

Case No. SP-06079

Applicant: J. P. Squared Development, LLC

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. 07-224, to approve with conditions a detailed site plan for the construction of 226 townhouse, 154 two-family, and 176 multifamily residential condominium units, as well as private recreational and stormwater management facilities, for a project referred to as D'Arcy Park South, on property described as approximately 56.19 acres of land in the R-R Zone, in the southeastern quadrant of the intersection of the Capital Beltway (I-495) and D'Arcy Road, Forestville, is:

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 plans for the project, the following revisions shall be made or additional information submitted:
 - a. Applicant shall procure signature approval of Preliminary Plan of Subdivision 4-05116 and TCP I/21/06.
 - b. Provide details for all elements of the entry feature including the square footage of lettering area for the gateway sign to be reviewed and approved by the Urban Design staff as designee of the Planning Board.
 - c. The reference to the proposed wooden board-on-board fence along the northeastern boundary of the subject project shall be replaced with a reference to a tan vinyl fence.

- d. Proposed requirements regarding building set backs, setbacks for decks and additions and green space shall be provided on the plans.
- e. Garages shall be shown and particularized on the plans. All front-loaded garage doors shall be carriage-style with decorative hinges and handles and shall be a color chosen from a palette to be developed by the applicant, which shall not contain white. Colors shall harmonize with the other colors on the façade on which the garage door is located. The applicant shall specify in what instance each color is to be utilized so as to ensure a pleasing final aesthetic composite design. The color palette and final design of all such garage doors shall be approved by the Urban Design Section as designee of the Planning Board.
- f. Two-over-two (two-family) dwelling units are permitted, as shown in the applicant's plans. The Council specifically finds that these uses are permitted, as shown by the applicant, notwithstanding contrary staff and Planning Board suggestions in the record.
- g. Revise the architectural elevations so that townhouse sticks containing 7 or 8 units will have no more than two adjacent units without gables or dormers and townhouse sticks with 6 units or less shall have no more than one adjacent unit without gables or dormers.
- h. Provide evidence from DPW&T that the subject DSP is consistent with the approved stormwater management concept plan.
- i. Provide detailed samples of the proposed construction material for the retaining walls. Materials shall be a masonry product and shall be approved by Urban Design staff as designee of the Planning Board.
- j. Revise the plans to indicate the height and top-of-wall and bottom-of-wall elevations of each retaining wall at regular intervals (no greater than 40 feet) along the length of the wall.
- k. Revise the architecture of the multifamily buildings to indicate that all optional windows on the side elevations shall be standard and the side elevations revised to meet the design principles of the 2007 Westphalia Sector Plan that suggests the creation of varied architecture avoiding flat facades and providing shadows and relief using the sketch offered by staff at the public hearing as a guide. Such redesign shall be approved by the Urban Design Section as designee of the Planning Board.
- l. Revise the architecture of the single-family attached units to provide a minimum of two standard end wall features on all side elevations and three end wall features on all highly visible side elevations. Indicate on the architectural elevations which additional feature will be standard for the highly visible units. Such choice shall be approved by the Urban Design Section as designee of the Planning Board.

- m. Revise the architectural side elevations of all highly visible units, including the multifamily buildings, to include materials and detailing comparable in quality of design to the front façade, final design shall be approved by the Urban Design Section as designee of the Planning Board. The highly visible units shall be agreed upon by Urban Design staff as designee of the Planning Board and the applicant. Final design shall be approved by the Urban Design Section as designee of the Planning Board.
- n. Include a note on the plans that townhouse facades will range from 40% to 100% brick. The average brick content on all facades of the attached housing for the entire development shall be a minimum of 76 percent. Each façade of the multifamily buildings, including side elevations, shall utilize a minimum of 75 percent brick. A brick tracking chart shall be included on the plans.
- o. Revise the architecture to include architectural shingles on all models.
- p. The parking schedule shall be revised to reflect the shift in unit types from two-family to townhouse, if necessary.
- q. The applicant shall include active recreational facilities proximate to multifamily buildings in the southeastern portion of the site. One picnic area shall be provided for each multifamily building. The final design shall be approved by the Urban Design Section as designee of the Planning Board.
- r. Provide a black estate style brushed aluminum fence on top of the retaining wall.
- s. Replace the Virginia Pines with another evergreen species and revise the landscape plans and planting schedules accordingly. Final selection shall be approved by Urban Design Section as designee of the Planning Board.
- t. Revise the detail for the dumpster enclosure to indicate that it will feature brick walls and vinyl gates. Final design shall be approved by the Urban Design Section as designee of the Planning Board.
- u. Revise the architecture for the Windsor model to include arched brushed aluminum railing in the large rectangular opening to the parking garage matching the material of the railing provided in the additional openings.
- v. Provide details and a masonry material sample for the noise attenuation barrier. The DSP and TCP II shall show a detail of the noise attenuation barrier and include the proposed materials and thickness of the barrier. The materials shall be masonry and shall coordinate with the adjoining retaining wall. Such details and masonry material shall be approved by the Environmental Planning Section for acoustical sufficiency and by the Urban Design Section as to aesthetics, both as designee of the Planning Board.

- w. All plans shall be revised to show the existing and proposed easements. This shall include but not be limited to the required stormwater management easements, water easements, and sewer easements. Any woodland conservation within those easements shall be eliminated.
 - x. Written approval from the Prince George's County Department of Public Works and Transportation for the proposed planting within the stormwater management pond embankment shall be submitted, or the TCP II shall be revised to eliminate the proposed planting from that area.
 - y. The proposed aluminum fence in the community center area shall employ a sufficiently thick gauge of aluminum to ensure that it is durable and long lasting. Sample of same shall be approved by Urban Design staff as designee of the Planning Board.
 - z. Applicant shall furnish to Urban Design staff proof that WSSC's concerns regarding water and sewer facilities relative to the project have been addressed.
 - aa. The three end wall features required on side elevations for highly visible units shall have the same level of quality of architectural detail and materials as the front façade.
 - bb. Applicant shall identify the unit in the first multifamily building to receive a Certificate of Occupancy to be temporarily utilized for recreation until completion of the recreational facilities required by Condition 1.s. above. The details and specifications for the temporary recreational facilities to be provided therein shall be provided to staff and final design of such facilities shall be approved by the Urban Design Section as designee of the Planning Board.
 - cc. Revise the Landscape Plan to provide necessary landscaping schedules pursuant to Sections 4.1 (f), 4.1 (g) and 4.3 (c) of the *Landscape Manual*.
 - dd. The applicant shall provide a materials board that shall be approved by the Urban Design Section as designee of the Planning Board.
- 2. The applicant shall construct the proposed community center and swimming pool prior to issuance of the building permit that would allow construction of the 250th unit in the development.
 - 3. The applicant shall construct the additional private recreational facilities (picnic area) required by Condition 1.q. above prior to the issuance of the certificate of occupancy for the multifamily building that they serve.

4. In conformance with the Approved Westphalia Sector Plan and approved Preliminary Plan 4-05116 (Condition 15 of PGCPB 06-220), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. The Approved Westphalia Sector Plan recommends that D'Arcy Road be designated as a Class III bikeway with appropriate signage. Because D'Arcy Road is a county right-of-way, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final record plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, wide asphalt shoulders or wide outside curb lanes are encouraged.
 - b. Provide designated crosswalk at all intersecting roads at the traffic circle. These crosswalks shall be marked and labeled on the approved DSP.
5. Prior to final plat approval, the declaration of covenants for the property, in conjunction with the formation of a homeowners association, shall include language notifying all future contract purchasers of the proximity of the property to Andrews Air Force Base and noise levels related to military aircraft overflights. The property is approximately two miles from the north end of the runway. The declaration of covenants shall include the disclosure notice. At the time of purchase contract with home buyers, the contract purchaser shall sign an acknowledgement of receipt of the declaration. The liber and folio of the recorded declaration of covenants shall be noted on the final plat along with a description of the proximity of the development to Andrews Air Force Base and noise levels related to military aircraft overflights.
6. The following note shall be placed on the final plat:

“Prior to the approval of building permits for the proposed residential structures, the applicant, his heirs, successors and or assignees shall place on the building permit a certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of the building shells will reduce interior noise levels to 45 dBA or less. Due to the proximity of Andrews Air Force Base, properties within this subdivision have been identified as possibly having noise levels between 65-75 dBA (Ldn) due to military aircraft overflights.”
7. At time of final plat, bearings and distances shall describe a conservation easement. The conservation easement shall contain the Patuxent River Primary Management Area, and all adjacent reforestation/afforestation areas, excluding those areas where requests for impacts have been approved, and the plat shall be reviewed by the Environmental Planning Section prior to certification. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

8. All afforestation and associated fencing shall be installed prior to the issuance of the first building permit for the adjacent lots or parcels. 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.
9. Prior to the issuance of any grading permit, which impacts the Waters of the U.S., nontidal wetlands, or the 25-foot wetland buffer, a copy of all appropriate federal and/or State of Maryland permits shall be submitted.
10. Prior to the issuance of any building permits for the project, the subject improvements listed below shall: (1) have full financial assurances; (2) have been permitted for construction by DPW&T; and (3) have an agreed upon timetable for construction with DPW&T:
 - a. Provide a bypass lane at the intersection of Road B and D’Arcy Road pursuant to DPW&T guidelines.
11. Prior to the issuance of the first building permit for the project, applicant shall revise the plans to include:
 - a. Street trees along both sides of Roads A and B, subject to DPW&T approval.
 - b. A landscaped median along Roads A and B, subject to DPW&T approval.
 - c. Landscaping, including deciduous and evergreen plant material, within the center of the roundabout at the intersection of Roads A and B, subject to DPW&T approval.
 - d. Details of the proposed street lights, the design of which shall be approved by the Urban Design Section as designee of the Planning Board, unless modified by DPW&T due to a street light’s location in its right-of-way.
12. Multifamily buildings may include structures with rental or condominium regimes.

13. Consistent with the attachments to CR-2-2007, to upgrade the community of Little Washington, the applicant shall:
 - a. Ensure that trucking operations associated with the current Class III and mining operation on the applicant's property will cease, in order to reduce the amount of truck traffic in and around the Westphalia community.
 - b. At the time of the applicant's street construction permits, applicant shall work with the Department of Public Works & Transportation ("DPW&T"), to ensure that the design of intersection improvements at Lincoln Avenue will minimize the potential for dump trucks to utilize Lincoln Avenue as a truck thoroughfare.
 - c. At the time of the applicant's street construction permits, applicant shall work with DPW&T to design and construct sidewalks, to ensure connectivity from the new construction to Lincoln Avenue and South Cherry Lane, where right-of-way exists.
 - d. Prior to issuance of the first residential building permit, applicant shall provide the details of a gateway entrance feature at D'Arcy Road at the Capital Beltway. Review should include items such as architectural design, materials, and colors. The applicant shall provide an easement for the location of a gateway feature, if necessary. The design shall be approved by the Planning Board or the Urban Design Section as designee and shall follow gateway design guidelines in the Westphalia Sector Plan. Construction shall be concurrent with required road improvements for D'Arcy Road and Sansbury Road.
 - e. Prior to issuance of the first residential building permit, applicant shall work with the existing community of Little Washington, DPW&T, and M-NCPPC to design a community entrance sign for the Little Washington community. The entrance feature shall follow design guidelines in the Westphalia Sector Plan. Construction shall be concurrent with required road improvements for D'Arcy Road and Sansbury Road.
14. Consistent with Policy 3 of CR-2-2007, the applicant shall provide for the development and expansion of minority-owned business enterprises by utilizing available qualified business sources and resources, first, within the Westphalia Sector Plan Area and, second, within Prince George's County. The applicant pledges its faithful cooperation and best efforts to meet the goals and policies for minority participation in the Westphalia Sector Plan.

Ordered this 17th day of June, 2008, by the following vote:

In Favor: Council Members: Dean, Bland, Campos, Exum, Harrison, Knotts, Olson and Turner

Opposed:

Abstained:

Absent: Council Member Dernoga

Vote: 8-0

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: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council