

Case No.: FDP 0301

Applicant: Rouse Fairwood
Dev. Ltd. 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, and after hearing oral argument, that the Planning Board's decision in Resolution PGCPB No. 04-95, to approve a final development plan, FDP-0301, for single-family detached residential and community uses on M-X-C property described as approximately 348.27 acres of land in the northeast quadrant of the intersection of Church Road and John Hanson Highway (US Rt. 50), 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. Prior to certificate approval of this final development plan, the applicant shall:
 - a. Show a 20-acre portion of Community Use Area D to be dedicated to M-NCPPC for parkland as shown on Exhibit A attached to the Department of Parks and Recreation's memorandum (Asan to Zhang, February 5, 2004)
 - b. Specific information shall be provided in the FDP concerning the type and location of recreation facilities to be provided in Phase I, Part 4, and Phase II, Part 2, of Fairwood.
 - c. Revise the FDP text to include a discussion of the Patuxent River primary management area (PMA) and character of the proposed PMA impacts.

- d. Revise the FDP text to include a discussion of Church Road and how the scenic and historic character of Church Road will be protected.
 - e. Revise the FDP text to include a discussion of the sources of noise impact, the extent of those impacts, and mitigation techniques proposed to address these adverse noise impacts.
 - f. Revise page 29 of the FDP text to state that 50 percent of the landscaping for homeowners association land and community-use parcels including the areas to be afforested and reforested shall be native plants.
 - g. Revise page 33 of the FDP text to encourage the use of roofing materials that are compatible with the other architectural design features of the buildings.
 - h. All land to be dedicated to The Maryland-National Capital Park and Planning Commission shall be labeled as such. The plans and FDP text shall be modified as appropriate to include these areas.
 - i. Include the CB-51-2002 compliance text filed with the District Council as part of the FDP text, for future site plan review proceedings.
 - j. Revise the FDP plans to be consistent with the FDP text.
2. Trails shall be designed and constructed in accordance with Park and Recreation Facilities Guidelines and shall meet the latest recommendations of *the Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas* developed under Titles II and III of the Americans with Disabilities Act of 1990 (ADA).
 3. Prior to certificate approval of this FDP, staff and the applicant shall meet to determine which, if any, standards below are necessary to supplement or amend standards in this FDP. The development of single-family residential uses shall be subject to the following development standards:

Minimum lot size (Sq. Ft)	6,000	
Maximum lot coverage (%)	35	
Minimum lot width at front street line (Feet)	25	
	Frontage narrower than 50 feet *	Frontage wider than 50 feet
Minimum front yard (Feet)	30	20
Depth of rear yard without deck/with a deck (Feet)	20/10	25/10
Total of both side yards/ Minimum of either yard (Feet)	15/8	20/10

*Note: No more than 15 percent of lots as approved in Preliminary Plan of Subdivision 4-03128 shall have a lot frontage narrower than 50 feet.

4. At the time of detailed site plan (DSP), the following shall be accomplished or the following information shall be supplied:
 - a. A tracking table on each DSP to show the cumulative numbers of both the total residential units and townhouse units to ensure conformance to the allowable buildout for the Fairwood development.
 - b. The exact amount, location, and timing of installation of the proposed on-site recreational facilities shall be established.
 - c. 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.
 - d. The feasibility of the application of fully shielded outdoor lighting technology for both the public street and individual houses with regard to airport safety concerns shall be fully evaluated with the Department of Public Works and Transportation. The specific lighting technology shall be submitted with the DSP application.
 - e. The applicant shall provide information concerning concepts and techniques to be used at Fairwood that will encourage the use of mass transit and reduce reliance upon single-occupancy vehicle trips.
 - f. Show the location, type and width of all planned trails linking to the community park. A minimum of two connections, or one as agreed to by DPR, to the park from the subdivision shall be provided.
5. If Fairwood Parkway is not constructed in its entirety from Church Road to MD 450 at the time that Phase II of Fairwood begins to

discharge traffic onto Church Road, the applicant shall extend the existing right-turn lane along Church Road at MD 450. The extended lane shall be constructed to DPW&T requirements to a length of no less than 250 feet with taper.

6. If Fairwood Parkway is not constructed in its entirety from Church Road to existing MD 450 at the time that Phase II of Fairwood begins to discharge traffic onto Church Road, and if MD 450 has been relocated onto a new alignment by the State Highway Administration, the applicant shall widen existing MD 450 (which would be functioning as a service road at that time) to accept a double left-turn from northbound Church Road. This widening shall be constructed to the standards of the responsible operating agency.
7. The CB-51-2002 compliance text submitted by the applicant prior to District Council approval of FDP 0301 shall be consulted for detailed site plans which include properties in any Aviation Policy Area. No DSP may be approved which does not conform to approved FDP 0301, the applicant's CB-51-2002 compliance text and attachments, and the guidelines and requirements in Part 10B, Division 1, of the Zoning Ordinance.

Ordered this 4th day of October, 2004, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member 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: _____
Tony Knotts, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council