

Case No.: CDP-0303

Applicant: White House Road
Limited Partnership

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. 05-65, to approve with conditions a Comprehensive Design Plan, CDP-0303 (Kenwood Village), for a single-family residential subdivision, on R-S Zone property described as 63.10 acres of land on the south side of White House Road, approximately 1,410 feet east of its intersection with Ritchie Marlboro Road, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated in the Planning Board's resolution, whose decision is 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. Before approval of a specific design plan for the subject property, the applicant shall submit an acceptable traffic signal warrant study to DPW&T, for a possible signal at the intersection of White House Road at Harry S Truman 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 DPW&T. If a signal is deemed warranted by DPW&T, then the applicant shall bond the signal before release of building permits for the subject property, and shall install it when directed by DPW&T.

2. During review of the preliminary plan of subdivision, the appropriate point of transition from a 60-foot right-of-way to a 50-foot right-of-way along the major internal street shall be determined. The point of transition shall be consistent with typical practices, and shall consider lotting patterns and the overall internal street network.
3. If any portion of the 50-foot buffer required by condition 13 in the approvals of A-9802 or A-9803 will be used for woodland conservation, then larger caliper trees and permanent protection shall be provided, for the reforestation. The buffer area shall be placed in a permanent conservation easement.
4. The preliminary plan of subdivision application shall include a detailed soils study demonstrating that the site is geologically suitable for the proposed development.
5. Before comprehensive design plan certification, the existing tree lines on TCP-I/17/04 shall be corrected to show one continuous tree line, not multiple conflicting tree lines.
6. A revised Type I Tree Conservation Plan, TCP-I/17/04, shall be submitted as part of the preliminary plan of subdivision application. The revised TCP-I shall add the following information:
 - a. A refined limit of disturbance and conceptual grading proposed for the site.
 - b. All anticipated PMA impacts.
 - c. All stormwater management outfalls; on-site and off-site sewer and water connections; and road construction impacts adjacent to the property.
 - d. A table of proposed off-site infrastructure improvements associated with this application.
 - e. Labelling of each woodland conservation area with a distinct identifier, showing the acreage and type of woodland conservation.
7. The preliminary plan of subdivision application shall include a wetland study showing the streams and wetlands on this site.
8. All subsequent plan submittals for this property, including the preliminary plan of subdivision and the specific design plans,

shall further minimize the extent and number of anticipated PMA impacts as each phase of the development process involves more detailed information. Impacts solely associated with the creation of lots, are not allowed.

9. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall be approved by the Environmental Planning Section and shall contain the delineated Patuxent River Primary Management Area, except areas of approved impacts. 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 the prior written consent of the Planning Director. The removal of hazardous trees, limbs, branches, or trunks is allowed."
10. Before issuance of permits which impact wetlands, wetland buffers, streams, or Waters of the United States, the applicant shall submit to the Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
11. A copy of the approved stormwater management concept plan and approval letter shall be submitted with the preliminary plan of subdivision application.
12. The preliminary plan of subdivision application shall include a Phase I noise study addressing potential adverse noise impacts from existing and widened White House Road (A-36) along the northern property boundary.
13. The applicant shall convey to the M-NCPPC 14.1 acres of open space, as designated on Exhibit A. The land to be conveyed shall be subject to the conditions in Exhibit C.
14. The applicant shall dedicate 5,003 square feet off-site, as shown on Exhibit B. Before final plat, the applicant shall file for review and approval by Parks and Recreation a deed and metes and bounds description of the dedicated land. The land to be conveyed shall be subject to the conditions in Exhibit C.

15. The applicant shall construct an eight-foot-wide asphalt trail connector from the end of Street A, to and around the stormwater management pond to be built on dedicated parkland.
16. The applicant shall grade the portion of the parkland for the open play field, as shown on DPR Exhibit A.
17. The applicant shall construct a stormwater management pond on dedicated parkland, in accordance with applicable standards in the Parks and Recreation Facilities Guidelines. The pond shall be designed as a recreational amenity. For public safety and aesthetic reasons, the slope around the pond shall be gentle, generally 5:1 or less, the pedestrian trail system shall have seating areas, and the area around the pond shall have attractive landscaping.
18. 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 DPR prior to construction.
19. Before submission of a specific design plan (SDP), the applicant shall submit for review and approval by DPR a conceptual site plan for the improvements to be constructed on dedicated parkland.
20. Construction drawings for the park improvements shall be approved by DPR staff and not be unreasonably withheld, prior to signature approval of the SDP.
21. Before issuance of building permits for 50 percent of the lots, the applicant shall complete all improvements on dedicated parkland.
22. Before submission of a final plat of subdivision, the applicant shall enter into a Recreational Facilities Agreement (RFA), for construction of the trail and pond improvements and grading for open play fields on park property. 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 plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.

23. The applicant shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the park improvements in an amount to be determined by DPR, at least two weeks before applying for a grading permit.
24. Before conveyance of 14.1 acres to M-NCPPC, including a stormwater management pond, the applicant shall enter into joint multiuse stormwater management system maintenance agreements among the applicant, the County Department of Environmental Resources, and the Department of Parks and Recreation, for construction, operation, and maintenance of the stormwater management facility.
25. Before submitting a preliminary plan of subdivision application, the applicant shall identify archeological resources in the project area by conducting Phase I archeological investigations.

A qualified archeologist shall conduct all investigations and follow the Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole, 1994). These investigations shall be presented in a draft report following the same guidelines. The report shall follow the American Antiquity or Society for Historical Archeology style guide, and cite whether a submittal is a draft report or final report on the cover and inside cover page of the document, along with the relevant development case numbers.

Following approval of the draft report, four copies of the final report shall be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations will be required.

The design of a Phase I archeological methodology shall be appropriate to identify prehistoric and historic sites, including slave dwellings and burials. Documentary research shall include an examination of known prehistoric and historic archeological sites in the surrounding area, their physical locations as related to known structures, and their cultural interrelationships. The field investigations shall include a pedestrian survey, to locate attributes such as surface depressions, fieldstones, and vegetation common to historic structures and burial/cemetery environs, and shovel test excavations shall be at least at 20-meter or 50-foot intervals.

26. If it is determined that potentially significant archeological resources exist in the project area, then before Planning Board

approval of a preliminary plan of subdivision, the applicant shall provide a plan for:

- a. Evaluating the resource at the Phase II level, or
- b. Avoiding and preserving the resource in place.

The plan for Phase II work shall be approved by M-NCPPC staff prior to any further work.

- 27. Prior to specific design plan approval, the applicant shall include on the plans an eight-foot-wide, asphalt trail connection from the subject site to the property line for eventual connection to the proposed master plan trail along the Chesapeake Beach Railroad right-of-way, with the concurrence of the Department of Parks and Recreation.
- 28. Standard sidewalks shall be indicated on both sides of all internal roads, if approved by the Department of Public Works and Transportation.
- 29. The 50-foot buffers along the east and south boundaries shall be labeled as nondisturbance buffers, and a six-foot-high black vinyl clad chain link fence shall be indicated on the plans.
- 30. Before approval of a preliminary plan of subdivision and specific design plan for the site, the trails coordinator shall review and approve the design and location of the trails internal to the site.
- 31. The required side yard setback in Development Envelopes A through D shall be six feet, and the required side yard setback in Development Envelope E shall be eight feet.
- 32. At the time of preliminary plan of subdivision, adequate lot depth with respect to possible noise or visual impacts from adjacent White House Road shall be reviewed.
- 33. Before approval of a specific design plan for the project, the following design issue shall be analyzed and provided for, to the extent feasible:

Appropriate measures to ensure compatibility with the surrounding neighborhood, especially at the periphery of the site, including design techniques such as berming and augmenting screen plantings.

34. Before approval of a specific design plan, the applicant shall add a note to the plans that screening in the buffer running on both sides of the stream parallel to White House Road shall be provided, by leaving the wetlands in a natural state, except for the proposed (and approved) crossing.
35. The public vehicular access to the future master-planned neighborhood park shall be provided from Ritchie Marlboro Road. The access to the park from Kenwood Village shall be limited to pedestrian access only.
36. Trailhead facilities for Chesapeake Beach Railroad Trail at this location are not to be provided until the master-planned trail is under construction on adjacent property.
37. The potential dedication of land for Harry S Truman Drive through the subject property shall be reviewed at the time of Preliminary Plan approval and shall take into account the recommendations of the Westphalia Comprehensive Conceptual Planning Study (2005); the impacts on the proposed development; the status of other road improvements in the vicinity; the engineering constraints; the environmental impacts; and the general feasibility of the road extension.

Considerations

1. At the time of specific design plan review, the interface between the subject property and the farms to the south shall be reviewed in detail, with consideration of the Basic Plan fencing requirement, accommodation of applicable tree conservation requirements, and the request of property owners to the south for additional berming and screening.
2. At the time of specific design plan review, recreation facilities for subdivision shall be reevaluated and redesigned, so that recreation facilities are located near all lots. The facilities must include more than one centralized recreational facility. Existing or planned neighborhood park facilities adjacent to the subject site, and the trail head connection in its vicinity, shall not relieve the applicant of the responsibility to provide adequate recreation facilities proximate to all lots in the proposed subdivision.

Ordered this 17th day of October, 2005, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Harrington

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