

Case No.: SDP 0517

Applicant: Washington Park Estates, LLC
(Bevard East, Phase 5)

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 administrative record, that the Planning Board's decision in Resolution PGCPB No. 06-133, approving with conditions a specific design plan for construction of a residential subdivision (Bevard East, Phase 5) consisting of 103 single-family detached dwelling lots and a recreation facility, on property described as approximately 92.97 acres in the R-L Zone, located between Thrift Road and Piscataway Road, and between Tippet Road and Windbrook Drive, 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. Prior to signature approval, the following revisions to the plans shall be made:
 - a. Provide legible lot sizes, bearings and distances, and all dimensions of site improvements.
 - b. The ten-foot-wide public utility easement shall be labeled on all sheets along all public and private rights-of-way, as required by the public utility company.
 - c. Demonstrate all floodplain areas on the site plan.
 - d. Demonstrate the 25-foot setback from the floodplain on the site plan.

- e. The plans shall provide for additional landscaping around storm water management facilities.
- f. Provide Section 4.1 landscape schedules on the landscape plans.
- g. Add a note stating that development of this property shall conform to A-9967 and CDP-0504.
- h. Each sheet of the SDP shall label the parcel and lot numbers shown on that sheet and provide the acreage including the HOA parcels.
- i. The font size shall be increased to ensure that site plans that are microfilmed and copied are legible.
- j. The "M-NCPPC Approval" box shall be removed from the approval sheet; these plans will be affixed with a certificate of approval.
- k. The approval sheet shall include the conditions of the Basic Plan, A-9967.
- l. The applicant shall have a note added to the plans that when individual lots are sold, the applicant shall disclose to purchasers that Washington Executive Airpark is within one mile, that the subject application is located within Aviation Policy Area 6, and that all structures within that area are limited to 50 feet in height.
- m. The applicant shall submit to Department of Parks and Recreation (DPR), a performance bond, a letter of creditor 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.
- n. Play equipment shall be reconsidered so as to eliminate wood as a construction material. Play equipment substitutions shall be approved by the Urban Design Section as designee of the Planning Board.
- o. The feasibility of installing traffic calming measures and crosswalks at the following locations shall be determined in consultation between the applicant and the appropriate transportation agency, either SHA or DPW&T:

MD 223/Windbrook Drive
MD 223/Mary Catherine Drive
MD 223/entrance to Bevard North/Bevard East

The applicant shall be required to install any traffic calming measures and crosswalks that are deemed to be feasible and appropriate by the operating agencies. The result of such discussions shall be provided to planning staff in writing, and any required improvements shall be added as a note on any final plat.

- p. APA Zone 6 shall be correctly indicated on the subject design plans.
 - q. Add a note that no single-family dwelling unit may have gross floor area of less than 2,400 square feet.
2. Prior to the issuance of any building permits:
 - a. Each lot should be reviewed to ensure conformance to the development standards established by the approved CDP.
 - b. The architectural elevations shall be approved by the Planning Board in a separate umbrella architecture specific design plan (SDP-0605).
 - c. The plans shall be revised to add a tracking chart that demonstrates 60 percent of the units will have brick fronts.
 - d. Provide a chart to demonstrate the percentage of lot coverage on the site plans.
 - e. Provide all the setbacks and distances from the dwellings to the property lines.
 3. The applicant shall dedicate to M-NCPPC 14± acres of developable land for future parkland at the time of the first final plat of subdivision.
 4. The land to be conveyed to M-NCPPC shall be subject to the conditions attached as Exhibit B to CDP-0504.
 5. Prior to final plat, the applicant shall obtain signature approval of the specific design plan, signature approval of the basic plan, and signature approval of the comprehensive design plan.
 6. 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 this specific design plan or SDP-0514 or SDP-0517.
 7. Prior to submission of any final plats of subdivision:
 - a. 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.

- b. The applicant shall enter into a private RFA with M-NCPPC for the construction of recreation facilities on HOA lands. 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.
8. The applicant shall submit to DPR or DRD a performance bond, a letter of credit, or other suitable financial guarantee for the construction of the public and private recreation facilities, as appropriate, in the amount to be determined by DPR or DRD, at least two weeks prior to issuance of grading permits, for either the public or private lands.
9. The recreational facilities on dedicated parkland shall be constructed prior to the issuance of the 50th building permit for the overall site.
10. 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).
11. In conformance with the approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide an eight-foot wide asphalt HOA trail from Proposed Public Road J to the main north/south trail that is planned, as indicated on SDP-0514. This connection will provide more direct pedestrian access from this residential neighborhood to the proposed trail network and recreation facilities on the rest of the site.
 - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. All trails shown on Sheet 1 (cover sheet) of the subject application shall be marked and labeled on all 30- and 100-scale sheets in the approved SDP.

12. Prior to signature approval of TCP II/72/06 the applicant shall:
 - a. Ensure that all tree protection fences are located only where appropriate.
 - b. Show area #8 on sheet 7 as cleared and revise the worksheet on sheet 2 and table on sheet 1.
 - c. Account for off-site clearing
 - d. Revise the worksheet as needed.
 - e. Have the revised plan signed and dated by the qualified professional who prepared the plan.
13. 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.

Ordered this 30th day of October, 2006, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Dean and Hendershot

Vote: 7-0

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