

Case No.: SDP-1202 Canter Creek
Phase One

Applicant: Walton Canter Creek Dev. LLC

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

ORDER OF REMAND

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No.12-102, approving with conditions a revision to Specific Design Plan SDP-1202, for infrastructure, which includes clearing, grading, frontage improvements, street, pipe, storm water pond, landscaping, and equestrian trail construction, for Phase One, located on the west side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Planning Area 82A, within the Developing Tier, and Council District 9, is:

REMANDED, pursuant to §27-132, §27-523, and §27-258.01 of the Zoning Ordinance, to the Planning Board to take further testimony and reconsider its decision as follows:

1. This application request, infrastructure for phase one, was filed in June 2012. Condition 8, Consideration 2 of the Basic Plan A-9738-C states:
 - The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources (DER).

A letter, dated September 22, 2009, from the Associate Director of Department of Public Works & Transportation (DPW&T) was submitted which indicated that the floodplain study, FSP No. 900058, approved on November 20, 1989, remains valid. PGCPB No. 12-102 at 7.

On remand, if DPW&T is the current agency that approves 100-year floodplain elevations, Planning Board shall take further testimony from the Associate Director of DPW&T on the validity of a 100-year floodplain study that is over 20 years old or the feasibility of submitting a new 100-year floodplain study.

After receiving this evidence or testimony into the record, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A-9738-C.

2. This application was subject to a preliminary plan condition 3 since 2009, which states:
 - Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions. PGCPB No. 12-102 at 17, 26.

This application was filed on June 2012 without documentation from the applicant or from DPW&T that the subject SDP is in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.

On remand, and pursuant to Section 8 of the Planning Board Rules of Procedure, until the final decision is made, the applicant shall be allowed to present written documentation from DPW&T that the subject SDP is in conformance with Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.

If the documentation from DPW&T indicates that the subject SDP is not in conformance with Stormwater Management Concept Plan, 8327602-2000-04, and any subsequent revisions, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A-9738-C.

On remand, Planning Board and Technical Staff shall evaluate and process this SDP to determine whether Stormwater Management Concept Plan, 8327602-2000-04, and any subsequent revisions conforms to the County's current stormwater management guidelines or whether revisions are necessary.

3. On remand, Community Planning South shall provide comments on this SDP. After receiving comments from Community Planning South, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A-9738-C and conformance with the *1993 and 1994 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area* (Planning Areas 79, 82A, 82B, 86B, 87A, 87B).
4. The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding communities. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a specific timetable and delineate responsibilities, including funding sources, for

the construction of the facilities. In formulating this plan, the applicant shall have met and consulted with the M-NCPPC Parks and Recreation staff, the Brookwood-Hollaway Civic Association, and the Williamsburg Estates Citizens Association.

Ordered this 12th day of February, 2013, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson, and Toles.

Opposed:

Abstained:

Absent: Council Member Turner

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: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council