

Case No. SP-02004

Applicant: The Michael Companies, Inc.

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 decision of the Planning Board in PGCPB No. 03-135, to approve a conceptual site plan for a mixed-use planned community on property described as approximately 361.53 acres of land in the E-I-A Zone, known as Karington, located on the southwest quadrant of the intersection of MD 214 (Central Avenue) and US 301 (Crain Highway), Bowie, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose findings and conclusions 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 certification of the conceptual site plan:
 - a. Ten (10) exercise stations or other acceptable recreational facilities shall be provided along the trail around the lake.
 - b. The Conceptual Site Plan Pedestrian Path Diagram shall be revised to provide the location of all walkways that are intended to be brick. At a minimum, brick walkways shall be provided along streets with retail shops, hotels, restaurants and around all village greens.
 - c. The plan shall be revised to eliminate the finger of townhouses in the northwest corner of the development near the entrance road off of MD 214. A trailhead shall be provided in this location, connecting to the master plan trail in the stream valley. The trail behind the proposed northern hotel site shall be deleted.
 - d. The Phasing Plan shall be revised to include a minimum 50,000 to 75,000 square feet of retail in Phase I.
 - e. Move northern hotel site to the northeast corner of the project and convert area vacated by hotel to residential (revise FAR chart accordingly).

2. At the time of the first detailed site plan (other than infrastructure), details of outdoor amenities such as brick pavers, tree grates, decorative lighting, signs, banners and high quality street furniture shall be approved by the Prince George's County Planning Board. A similar theme shall be established for the entire development.
3. At the time of preliminary plan approval, right-of-way requirements shall be determined along the following facilities:
 - a. US 301 southbound
 - b. MD 214
 - c. The MD 214/Hall Road intersection
4. **MD 214 at Church Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. The addition of a northbound left-turn lane along Church Road.
 - b. The addition of an eastbound left-turn lane along MD 214.
 - c. The addition of a westbound left-turn lane along MD 214.
 - d. Restriping the eastbound right-turn lane along MD 214 to operate as a shared through/right-turn lane, thereby resulting in a third eastbound through lane.
5. **MD 214 at Hall Road/site access:** Prior to the approval of the first detailed site plan for the subject property other than a detailed site plan for infrastructure only, the applicant shall submit an acceptable traffic signal warrant study to SHA and, if necessary, DPW&T for a possible signal at the intersection of MD 214 and Hall Road/site access. 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 the responsible agency. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by the responsible permitting agency. Also, prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. The addition of an eastbound exclusive right-turn lane along MD 214.
 - b. The addition of a westbound left-turn lane along MD 214.

- c. The construction of the northbound approach to include two left-turn lanes and a shared through/right-turn lane.

The scope of access improvements may be modified at the time of preliminary plan review at the direction of SHA provided that alternative improvements provide an acceptable service level that meets the requirements of Subtitles 27 and 24.

- 6. **US 301 at Old Central Avenue:** Prior to the approval of the first detailed site plan for the subject property other than a detailed site plan for infrastructure only, the applicant shall submit acceptable traffic signal warrant studies to SHA for the intersections of northbound and southbound US 301 and Old Central Avenue. 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 SHA.
- 7. **US 301 at site entrance/median crossover:** Prior to the approval of the first detailed site plan for the subject property other than a detailed site plan for infrastructure only, the applicant shall submit acceptable traffic signal warrant studies to SHA for the intersections of northbound and southbound US 301 and the site entrance/existing median crossing. 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 SHA. If a signal is deemed warranted by the responsible agency at that time, the applicant shall bond the signal prior to the release of any building permits within the subject property and install it at a time when directed by SHA. Also, prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. The construction of the eastbound approach to include two left-turn lanes and a right-turn lane.
 - b. The widening of the median crossing to provide to eastbound lanes, turning left (northbound) onto US 301.
 - c. The construction of a northbound left-turn lane approaching the median crossing.
 - d. The construction of a southbound right-turn lane along the southbound US 301 approach.

The scope of access improvements may be modified at the time of preliminary plan review at the direction of SHA provided that alternative improvements provide an acceptable service level that meets the requirements of Subtitles 27 and 24.

- 8. **Merge of ramp from eastbound MD 214 onto US 301:** Prior to the issuance of any building permits within Phase II, as defined in Condition 10, the following road

improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency for the extension of the northbound merge lane to a length of no less than 400 feet subject to available right-of-way or in the alternative the elimination of said ramp by utilization of other acceptable improvement.

9. **US 301 widening:**
 - a. Prior to the issuance of any building permits within Phase I (other than construction buildings or model homes), as defined in Condition 11, the following road improvement shall (1) have full financial assurances, (2) have been permitted for construction through the operating agency's permit process, and (3) have an agreed-upon timetable for construction with the appropriate operating agency for the addition of a new MD 301 southbound lane to extend from the southbound ramp of MD 214 approximately 6,800 linear feet toward Trade Zone Avenue.
 - b. Prior to the issuance of any building permits within Phase II, as defined in Condition 11, the following road improvement shall (1) have full financial assurances, (2) have been permitted for construction through the operating agency's permit process, and (3) have an agreed-upon timetable for construction with the appropriate operating agency for the addition of new acceleration/ deceleration lanes from northbound US 301 at the site entrance.
 - c. The proposed widenings are subject to available right-of-way. In the event that the necessary right-of-way is not available by the time the applicant is prepared to start construction at the respective Phases, the applicant shall pay to Prince George's County a sum calculated as $\$725,094.25 \times (\text{FHWA Construction Cost Index at time of payment}) / (\text{FHWA Construction Cost Index for 2}^{\text{nd}} \text{ quarter, 1989})$. This fee may be assessed on a pro rata basis, with a pro rata schedule to be determined at the time of preliminary plan. In lieu of said payment, applicant may elect to install the improvements referenced in Conditions 6, 8 and 9A, along with other improvements deemed necessary for adequacy along US 301, with the applicant receiving credit against said fee for the cost of said improvements. The scope of the improvements shall be determined at the time of preliminary plan.
10. All off-site traffic improvements may be altered or modified at preliminary plan dependent upon phasing schedules.
11. Total development within the subject property shall be limited to uses which generate no more than 1,313 AM and 1,925 PM peak hour vehicle trips, in consideration of the rates of trip generation, internal satisfaction, and pass-by that are consistent with assumptions in the traffic study. Phase I would be identified as any development which generates up to 774 AM and 1,242 PM peak hour trips, subject to reasonable assumptions made on the basis of site development proposals. Phase II would be identified as any development which generates more than 774 AM and 1,242 PM peak hour trips. Rates of internal trip

satisfaction may be modified by staff in consultation with the applicant in the event that a greater or lesser degree of mixed-use development actually occurs, but any modifications shall fully consider the assumptions made in the traffic study.

12. At the time of preliminary plan review, all proposed "Street Sections" will be further reviewed with regard to specific development proposals of adjacent properties. All typical sections along public streets must conform to the requirements of the appropriate operating agency, and any deviations from the typical section of a public street must have the approval of that agency.
13. The plan shall be revised as follows:
 - a. On the north side of the lake, a street of type "E" should be extended all the way across the north side of the lake.
14. Prior to preliminary plan signature approval, the applicant, his successors and/or assigns shall provide additional documentary evidence that the subject property is (or will be) served by public transportation through local (County Department of Public Works and Transportation) or regional (Washington Metropolitan Area Transit Authority) bus system routes and stops that are located within and in proximity to the development. This provision shall be in keeping with the requirement of the fifth criterion, establishing geographic applicability of mitigation, in the Guidelines for Mitigation Action (as established by CR-29-1994). This requirement may also be satisfied through the provision of privately funded shuttle bus service to supplement available public transportation service, in order to achieve the headway and walking distance requirement stipulated as a requirement for the use of mitigation. At the time of detailed site plan, transportation planning and DPW&T staff shall review bus routing plans.
15. All future plan submittals shall include a single tree line as shown on the FSD revision stamped as received by the Environmental Planning Section on May 23, 2003.
16. Prior to certification of the conceptual site plan, TCPI/48/02 shall be revised as follows:
 - a. The Worksheet shall be revised as follows:
 - (1) Reflect the correct area of existing woodland on the "Net Tract" not the total woodland on the property.
 - (2) Show the correct area of proposed woodland clearing based on this conceptual plan.
 - b. Delete the TCPII notes from the plan and add the correct TCPI notes.
 - c. Add the following notes to the TCPI in large bold type.

- (1) "This TCPI is a conceptual plan associated with the conceptual site plan only and does not approve the locations of roads, lots or utilities."
 - (2) "TCPI/48/02 shall be revised with the Preliminary Plan of Subdivision and the proposed PMA impacts will be evaluated at that time. The PMA impacts shown on this plan are not considered approved with this plan."
 - (3) "Conceptual grading, conceptual structure locations and the limit of disturbance will be evaluated with the revised TCPI during the review of the Preliminary Plan of Subdivision."
- d. The plans shall be sealed, signed and dated by the licensed landscape architect, licensed forester or other qualified professional who prepared the plans.
- 17. The Woodland Conservation threshold portion of the requirement (47.52 acres) shall be satisfied as on-site preservation. The balance of the requirements may be satisfied by additional on-site preservation, on-site reforestation, or at an approved off-site mitigation bank.
- 18. The revised TCPI submitted with the Preliminary Plan of Subdivision shall include the following:
 - a. Show conceptual grading, structure locations, and the limit of disturbance.
 - b. An attempt shall be made to eliminate isolated Woodland Conservation Areas by adjusting the layout and providing larger contiguous forest areas in the vicinity of the PMA and thus further minimizing proposed PMA impacts.
 - c. Show the location of all anticipated stormdrain, sewer and water outfalls including those connecting to existing facilities located outside the limits of this application.
 - d. Any clearing for off-site infrastructure connections shall be mitigated at a 1:1 ratio for all woodlands cleared as part of TCPI/48/02.
- 19. At the time of the Preliminary Plan of Subdivision, the Type I Tree Conservation Plan shall be revised at a scale of no less than 1"=100'. Those plans shall clearly identify each component of the PMA and the ultimate limit of the PMA.
- 20. The Preliminary Plan of Subdivision shall be designed to preserve the PMA to the fullest extent possible. If impacts are proposed a Letter of Justification shall be submitted with the Preliminary Plan application. It shall include a description and justification of each proposed area of impact. The impacts to each feature of the PMA shall be quantified and shown on 8½- x 11-inch sheets.

21. Prior to the issuance of any grading permits which impact the Waters of the US, nontidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
22. The proposed PMA impacts shall be further evaluated with each subsequent plan review.
23. The submittal of the Preliminary Plan of Subdivision shall include a Marlboro Clay Geotechnical Report prepared in accordance with the Prince George's County "Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments."
24. Prior to certification of the conceptual site plan and the Type I Tree Conservation Plan, the following note shall be placed on both plans in large bold type.

"This plan provides a conceptual layout for the proposed development of this site which contains Marlboro Clay. The location and characteristics of this clay may affect the developable area of this site."
25. The projected 65 dBA Ldn noise contours for MD 214 and US 301 shall be shown on the Preliminary Plan of Subdivision and the detailed site plans for this site at 311 feet and 409 feet from the centerline, respectively. In the event the Environmental Planning Section noise projections are not used, a Phase I Noise Report shall be prepared and submitted with the Preliminary Plan of Subdivision. If residential lots are located within the limits of the 65 dBA Ldn noise contour appropriate mitigation measures shall be identified by a Phase II Noise Study at the time of detailed site plan.
26. The exact acreage and timing of dedication shall be determined at the time of preliminary plan.
27. The applicant shall construct an eight-foot-wide master-planned hiker/biker trail along the Collington Branch.
28. The preliminary plan shall consider the extension of the master plan trail north to Central Avenue (MD 214) and south to the southern property boundary.
29. The applicant shall construct the master plan eight-foot-wide asphalt trail connector from the stream valley trail to the road adjoining the private park.
30. Prior to submission of the first detailed site plan for residential development, the applicant shall confer with the DPR concerning the exact alignment of the master plan trail along the Collington Branch. The alignment shall be approved by DPR consistent with the master plan.
31. The location of the trail shall be staked in the field and approved by DPR prior to construction.

32. The applicant, his successors, and/or assignees shall construct the trail in phase with development. Prior to issuance of the 600th residential building permit, the trail construction shall be completed.
33. Prior to submission of the first detailed site plan for residential development, the applicant shall submit detailed construction drawings for the master-planned trail construction to DPR for review and approval. The trail shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
34. All master-planned 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 by DPR.
35. The handicapped accessibility of all trails shall be reviewed during the review of the detailed site plan.
36. In-road bicycle facilities shall be considered at the time of preliminary plan along the four-lane, divided roads entering the site from MD 214 and US 301, as well as along the main loop road (two-way street) through the subject site in conformance with the 1999 AASHTO Guide for the Development of Bicycle Facilities, per the concurrence of DPW&T.
37. The applicant, his successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*. The complete recreational package shall, at a minimum, include facilities provided for on the conceptual site plan.
38. The private recreational facilities shall be reviewed by the Urban Design Review Section of Development Review Division (DRD) for adequacy and proper siting, prior to approval of a detailed site plan (other than infrastructure) by the Planning Board.
39. The developer, his successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
40. Each detailed site plan shall specify that all tree pits along the streets that have shops, restaurants, plazas, and/or other uses shall be connected with a continuous noncompacted soil volume under the sidewalk. Details of how this will be accomplished shall be included on the plans and shall be agreed upon by the Planning Board or its designee. The use of "CU-Soil" as a "structural soil" or other equal product for shade trees planted in tree pits is strongly encouraged.
41. An amphitheater or other civic feature shall be provided in close proximity to the lake.
42. The 25-acre central open space shall contain facilities exclusively for the use of the entire community.

43. After approval of the Preliminary Plan of Subdivision and the detailed site plans and concurrent with the first residential grading permit, the developer shall:
 - a. Contribute \$250,000 to a tax exempt 501 (c) (3) organization to be determined and to be restricted for release to a school facility used to reduce overcrowding for Bowie area schools.
 - b. Use its best efforts to locate alternative commercial or other useable space for the transitional school to permanently replace the Belair School Building. Developer services will be provided at no cost to the Board of Education of Prince George's County.
 - c. Serve on construction committee for new middle school to be located in the South Bowie area.
44. No individual retail user shall exceed 125,000 square feet other than a grocery store(s).
45. The plan shall be revised to reduce the number of luxury residential rental units to a maximum of 490, excluding age-restricted senior units and live/work units.
46. The plan shall be revised to authorize an increase in residential condominium units to a minimum of 210 units.
47. The Detailed Site Plan shall require a landscaped and/or brick wall buffer along the property line adjacent to US 301 and MD 214.
48. A Karington Advisory Committee shall be established, appointed jointly by Council Members from Districts 4 and 6, with representation from surrounding residential communities to facilitate communication for discussion of uses in and status reports on Karington by having regular meetings attended by the developer.
49. The height of any high-rise structure, including age-restricted senior units and hotels, shall be evaluated at detailed site plan.
50. Developer will employ best efforts to ensure adequate representation of minority business participation in all phases and trades of project.
51. Notwithstanding any conditions related to the proposed master plan trail or connections thereto, applicant will not be required to construct same until the M-NCPPC or assigns constructs the required trail segments linking the proposed trail from the subject property north to Central Avenue or south to Leeland Road.

Ordered this 27th day of January, 2004, by the following vote:

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

Opposed: Council Member Bland

Abstained:

Absent: Council Member Hendershot

Vote: 7-1

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