

Case No.: SDP 0514

Applicant: Washington Park Estates, LLC
(Bevard East, Phase 2)

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. 06-132, approving with conditions a specific design plan for construction of a residential subdivision (Bevard East, Phase 2) consisting of 194 single-family detached dwellings and 62 single-family attached dwelling units, on property described as approximately 169.63 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. The template sheet shall be revised to include the height and number of stories for each model type (not to exceed the CDP maximum height of 40 feet) and the dimensions and all the options for each model.
 - b. Provide legible lot sizes, bearings and distances, and all dimensions of site improvements.

- c. Identify all garages and number of spaces.
- d. Provide a parking schedule on the cover sheet listing all required and proposed parking for the townhouse portion of development, and adjust the plan accordingly.
- e. Identify all handicap accessible parking.
- f. The alley rights-of-way shall be separated from open space parcels between sticks of townhouses.
- g. The ten-foot-wide public utility easement should be labeled on all sheets along all public and private rights-of-way, as required by the public utility company.
- h. Demonstrate all floodplain areas on the site plan.
- i. Demonstrate the 25-foot setback from the floodplain on the site plan.
- j. The plans shall provide for additional landscaping around storm water management facilities.
- k. Provide Section 4.1 landscape schedules on the landscape plans.
- l. Add a note stating that development of this property shall conform to A-9967 and CDP-0504.
- m. Each sheet of the SDP shall label the parcel and lot numbers shown on that sheet and provide the acreage including the HOA parcels.
- n. The font size shall be increased to ensure that site plans that are microfilmed and copied are legible.
- o. The "M-NCPPC Approval" box shall be removed from the approval sheet; these plans will be affixed with a certificate of approval.
- p. The approval sheet shall include the conditions of the Basic Plan, A-9967.
- q. The plans shall provide details and specifications for the pavement design of the alley surfaces including a concrete edging designed to collect water runoff and/or to provide a visual edge to the right-of-way.

- r. Add a note to all appropriate plans that no single-family detached dwelling unit may have gross floor area of less than 2,400 square feet and no single-family attached unit may have gross floor area of less than 1,800 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. For the single-family detached dwellings, 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. For the single-family attached dwellings, the permit drawings shall include the proposed front elevations for each building stick for review and approval by the Urban Design Section, as designee of the Planning Board. The plans shall demonstrate a variety of model types sufficient to define each unit individually through the use of variation in roofline, window and door treatment.
 - e. Provide a chart to demonstrate the percentage of lot coverage on the site plans and a chart for yard area for the single-family attached lots.
 - f. Provide all the setbacks and distances from the dwellings to the property lines for the single-family detached units.
- 3. Prior to signature approval of this SDP, 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 and the parties of record for this case, in writing, and any required improvements shall be added as a note on any final plat.

4. 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.
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 the first specific design plan.
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. Prior to signature approval, the architectural elevations shall be modified as follows:
 - a. Lots 5 and 21, Block N, Lots 10 and 31, Block G, and Lots 5 and 27, Block H, shall be revised as follows:
 - (1) Each end wall shall have a minimum of three architectural features such as windows, doors or masonry fireplace chimneys, and these features shall form a reasonably balanced and harmonious composition.
 - (2) Each front facade and end wall shall be brick.
 - b. A standard deck shall be provided on all the townhouse units.
12. In conformance with the approved Subregion V Master Plan, the applicant and the applicant's heirs, successors, and/or assigns 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.
- 13. Prior to certification of the SDP, the cover sheet shall be amended to include the TCP II numbers for each companion SDP: SDP-0504, TCP II/71/06; SDP-0514, TCP II/72/06; SDP-0515, TCP II/73/06; SDP-0516, TCP II/74/06; and SDP-0517, TCP II/75/06.
- 14. The following note shall be placed on each final plat:

“Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans. All impacts to sensitive environmental features that require mitigation by state or federal permits shall provide the mitigation using the following priority list: (1) on-site, (2) within the Piscataway Creek Watershed, and/or (3) within the Potomac River watershed.”
- 15. Prior to certification of the specific design plan, the SDP and Type II tree conservation plan shall be revised to eliminate all impacts for which variation requests were not approved during the review and approval of Preliminary Plan 4-05050.
- 16. Prior to certification of the SDP, the SDP and TCPII shall be revised to revise all lots less than 20,000 square feet in area to ensure that no portion of any of the lots would be encumbered by a conservation easement.
- 17. Prior to certification of the specific design plan, the Type II tree conservation plan shall be revised to:
 - a. Eliminate all impacts to expanded stream buffers that were not granted variations during the review and approval of Preliminary Plan 4-05050.
 - b. Ensure that all tree protection fences are located only where appropriate.
 - c. Show the permanent fencing for planting areas in the legend and on the plans.
 - d. Provide minimum 40-foot cleared areas at the rear of every structure.

- e. Calculate all woodlands on lots less than 20,000 square feet in area as cleared.
 - f. Add a pattern to the legend and the plan to indicate all areas of woodland retained but calculated as cleared.
 - g. Revise the worksheet as needed.
 - h. Add the following note to each sheet of the TCPII that shows reforestation/afforestation areas:

“All reforestation/afforestation areas adjacent to lots and split rail fencing along the outer edge of all reforestation/afforestation areas shall be installed prior to the Building Permits for the adjacent lots. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.”
 - i. Substitute a suitable evergreen for eastern hemlock in the planting tables.
 - j. Have the revised plan signed and dated by the qualified professional who prepared the plan.
18. Prior to signature approval, the architectural elevations for the Ryan Homes model, the Fairgate, and the Caruso Homes models, the Napa Valley and the Sonoma, shall be deleted from the architectural elevations package. However, the Fairgate model by Ryan Homes shall be submitted into the record of SDP-0605 for review by the Planning Board.

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