

Case No. SP-06080

Applicant: GKG Partnership, LLC

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. 07-225, to approve with conditions a detailed site plan for the construction of 247 townhouse, 82 two-family, and 168 multifamily residential condominium units, as well as private recreational and stormwater management facilities, for a project referred to as D'Arcy Park North, on property described as approximately 72 acres of land in the R-R Zone, on the northeastern quadrant of the intersection of the Capital Beltway (I-495) and D'Arcy Road, Forestville, is:

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 certification of the plans for the project, the following revisions shall be made or additional information submitted:
 - a. Relocate the intersection of "Road A" and "Street F" to a location more internal to the site. Such redesign shall be approved by the Transportation Planning and Urban Design Sections as designees of the Planning Board.
 - b. Applicant shall procure signature approval of Preliminary Plan of Subdivision 4-05113 and TCP I/22/06.
 - c. Two-over-two (two-family) dwelling units are permitted, as shown in the applicant's plans. The Council specifically finds that these uses are permitted, as shown by the applicant, notwithstanding contrary staff and Planning Board suggestions in the record.

- d. The parking schedule shall be revised to reflect the shift in unit types from two-family to townhouse, if necessary.
- e. Garages shall be shown and particularized on the plans. All front-loaded garage doors shall be carriage style with decorative hinges and handles and shall be a color chosen from a palette to be developed by the applicant, which shall not contain white. Colors shall harmonize with other colors on the façade on which the garage door is located. The applicant shall specify in what instance each color is to be utilized so as to ensure a pleasing final aesthetic composite design. The color palette and final design of all such garage doors shall be approved by the Urban Design Section as designee of the Planning Board.
- f. Revise the architectural elevations so that townhouse sticks containing 7 or 8 units will have no more than two adjacent units without gables or dormers and townhouse sticks containing 6 units or less shall have no more than 1.
- g. Revise the Landscape Plan to provide necessary landscaping schedules pursuant to Sections 4.1(f), 4.1(g) and 4.3(c) of the *Landscape Manual*.
- h. Revise the 4.7 schedule for the bufferyard required between the townhouse and multifamily units and adjacent single-family detached uses, shown as Bufferyard No. 1 on the plans, to reflect the separate requirements of these two use categories.
- i. Provide detailed samples of the proposed construction material for the retaining walls. Materials shall be a masonry product and shall be approved by Urban Design staff as designee of the Planning Board.
- j. Revise the plans to indicate the height and the top-of-wall and bottom-of-wall elevations of each retaining wall at regular intervals (no greater than 40 feet) along the length of the wall.
- k. Include construction details of all elements of the entry feature at the intersection of Road A and D'Arcy Road including the square footage of lettering area for the gateway sign to be reviewed and approved by the Urban Design Staff as designee of the Planning Board.
- l. Revise the architecture of the multifamily buildings to indicate that all optional windows on the side elevations shall be standard and the side elevations revised to meet the design principle of the 2007 sector plan that suggests the creation of varied architecture, avoiding flat façades, and providing shadows and relief using the sketch offered by staff at the public hearing as a guide. Such redesign shall be approved by the Urban Design Section as designee of the Planning Board.

- m. Revise the architecture of the single-family attached units to provide a minimum of two standard endwall features on all side elevations and three endwall features on all highly visible side elevations. Indicate on the architectural elevations which feature will be standard for the highly visible units. Such choice shall be approved by the Urban Design Selection as designee of the Planning Board.
- n. The applicant shall provide a materials board that shall be approved by the Urban Design Section as designee to the Planning Board.
- o. Include a note on the plans that townhouse facades will range from 40 percent to 100 percent brick. The average brick content on all facades of the attached housing shall be a minimum of 76 percent. Each façade of the multifamily buildings, including the side elevations, shall utilize a minimum of 75 percent brick. A brick tracking chart shall be included on the plans.
- p. Proposed requirements regarding building set backs, setbacks for decks and additions, and greenspace shall be provided on the plans.
- q. The proposed aluminum fence in the community center area shall employ a sufficiently thick gauge of aluminum to ensure that it is durable and long-lasting. Samples of the same shall be approved by Urban Design staff as designee of the Planning Board.
- r. Revise the architecture to include architectural shingles on all models.
- s. The applicant shall include active recreational facilities proximate to each cluster of multi-family buildings in the northern portion of the site. One picnic area shall be provided for each multifamily building. The final design shall be approved by the Urban Design Section as designee of the Planning Board.
- t. Revise the architectural side elevations of all highly visible units, including the highly visible side elevations of the multifamily buildings, to include materials and detailing comparable in quality of design to the front façade. A list of the highly visible units shall be agreed upon by the Urban Design staff as designee of the Planning Board and applicant. Final design shall be approved by the Urban Design Section as designee of the Planning Board.
- u. Label the multifamily buildings to indicate which model will be used at each proposed location.
- v. Replace the Virginia Pines with another evergreen species and revise the landscape plans and planting schedules accordingly. Final selection shall be approved by Urban Design Section as designee of the Planning Board.

- w. Revise the detail for the dumpster enclosure to indicate that it will feature brick walls and vinyl gates. Final design shall be approved by Urban Design Section as designee of the Planning Board.
- x. Replace the 42-inch vinyl security fence proposed on top of the retaining walls with a brushed aluminum estate-style alternative.
- y. Revise the architecture of the Windsor model to include arched brushed aluminum railing in the large rectangular opening to the parking garage matching the material provided in the additional openings.
- z. The TCP II shall be revised to identify all proposed lots and parcels for the site.
- aa. Details and material samples for the proposed retaining wall/noise attenuation barrier shall be provided. Such details and materials shall be approved by the Environmental Planning Section for acoustical sufficiency and by the Urban Design Section as to aesthetics, both as designee of the Planning Board. The DSP and TCP II shall show a detail of the retaining wall/noise attenuation barrier and include the proposed materials and thickness of the barrier.
- bb. All plans shall be revised to show the existing and proposed easements. This shall include but not be limited to the required stormwater management easements, water easements, and sewer easements. Any woodland conservation within those easements shall be eliminated.
- cc. The current TCP II shall be revised to provide a phased worksheet. Phase I shall consist of woodland cleared under the current mining permit. Phase II shall consist of the proposed woodland clearing with this application.
- dd. The TCP II shall be revised to eliminate woodland within the limits of mining as being counted toward the woodland conservation requirement. If, after the permit is closed and all mining operations have ceased, woodland within the limits of mining still remain, that woodland may be counted as preservation if it is found to be adequate. The plan shall be revised accordingly and submitted for approval by the Planning Board or its designee.
- ee. Applicant shall furnish proof to Urban Design staff that WSSC's concerns regarding water and sewer facilities relative to the project have been addressed.
- ff. Applicant shall identify the unit in the first multifamily building to receive a Certificate of Occupancy to be temporarily utilized for recreational facilities until the completion of the facilities required by Condition 1.s. above and the details and specifications for the recreational facilities to be provided therein. Final design of such facilities shall be approved by the Urban Design Section as designee of the Planning Board.

- gg. Provide evidence from DPW&T that the subject DSP is consistent with the approved stormwater management plan.
- 2. The applicant shall construct the proposed community center and swimming pool prior to the issuance of the building permit that would allow construction of the 250th unit in the development.
- 3. The applicant shall construct the additional private recreational facilities (picnic area) required by Condition 1.s. above prior to the issuance of the certificate of occupancy for the multifamily building that they serve.
- 4. In conformance with the Approved Westphalia Sector Plan and approved Preliminary Plan 4-05116 (Condition 15 of PGCPB 06-220), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. The Approved Westphalia Sector Plan recommends that D'Arcy Road be designated as a Class III bikeway with appropriate signage. Because D'Arcy Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders or wide outside curb lanes are encouraged.
- 5. The following note shall be placed on the final plat:

“Prior to the approval of building permits for the proposed residential structures, the applicant, his heirs, successors and or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA or less. Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels between 65-75 dBA (Ldn) due to military aircraft overflights.”
- 6. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to Andrew's Air Force Base and noise levels related to military aircraft overflights. The property is approximately two miles from the north end of the runway. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to Andrew's Air Force Base and noise levels related to military aircraft overflights.

7. At time of final plat, bearings and distances shall describe a conservation easement. The conservation easement shall contain the Patuxent River Primary Management Area, and all adjacent reforestation/afforestation areas, excluding those areas where requests for impacts have been approved, and the plat shall be reviewed by the Environmental Planning Section prior to certification. 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 are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
8. Prior to the issuance of any grading permit, which impacts the waters of the U.S., non-tidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
9. All afforestation and associated fencing shall be installed prior to the issuance of the first residential building permit for the adjacent lots or parcels. A certification prepared by a qualified professional may be used to provide verification that the afforestation has 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.
10. Prior to the issuance of the first building permit for the project, the subject road improvements listed below shall: (1) have full financial assurances; (2) have been permitted for construction; and (3) have an agreed upon time table for construction with DPW&T:
 - a. Provide acceleration, deceleration and left-turn lanes at the intersection of Street A and Sansbury Road and D'Arcy Road, pursuant to DPW&T's guidelines.
 - b. Extend the median of Street A southward toward D'Arcy Road, to a length determined by DPW&T.
11. Prior to issuance of the first residential building permit, applicant shall revise the plans to include:
 - a. A mixture of deciduous and evergreen plant material in the median of Road A, subject to DPW&T approval.
 - b. Details of the proposed street lights, the design of which shall be approved by the Urban Design Section as designee of the Planning Board, unless modified by DPW&T due to a street light's location in its right-of-way.
 - c. Street trees along both sides of Road A, subject to DPW&T approval.

12. Multifamily buildings may include structures with rental or condominium regimes.
13. Consistent with the attachments to CR-2-2007, to upgrade the community of Little Washington, the applicant shall:
 - a. Ensure that trucking operations associated with the current Class III and mining operation on the applicant's property will cease, in order to reduce the amount of truck traffic in and around the Westphalia community.
 - b. At the time of the applicant's street construction permits, applicant shall work with the Department of Public Works & Transportation ("DPW&T"), to ensure that the design of intersection improvements at Lincoln Avenue will minimize the potential for dump trucks to utilize Lincoln Avenue as a truck thoroughfare.
 - c. At the time of the applicant's street construction permits, applicant shall work with DPW&T to design and construct sidewalks, to ensure connectivity from the new construction to Lincoln Avenue and South Cherry Lane, where right-of-way exists.
 - d. Prior to issuance of the first residential building permit, applicant shall provide the details of a gateway entrance feature at D'Arcy Road at the Capital Beltway. Review should include items such as architectural design, materials, and colors. The applicant shall provide an easement for the location of a gateway feature, if necessary. The design shall be approved by the Planning Board or the Urban Design Section as designee and shall follow gateway design guidelines in the Westphalia Sector Plan. Construction shall be concurrent with required road improvements for D'Arcy Road and Sansbury Road.
 - e. Prior to issuance of the first residential building permit, applicant shall work with the existing community of Little Washington, DPW&T, and M-NCPPC to design a community entrance sign for the Little Washington community. The entrance feature shall follow design guidelines in the Westphalia Sector Plan. Construction shall be concurrent with required road improvements for D'Arcy Road and Sansbury Road.
14. Consistent with Policy 3 of CR-2-2007, the applicant shall provide for the development and expansion of minority-owned business enterprises by utilizing available qualified business sources and resources, first, within the Westphalia Sector Plan Area and, second, within Prince George's County. The applicant pledges its faithful cooperation and best efforts to meet the goals and policies for minority participation in the Westphalia Sector Plan.

Ordered this 17th day of June , 2008, by the following vote:

In Favor: Council Members: Dean, Bland, Campos, Exum, Harrison, Knotts, Olson and Turner

Opposed:

Abstained:

Absent: Council Member Dernoga

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: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council