

Case No.: CDP-0504

Applicant: Washington Park Estates, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH ADDITIONAL CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 05-269 to approve with conditions a comprehensive design plan for 827 single-family dwellings, 662 detached and 165 attached, on property known as Bevard East, described as approximately 562 acres of land in the R-L Zone, located on the southeast side of Piscataway Road, approximately 7,000 feet south of its intersection with Steed Road, with frontage on Tippet Road (approximately 500 feet south of Robinson Road), and on Thrift Road (directly across from Sears Lane), in Clinton, 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. The applicant shall dedicate to M-NCPPC 14± acres of developable land for future parkland as generally shown on attached Exhibit "A" at the time of the first final plat of subdivision.
2. Prior to signature approval of the CDP, the applicant shall submit a conceptual grading plan including a stormwater management pond for the park parcel. If it is determined that the facilities (baseball field, soccer field, 100- space parking lot, playground, picnic shelter, basketball court, trails, storm water management pond) cannot be accommodated on the park parcel, the boundaries of the parcel shall be enlarged. The revised boundaries shall be approved by the Department of Parks and Recreation.

3. The land to be conveyed to M-NCPPC shall be subject to the conditions of the attached Exhibit B.
4. Construction drawings for the recreational facilities on public parkland shall be reviewed and approved by the Park Planning and Development staff prior to certificate approval of the first specific design plan.
5. Prior to submission of any final plats of subdivision, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with M-NCPPC for the construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
6. The applicant shall submit to DPR a performance bond, a letter of credit or other suitable financial guarantee, for the construction of the public recreation facilities in the amount to be determined by DPR, at least two weeks prior to issuance of grading permits.
7. The recreational facilities on dedicated parkland shall be constructed prior to issuance of the 50th building permit.
8. The applicant, his heirs, successors and/or assignees shall make a monetary contribution of a minimum \$2,000,000 toward the construction of the Southern Region Community Center in three phases:
 - a. \$200,000.00 for the design and engineering of the community center shall be paid prior to the issuance of the 50th building permit.
 - b. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 200th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
 - c. \$ 900,000.00 for the construction of the community center shall be paid prior to issuance of the 400th building permit. Beginning from the date of issuance of the 50th building permit, this amount shall be adjusted for inflation on an annual basis using the Consumer Price Index (CPI).
9. Depending on the type of roadway required by the Department of Public Works and Transportation, one of the following shall be shown on the specific design plan and provided:

- a. If a closed section road is required, the applicant shall construct an eight-foot-wide Class II trail along the site's entire road frontage of Thrift Road.
 - b. If an open section road is required, the applicant shall provide wide asphalt shoulders along the subject site's entire road frontage of Thrift Road and a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of one "Share the Road with a Bike" sign. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit.
- 10. Prior to acceptance of the applicable specific design plans, the following shall be shown on the plans:
 - a. The APA designation area shall be shown.
 - b. The community building shall be shown as a minimum of 5,000 square feet, in addition to the space proposed to be occupied by the pool facilities.
 - c. The swimming pool shall be approximately 25 meters long and 40 feet wide with a 30-foot by 30-foot training area.
- 11. On the appropriate specific design plan, the applicant shall provide the following:
 - a. An eight-foot-wide asphalt HOA trail from the southernmost cul-de-sac to the proposed trail immediately to the north in the vicinity of the stormwater management pond.
 - b. An eight-foot-wide asphalt HOA trail from one of the cul-de-sacs west of the main stream valley to the main north-south trail that is proposed.
 - c. Trails within and to the proposed public park as generally indicated on the CDP illustrative plan.
 - d. Trail connections from the proposed public park to Roulade Place and Mordente Drive, as indicated on the CDP illustrative plan.
 - e. A wide asphalt shoulder along the subject site's entire road frontage of MD 223 in order to safely accommodate bicycle traffic, unless modified by SHA.

- f. Standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
- 12. Prior to certification of the CDP, the approved Natural Resources Inventory, NRI/40/05, shall be submitted to become part of the official record for the comprehensive design plan.
- 13. During the review of proposed impacts as part of the preliminary plan review process, impacts to sensitive environmental features shall be avoided. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole. All impacts to sensitive environmental features that require mitigation by subsequent state or federal permits shall provide the mitigation using the following priority list:
 - a. On site;
 - b. Within the Piscataway Creek Watershed; and
 - c. Within the Potomac River watershed.
- 14. Prior to certification of the comprehensive design plan, the Type I tree conservation plan shall be revised to:
 - a. Provide all required woodland conservation on-site;
 - b. Revise the worksheet as needed; and
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
- 15. Prior to certification, the comprehensive design plan and TCPI shall be revised to show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.
- 16. The preliminary plan of subdivision shall provide for minimum 40-foot scenic easements adjacent and contiguous to the proposed 10-foot public utility easements along the land to be dedicated for Piscataway Road and Thrift Road. No part of any scenic easement shall be on a lot.
- 17. Prior to acceptance of each specific design plan, the applicant shall submit an overall open space plan with calculations for areas of tree preservation, wetlands, and floodplain, to ensure preservation of areas approved as open space per CDP-0504.
- 18. Prior to signature approval of the CDP, the following revisions shall be made:

- a. The plans shall be revised to be in conformance with condition No. 12 of A-9967.
- b. The plans shall be revised to demonstrate that the lots located along the secondary entrance road from Tippet Road shall be a minimum of 20,000 square feet in size and have a frontage width of 80 feet at the front street line.
- c. The plan shall be revised to indicate the APA 3M and APA 6.
- d. Four copies of the final version of the Phase I archeological investigation shall be submitted (with the comments addressed) to the Planning and Preservation Section.
- e. The plans shall be revised to add lots along the main entrance road, across from the park, to be sized in the medium lot size category, have a minimum 80-foot width at the front street line and be served by an alley. Further, the lots continuing along the main road to the first intersection shall be enlarged to the medium lot size and the same 80-foot width at the front street line.
- f. The green area formed at the intersection of lots on the northwest side of the first circle along the main entrance road shall be designated as a buildable lot.

19. The recreational facilities shall be bonded and constructed in accordance with the following schedule:

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Public Park	Prior to the issuance of any building permits	Complete by 50th building permit overall
Recreation center Outdoor recreation facilities	Prior to the issuance of the 200th building permit overall	Complete by 400th building permit overall
Recreation Center Building and pool	Prior to the issuance of the 200th building permit overall	Complete before the 400 th building permit overall
Pocket Parks (including Playgrounds) within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
Trail system Within each phase	Prior to the issuance of any building permits for that phase	Complete before 50% of the building permits are issued in that phase
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25%, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

20. Prior to the approval of a specific design plan for architectural elevations, the following shall be demonstrated:
- The most visible side elevations of single-family detached or attached units on corner lots and other lots whose side elevation is highly visible to significant amounts of passing traffic shall have a minimum of three architectural features such as windows, doors and masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.
 - All single-family detached dwellings shall not be less than 2,200 square feet of finished living area.

- c. No two houses directly adjacent to each other or across the street from one another should have the same elevation.
- d. Brick end walls shall be used on highly visible end units of townhouses, to be determined at the time of the specific design plan.

21. The following standards shall apply to the development:

Bevard East Standards Proposed

	SFA	SFD		
Lot Size	1,800 sf	6,000-10,000 sf	10,000-19,999 sf	20,000+ sf
Minimum width at front street R-O-W***	N/A	50 feet*	60 feet*	70 feet*
Minimum frontage on cul-de-sacs	N/A	30 feet*	30 feet*	35 feet*
Maximum lot coverage	400 sf yard area**	60%	50%	40%
Minimum front setback from R-O-W	15 feet	20 feet	25 feet****	25 feet
Minimum side setback	None	5 feet	17/8 feet	17/8 feet
Minimum rear setback	None	20 feet	25 feet	25 feet
Minimum corner setback to side street R-O-W	10 feet	15 feet	15 feet	15 feet
Maximum residential building height	40 feet	35 feet	35 feet	35 feet
Approximate percentage of total lots	20 percent	60 percent	10 percent	10 percent

Variations to the standards may be permitted on a case-by-case basis by the Planning Board at the time of specific design plan if circumstances warrant.

*Except minimum lot frontage for flag lot configurations shall be 25 feet.

**Except that the yard area may be reduced to 300 sf for decks.

***Except that the minimum lot width at the front street line shall be no less than 80 feet for the lots adjacent to Piscataway Road, the main entrance drive from Piscataway Road to the first intersection, and along the secondary entrance from Tippet Road to the second intersection.

****Except that on the lots across from the park, the front yard setback shall be no less than 30 feet.

22. Every specific design plan shall include on the cover sheet a clearly legible overall plan of the project on which are shown in their correct relation to one another all phase or section numbers, all approved or submitted specific design plan numbers, all approved or submitted tree conservation plan numbers, and the number and percentage.
23. Prior to the issuance of any building permits within the subject property, the following road improvements associated with the phase shall (a) have full financial assurances, or (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - A. MD 223/Old Branch Avenue/Brandywine Road: Reconstruct the intersection to provide two through lanes, an exclusive right-turn lane, and an exclusive left-turn lane on both the eastbound and westbound approaches, and provide an exclusive through lane, an exclusive right-turn lane, and an exclusive left-turn lane on both the northbound and southbound approaches. Modify traffic signal, signage, and pavement markings as needed.
 - B. MD 223/Temple Hill Road: Construct a second through lane along the south/westbound MD 223 approach. Modify signals, signage, and pavement markings as needed.
 - C. MD 223/Steed Road: Reconstruct the intersection to provide a shared through/right-turn lane and a shared through/left-turn lane on the southbound MD 223 approach; a shared through/right-turn lane, an exclusive through lane, and an exclusive left-turn lane on the northbound MD 223 approach; and an exclusive left-turn lane and shared through/right-turn lane on the Steed Road approach. Modify signals, signage, and pavement markings as needed.
 - D. MD 210/Old Fort Road North: Modify the eastbound and westbound Old Fort Road approaches to provide an exclusive through lane, a shared through/left-turn lane, and an exclusive right-turn lane. Modify signals, signage, and pavement markings as needed.

24. Prior to the approval of the Specific Design Plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and Floral Park Road. 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 the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. Installation shall include the modification of the southbound approach to provide exclusive left-turn and right-turn lanes, and the modification of the eastbound approach to provide exclusive through and left-turn lanes. If it is determined at the time of Specific Design Plan review that certain geometric modifications are not needed for adequacy, the requirement may be waived by the Planning Board during approval of the Specific Design Plan.
25. Prior to the approval of the Specific Design Plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and Windbrook Drive. 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 the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency.
26. Prior to the approval of the Specific Design Plan within the subject property, the applicant shall submit a revised acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of MD 223 and the site entrance. 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 the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. Installation shall include the construction of the minor street approaches to include exclusive right-turn and shared through/left-turn lanes on each, and the modification of the eastbound approach to provide exclusive through and left-turn lanes along with a second through lane that can be shared with right turns. If it is determined at the time of

Specific Design Plan review that the second eastbound through lane is not needed for adequacy, the requirement may be waived by the Planning Board during approval of the Specific Design Plan.

27. This Comprehensive Design Plan, CDP-0504, shall be modified to note that the A-65 facility, as shown on the Subregion V Master Plan, crosses the subject property.
 - (a) The CDP shall have a note, which note shall be included on all preliminary plans of subdivision and all specific design plans for the Bevard East property, reciting all points of this condition.
 - (b) Prior to final approval of the record plat for the area of SDP-0516, or any other specific design plan for the property that would contain any right-of-way for A-65, the applicant or successors or assigns shall dedicate all right-of-way necessary for A-65, as negotiated with the M-NCPPC and DPW&T on the Bevard East property. SDP-0516 shall be revised to show this dedication.
 - (c) The applicant or successors or assigns will be required to construct all or a portion of the A-65 highway on the Bevard East property, as determined by DPW&T.
28. The non-standard typical section shown for secondary public streets within the subject property shall be specifically approved by DPW&T in writing prior to Specific Design Plan approval.
29. The Comprehensive Design Plan shall be modified to show that following streets as primary streets, with a final determination of function (i.e., primary or secondary) to be made during review of the preliminary plan of subdivision:
 - (a) The street that is proposed to stub into the adjacent Wolfe Farm property.
 - (b) The street that serves approximately 80 townhouse lots and several single family lots in the south central section of the site.
30. The arrangement of townhouses fronting on public streets shall be reviewed with DPW&T and M-NCPPC staff prior to the approval of the preliminary plan. Such an arrangement may not receive preliminary plan approval without the concurrence of DPW&T.

Ordered this 6th day of June, 2006, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Exum

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