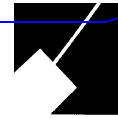


Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3470



Comment [COMMENT1]: WHEN INSERTING
 INFORMATION AT THE @ SIGN
 REMEMBER TO USE INDENT FOR SECOND
 LINE - NOT TAB. ALSO, IT WILL LOOK
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RECONSIDERATION OF DETAILED SITE PLAN DSP-93030

Application	General Data
Project Name HILLANTRAE SUBDIVISION Location Located south of Piscataway Road, north of Floral Park Road and west of Windbrook Drive. Applicant/Address Crestview, L.L.C. c/o Cherrywood Development, L.L.C. P.O. Box 420 Waldorf, MD 20604	Date filed 12-22-00
	Request for Reconsideration granted 01-11-01
	ZHE Hearing Date N/A
	Plan Acreage 242.79 ACRES
	Zone R-R
	Dwelling Units 340
	Square Footage N/A
	Planning Area 81B
	Council District 04
	Municipality N/A
	200-Scale Base Map 216SE 03 & 04 217SE 03 & 04

Purpose of Application	Notice Dates
The applicant requests that the Planning Board reconsider their action on Detailed Site Plan SP-93030 regarding the timing of construction of recreational facilities within the public park.	Adjoining Property Owners (CB-15-1998) N/A
	Previous Parties of Record (CB-13-1997) 12-29-00
	Sign(s) Posted on Site 01-19-00
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation			Staff Reviewer
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	LAREUSE
	X		

July 30, 2009

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Susan Lareuse, Urban Design Coordinator

SUBJECT: Reconsideration of Condition No. 10 of PGCPB No. 94-63
Detailed Site Plan, DSP-93030
Hillantrae Subdivision

FINDINGS

1. In letter dated December 22, 2000 Thomas H. Haller, of Gibbs and Haller Law Offices, on behalf of the applicant, Cherrywood Development and Crestview L.L.C., requested the Planning Board reconsider Condition No. 10 of Planning Board Resolution No. 94-63 approved on March 24, 1994. The applicant requests modification of requirements associated with the timing of construction of recreational facilities within the adjacent public park. The Planning Board granted the request to reconsider their decision on Detailed Site Plan DSP-93030 at a public hearing on January 11, 2001.
2. All previous parties of record were notified of the public hearing. Signs were posted on the public property, owned by the Maryland National Capital Park and Planning Commission, a minimum of 15 days prior to the Planning Board hearing.
3. Condition No. 10 of Detailed Site Plan DSP-93030 requires the submission of a bond for the recreational facilities within Phase One of the park development and it includes a timing mechanism for the construction of the facilities. Phase One must be completed prior to the release of the 180th building permit for the residential portion of the development. In other words, Phase One of the park was to be completed when approximately fifty percent of the residential development was complete. Condition 11 of the same Detailed Site Plan requires the submission of the bond for the recreational facilities within Phase Two of the park development and it includes a timing mechanism for the construction of those facilities prior to the release of the 300th building permit for the residential portion of the development. Phase Two includes all remaining facilities within the park and was to be done when approximately ninety percent of the residential development was complete. Each condition as approved by the Planning Board is provided below:
 10. Submission to DPR of a performance bond or letter of credit or other suitable financial guarantee for the access road, picnic pavilion associated facilities and landscaping in an

amount to be determined by DPR at least two weeks prior to application for any building permits. Construction of those facilities shall be completed prior to issuing of the 180th building permit.

11. Submission to DPR of a performance bond or letter of credit or other suitable financial guarantee for all remaining park facilities shown on the park development plan in an amount to be determined by DPR at least two weeks prior to application for the 180th building permit. Construction of the facilities shall be completed prior to issuing the 300th building permit.

4. The applicant provides the following justification for the modification of Condition 10 above, in a letter dated December 22, 2000, Thomas H. Haller to Elizabeth M. Hewlett, Chairwoman of the Prince Georges County Planning Board:

■As required by the conditions approving the Detailed Site Plan, the developer obtained approval of a revised park plan by the Department of Parks and Recreation prior to the issuance of approval of any building permits. This plan included the design of a picnic pavilion. Several years elapsed, however, between the original design of these facilities and their construction due to financial difficulties encountered by the initial developer. The current owner assumed control of the project and has proceeded in good faith to complete the recreation facility development as required by the Detailed Site Plan. Specifically, the current owner has completed all of the Phase I recreation facilities with the exception of the picnic pavilion, and has completed the grading of the multi-purpose field and softball field, which is not required until Phase II. Unfortunately, when the current owner attempted to submit permit plans for the construction of the picnic pavilion, it discovered that the architect which had originally prepared the plans in 1994 had allowed his architecture license in the State of Maryland to expire, preventing him from being able to certify the plans as drawn. Unable to find another architect who would certify the plans, the owner was required to wait until the license of the architect was renewed before building permit applications could be accepted. As of the date hereof, the building permit for the picnic pavilion has been submitted, and is referenced as Building Permit No. 8327723-2000. Compounding this problem, several of the lots in the subdivision which had been sold to home builders were not anticipated to be the subject of building permit applications for several months. Recently, however, legislation adopted by the state requiring an increase in the school facilities surcharge prompted the builders to pull several permits prematurely in order to avoid the increased surcharge. The delay in filing the building permit for the picnic pavilion as a result of the inability of the architect to certify the drawings, coupled with builders pulling permits in advance, resulted in all of the Phase I permits being issued before all of the Phase I recreation facilities were completed. The owners are therefore seeking modification of Condition 10 to permit 30 additional permits to be issued before all of the Phase I improvements are required to be completed.

■In light of the above background, it is clear that the current owner and developer of Hillantrae are diligently pursuing the construction of the recreation facilities. In fact, the developer has performed a portion of the Phase II improvements ahead of schedule. Bonding has been in place for some time to insure the completion of the Phase I improvements, and the Phase II improvements will be bonded prior to the issuance of any

permits beyond 180, as required by original Condition 11. The factors which have combined to prevent the completion of the Phase I recreation facilities resulted from the delay caused by the financial failure of the development and a change in the legislation. Both causes were beyond the control of the developer. The owner therefore submits that these factors represent good cause to reconsider Condition 10 of the Detailed Site Plan justify the issuance of additional permits before all of the Phase I improvements are completed. The owner respectfully requests that Condition 10 be amended to read as follows:

■Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantee for the access road, picnic pavilion, associated facilities and landscaping in an amount to be determined by DPR at least two weeks prior to application for any building permits. Construction of these facilities shall be completed prior to the issuance of the 210th building permit.

■Amending Condition 10 in this way will not jeopardize the completion of the facilities. Adequate bonding remains in effect and bonding of the Phase II improvements will be in place as required by Condition 11 before any more permits are issued. Given these facts, the owner submits that the requested amendment is reasonable and adequately protects the public interest.●

5. The recreational facilities to be constructed by the developers of Hillantre Subdivision are to be located on Maryland National Capital Park and Planning Commission land. Consequently, the Recreational Facility Agreement (RFA) is held by the Department of Parks and Recreation. The current RFA has two phases for the park development so stated above. Phase One (prior to the release of the 180th permit) of the park development includes the following facilities:

- Picnic pavilion including lighting, restrooms and stone veneer fireplace
- Parking lot (46 spaces)
- access road and split-rail fence
- landscaping
- entrance gate

Phase Two (prior to the release of the 300th permit) includes the following recreational facilities:

- Multipurpose field (320' x 190')
- Softball field (290' baseline)
- 905 linear feet of asphalt path way (six feet wide)
- 4135 linear feet of asphalt pathway (eight feet wide)
- Picnic area
- Multi-age play area
- Landscaping

The extension of the time limit for construction of Phase One facilities was discussed with the staff of the Department of Parks and Recreation. They believe that it would be advisable to have some assurances that the Phase One recreational facilities will be built, before granting the request for additional permits. They suggested that evidence of a signed contract between the applicant and a

contractor for the construction of the picnic pavilion is desirable to provide assurances of timely construction. This contract should be submitted prior to the release of the 180th permit.

The Development Review Division staff received numerous telephone calls from citizens within the community who are concerned about the timing and completion of the entire park. Rather than hold up the residential construction at this time, providing for the completion of the entire park earlier than required by the previous approval might address the community's concerns relating to the full completion of the park. Since the applicant is requesting 30 additional permits prior to the completion of Phase One of the park development, it seems reasonable to require the completion of Phase Two 30 permits earlier as a fair exchange. Therefore, the staff recommends that prior to the release of the 270th building permit (instead of the 300th), the Phase Two construction be completed. This condition actually amends Condition 11 of the same Planning Board Resolution No. 94-63. The staff recommends that Conditions 10 and 11 be amended to state the following:

10. Submission to DPR of a performance bond or letter of credit or other suitable guarantee for the access road, picnic pavilion associated recreational facilities and landscaping in an amount to be determined by DPR at least two weeks prior to application for any permits. Prior to the issuance of the 180th permit, the applicant shall submit a signed contract ensuring the construction of the picnic pavilion and the applicant shall revise the Recreational Facilities Agreement (RFA) to state that the construction of the Phase One recreational facilities shall be completed prior to the issuance of the 210th building permit.
 11. Submission to DPR of a performance bond or letter of credit or other suitable guarantee for all remaining park facilities shown on the park development plan in an amount to be determined by DPR at least two weeks prior to application for any permits. Prior to the issuance of the 180th permit, the applicant shall revise the RFA to state that the construction of the Phase Two recreational facilities shall be completed prior to the issuance of the 270th building permit.
6. The staff recommends that the Planning Board approve the applicant's request to modify Condition 10 and the staff's recommendation to modify Condition 11 because changing the original decision by the Planning Board has been justified by the applicant. The architect, inadvertently allowing his architecture license to expire thus delaying the issuance of the pavilion permit, is sufficient reason for the Planning Board to approve the reconsideration. The modification of Conditions 10 and 11 will result in the overall park being completed faster than was originally planned, thus it is in the best public interest to modify the 1994 decision.

RECOMMENDATION

The Development Review Division recommends that the Planning Board APPROVE the request for reconsideration and modify Conditions 10 and 11 of PGCPB No. 94-63 as follows:

12. Submission to DPR of a performance bond or letter of credit or other suitable guarantee for the access road, picnic pavilion associated recreational facilities and landscaping in an amount to be determined by DPR at least two weeks prior to application for any permits. Prior to the issuance of the 180th permit, the applicant shall submit a signed contract ensuring the construction of the picnic pavilion and the applicant shall revise the Recreational Facilities Agreement to state that the construction of the Phase One recreational facilities shall be completed prior to the issuance of the 210th building permit.
13. Submission to DPR of a performance bond or letter of credit or other suitable guarantee for all remaining park facilities shown on the park development plan in an amount to be determined by DPR at least two weeks prior to application for any permits. Prior to the issuance of the 180th permit, the applicant shall revise the Recreational Facilities Agreement to state that the construction of the Phase Two recreational facilities shall be completed prior to the issuance of the 270th building permit.