

Case No. SP-02036

Applicant: Goodier Builders, 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, and after considering oral argument from the applicant, that the decision of the Planning Board in PGCPB No. 03-25, to approve a Detailed Site Plan, with Alternative Compliance, for 75 townhouse or condominium dwelling units on property described as approximately 9.46 acres of land in the M-X-C Zone, on Hillmeade Road, in the Fairwood Subdivision, north of Fairwood Parkway and east of MD 450, is hereby:

AFFIRMED, for the following reasons:

A. The District Council agrees with the Planning Board, for the reasons stated in the Board's Resolution, that this Detailed Site Plan meets the conditions in the approved Comprehensive Sketch Plan, CP-9504, the approved Final Development Plan, FDP-9701, and the approved preliminary plan of subdivision, 4-97024.

B. The Council further agrees with the Planning Board, for the reasons stated in the Board's Resolution, that the project proposed in this site plan, conforms generally with the purposes and requirements in the M-X-C Zone. This site plan and a prior plan, DSP-01031, will provide a wide range of dwelling units for different levels of income and age and for different types of families. Prior approved plans show that the proposed community will have a mix of residential uses, commercial uses, and recreational and public uses, and it will also have substantial open space areas.

C. The Council further agrees with the Planning Board, for the reasons stated by the Board, that the proposed project, with the prior approved site plan for 162 single-family dwellings, will be a cohesive development, when combined with commercial, recreational, and public uses approved conceptually in plans submitted earlier; will provide a convenient and comprehensively designed pedestrian system; devotes adequate attention to human scale, the quality of urban design, and other amenities for pedestrian activities and for community gathering places; and conforms generally with the approved Final Development Plan, FDP-9701.

D. The District Council further approves the architectural elevations in the record, for the reasons stated by the Planning Board, subject to compliance with the modified conditions stated below. The townhouse exteriors must be redesigned, in the same general architectural style, so that each group of attached units has front facades of 60% brick composition, and end units with 100% brick on the side walls. Front facades of 60% brick accord with present standards in Section 27-546.04(g), which require that 60% of the units have facades of brick, stone, or stucco. The present proposal is not a conventional townhouse arrangement with separate lots, and the regulations in subsection (g) are not strictly applicable, but the Council finds that in this case it is appropriate, because of the visibility of these units and their construction early in the Fairwood development, to maintain a high standard of residential development. A variance is not required from Section 27-546.04(g), but a modification from the strict standard (brick facades on 60% of the units) is appropriate. The modification approved in this Order will be in accord with the legislative intention in subsection (g) while allowing the applicant to provide the same general architectural style as is proposed in the record.

E. The District Council further concurs with the Planning Board's master plan, environmental, transportation, and parking and public improvements findings, for the reasons stated by the Board.

F. The District Council further concurs with the Planning Board, for the Board's stated reasons, that alternative compliance as to the landscaping-strip requirement should be approved, because the applicant's proposal is equal to or better than a more conventional project which meets all Landscape Manual requirements.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to signature approval, the following revisions shall be made or information supplied:

(a) The dimensions of the physically handicapped parking spaces shall be provided on the plans.

(b) The architectural elevations shall be revised to include dimensions, materials, colors, and roof pitches.

(c) All 15 sticks of architectural elevations, including front, sides, and rears, shall be provided. The location of each unit within a stick and the location where the stick is to be built shall be provided.

(d) The Condominium Unit Owners Association documents for the Choice at Fairwood shall include the following: Parking space striping in the parking bays in the public right-of-way shall be the maintenance responsibility of the association, as well as the snow removal from these parking bays.

(e) A note shall be placed on the plans that the snow removal in the parking bays in the public right-of-way and maintenance of the parking space striping is the responsibility of the Condominium Unit Owners Association.

(f) The plans shall be revised to delineate an area surrounding the proposed sidewalks located behind the parking bays, and a note shall be added to the plans indicating that this area shall be burdened by an easement for maintenance running to the benefit of the Department of Public Works and Transportation.

(g) The applicant and owner have indicated a desire to adjust the lot lines for the property forming the subject matter of this Detailed Site Plan pursuant to the lot line adjustment provisions of Section 24-108 of the Subdivision Ordinance. Prior to signature approval, the new lot lines shall be shown on the Detailed Site Plan.

2. Prior to release of any building permits, a deed of easement delineating the area surrounding the proposed sidewalks, located behind the parking bays, shall be executed and delivered to the Department of Public Works by the applicant or owner.

3. No building permits may be issued for the following lots until the master plan trail located behind the identified units has been flagged and appropriate signage installed indicating that a master plan trail is to be built in the flagged location: Lots 51 through 66 on Marshalls Choice Drive, Lots 89 through 94 on Bandoleres Choice Drive, and Lots 115 through 131 on Princes Choice Drive.

4. The front facades of all townhouse building groups shall be at least

60% brick, and the end units of all groups shall be 100% brick. Otherwise, the architecture shall substantially conform to what is shown in the record.

Ordered this 5th day of May, 2003, by the following vote:

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

Opposed: Council Member Peters

Abstained:

Absent:

Vote: 8-1

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: _____
Peter A. Shapiro, Chair

ATTEST:

Redis C. Floyd, Clerk