

Case No. SP-05059

Applicant: Washington Park Estates, LLC
(Bevard North)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 06-189, to approve with conditions a detailed site plan, SP-05059, for a project referred to as Bevard North, for a planned retirement community with 191 single-family detached dwellings, 273 single-family attached (townhome) units, and 351 multifamily units, with clubhouse, on approximately 275.83 acres of land in the R-E Zone, on the northwest side of Piscataway Road, approximately 8,000 feet south of its intersection with Steed Road, Clinton, is hereby:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

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

1. Prior to certification of the detailed site plan, the Type II tree conservation plan shall be revised to:
 - a. Revise the grading on sheet 20 to avoid all impacts to the expanded stream buffer on the east side of multifamily building 3.
 - b. Revise the worksheet as needed.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
2. Prior to signature approval of the detailed site plan, the applicant shall revise the plans as follows:

- a. The architectural floor plan for all the single-family attached and detached units shall indicate a master bedroom with full bath or the model shall be deleted from the package.
 - b. The hiker/biker trails and stormwater management pond construction drawings, including the grading, SWM, and landscape plans, shall be reviewed and approved by DPR.
 - c. The development standards chart shall be revised to indicate a 20-foot rear yard for single-family detached units, to indicate a minimum yard area requirement consistent with the R-T Zone for the single-family attached units, and to require a minimum of 80 percent of all the units to have a brick front. The apartment/condominium units shall have 80 percent of the facades as brick with each endwall entirely brick. On a case by case basis, a staff level SDP revision may be considered for decks and patios that extend up to 10-feet into the 20-foot rear yard.
 - d. The plans shall be revised to provide for a 25 to 35-foot-wide afforestation buffer from the rear of residential lots along proposed Old Fort Road and shall indicate larger material.
 - e. The plans shall be revised to demonstrate conformance to the *Landscape Manual*, Section 4.7, and schedules shall be revised to clarify specific conformance to Sections 4.1 and 4.6.
 - f. The plans shall be revised to clearly indicate the extent of the proposed right-of-way along Piscataway Road, the public utility easement, and the 40-foot-wide scenic easement with landscaping using native plant species.
 - g. The plans shall be revised to amend the Parking and Loading schedule to conform to Part 11 of the Zoning Ordinance.
 - h. The plans shall be revised to enlarge the lots in the area of land severed from the remaining portion of the development by A-65 to not less than 20,000 square feet and re-design the section so the lots do not back-up to the roadway.
3. The final plat shall include an agreement providing access to DPW&T for maintenance of the SWM pond. The note shall be reviewed and approved by DPR.
 4. Prior to final plat of subdivision, the applicant and DPW&T (if applicable) shall enter into an easement agreement with M-NCPPC for use of the master planned trail as a maintenance access to the stormwater management facilities on dedicated parkland.
 5. The applicant shall review the plans to reduce impacts to dedicated parkland. The use of retaining walls and/or terraces shall be considered to reduce the

clearing on the slopes leading to the stream valley. Revised plans shall be reviewed and approved by DPR.

6. In conformance with the adopted and approved Subregion V master plan and approved Preliminary Plan 4-05049, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Construct an eight-foot-wide Class II trail along the subject site's entire road frontage of Old Fort Road East (from Tinkers Creek to Piscataway Road).
 - b. Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.
 - c. Provide a six-foot-wide asphalt trail adjacent to the "grasscrete" emergency access road linking Old Fort Road East with Road "B" in the subject site. This trail will provide direct pedestrian access from the site to the master plan trail along Old Fort Road East. If this access road is converted into a regular road connection, this connection shall be accommodated with standard sidewalks along both sides.
 - d. Provide park dedication along Tinkers Creek, specifically the south side of Old Fort Road extended, in order to accommodate the Tinkers Creek stream.
 - e. Construct an eight-foot wide Class II trail along the subject site's entire road frontage of the east side of Purple Fields Drive, unless modified by DPW&T.
 - f. Design the Old Fort Road bridge over Tinkers Creek in a manner that accommodates the master plan trail underneath the bridge in order to eliminate the need for an at-grade crossing of the planned major collector. The master plan trail should be aligned to utilize this underpass and eliminate the currently shown at-grade crossing. The ultimate alignment of the master plan trail shall be determined by DPR.

7. The following construction schedule shall be included on the recreational facility agreement:

PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
Recreation center Indoor recreation facilities	Prior to the issuance of the any building permits overall	Complete by 300th building permit overall
Outdoor recreation facilities and outdoor pool	Prior to the issuance of the any building permits overall	Complete before the 400 th building permit overall
It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25%, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.		

8. Prior to issuance of the 404th building permit, a 10-foot-wide asphalt hiker/biker trail along Tinkers Creek shall be completed, and 6-foot-wide feeder trails shall be constructed in phase with development. No building permits shall be issued for the lots directly adjacent to the trail until the trail is under construction (this shall include clearing, grading and installation of the gravel base).
9. At the time of purchase contract with homebuyers, the contract purchaser shall sign an acknowledgment of receipt of the declaration.
10. Prior to the issuance of any permits which impact jurisdictional 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.
11. Adequate recreational facilities for the retirement community shall be provided by deleting townhouse units proposed within Block T and relocating the following facilities into that area:
- 1 double tennis court
 - 1 sitting area with gazebo
 - 1 croquet field
 - 3 putting greens (or equal)
 - 1 bocce court
 - 1 horseshoe court

The revised plans shall be approved by the Planning Board or its designee.

12. The final alignment for A-65 between the roundabout and the Edelen property shall be determined prior to signature approval of the detailed site plan. Such determination shall occur in consultation with DPW&T and transportation planning staff in consideration of county road standards as well as the need to minimize impacts on developed lots within existing subdivisions.
13. The minimum size of dwelling units within the planned retirement community shall be 2,000 square feet of finished living area.
14. Open space parcels around each stick of townhouses should be enlarged to provide adequate access to the sides and rears of a minimum width of 15 and 20 feet, respectively. On a case-by-case basis, a reduction of the minimums may be approved by the Planning Board or its designee.
15. Prior to the issuance of a grading permit, the applicant shall make every effort to obtain the right-of-ways from Prince George's County, as shown on the plans as "39' right-of-way, liber 1157 @ folio 371" and "PG right-of-way, liber 5013 @ 559 and Plat A-6931" for the purposes of incorporating into the subject property as an extension of the landscape buffer referenced in condition No. 2(d) above.
16. The setback for the side yard for any unit with a side entry shall be a minimum of 12-feet wide.
17. In the sales office a color rendering of the proposed development shall be prominently displayed; this rendering shall clearly illustrate the ultimate build-out of the A-65 Master Plan roadway and shall be labeled in large print as "Four Lane Divided Highway – ultimate build-out."

Ordered this 31st day of October, 2006, by the following vote:

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

Opposed: Council Member Dernoga

Abstained:

Absent: Council Members Campos and Harrington

Vote: 6-1

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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council