Case No.: CDP-0301

Applicant: Norair Corp., Summerfield Investors, LLP

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 entire record, that the Planning Board's decision in Resolution PGCPB No. 03-181, approving with conditions a Comprehensive Design Plan for 900 dwelling units and 60,000 square feet of retail uses on property described as approximately 91.9 acres of land in the L-A-C Zone, located at the intersection of Garrett A. Morgan Boulevard, Central Avenue (MD 214), and Ridgefield Boulevard, Landover, is hereby:

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.

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

1. Prior to certification of the Comprehensive Design Plan, the Comprehensive Design Plan drawings and text shall be revised to incorporate the following or the indicated information shall be provided:

    a. The net area available for development in the four quadrants to the north and south of the Metro station and the east and west sides of Garrett A. Morgan Boulevard.

    b. Notes demonstrating the degree of compliance of the subject Comprehensive Design Plan with the 2002 General Plan

development pattern policies for the Developed Tier and regional center designation for the Morgan Boulevard Metro Station.

c. A continuous minimum eight-foot-wide sidewalk or trail along the subject site's entire road frontage on the west side of Morgan Boulevard to complement the existing trail on the east side of Morgan Boulevard.

d. A pedestrian connection from the end of Willow Hill Drive to Morgan Boulevard, from the end of Willow Hill Drive to Metro, from Morgan Boulevard, through the East Village, and to the existing trails abutting the subject site in the adjoining Summerfield community.

2. Prior to certification of the CDP, the CDP and TCPI shall be revised to:

a. Show the centerline of the stream, the 50-foot stream buffer, the 100-year floodplain, the nontidal wetlands, the 25-foot wetland buffer, steep slopes with highly erodible soils, adjoining thereto and severe slopes. The maximum limit of these features shall be delineated and labeled as the Patuxent River Primary Management Area (PMA). Wetland delineation and 100-year floodplain study shall be submitted.

b. Minimize or eliminate impacts to PMA except where the road crossings, sewer connections, and storm drain outfalls are required. Where crossings are required, they shall be placed at the point of least impact as determined by the Environmental Planning Section.

c. Show the location of a potential regional stormwater lake proposed by WSSC/DER, or a copy of the Stormwater Concept Approval Letter and Plan shall be submitted.

d. At the time of the review of the Preliminary Plan, the following Basic Plan consideration shall be evaluated:

In order to address the compatibility of adjacent land uses, the CDP shall show a minimum 100-foot vegetated buffer on the Summerfield site where there is existing residential development adjacent to the boundary, and a minimum of 50-foot buffers on Manor Farm where there are undeveloped adjacent residential

properties. Existing vegetation will be supplemented where necessary.

e. Show the estimated location of the 65 dBA Ldn noise contour along Garrett A. Morgan Boulevard and along the Metro line as appropriate.

f. Place on both plans in large bold type the following note:

"This plan provides a conceptual layout for the proposed development of this site that has not considered the presence of Marlboro clay. The location and characteristics of this clay could significantly reduce the developable area of this site resulting in a loss of residential and/or commercial density."

3. Prior to certification of the CDP, the FSD plan shall be revised to show the soil K factors in the text and on the plan.

4. Prior to certification of the CDP, TCPI/27/03 shall be revised as follows:

a. The layout of the site shall be revised to conform to the CDP, the Woodland Conservation Ordinance, and the approved conditions of the CDP.

b. The worksheet shall be revised to reflect the correct amount of the gross tract area and to show the correct area of proposed woodland clearing based on the revised CDP.

c. Revise the notes on the plan required exclusively for Type I Tree Conservation Plans. Fill in all the required information and revise the clearing penalty to read $1.50 per square foot.

d. Add the following notes to the TCPI in large bold type:

(1) This TCPI is a conceptual plan associated with the Conceptual Design Plan only and does not approve the final locations of roads, lots or utilities.

(2) TCPI/27/03 shall be revised with the Preliminary Plan of Subdivision and the proposed PMA impacts will be further evaluated at that time. The PMA impacts shown on this plan are not considered approved with this plan.

(3) Conceptual grading, conceptual structure locations and a realistic limit of disturbance will be evaluated with the revised TCPI during the review of the Preliminary Plan of Subdivision.

e. The revised plans shall be signed and dated by the licensed landscape architect, licensed forester or other qualified professional who prepared the plan.

5. The Woodland Conservation Threshold portion of the requirement (8.97 acres) shall be satisfied as on-site preservation of priority woodlands. The balance of the requirements may be satisfied by additional on-site preservation, on-site reforestation, or at an approved off-site mitigation bank in the Developing Tier. If the project is phased, woodland on-site that will be cleared in the future can be used to meet the requirements until such time as the off-site mitigation requirement is applicable.

6. No Specific Design Plans for residential development shall be submitted on the subject property south of the Metro station until a building permit is issued for a minimum of 50,000 square feet of commercial uses to the south of the Metro station including at least 3 acres on the property encompassed by the subject CDP.

7. The applicant, his successors, and/or assigns, shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.

8. The improvements at Garrett A. Morgan Boulevard at East Village/West Village access shall include modification of the intersection to provide left-turn bays at the median break to serve the site accesses.

9. The plan shall be revised to provide a vehicular connection to the end of the street, Section B as identified in the Comprehensive Design Plan to the western property line at M-NCPPC Parcel 14.

10. The two narrow commercial parcels on the west side of Garrett A. Morgan Boulevard and on the southernmost side of the Metro station shall be developed only in conjunction with and as closely integrated portions of a larger mixed-use development encompassing a significant aggregation of the parcels northwest of the intersection of Garrett A. Morgan Boulevard and Central Avenue (MD 214).

11. The applicant shall provide an approved fire suppression system or other fire suppression system acceptable to the Prince George's County Fire Department to be installed in all structures.

12. At time of Preliminary Plan submittal, a TCPI shall be submitted that includes the following:

    a. Elimination of isolated woodland conservation areas by adjusting the layout and providing larger contiguous forest areas in the vicinity of the PMA and thus further minimizing proposed PMA impacts.

    b. The location of all sewer and water lines and stormwater outfalls including those connecting to existing facilities located outside the limits of this application.

    c. Mitigation of any off-site clearing at a 1:1 ratio for all woodlands cleared as part of TCPI/27/03.

13. The Preliminary Plan of Subdivision shall be designed to preserve the PMA to the fullest extent possible. If impacts are proposed, a Letter of Justification shall be submitted with the Preliminary Plan application. It shall include a description and justification of each proposed area of impact. The impacts to each feature of the PMA shall be quantified and shown on 8-1/2 x 11-inch sheets.

14. As part of the submission package for the Preliminary Plan, a copy of the currently approved Stormwater Management Concept Plan and letter shall be included.

15. Prior to the acceptance of the Specific Design Plan and prior to submittal of the technical Stormwater Management Plans, the applicant shall coordinate a meeting with the Department of Environmental Resources, Stormwater Management Review Section, and M-NCPPC, Environmental Planning Section, to discuss the constraints of the site and to ensure a coordinated review during the last phase of review.

16. At the time of the Specific Design Plan, the following shall be shown on the Specific Design Plan drawings:

    a. A continuous minimum eight-foot-wide sidewalk or trail along the subject site's entire road frontage on the west side of Morgan Boulevard to complement the existing trail on the east side of

Morgan Boulevard and allow for safe pedestrian travel to and from the Metro and FedEx Field.

b. A pedestrian connection from the end of Willow Hill Drive to Morgan Boulevard. In areas where the connection is located along planned roadways, a six-foot-wide sidewalk can be substituted for the trail.

c. A pedestrian connection from the end of Willow Hill Drive to Metro to link the existing communities and the subject site to Metro immediately to the south. In areas where the pedestrian connection is located along planned roadways, an eight-foot-wide sidewalk can be substituted for the trail.

d. A pedestrian connection from Morgan Boulevard, through the East Village, and to the existing trails in the adjoining Summerfield community which abuts the subject property.

e. Standard sidewalks along both sides of all roads.

f. Comprehensive trail and sidewalk map showing the proposed location of all master plan trails, feeder trail connections and sidewalks.

g. HOA feeder trails a minimum of six feet wide and asphalted.

h. Appropriate pedestrian safety measures such as well marked crosswalks, signage, adequate lighting and curb bump outs.

i. Appropriate in-road bicycle facilities along some internal roads on the subject site in keeping with the 1999 ASSHTO Guide for the Development of Bicycle Facilities.

j. Location of private recreational facilities. The location and adequacy of the private recreational facilities shall be reviewed by the Urban Design Section.

17. Prior to approval of a Specific Design Plan for the subject property, the applicant shall:

a. Submit acceptable signal studies to DPW&T at Garrett A. Morgan Boulevard at Metrorail access/site access (to be installed by others)

and the modification of the intersection to provide a left-turn bay to serve the site access.

b. Submit acceptable traffic signal warrant studies to DPW&T at Garrett A. Morgan Boulevard at Ridgefield/site access. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T. The improvements at this location shall include the modification of the intersection to provide a left-turn bay to serve the site access.

c. Submit acceptable traffic signal warrant studies to DPW&T at Garrett A. Morgan Boulevard at Fieldstone/site access (during review of the preliminary plan, the need for this study and resulting signal installation may be waived by DPW&T upon review of traffic operations along Garrett A. Morgan Boulevard). The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If a signal is deemed warranted by DPW&T at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property, and install it at a time when directed by DPW&T. The improvements at this location shall include the modification of the intersection to provide a left-turn bay to serve the site access.

18. Prior to the issuance of any grading permits which impact the Waters of the U.S., nontidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or state permits shall be submitted.

19. The following road improvement has been identified as needed for transportation adequacy.

a. At the MD 214/Ritchie Road/Garrett A. Morgan Boulevard intersection, construction of a second westbound left-turn lane along the MD 214 approach.

At the time of Preliminary Plan submittal, a Traffic Impact Study shall be submitted which includes further analysis of the impact on area traffic of the construction of the Ritchie Marlboro/I-95 interchange. This improvement, or other improvement(s) which achieve adequacy as

determined by the Transportation Planning Section in phase with development, may be required for approval of the Preliminary Plan of Subdivision.

20. Prior to certification of the CDP, the applicant shall provide total residential acreage and total commercial acreage (including residential and commercial areas to the north and south sides of the Metro station).

21. Prior to certification of the CDP, the applicant shall submit additional information regarding green areas for the commercial uses and landscaping of parking lots to qualify for a 10% increase in gross floor area (12,824 square feet).

22. The applicant shall provide better connectivity by providing the proposed trails and shall provide or make a good faith effort to work with WMATA to provide a covered sidewalk of sufficient width to connect the Metro station to Garrett A. Morgan Boulevard to qualify for a 10% increase in dwelling units (77 units) and a 5% increase in FAR (6,412 square feet).

Ordered this 27th day of January, 2004, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Hendershot

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:_____
Tony Knotts, Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council