

Case No. SP-05083

Applicant: Rouse-Fairwood Development, LP

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. 06-57, to approve with conditions an infrastructure detailed site plan, SP-05083, for a project referred to as Fairwood, for 372 single-family detached lots in Phase II, Part Two, of the Fairwood project, on approximately 245.93 acres of land in the M-X-C Zone, on the north side of John Hanson Highway (US 50), east of Church Road, Mitchellville, 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 certificate approval of this detailed site plan, the applicant shall:
 - a. Provide the development regulations on the site plan.
 - b. Label the 10-foot-wide public utility easement along all public rights-of-way and the open space parcel to be conveyed to the Maryland-National Capital Park and Planning Commission. The location of the approved entrance shall be labeled on the site plan.
 - c. Provide the size of all the open space parcels on the site plan.
 - d. Provide a tracking table for the total approved number of dwelling units in the Fairwood Project.
 - e. Either provide evidence to the Urban Design Section that the layout inconsistency between the subject site plan and the WSSC approval record has been addressed, or revise the site plan to be consistent with the previous approval by the WSSC.

- f. Provide additional information regarding the 65 dBA line shown on the site plan.
- g. Revise the construction drawings for Church Road to include the provision of a commercial entrance (32 feet wide) to the community park parcel, and show the entrance on the detailed site plan.
- h. Revise the site plan and provide all trails and bikeways as follows:
 - (1) Master plan bikeway along Church Road;
 - (2) Neighborhood trail connection from existing Church Road to Parcel D;
 - (3) Neighborhood trail connection from Parcel D to the end of Alfalfa Field Court;
 - (4) Neighborhood trail connection to the Maryland-National Capital Park and Planning Commission parkland off Church Road;
 - (5) Provide 6-foot-wide trail connectors from Warner's Discovery Way between Lots 24 and 25, Block I, and from Camelot Field Court between Lots 58 and 59, Block I to the community park. Trails shall be designed and constructed in accordance with *Park and Recreation Facilities Guidelines*.
 - (6) Neighborhood trail connection from Hammermill Field to Maple Reach Court and/or Old Stage Road;
 - (7) Sidewalks along one side of all internal roads.

All trails shall either be on homeowners association or M-NCPPC lands.
- i. Add a site plan note to indicate the open space percentage that has been provided in APA-3M.
- j. Submit a Phase II noise study for Lot 317, Block II, to address the mitigation of noise to below 65 dBA in the entire rear yard area of the lot. The location and details necessary to implement the recommendations of the noise study shall be included.
- k. Revise TCPII as follows:
 - (1) Add a legend on all plan sheets, and include all graphic elements shown on the plan.
 - (2) Add a new line to the cumulative woodland conservation worksheet for the gross tract area for each phase in accordance with the standard phased woodland conservation worksheet format.

- (3) Use a different graphic to delineate all areas of woodland area being retained for afforestation but not part of the requirement, and add the graphic element to the legend.
 - (4) Remove the extra approval block for TCPII/186/03 from the cover sheet, because this plan will be signed as a revision to the existing approval.
 - (5) All Reforestation and afforestation areas shall be delineated on-site through the use of two-rail split-rail fences, a double row of trees of 1 to 1½ inch caliper at the time of planting placed 10 to 12 feet on center, or other afforestation protection measure that is aesthetically compatible with the development placed along the exposed edge. The locations and details for afforestation protection measures shall be specified on the Type II TCP.
 - (6) The edge of afforestation areas that are not located adjacent to lots, but are adjacent to areas which will be mowed and maintained, shall be delineated through signage, larger size plant materials, or other means found acceptable to the Environmental Planning Section. All details and notes necessary to implement the protection of afforestation edges shall be provided.
 - (7) After all revisions are made, the TCPII shall be signed and dated by the qualified professional who prepared it.
1. Provide information concerning concepts and techniques to be used at Fairwood to encourage the use of mass transit and reduce reliance upon single-occupancy vehicle trips.
 - m. Provide information on how the requirements of CB-51-2002 (such as density, heights, open area, lighting, and notification of homeowners) have been addressed and how the safety and compatibility of any proposed residential development with airport operations has been specifically addressed in each aviation policy area.
 - n. Revise the plan so that no more than 17 dwellings are located within that portion of APA -3M east of Church Road.
- 1A. All public, community, and homeowner lighting shall be full cut-off.
 - (1) The lighting on public streets shall be fully evaluated with the Department of Public Works and Transportation. With respect to homeowner lighting, the requirement for full cut-off lighting shall be incorporated into homeowner association (HOA) documents and shall be noted on the record plats, with compliance enforceable by any adjacent property owner, including, without limitation, the owners or users of Freeway Airport.

- (2) The exterior lighting for individual homes shall consist of full cut-off, post-mounted or wall-mounted lamps to prevent upward light transmission. Security lighting shall consist of wall-mounted, full cut-off fixtures to prevent upward light transmission. The use of ground-mounted spotlights or other similar up lighting for homes, trees, shrubbery or other features located on individual residential lots or on community property is prohibited.
 - (3) The specific lighting technology for public and community lighting and the language to be incorporated into the HOA documents and record plats shall be submitted with the DSP.
 - (4) The above requirements shall remain in effect only as long as Freeway Airport continues to operate as an airport.
 - (5) The requirements for individual home exterior lighting shall be included in each contract of sale for individual homes covered by this detailed site plan.
2. Prior to approval of the revised construction drawings for the park entrance by the Department of Public Works and Transportation, the Church Road improvements along the park parcel shall be reviewed and approved by the Department of Parks and Recreation. The park entrance shall be constructed concurrent with the construction by the applicant of the Church Road improvements.
3. Prior to issuance of the first building permit, the applicant shall file a revision to this infrastructure detailed site plan to be reviewed by the Planning Board to address the following issues:
 - a. The exact number, location, and installation timing of the proposed on-site recreational facilities shall be established.
 - b. The landscape buffering and screening of the lots along the realigned Church Road shall be thoroughly reviewed and evaluated to ensure that proper landscape measures have been put in place.
4. Prior to final plat for any part of the property covered in this infrastructure detailed site plan, the applicant shall:
 - a. Submit four copies of the final report of the Phase I Archeological Study to the Historic Preservation and Public Facilities Planning Section for review and approval.
 - b. Seek an archeological site number for the structural remains that comprise the archeological site, and complete a Maryland Inventory of Historic Properties Archeological Site Survey Form for the archeological site.

- c. Indicate on the plat the area to be dedicated to the Homeowner's Association, and place the archeological site under an easement that protects the archeological site.
- d. Record a Declaration of Covenant among the Land Record of the Prince George's County that shall include language notifying all future contract purchasers of homes in the community of the existence of a general aviation airport within approximately one mile of the community. The Declaration of Covenants shall include the General Aviation Airport Environment Disclosure Notice. At 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. If the Declaration of Covenants has been recorded, the applicant shall provide evidence of the recording reference in the Land Record of the Prince George's County.
- e. Place all approved afforestation areas in conservation easements that shall be described by bearings and distances. The conservation easement shall contain all afforestation areas and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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."

- 5. Prior to issuance of grading permit, if the applicant should disturb the archeological site, the applicant shall complete a Phase II Archeological Study for review and approval by the Planning Board or its designee.
- 6. Prior to issuance of the first use and occupancy permit (for houses covered in this DSP), the construction of Fairwood Parkway and Church Road shall be completed and the parkway and road shall be opened to traffic.
- 7. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Urban Design Section staff.
- 8. No Stormwater Management pond maintenance access shall be proposed on land owned by the Maryland-National Capital Park and Planning Commission without the prior written consent of the Department of Parks and Recreation (DPR). The DPR shall review and approve the location and/or design of these features. If such proposal is approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.

Ordered this 19th day of June, 2006, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Bland, Exum and Knotts

Vote: 6-0

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