

Case No. SP-09014

Applicant: Fairland 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. 10-39, to approve with conditions a detailed site plan showing 104 single-family detached and 34 townhouse residential units, within a public benefit conservation subdivision, on property described as 79.25 acres of land in the R-R Zone, for a project referred to as Fairland Park Community, located on the west side of Old Gunpowder Road, southwest of its intersection with Sandy Spring Road (MD 198), Laurel, 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, with the following additions:

A. All Planning Board conditions in PGCPB No. 10-39 are approved as written, except that, at the applicant's request, to permit it to move forward with this project, conditions 1.h. and 2.b. are modified. The new conditions allow the applicant to advise all utilities and public agencies of proposed roadways and to offer one model whose front façade is not all brick.

B. The trail locations on this site plan are necessarily inexact, as it is not known at this time how and when they will be connected, from the subject property to adjoining industrially zoned properties. The applicant shall work with the M-NCPPC trails coordinator and Parks and Recreation Dept., to complete the trails system through the subject property, and to assist in the coordination of the location of the trails system through the intervening industrial properties, in

order to eventually provide a trails system along Old Gunpowder Road which will connect to Fairland Regional Park.

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

1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Provide evidence from the Department of Public Works and Transportation (DPW&T) that the detailed site plan is consistent with the approved stormwater management concept plan.
 - b. Revise the plans to show a minimum six-foot-wide sidewalk along all streets in the townhouse section of the development.
 - c. Revise the plans to show additional landscaping between the units on Lots 5 and 6, Block F, Lot 1, Block E, Lot 23, Block B and the adjacent trail. The design of this additional landscaping shall be reviewed and approved by the Urban Design Section as designee of the Planning Board prior to signature approval of the detailed site plan.
 - d. Revise the plans to label the piers shown on either side of the secondary entrance at Private Road H and to provide appropriate details of these structures.
 - e. Revise the landscape schedule for Section 4.1(f) of the *Prince George's County Landscape Manual* to include the shade, ornamental and evergreen trees proposed on Parcel J in the total number of trees provided in fulfillment of this requirement.
 - f. Submit to the Department of Parks and Recreation (DPR) for review and approval the drawings for the construction of the trail on Parcels A and B to be donated to The Maryland-National Capital Park and Planning Commission (M-NCPPC). The applicant shall install safety fence along the steep slopes, provide a minimum five-foot setback from the edge of the slopes, install removable bollards on both ends of the trail and extend the southern and northern ends of the trail to the existing Old Gunpowder Road.
 - g. Revise the site and landscape plan to include proposed revisions on dedicated Parcel H and adjacent parkland as shown on DPR Exhibit "A".
 - h. The applicant shall place in the record for Detailed Site Plan DSP-09014, letters to the Prince George's County Public Schools, all affected public utilities (in and adjacent to the right-of-way, or servicing any of the subdivision lots in Prince George's County), and all affected public safety agencies (county and state police for both counties, as applicable, and fire and emergency medical services in Prince George's County) that requests a response as to whether the roadway

appears adequate for their purposes and that they (the utilities and agencies) are aware that all lots in 4-09005 are located in Prince George's County.

- i. Revise the plans to delineate the public utility easement (PUE) from the existing right-of-way over Parcels C and D, and running ten feet wide along the eastern property line of Parcels A and B, consistent with the approved preliminary plan of subdivision. The site plan shall be revised to more clearly label this non-standard width for the PUE to avoid confusion at the time of final plat.
- j. Revise the "total number of units" table to remove that "165 lots are permitted." The preliminary plan approved a maximum of 138 lots (34 townhouse and 104 single-family detached).
- k. Revise the site plan to clearly label the 40 feet of dedication from the center line of Old Gunpowder Road for the southern portion of the site, south of the industrial property.
- l. Delineate a minimum 20-foot-wide public use easement where the master plan public trail crosses the homeowners association land (Parcel F). This easement shall be marked and labeled on the final plat.
- m. Increase the font size on the DSP to a more legible size.
- n. Revise the existing site data information to include the existing parcel descriptions.
- o. Revise the site plan to remove the reference to Alley F.
- p. Clearly delineate the extent of the entrance feature easements to ensure access from the street.
- q. Correct general Note 23 to indicate that Parcels A and B contain rare, threatened or endangered species.
- r. Revise Sheets 9 and 10 of the TCPII and all associated plans to show the expanded buffer on the northern side of the stream valley.
- s. Provide a detail for the location where the asphalt trail along Old Gunpowder Road intersects with the concrete trail along Public Road A to be approved by the Urban Design Section as designee of the Planning Board. An attractive transition between the asphalt and the concrete trail shall be provided with a colored, stamped material at or around the curb cuts and ramps provided at the Old Gunpowder Road/Public Road A intersection, subject to DPW&T approval.
- t. Provide a detail for a stamped, colored crosswalk to be provided where the master plan trail crosses Public Road A, unless modified by DPW&T.

2. The following conditions shall apply to the architecture for the development and shall be added to the plans as notes:
 - a. The end walls of townhouse units on Lots 13, 22, 23, 40, and 46 shall feature full brick and a minimum of three architectural features in a balanced composition.
 - b. All townhouse and single-family units shall feature full brick fronts with the exception of the Jasmine, Elevation E, for which the alternative materials shall not exceed what is shown on applicant's Exhibit #2.
 - c. All building offsets on townhouse sticks shall be clad with brick.
 - d. Exposed foundation walls shall be clad with brick or will be textured or formed to simulate brick.
 - e. The side elevations of the units on the following lots, which are visible from the street or hiker/biker trails, shall feature a standard brick water table and a minimum of four standard end wall features in a balanced composition:

Lots 1 & 10, Block A
 Lots 1 & 12, Block B
 Lots 1, 13 & 26, Block C
 Lots 1, 4, 12, 13 & 15, Block D
 Lots 1, 19, 21 & 26, Block E
 Lots 5 & 6, Block F
 - f. Brick or stone (depending on the primary finish material of the front façade) shall be wrapped on all front façade projections.
 - g. All chimneys shall be clad with brick or stone.
 - h. Architectural shingles shall be standard on all roofs where standing seam metal is not proposed.
 - i. A brick or stone water table shall be an optional feature on all side and rear elevations.
 - j. Decks shall be standard on rear-load townhouse units.
 - k. Carriage style garage doors with windows shall be standard on all front-loaded townhouse units. Standard garage doors shall be standard for rear-loaded townhouse units. Doors on rear-loaded townhouse units may or may not feature windows, but shall be consistent for each stick.

3. The recreational facilities on existing, dedicated, and donated parkland shall be constructed in accordance with the applicable standards in the *Park and Recreation Facilities Guidelines*.
4. The applicant and the applicant's heirs, successors, and/or assignees shall construct the following recreational facilities on existing, dedicated and donated parkland as shown on the DPR exhibit dated March 4, 2010 and labeled as Exhibit A:
 - a. An eight-foot-wide asphalt connector and loop trail
 - b. A playground for school ages 5–12, by Landscape Structures, or equal equipment will be approved by DPR
 - c. An eight-foot-wide asphalt master planned trail along Old Gunpowder Road extending to the trail system in the Fairland Regional Park
 - d. Four benches, by DuMor, or equal equipment will be approved by DPR
 - e. A nine-space parking lot
 - f. A 24-foot-wide access road expansion to the access point of the nine-space parking lot
 - g. Landscaping
5. The applicant and the applicant's heirs, successors, and/or assignees shall install any needed structures along the trail to provide dry passage.
6. Prior to the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide to DPR for review the construction drawings for the recreational facilities on existing and dedicated Parcel H. It shall include grading and a landscaping plan, limits of disturbance, construction details, sections, equipment and landscaping schedules. DPR staff shall provide review comments to the applicant within 45 days. If, for any reason, within 45 days, the applicant is unable to address DPR comments, DPR staff will release 20 building permits and continue working with the applicant. If prior to issuance of 21st building permit, the applicant is unable to obtain DPR approval, the applicant may request the Planning Board to review and approve the construction drawings for the recreational facilities on existing parkland and Parcel H, the property to be dedicated to Maryland-National Capital Park and Planning Commission.
7. The recreational facilities on existing parkland and dedicated Parcel H shall be constructed prior to 69th building permit.
8. Prior to issuance of any building permits for the townhouses adjacent to the golf course property, the applicant and the applicant's heirs, successors, and/or assignees shall install

a temporary chain link fence 6 feet in height and shall install that portion of the landscaping buffer along the northern property line of the dedicated 50-foot-wide strip of parkland that is located outside of the limits of disturbance as shown on submitted detailed site plan. The remaining landscaping buffer and permanent 6-foot-high decorative black aluminum fence along the entire northern property line shall be installed prior to the issuance of the 34th townhouse building permit.

9. Prior to construction of the recreational facilities on land to be donated, dedicated or on existing parkland, the applicant shall schedule a pre-construction meeting with DPR staff.
10. The master plan trail on homeowners association land shall be constructed as follows:
 - a. The portion of the master plan trail on HOA Parcel F shall be constructed in phase with the trail on the adjacent M-NCPPC Parcel H.
 - b. The trail around the stormwater management pond, the associated feeder trails on Parcels J and I and the gazebo and fountain shall be completed prior to the issuance of the final use and occupancy permit for the development.
 - c. The trail between Private Road H and Private Road G shall be constructed prior to the issuance of building permits for Lots 5 and 6, Block F.
 - d. Prior to final plat approval, the Declaration of Covenants for the property, in conjunction with the formation of a homeowners association, shall include language requiring that future contract purchasers of homes view and sign a copy of the approved composite trail and sidewalk plan as part of the purchase process.
11. Archeological site 18PR511 shall be preserved in place and shall be avoided by stream restoration on Parcel A, if possible. Prior to any ground disturbance or the approval of any permits which would result in disturbance of archeological site 18PR511, if stream restoration efforts are necessary on Parcel A and impact archeological site 18PR511, the applicant and the applicant's heirs, successors, and/or assignees shall provide for the following:
 - a. Evaluating the portion of site 18PR511 on proposed Parcel A on the east side of the PEPCO right-of-way at the Phase II level. The applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in a proper manner.
 - b. If a Phase III archeological mitigation is necessary, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manner.
 - c. Depending upon the significance of the findings (at Phase II or III level), the applicant and the applicant's heirs, successors, and/or assignees shall provide

interpretive signage. The location and wording shall be subject to approval by the staff archeologist.

12. The applicant and the applicant's heirs, successors, and/or assignees shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to the issuance of grading permits associated with stream restoration.
13. In conformance with the March and October 1990 *Approved Master Plan and Sectional Map Amendment for Subregion 1, Planning Areas 60, 61, and 62* and the *Approved Master Plan of Transportation*, the Adopted and Approved Anacostia Trails Heritage Area, and the Preliminary Plan of Subdivision 4-09005, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:
 - a. Construct the master plan trail along the subject site's entire frontage of Gunpowder Road, unless modified by DPW&T. This trail shall meander in the M-NCPPC open space as shown in the DPR exhibit dated February 5, 2010.
 - b. Provide standard sidewalks along both sides of all internal roads (except where eight-foot-wide trails are proposed), unless modified by DPW&T.
 - c. Construct the proposed eight-foot-wide trail along Public Road A and Public Road B, as shown on the submitted plan unless modified by DPW&T.
14. The applicant, its heirs, successors and/or assigns shall provide verification from the Washington Suburban Sanitary Commission (WSSC) that the trail crossing its right-of-way is acceptable prior to its required construction.
15. The applicant, its heirs, successors and/or assigns shall provide verification from Potomac Electric Power Company (PEPCO) that the trail crossing its property between Parcels A & B is acceptable prior to its required construction. If approval cannot be obtained from PEPCO, that portion of the trail may be relocated within the right-of-way along Old Gunpowder Road subject to the approval of DPWT.

Ordered this 23rd day of June, 2010, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Exum and Harrison.

Opposed:

Abstained:

Absent: Council Members Knotts, Olson and Turner.

Vote: 6-0

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