



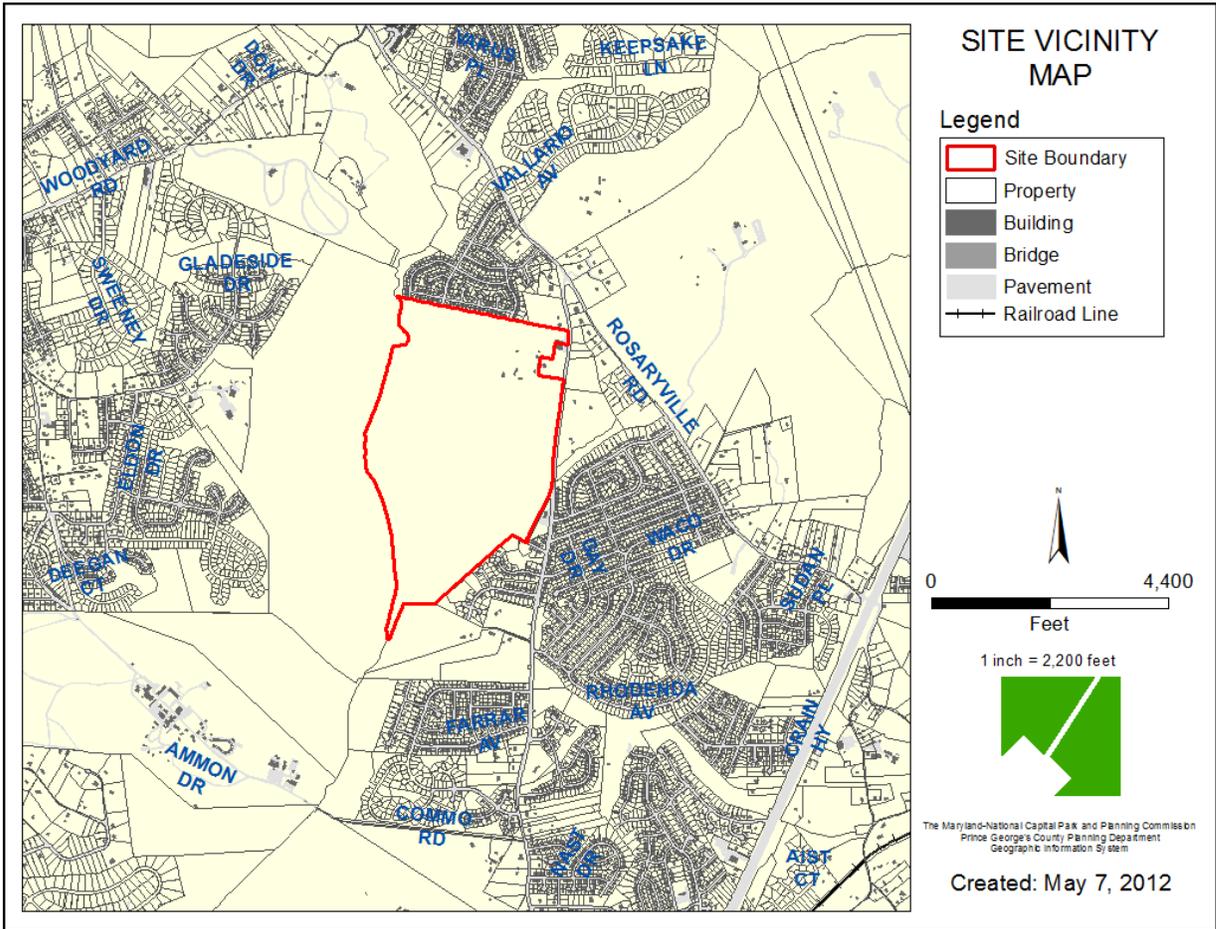
Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Specific Design Plan SDP-1202 (Remanded)

Application	General Data	
<p>Project Name: Canter Creek (Formerly TLBU Property) Phase One</p> <p>Location: West side of Frank Tippet Road, approximately 1,000 feet south of its intersection with Rosaryville Road.</p> <p>Applicant/Address: Walton Canter Creek Development LLC 11800 Sunrise Valley Drive, Suite 300 Reston, VA 20191</p>	Planning Board Hearing Date:	04/25/13
	Staff Report Date:	04/09/13
	Date Remanded:	02/12/13
	Planning Board Action Limit:	N/A
	Plan Acreage:	342.38
	Zone:	R-S
	Dwelling Units:	N/A
	Gross Floor Area:	N/A
	Planning Area:	82A
	Tier:	Developing
	Council District:	09
	Election District	11
	Municipality:	N/A
200-Scale Base Map:	212SE09	

Purpose of Application	Notice Dates	
Infrastructure for Phase One. Additional review required by the District Council's Order of Remand dated February 12, 2013.	Informational Mailing:	05/10/12
	Acceptance Mailing:	07/24/12
	Sign Posting Deadline:	03/26/13

Staff Recommendation		Staff Reviewer: Susan Lareuse Phone Number: 301-952-4277 E-mail: Susan.Lareuse@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Specific Design Plan SDP-1202 (Remanded)
Canter Creek, Phase One

BACKGROUND

Specific Design Plan SDP-1202 for Canter Creek, was reviewed by the Planning Board on October 25, 2012, and PGCPB Resolution No. 12-102 was adopted on November 1, 2012.

On February 12, 2013, the District Council voted to remand the case to the Planning Board to take further testimony and reconsider its decision relating to specific issues in accordance with Sections 27-132, 27-523, and 27-258.01 of the Zoning Ordinance.

REMAND FINDINGS

1. The District Council remanded the specific design plan (SDP) for Canter Creek to the Planning Board on February 12, 2013. The following in **bold** is the Remand Order, followed by staff comment:

It is hereby ordered, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No.12-102, approving with conditions a revision to Specific Design Plan SDP-1202, for infrastructure, which includes clearing, grading, frontage improvements, street, pipe, storm water pond, landscaping, and equestrian trail construction, for Phase One, located on the west side of Frank Tippett Road, approximately 1,000 feet south of its intersection with Rosaryville Road, in Planning Area 82A, within the Developing Tier, and Council District 9, is:

REMANDED, pursuant to §27-132, §27-523, and §27-258.01 of the Zoning Ordinance, to the Planning Board to take further testimony and reconsider its decision as follows:

1. **This application request, infrastructure for phase one, was filed in June 2012. Condition 8, Consideration 2 of the Basic Plan A-9738-C states:**
 - **The applicant shall submit a 100-year floodplain study and a stormwater management concept plan for approval by the Department of Environmental Resources (DER).**

A letter, dated September 22, 2009, from the Associate Director of Department of Public Works & Transportation (DPW&T) was submitted which indicated that the floodplain study, FSP No. 900058, approved on November 20, 1989, remains valid. PGCPB No. 12-102 at 7.

On remand, if DPW&T is the current agency that approves 100-year floodplain elevations, Planning Board shall take further testimony from the Associate Director of DPW&T on the validity of a 100-year floodplain study that is over 20 years old or the feasibility of submitting a new 100-year floodplain study.

After receiving this evidence or testimony into the record, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A-9738-C.

Comment: In the original SDP, the following finding was made by the Planning Board:

“A 100-year floodplain study was approved for the subject property on November 20, 1989. A Stormwater Management Concept Plan, 8327602-2000-04, has been approved by the Department of Public Works and Transportation (DPW&T). Because the 100-year floodplain study was approved more than 18 years ago, a confirmation of the validity of the study from the current Prince George’s County agency that approves 100-year floodplain elevations should be submitted. A letter from Dawit Abraham, Associate Director, DPW&T, dated September 22, 2009, indicates that Floodplain Study FPS No. 900058, approved on November 20, 1989, remains valid.”

In a memorandum dated April 4, 2013 (Abraham to Lareuse), the following explanation was given by DPW&T for their original determination:

“The floodplain elevations at Canter Creek were determined from three sources:

“The first was FEMA Panel #245208 0080C for the floodplain of Piscataway Creek; these elevations remain current, even though other aspects of that FEMA panel have been updated since the floodplain elevations were set for this site in 1989.

“The second source was a study conducted in April, 1986 by the Prince George’s County’s Stormwater Management Technical Group for the Piscataway Creek Watershed, which was used to set the elevations along Dower House Pond Branch. This study was carried out in accordance with the County’s requirements which stipulate that the hydrology from which the flood volumes are computed be based on the ultimate development of the watershed.

“Therefore, as long as the zoning in the watershed does not increase in density after the time of a County-compliant study, the flow quantities used in computing the flood elevations in that study would remain unchanged, regardless of the amount of actual land development which has occurred in the intervening time. And, if the flow quantities do not change, then the flood elevations do not change as long as there has been no physical alteration of the stream channel within the study limits. The natural stream channel through the Canter Creek site has remained unaltered since the time of the 1986 County study; as such, the floodplain elevations along Dower House Pond Branch remain valid as well.

“The third source for the floodplain elevations at the Canter Creek Project was a study prepared by RDA in 1989 with floodplain reference number FP#900058 or the unnamed tributary which runs through the middle of the site. This study was also carried out in accordance with the County’s requirements which stipulate that the hydrology be computed for the ultimate development of the watershed. Therefore, as the zoning in the watershed of this unnamed tributary has not changed, the flow quantities and therefore the floodplain elevations would not have changed, and so the 1989 study remains valid.”

2. This application was subject to a preliminary plan condition 3 since 2009, which states:

- **Development of this site shall be in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions. PGCPB No. 12-102 at 17, 26.**

This application was filed on June 2012 without documentation from the applicant or from DPW&T that the subject SDP is in conformance with the Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.

On remand, and pursuant to Section 8 of the Planning Board Rules of Procedure, until the final decision is made, the applicant shall be allowed to present written documentation from DPW&T that the subject SDP is in conformance with Stormwater Management Concept Plan, 8327602-2000-04 and any subsequent revisions.

If the documentation from DPW&T indicates that the subject SDP is not in conformance with Stormwater Management Concept Plan, 8327602-2000-04, and any subsequent revisions, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A-9738-C.

On remand, Planning Board and Technical Staff shall evaluate and process this SDP to determine whether Stormwater Management Concept Plan, 8327602-2000-04, and any subsequent revisions conforms to the County’s current stormwater management guidelines or whether revisions are necessary.

Comment: In the original SDP, the following finding was made by the Planning Board:

“General Note 11 on the SDP accurately states that the property has a Stormwater Management Concept Plan, 8327602-2000-04. The approval date of the stormwater management plan should be added to General Note 11. Additionally, the Planning Board adopted a condition of approval that requires documentation from the Department of Public Works and Transportation stating that the SDP is in conformance with the current concept plan approval.”

In a memorandum dated April 4, 2013 (Abraham to Lareuse), the following information was provided:

“Stormwater Management Concept Plan 8327602-2000-04 for the Canter Creek project was most recently updated on June 21, 2012. The plans which accompanied that update are in conformance with the grading and stormwater management shown on the subject

SDP.

“The stormwater management for the Canter Creek project was designed in accordance with the stormwater management regulations which were in effect prior to the adoption of the 2009 revisions to the Maryland Stormwater Design Manual, and is eligible for an administrative waiver pursuant to §32-170(d) under the current stormwater management guidelines, provided final technical plans for stormwater management and erosion and sediment control are approved prior to May 4, 2013.”

- 3. On remand, Community Planning South shall provide comments on this SDP. After receiving comments from Community Planning South, Planning Board shall evaluate and process this SDP for compliance with evaluation criteria of Zoning Map Amendment (Basic Plan) A-9738-C and conformance with the 1993 and 1994 Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area (Planning Areas 79, 82A, 82B, 86B, 87A, 87B).**

Comment: The Community Planning Division originally reviewed the application in accordance with the 2009 Subregion 6 Master Plan and Sectional Map Amendment; however, the referral from the Community Planning Division was inadvertently omitted from the case file. Below is the finding of conformance to both the 1993 and 2009 master plans. The Community Planning Division provided the following determinations for the Planning Board in a memorandum dated March 12, 2013 as follows:

- “a. This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier. This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.
- “b. This application conforms to the 1993 *Approved Master Plan for Subregion VI Study Area* recommendations for residential living areas in the Rosaryville community portion of the planning area. The subject property was affected by a Court Order that reversed the approval of the 2009 *Subregion 6 Master Plan and Sectional Map Amendment (SMA)*. Therefore, for the purpose of evaluating this application, the 1993 Approved Subregion VI Master Plan is the current controlling document.

“The 1993 Subregion VI Master Plan land use map recommends dedication of a portion of this property (eastern side and southwest corner) to future M-NCPPC stream valley parks, connected by a future M-NCPPC neighborhood park on the southern portion of the site. The preliminary plan 4-07005 identified these areas as Parcels D and E for conveyance to M-NCPPC in fulfillment of mandatory dedication requirements.

“The present plan is for a limited portion of the infrastructure on the southern portion of the site. Along the northern part of the site the applicant proposes a buffer to separate Williamsburg Estates with the subject property, as shown on previously approved plans. This is consistent with County Council approval of ZMA A-9738-C in 1990.

“The Joint Base Andrews Joint Land Use Study from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near Joint

Base Andrews. Subsequent to the remand request from the District Council, legislation implementing JLUS has been adopted by the County Council as Sec. 27-1801 et. seq., titled the Interim Land Use Control (ILUC). This property is within an area recommended for height limits (Area F). The height on the property is recommended to not exceed 500 feet, and is not proposed by this project. This property is outside of the 65 dBA noise contours, so noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are recommended.”

The Community Planning Division South provided the following determination for the Planning Board in a memorandum dated August 28, 2012:

“This application proposal conforms to the 2009 *Subregion VI Approved Master Plan and Sectional Map Amendment* recommendations for residential living areas in Suburban/Developing Tier Communities. This plan policy recommends that the county ‘continue to build high-quality, suburban development organized around a network of open space and community facilities with attention to site design.’

“The 2009 *Subregion VI Master Plan* recommends dedication of a portion of this property (eastern side and southwest corner) to future M-NCPPC stream valley parks, connected to a future M-NCPPC neighborhood park on the southern portion of the site. The preliminary plan 4-07005 identified these areas as Parcels D and E for conveyance to M-NCPPC in fulfillment of mandatory dedication requirements. These conform to the *Master Plan* as approved.

“The present plan is for infrastructure on the southern portion of the site. Prior approved plans and referrals from Community Planning discussed the importance of buffers separating this property from Williamsburg Estates to the north of the site. Those issues will be reviewed in future SDP referrals.

“The Joint Base Andrews Joint Land Use Study from December 2009 recommends mitigation for noise, height, and accident potential zones in neighborhoods near Joint Base Andrews. Legislation implementing JLUS has been proposed, but not adopted. This referral addresses the recommendations of JLUS, not the proposed legislation. This property is within an area recommended for height limits. The heights on the property are recommended to not exceed 500 feet. This property is outside of the 65 dBA noise contours, so recommended noise attenuation is not required. The property is not in an Accident Potential Zone, so no controls on use or density are recommended.”

The staff recommends that the Planning Board find that the subject application conforms to the 1993 *Approved Master Plan for Subregion VI Study Area* and the 2009 *Subregion VI Approved Master Plan and Sectional Map Amendment*.

- 4. The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding communities. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a specific timetable and delineate responsibilities, including funding sources, for the construction of the facilities. In formulating this plan, the applicant shall have met and consulted with the M-NCPPC Parks and Recreation staff, the Brookwood-Hollaway Civic Association, and the Williamsburg Estates Citizens Association.**

Comment: The Department of Parks and Recreation provided comment in a memorandum dated March 27, 2013 (Asan to Lareuse) as stated below:

“The District Council requested that the applicant develop a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community in consultation with DPR and the Civic and Citizens associations in the surrounding community. It is anticipated that a typical community park would include the following recreational facilities such as:

“Playground (Multi-age for children 2-5 & 5-12)

“Softball Field with Football/Soccer Overlay

“Picnic area

“Pavilion (w/restrooms and storage area)

“Walking Trails

“Skate Park

“65-space Parking Lot

“TIMETABLE

“The District Council requested that the applicant provide a specific timetable, and delineate responsibilities, including funding sources, for the construction of the facilities. The process of developing a plan for the Community Park typically considers neighborhood and regional needs and public input gathered through meetings with the community. Two major factors will determine the timetable for the park construction the timing of the developer’s payments and the Capital Improvement Program (“CIP”).

“Capital Improvement Program (“CIP”) process: The timing for CIP project will be established based on recommendation by the DPR staff, input from the public, recommendations by the Planning Board and a final determination by the County Council. Construction of the park by the DPR will be dependent on future allocations through the CIP.

“Development Phasing and Park Construction: Typically, the park facilities in a new subdivision are developed in phase with construction of the subdivision to ensure that the road network and utilities are constructed, and the new residential community is well established. The applicant had informed DPR staff that the first phase of the development would include approximately 106 dwelling units. DPR staff believes that construction of the Community Park could commence after completion of first phase of development. The applicant expects that approximately 100 dwelling units will be constructed by the end of 2016. The applicant expects that approximately 50 dwelling units will be built each year, which leads to the conclusion that the project will be built out by 2023; at that time, \$205,000 will be available for the park construction.

“FUNDING SOURCES

“The Community Park construction will be funded through a future M-NCPPC Capital Improvement Program (“CIP”) and the applicant’s monetary contribution of \$500 per dwelling unit. It is estimated that at build out of the Canter Creek development, \$205,000 will be available for the park construction.

“The Department of Parks and Recreation recommends to the Planning Board that approval of the above-referenced remanded Specific Design Plan SDP-1202 be subject to the following additional condition:

- “1. The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a projected timetable for its construction. In formulating this plan, the applicant shall have met and consulted with the M-NCPPC Parks and Recreation staff, the Brookwood-Hollaway Civic Association, and the Williamsburg Estates Citizens Association.”

RECOMMENDATION

In conclusion, staff recommends that Specific Design Plan SDP-1202 Canter Creek (Formerly TLBU Property) Phase One, and Type II Tree Conservation Plan TCPII-002-02-01, be re-approved by the Planning Board with the additional findings stated above and that one additional condition be added to the approval as RECOMMENDED by the Department of Parks and Recreation, as follows:

1. The applicant shall include in any future Specific Design Plan application a specific infrastructure plan for the recreational facilities that will serve this development and the surrounding community. This plan shall include the selected recreational facilities for the parkland being dedicated and provide a projected timetable for its construction. In formulating this plan, the applicant shall have met and consulted with the M-NCPPC Parks and Recreation staff, the Brookwood-Hollaway Civic Association, and the Williamsburg Estates Citizens Association.