

Case No.: SDP-0512/02

Applicant: VOB L.P.

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. 10-128, approving with conditions a specific design plan to reconfigure the plan for West Villages 1, 3, and 6 of the Beech Tree development for 111 single-family detached units, with a net increase of four lots, for property in the Beech Tree West Village community, in the southwest quadrant of the intersection of Robert Crain Highway (US 301) and Leeland Road, Upper Marlboro, is:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

1. Prior to certification of the specific design plan, the applicant shall:
  - a. Revise the specific design plan to provide a 300-foot minimum lot depth adjacent to the transit right-of-way, unless evidence is submitted which indicates that a variation to the required lot depth was previously approved.
  - b. Submit a Phase 1 noise study to determine if there are noise impacts related to the CSX railroad that require mitigation in order to meet interior and exterior noise mitigation standards for residential uses. If the Phase 1 noise study identifies interior or exterior noise impacts, then a Phase 2 noise study shall be required to recommend appropriate mitigation measures and the SDP shall be revised to address implementation of required noise mitigation measures prior to certification.
  - c. Revise the SDP and TCP coversheets to indicate on the overall plan of the Beech Tree project all project areas on which are shown in their correct relation to one another, all phase or section numbers, all approved or submitted specific design plan numbers, and all approved or submitted tree conservation plan numbers.

- d. Submit a copy of a final approved integrated pest management (IPM) plan for the Beech Tree golf course for the Environmental Planning Section file or a final IPM plan shall be approved by the Environmental Planning Section.
- e. Submit a noise and vibration study which addresses the potential noise and vibration impacts of the CSX railroad tracks on West Village 1, 3, and 6, which is the closest development pod within the Beech Tree development to the railroad tracks. If noise or vibration impacts are identified, the study shall include recommendations for noise or vibration mitigation, and the specific design plan shall be revised as necessary to include noise and vibration mitigation measures necessary to achieve acceptable interior and exterior noise levels and maintain structural stability prior to certification.
- f. Submit a copy of the technical stormwater management plans for the subject portion of the development along with a statement of how the technical stormwater management plans are consistent with the habitat management plan, and how water quality has been addressed for all stormdrain outfalls. If the technical stormwater management plans are not consistent with the habitat management plan, or do not provide the level of water quality treatment indicated in the habitat management plan, the associated plans shall be revised and approved prior to specific design plan certification.
- g. Submit the approved wetland mitigation plans for the entire Beech Tree development, so that it can be determined if the subject TCP 2 is affected, and the subject TCP 2 shall be revised to show the location of any on-site wetland mitigation areas.
- h. Revise the plans to indicate a public utility easement, unencumbered by a bike path or stormdrain easement along the frontages of Winterbournon and Presidential Golf Drive on Sheet 5, Block E, unless an alternative design and/or alignment is worked out with Verizon.
- i. Review the plans to remove the stormdrain from the public utility easement along the frontage of Lots 24 and 25 of Block H, unless an alternative design and/or alignment is worked out with, and found acceptable by the utility.
- j. 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 (PMA).
- k. An exhibit shall be prepared and submitted that illustrates the area of approved 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 approvals of variances with preliminary plan approvals have not been exceeded on subsequent specific

design plans, and that the PMA mitigation requirements have been satisfactorily fulfilled in conformance with the preliminary plan. Additionally, the TCP 2 shall be revised to indicate that temporary PMA impacts for sediment control measures adjacent to the proposed SWM pond will be reforested and will be accounted for in the TCP 2 worksheet.

- l. If the acreage of variances approved with the preliminary plan approvals has been exceeded, a mitigation plan shall be prepared for the on-site restoration of PMA impacts in excess of 23.22 acres as approved by the Planning Board which identifies which SDPs will require revision to provide mitigation, and the quantity of mitigation proposed on each SDP.
  - m. A schedule shall be prepared which indicates what SDPs and their associated TCPs will be revised to provide required mitigation for PMA impacts in excess of those approved on the preliminary plan and shall identify which SDPs associated with the Beech Tree development will provide additional on-site woodland conservation to eliminate the existing woodland conservation shortage.
  - n. The applicant shall provide a report and associated evidence that demonstrates that the recommendations of the Maryland Department of Natural Resources, Natural Heritage Program, including the habitat management plan, the water quality plan, and the monitoring program that were adopted and approved as part of SDP-9803 for the golf course have been appropriately implemented and maintained.
  - o. The technical stormwater management plans shall be submitted, and specific information shall be provided about how water quality benefits are being provided at all stormdrain outfalls associated with this section of the Beech Tree development.
  - p. The applicant shall work with staff to verify the approved and pending units in the specific design plan table.
  - q. The site plan shall be revised to indicate ownership of surrounding properties including M-NCPPC stream valley park adjacent.
  - r. Pursuant to the requirements of CDP-9706, the applicant shall add information to the cover sheet of the SDP regarding all approved or submitted TCP numbers for Beech Tree.
2. Prior to certification of the specific design plan, revise the TCP 2 as follows:
    - a. Revise the overall woodland conservation worksheet to correctly calculate the requirement for the site, and indicate how the woodland conservation requirement for the entire site will be provided on-site.

- b. Revise the individual woodland conservation worksheet to correctly reflect the site and the acreage of the woodland conservation proposed.
  - c. Afforestation shall be provided in place of natural regeneration on the TCP 2, and a permanent tree protection device shall be placed along all vulnerable afforestation edges.
  - d. Add an up-to-date overall woodland conservation summary sheet for the entire Beech Tree development.
  - e. Correct the TCP number in the approval blocks on all plan sheets and in the separation note.
  - f. Correctly identify all adjacent development that is not part of this specific design plan, so grading onto adjacent properties can be evaluated as consistent with those development cases.
  - g. Have the revised plan signed by the qualified professional who prepared it.
  - h. Add a tree canopy coverage worksheet on the TCP 2 plan which demonstrates that the tree canopy coverage (TCC) requirement has been fulfilled for this SDP.
3. Prior to the issuance of any grading permits for SDP-0512 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.
  4. 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.
  5. 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.

6. 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 Prince George’s County Capital Improvement Plan (CIP) Project FD669161 or (b) the upgrading of US 301 to a fully-controlled access highway between Central Avenue (MD 214) and Marlboro Pike (MD 725) shall be provided by SHA or by DPW&T to the Planning Department.
7. Any changes to the sequencing of transportation improvements and/or changes to the development thresholds identified in Conditions 4 to 6 herein will require the filing of a specific design plan application and a new staging plan reflecting said changes must be included with the application.
8. Pursuant to the conditions imposed by the Prince George’s County District Council on Zoning Application A-9763-C, prior to approval of each specific design plan for residential uses, the applicant shall demonstrate, to the satisfaction of the Planning Board and the District Council, that prices of proposed dwelling units will not be lower than the following ranges (in 1989 dollars):

Single-Family Detached:	\$225,000-500,000+
Single-Family Attached:	\$150,000-200,000+
Multifamily dwellings:	\$125,000-150,000+

In order to insure that the prices of proposed dwelling units are reflective of dollar values for the year in which the construction occurs, each specific design plan shall include a condition requiring that, prior to approval of each building permit for a dwelling unit, the applicant shall again demonstrate that the price of the dwelling unit will not be lower than the ranges above (in 1989 dollars).

Ordered this 14<sup>th</sup> day of March, 2011, by the following vote:

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

Opposed: Council Member Lehman.

Abstained:

Absent:

Vote: 8-1

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: \_\_\_\_\_  
Ingrid M. Turner, Chair

ATTEST:

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