Section.
5. Prior to the issuance of building permits, the plans shall demonstrate that at least 60 percent of the units will have a brick front. At the time of building permit for the house to be built on Lot 11, the application, including architectural elevations, must be approved by the Historic Preservation staff, as recommended by the HPC. All elevations should be of a wood-like material and not part of the 60% brick façade requirement.
6. Prior to certificate approval of the detailed site plan, the TCP II shall be revised as follows:
 - a. The woodland conservation worksheet shall be revised to accurately state that amount of woodland preservation and show how the entire woodland conservation requirement is met on-site.
 - b. The TCP II plan shall be revised to show how the woodland conservation requirement is met on-site.
 - c. Standard EPS afforestation/reforestation management plan notes should be added to the plan.
 - d. Standard TCP II Note 7 shall be removed from the plan if not applicable.
 - e. Standard TCP II Notes 9, 10, 11, and 12 shall be added to the plan.

- f. The woodland conservation signage detail shall be revised to indicate a minimum of two bolts for mounting; a minimum two-foot, in-ground depth for mounting posts, and that signage may be mounted on permanent tree protection fencing.
 - g. Have the revised TCP II signed and dated by the qualified professional who prepared it.
- 7. All approved afforestation or reforestation areas shown on the Type II tree conservation plan shall be placed in conservation easements at time of final plat, and shall be reviewed by the Environmental Planning Section. The following note shall be placed on the plat:

Certain of the conservation easements on this plat include afforestation areas that are proposed to regenerate as perpetual woodlands in fulfillment of woodland conservation requirements and preclude any disturbance or installation of any structure within specific areas shown on the approved tree conservation plan. Failure to comply will mean a violation of an approved Type II tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance.
- 8. All afforestation or reforestation and associated protective fencing shall be installed prior to the issuance of the building permit for individual lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation and fence installation have been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations, and a plan showing the locations where the photos were taken.
- 9. Prior to certificate approval of the detailed site plan, the TCP II and the landscape plan shall be revised to include the following significant visual features identified in the photographic inventory: Two brick pillars mark the driveway entrance; and the gravel drive is edged on the north with a row of eastern red cedars.
- 10. Prior to signature approval of the plans, the detailed site plan, landscape plan and the tree conservation plans shall conform to applicant's Exhibits (A-C).
- 11. Prior to signature approval, the applicant shall revise the detailed site plan, to include a board-on-board privacy fence on Lots 11, 12, 13, and part of 14, with landscaping similar to that shown on Parcel C of applicant's Exhibit 1-B, along the north side of the fence, for approval by the Planning Board's designee. The proposed fence and landscaping shall be coordinated with the adjoining property owners, at 7915 Trumps Hill Road. In addition, any off-site landscaping and fence needed to provide adequate screening of lots 14 and 15 shall be coordinated with the adjoining property owners, located at 8001 Trumps Hill Road.

Ordered this 25th day of September, 2006, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Dean

Vote: 8-0

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