



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Comprehensive Design Plan Balmoral, Lot 24 Block C (Vala Deck)

CDP-0302-H1

REQUEST	STAFF RECOMMENDATION
<p>This case was continued from the Planning Board hearing date of April 1, 2021 to April 22, 2021.</p> <p>Proposed elevated deck at the rear of an existing single-family detached dwelling.</p>	APPROVAL

Location: On the south side of Governor's Park Lane, approximately 2,160 feet west of its intersection with US 301.	
Gross Acreage:	0.22
Zone:	R-S
Dwelling Units:	N/A
Gross Floor Area:	N/A
Planning Area:	79
Council District:	06
Election District:	03
Municipality:	N/A
200-Scale Base Map:	205SE13
Applicant/Address: Carine Vala 4001 House of Lords Drive Upper Marlboro, MD 20772	
Staff Reviewer: Tierre Butler Phone Number: 301-952-2548 Email: Tierre.Butler@ppd.mncppc.org	



Planning Board Date:	04/22/2021
Planning Board Action Limit:	04/22/2021
Staff Report Date:	04/06/2021
Date Accepted:	02/11/2021
Informational Mailing:	03/18/2021
Acceptance Mailing:	02/06/2021
Sign Posting Deadline:	03/02/2021

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Homeowner's Minor Amendment to a Comprehensive Design Plan CDP-0302-H1
Balmoral, Lot 24 Block C (Vala Deck)

EVALUATION CRITERIA

- a. The requirements of the following sections of the Prince George's County Zoning Ordinance:
 - (1) Section 27-512 regarding uses permitted in the Residential Suburban Development (R-S) Zone;
 - (2) Section 27-513 regarding regulations in the R-S Zone;
 - (3) Section 27-521 regarding required findings for approval of comprehensive design plan applications; and
 - (4) Section 27-524 regarding amendments to approved comprehensive design plan applications.
- b. The requirements of Basic Plan A-9952;
- c. The requirements of Comprehensive Design Plan CDP-0302;
- d. The requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance;

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design Section recommends that the Planning Board make the following findings:

- 1. **Request:** The subject homeowner's minor amendment to a comprehensive design plan (CDP) is a request to construct an elevated deck at the rear of the existing single-family detached dwelling within the rear yard setback.

2. **Development Data Summary:**

	EXISTING
Zone	R-S
Use	Residential
Lot size	9,397 sq. ft.
Lot	1
Number of Dwelling Unit	1

3. **Location:** The subject property is located at 4001 House of Lords Drive, on the southside of Governor’s Park Lane, approximately 2,160 feet west of its intersection with US 301. The property is also located in Planning Area 79 and Council District 6.
4. **Surrounding Uses:** The subject property is surrounded by similar single-family detached homes and all are within the Residential Suburban Development (R-S) Zone.
5. **Previous Approvals:** The subject site was developed as part of the Balmoral subdivision. The site and surrounding area were rezoned under Zoning Map Amendment (Basic Plan) A-9952, which was approved on June 10, 2002, by the Prince George’s County District Council. Basic Plan A-9952 rezoned approximately 210 acres in total from the Employment and Institutional Area and Residential-Agricultural Zones to the R-S Zone. CDP-0302, for 357 single-family detached units, was originally approved by the Prince George’s County Planning Board on December 11, 2003, with 32 conditions (PGCPB Resolution No. 03-250). The District Council issued an order affirming the Planning Board’s decision on April 26, 2004, with 35 conditions.
6. **Design Features:** The subject application includes a proposal for a 36-foot-wide wide-open deck attached to the rear of the existing single-family detached home. The deck is proposed to be elevated above grade and wraps around the morning room at the rear of the house. The deck extends into the 15-foot rear yard setback by 12 feet and is a minimum of 3 feet from the rear property line.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The project conforms with Section 27-512 of the Zoning Ordinance regarding uses permitted in the R-S Zone. A single-family detached dwelling is a permitted use in the R-S Zone. The project is also in compliance with the requirements of Section 27-513 of the Zoning Ordinance, which includes regulations applicable to the R-S Zone. The project also conforms to the requirements of Section 27-521 of the Zoning Ordinance regarding required findings for CDP applications, and Section 27-524 of the Zoning Ordinance regarding amendments to approved CDP applications. See Findings 11 and 12 below for a more detailed discussion of this conformance.

8. **Zoning Map Amendment (Basic Plan) A-9952:** The project is in compliance with the requirements of Basic Plan A-9952, as the proposed deck in the rear yard setback does not alter findings of conformance with the basic plan that were made at the time of approval of the CDP.
9. **Comprehensive Design Plan CDP-0302:** The project complies with the requirements of CDP-0302, except regarding the required rear yard setback. The CDP stipulates that open porches, decks, and patios with surfaces greater than three feet above finished grade shall be located behind the setback line, as outlined in Condition 31.f of the District Council's decision on CDP-0302, as follows:

31. The following design standards shall be added to the face of the CDP plan:

- f. **Construction that shall be used in determining the lot coverage shall include principal buildings (including covered porches and decks), accessory buildings and driveways. Uncovered and unenclosed porches, decks, patios, paved walks, and swimming pools shall not be counted toward maximum lot coverage. Uncovered and unenclosed porches, decks, and patios whose surface is within three feet of finished grade shall be set back at least two feet from side and rear lot lines. Uncovered and unenclosed porches, decks, and patios whose surface is greater than three feet above finished grade shall be located behind the setback lines.**

The proposed uncovered deck sits approximately 8 feet above grade and therefore, would have to meet the main setback of 15 feet. Therefore, this application was filed as the deck sits as close as 3 feet to the rear property line.

10. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The subject lot does not contain any woodland conservation; the addition of the proposed deck would not alter the previous findings of conformance with the Woodland Conservation and Tree Preservation Ordinance that were made at the time of approval of the CDP.
11. Prior to approving a CDP, the Planning Board must make the required findings found in Section 27-521(a) of the Zoning Ordinance:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The CDP was previously found to be in conformance with Basic Plan A-9952, as provided for in PGCPB Resolution No. 03-250. The proposed deck does not affect that finding.

- (2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;**
- (3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**
- (4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**
- (5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**
 - (A) Amounts of building coverage and open space;**
 - (B) Building setbacks from streets and abutting land uses; and**
 - (C) Circulation access points**
- (6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**
- (7) The staging of development will not be an unreasonable burden on available public facilities;**

Conformance with these requirements (2-7) were found at the time of approval of the original CDP, and the proposed deck does not change those findings.

- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
 - (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
 - (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
 - (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

This finding is not applicable to this project. There is no adaptive use of historic sites proposed with this homeowner's minor amendment.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

Conformance with this requirement was found at the time of approval of the original CDP, and the proposed deck does not change that finding.

- (10) **The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

Conformance with this requirement was found at the time of approval of the original CDP, and the proposed deck does not change that finding.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

There are no regulated environmental features on the subject lot.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Conformance with this requirement was found at the time of approval of the original CDP, and the proposed deck does not change that finding.

- (13) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

The subject site is not part of a regional urban community.

12. Section 27-524(b)(3) of the Zoning Ordinance sets forth the criteria for granting minor amendments to approved CDPs for the purpose of making home improvements requested by a homeowner (or authorized representative) and approved by the Planning Director (or designee), in accordance with specified procedures, as follows:

- (A) **The Planning Board shall conduct a public hearing on the requested amendments.**
- (B) **Findings. The Planning Board may grant the minor amendment if it finds that the requested modifications will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.**
- (C) **The Planning Board shall approve, approve with modification, or disapprove the requested amendments, and shall state its reasons for the action. The Planning Board's decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing before the Planning Board and to the District Council.**

The subject CDP application is being reviewed by the Planning Board, in conformance with criterion (A) above. The Planning Board is required to make a decision on the CDP application, in conformance with criterion (C) above. In regard to criterion (B), staff believes that the proposed deck will not substantially impair the intent, purpose, or integrity of the approved CDP. The proposed elevated deck will not be detrimental to the community and will not negatively impact the visual characteristics of the neighborhood because it will be located to the rear of an existing single-family dwelling and not visible from the street or public space.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Homeowner's Minor Amendment to a Comprehensive Design Plan CDP-0302-H1 Balmoral, Lot 24 Block C (Vala Deck).

ITEM: 5A

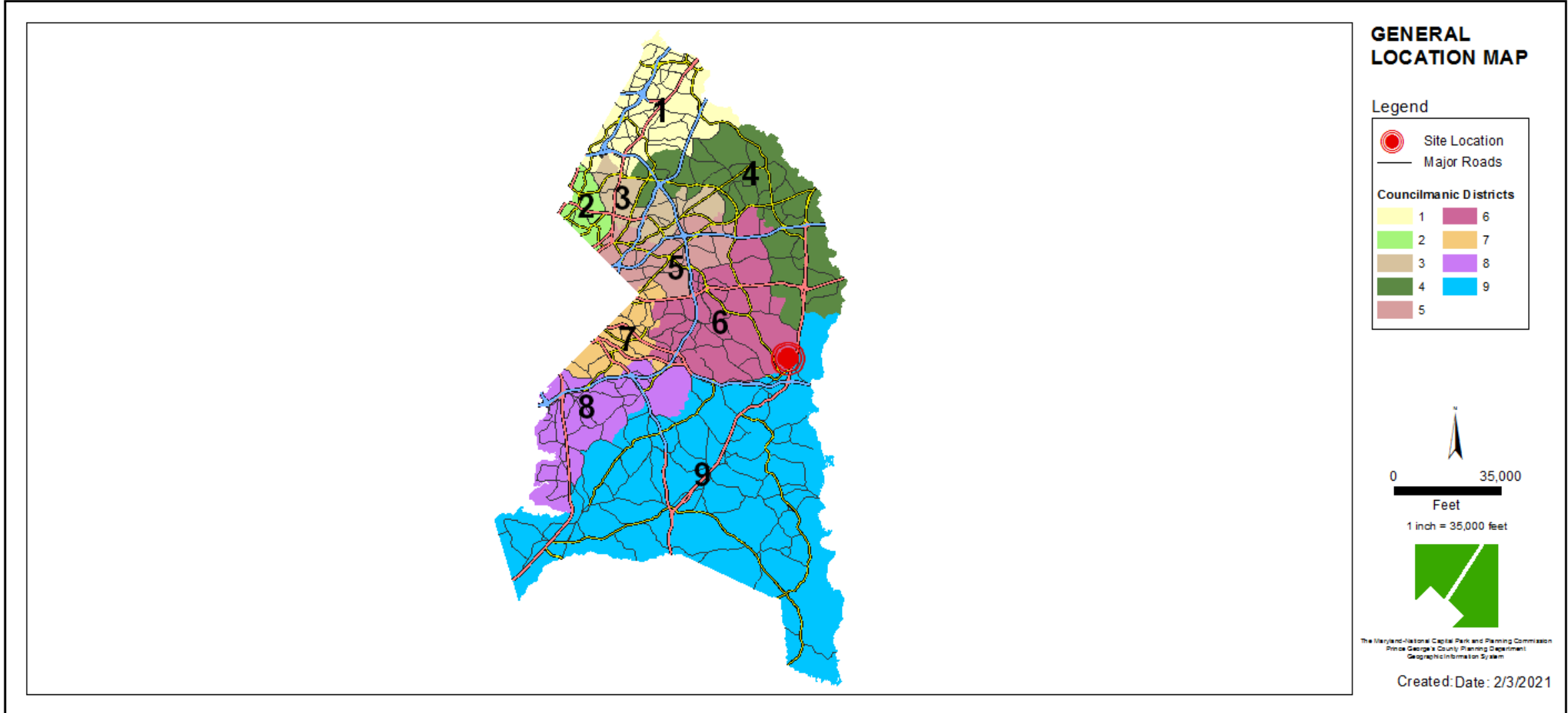
CASE: CDP-0302-H1

**BALMORAL, LOT 24 BLOCK C
VALA DECK**

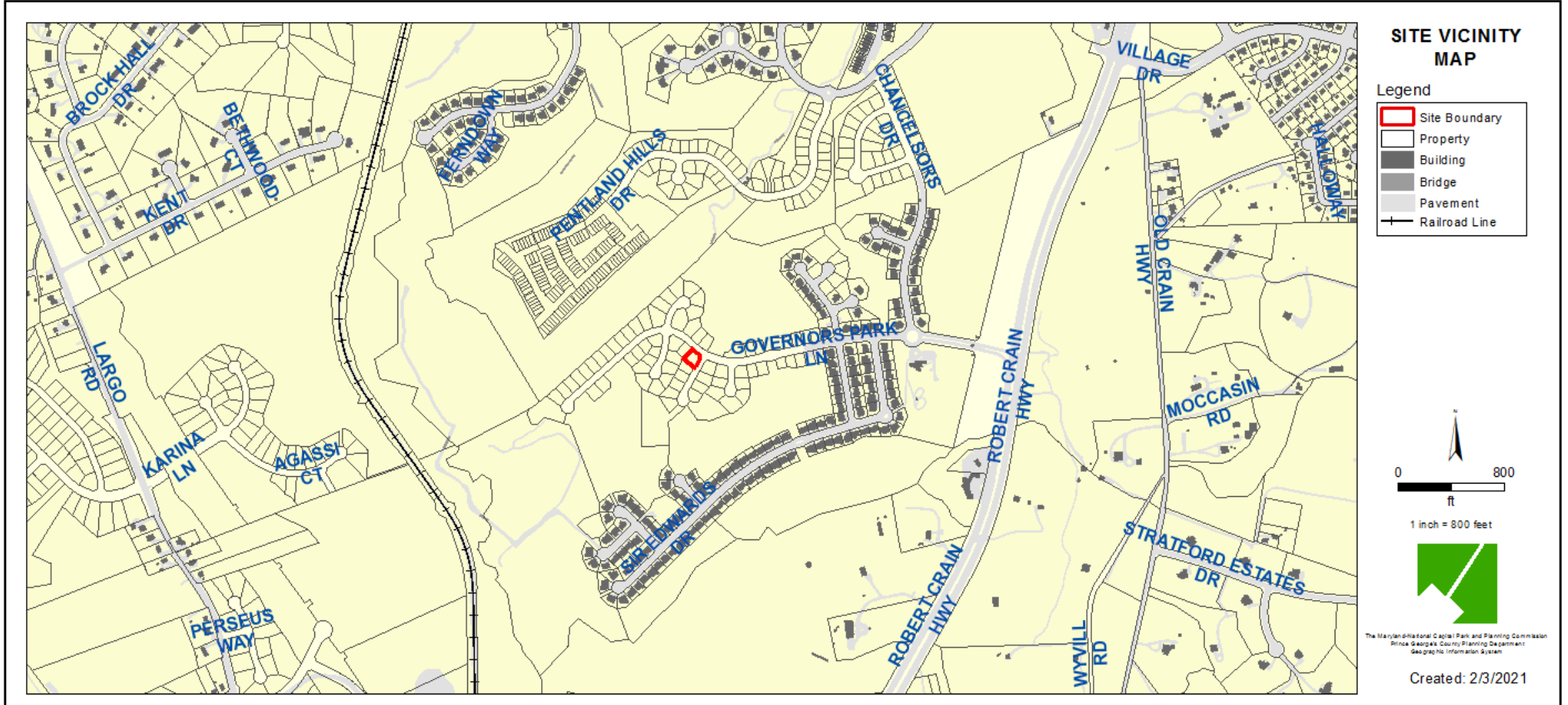
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



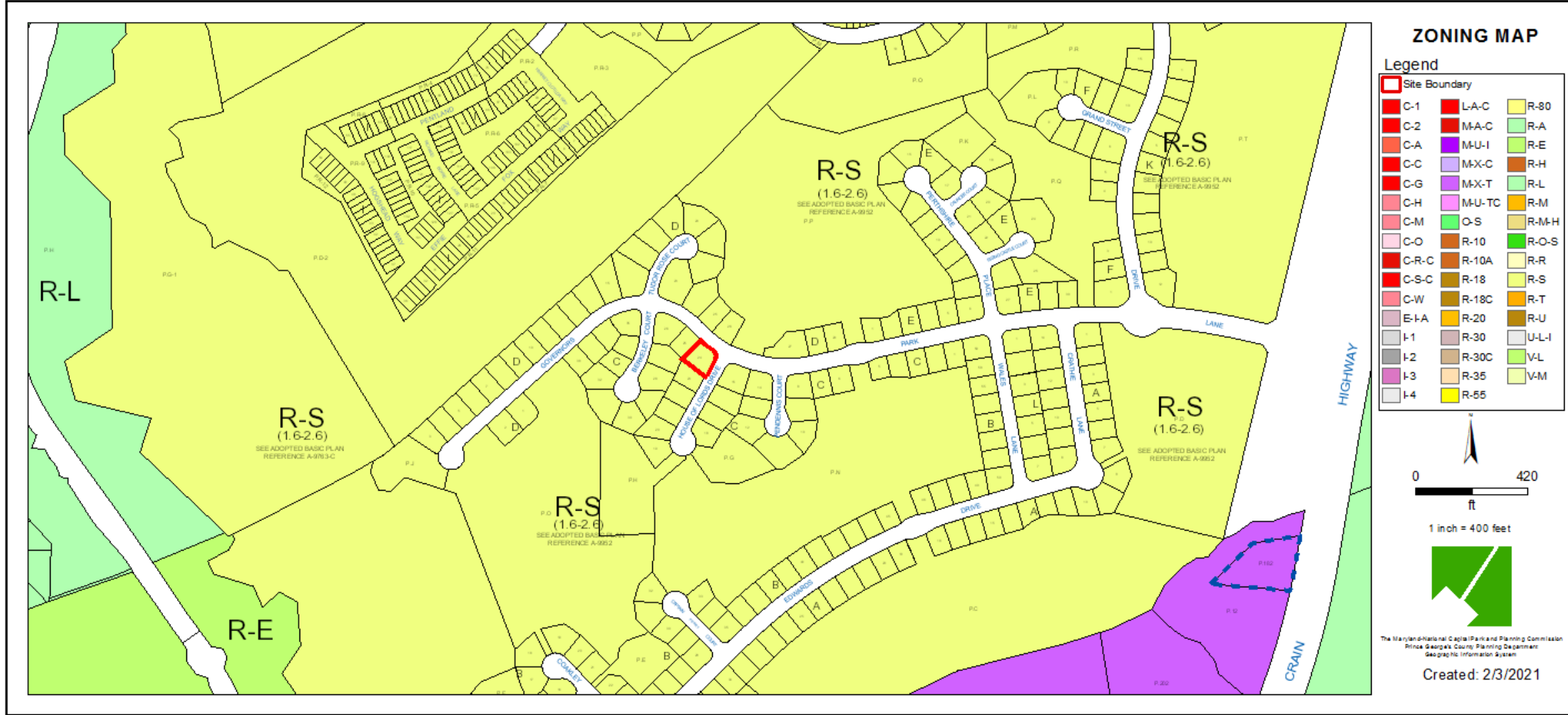
GENERAL LOCATION MAP



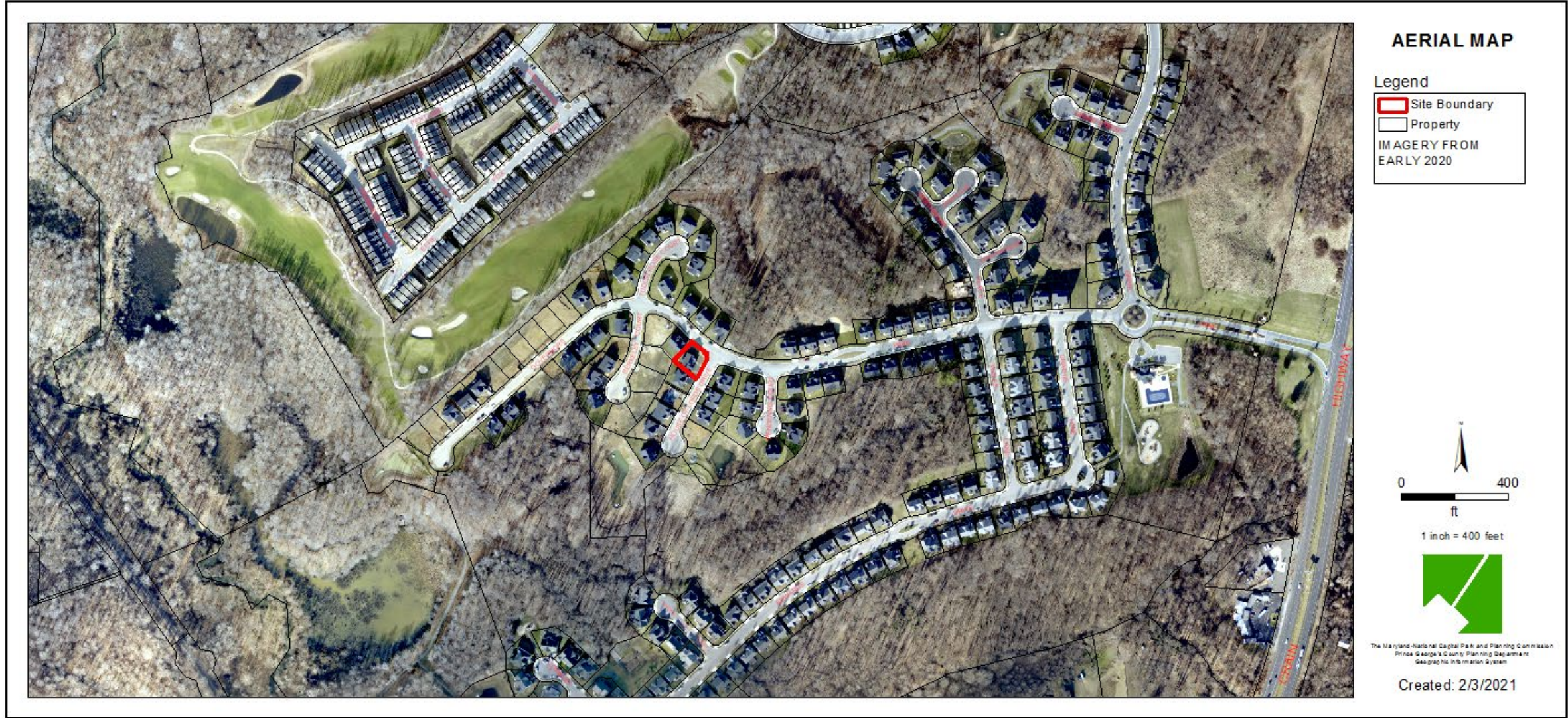
SITE VICINITY



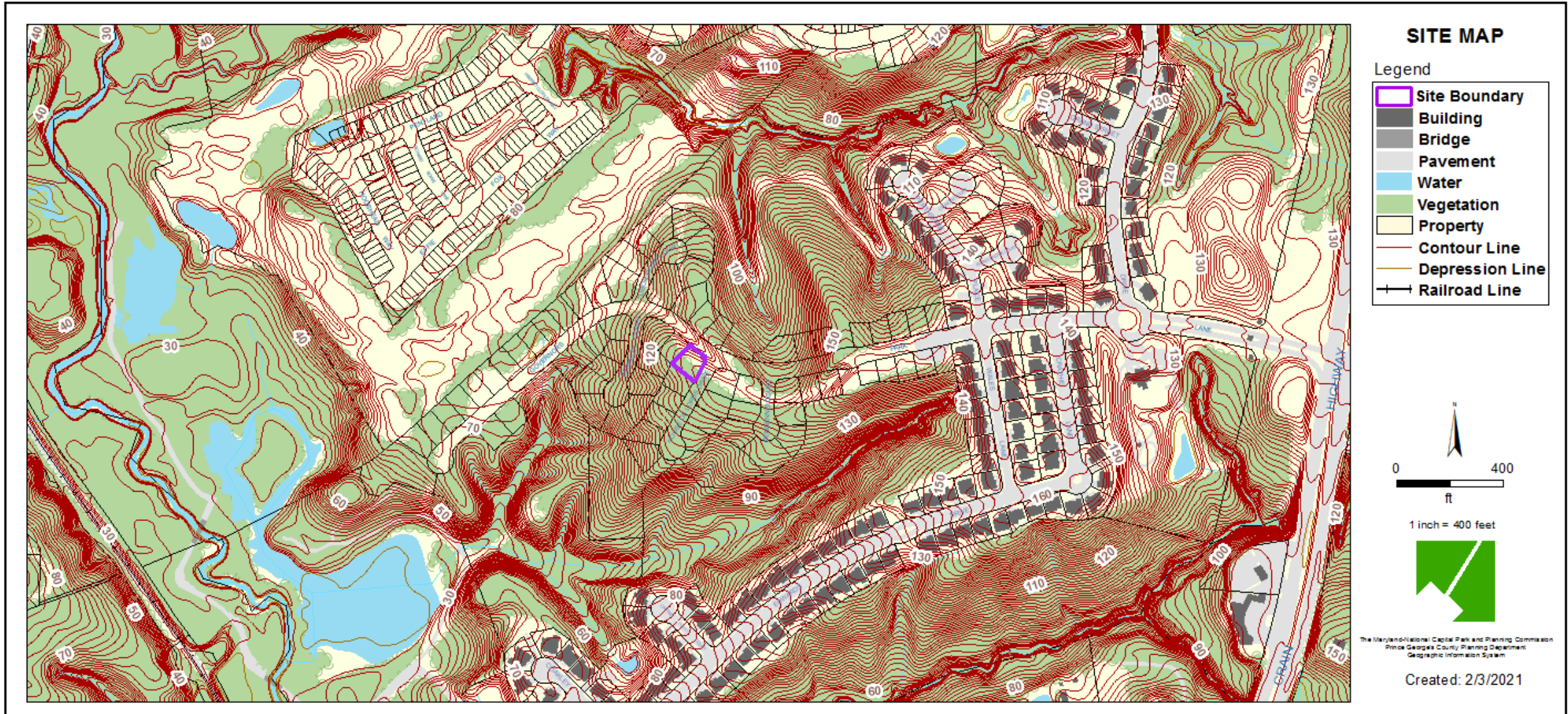
ZONING MAP




AERIAL MAP

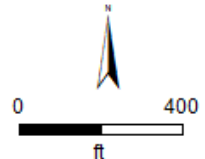


SITE MAP



SITE MAP

- Legend
-  Site Boundary
 -  Building
 -  Bridge
 -  Pavement
 -  Water
 -  Vegetation
 -  Property
 -  Contour Line
 -  Depression Line
 -  Railroad Line



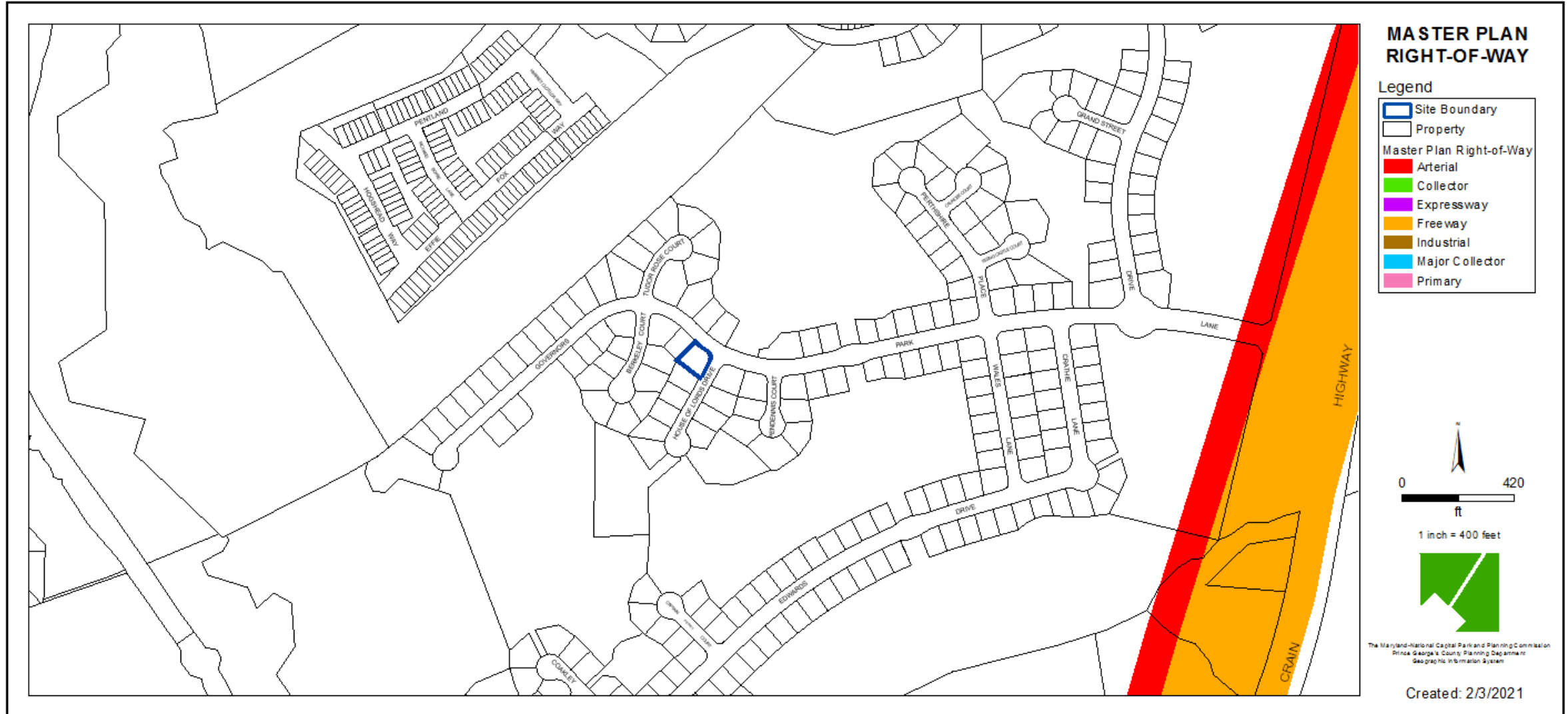
1 inch = 400 feet



The Maryland/National Capital Park and Planning Commission
 Prince George's County Planning Department
 Geographic Information System

Created: 2/3/2021

MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



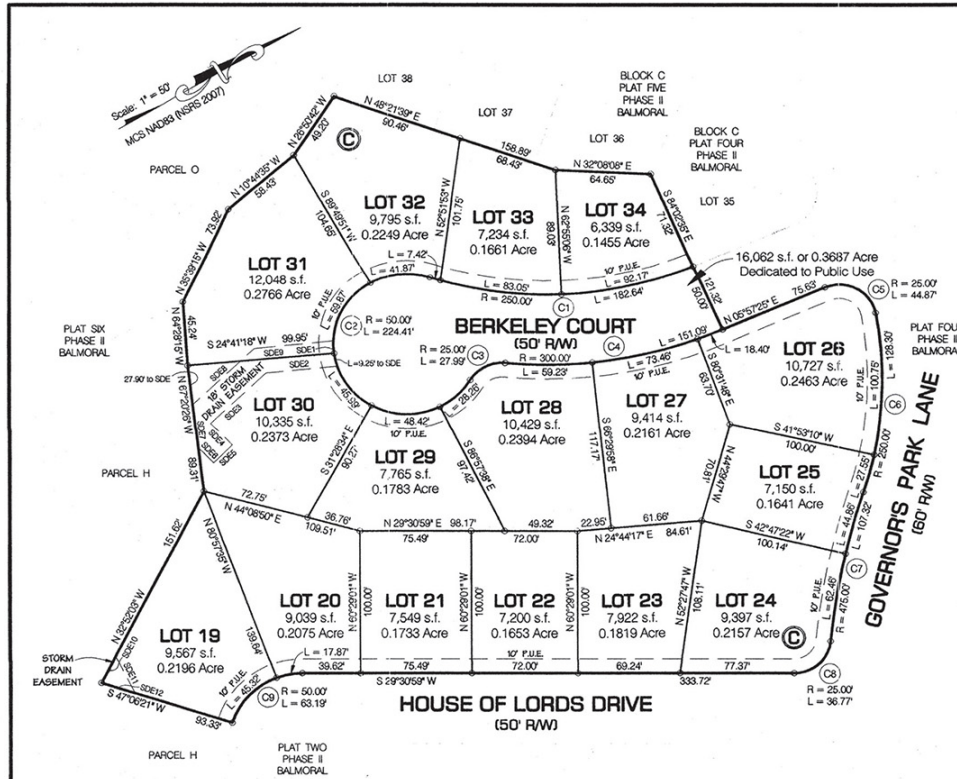
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



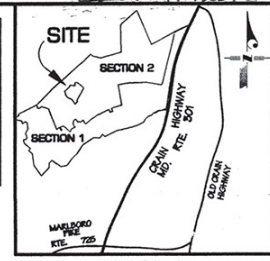
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



PLAT



BOUNDARY CURVE TABLE						
NO.	RADIUS	LENGTH	DELTA	TANGENT	CHD. BEARING	CHORD
C1	250.00	182.64	41°51'33"	95.61'	S 26°53'11" W	178.61'
C2	50.00	224.41'	25°09'37"	62.68'	S 80°45'52" E	78.17'
C3	25.00	27.99	64°09'27"	15.67'	N 02°44'03" E	26.55'
C4	300.00	151.09	28°51'23"	77.18'	N 20°23'06" E	149.50'
C5	25.00	44.87'	102°50'23"	31.84'	N 67°22'36" E	39.09'
C6	250.00	128.37	29°24'15"	65.60'	S 56°30'06" E	126.90'
C7	475.00	107.32	12°56'42"	53.89'	S 49°16'19" E	107.03'
C8	25.00	36.71	84°15'38"	22.61'	S 12°35'17" E	33.54'
C9	50.00	63.19	72°24'38"	36.60'	S 06°41'20" E	59.07'



VICINITY MAP SCALE: 1" = 2000'

GENERAL NOTES

- Development of this property must conform to the Specific Design Plan SDP-0609 approved by the District Council on March 23, 2009, (in accordance with Comprehensive Design Plan CDP-0302, approved on November 20, 2003), or as amended by subsequent revisions thereto.
- Development of this property shall be in conformance with the approved Stormwater Management Concept Approval 33050-2006-01, or any approved revision thereto.
- This development is subject to restrictions shown on the approved Type I Tree Conservation Plan, (TCP/30/03-01), or as modified by the Type II Tree Conservation Plan, (TCP/163/04/01), and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy. This property is subject to the notification provisions of CB-60-2005.
- This plat is subject to a public recreational facilities agreement recorded in Liber 25014 at Folio 77 and as amended in Liber 25503 at Folio 56.
- This plat is subject to a private recreational facilities agreement recorded in Liber 24648 at Folio 31, and as amended in Liber 20526 at Folio 246.
- This plat is subject to a declaration of covenants, conditions, easements and restrictions recorded in Liber 24017 at Folio 587 and as amended in Liber 29383 at Folio 247.
- No building permits shall be issued until evidence is provided that a homeowners association has been established and that the common areas have been conveyed to the homeowners association.
- Prior to the issuance of any permit, the transportation improvements specified in Condition 26 of PGCPB Resolution No. 04-21 (File No. 4-03100) shall be satisfied and pay to Prince Georges County a fee to be applied to improvements along US 301 per Condition 2 (a) of Final Decision of the District Council dated March 24, 2009.
- An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince Georges County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
- Prior to the issuance of the 170th building permit, the applicant, his heirs, successors and/or assigns shall provide the trails pursuant to Condition 4 of FGCPB Resolution No. 04-21 (File No. 4-03100) and the recreational facilities agreement.
- Prior to the issuance of the grading permit, the applicant shall submit the stormwater management plan, including the plans for the drainage outfalls and any drainage improvements on dedicated parkland to DPR for review and approval.
- Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
- 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.&N.C.P.P.C. Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.

SURVEYOR'S CERTIFICATE

I hereby certify that the plat shown hereon is correct, that it is a subdivision of part of the lands acquired by M.H. Homes of DC, L.L.C., from M.H. Schottenstein Homes, Inc. by deed dated July 7th, 2004 and recorded among the Land Records of Prince George's County, Maryland in Liber 23017 at Folio 481.

And that the total area included in this plat of subdivision is 3.6265 acres of land, 16,062 square feet or 0.3687 acre of which is dedicated to public use.

Benjamin P. Robinson, III
 Benjamin P. Robinson, III
 Professional Land Surveyor
 Maryland Registration No. 10765

NOTE: Approval of this plat is based upon a reasonable expectation that public water and sewer service will be available when needed and in conformance with fulfilling all of the commitments contained in the Washington Suburban Sanitary Commission project/authorization: # DA-38/91-Z-04.

OWNER'S DEDICATION

We, M.H. Homes of DC, L.L.C., owners of the property shown hereon and described in the surveyor's certificate, hereby adopt this plat of subdivision; establish the minimum building restriction lines; dedicate the street areas shown to public use; establish the conservation easements, as shown; grant to Prince Georges County, their successors and assigns, the storm drain, surface drainage and stormwater management easements, as shown, for the construction, reconstruction, maintenance, access to and operation of storm drains, for the purposes specified; grant to Prince Georges County, their successors and assigns the 100-year flood plain easements, as shown; and grant to the public utilities, their successors and assigns, a 10' public utilities easement, as shown, subject to the terms and provisions recorded among the Land Records of Prince Georges County, Maryland in Liber 3703 at Folio 745.

Property line markers will be placed in accordance with Section 24-120(b)(6)(F)(i) of the Subdivision Regulations of the Prince Georges County Code.

There are no suits of action, leases, liens or trusts on the property included in this plat of subdivision and all parties of interest hereby give their assent.

M.H. Homes of DC, L.L.C. Owner: (Seal)
Dennis B. Keifer 3/23/09
 Dennis B. Keifer, Area President, VA / MD

THE MARYLAND - NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 PRINCE GEORGES COUNTY PLANNING BOARD

APPROVED: *May 21, 2009*
 Chairman: *James J. ...*
 Assistant Secretary: *...*

M.N.P.C. & P.C. RECORD FILE NO. 5-09072

DEPARTMENT OF ENVIRONMENTAL RESOURCES
 PRINCE GEORGES COUNTY, MARYLAND

APPROVED: *March 27, 2009*
 Director or Designee: *Dawn Haselton Wilson*

STORM DRAIN EASEMENT LINE TABLE		
NO.	BEARING	DISTANCE
SDE1	R = 50.00'	L = 18.12'
SDE2	S 87°54'46" E	18.02'
SDE3	S 23°46'41" W	48.80'
SDE4	S 13°47'57" E	51.62'
SDE5	N 75°02'59" E	20.99'
SDE6	S 14°57'01" E	18.00'
SDE7	N 67°20'29" W	30.20'
SDE8	N 13°47'57" W	57.69'
SDE9	N 23°46'41" E	54.11'
SDE10	N 32°50'52" E	21.22'
SDE11	S 87°50'52" E	29.03'
SDE12	S 47°06'21" W	23.84'

RECORDED: 6:3:09
 PLAT BOOK: Pm 231
 PLAT NO.: 3

Zone: R-5 W.S.B.C. Grid: 2065E13
 File No. 4-03100 PGCPB No. 04-21

FILED

JUN 3 2009
 CLERK OF THE CIRCUIT COURT
 FOR PRINCE GEORGES COUNTY, MD.

PLAT THREE ~ SECTION TWO
 LOTS 19 - 34, BLOCK C

BALMORAL

MARLBORO (3rd) ELECTION DISTRICT
 PRINCE GEORGES COUNTY, MARYLAND
 MARCH 2008 SCALE: 1" = 50'

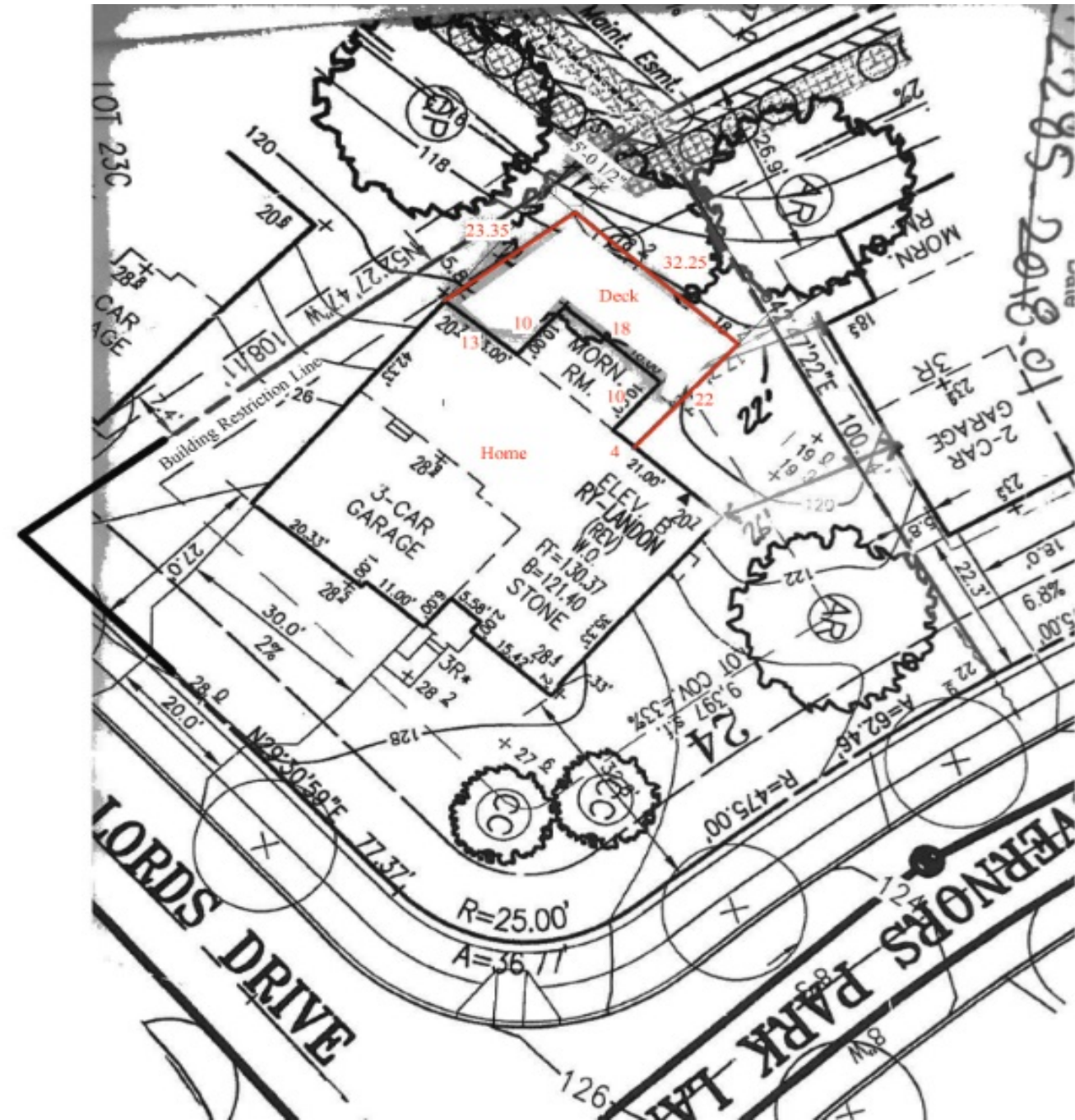
RDA
 REAL ESTATE DEVELOPMENT TECHNOLOGY ASSOCIATES, INC.
 ENGINEERS • LAND PLANNERS • LAND SURVEYORS
 14603 MAIN STREET ~ 2nd FLOOR
 UPPER MARLBORO, MARYLAND 20772
 PHONE: (301) 627-3100 & (301) 952-8200
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W-565

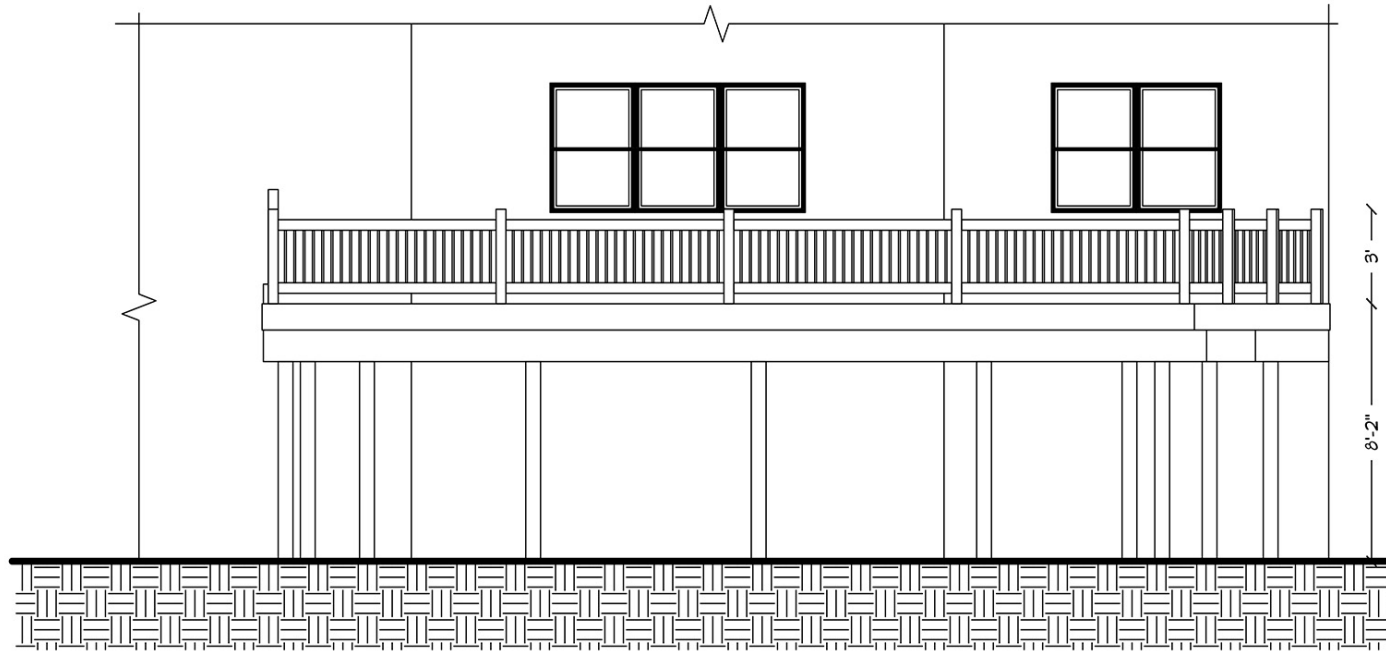
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 P104084
 HSA CM 2381 19018



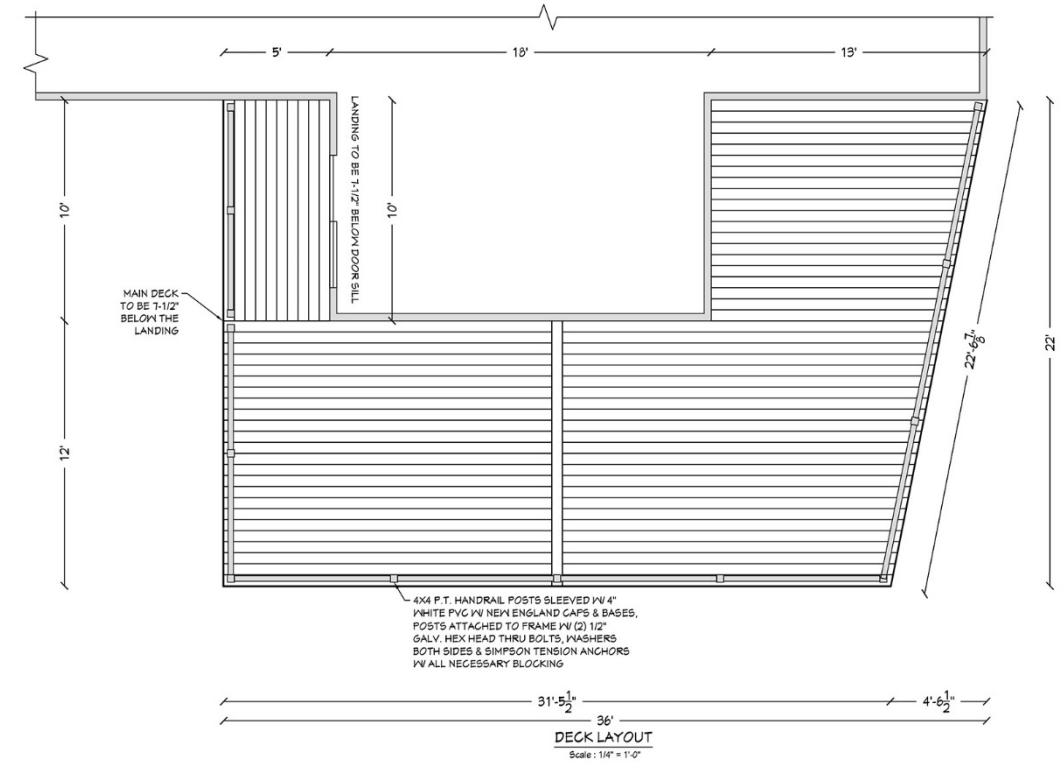
DECK LOCATION



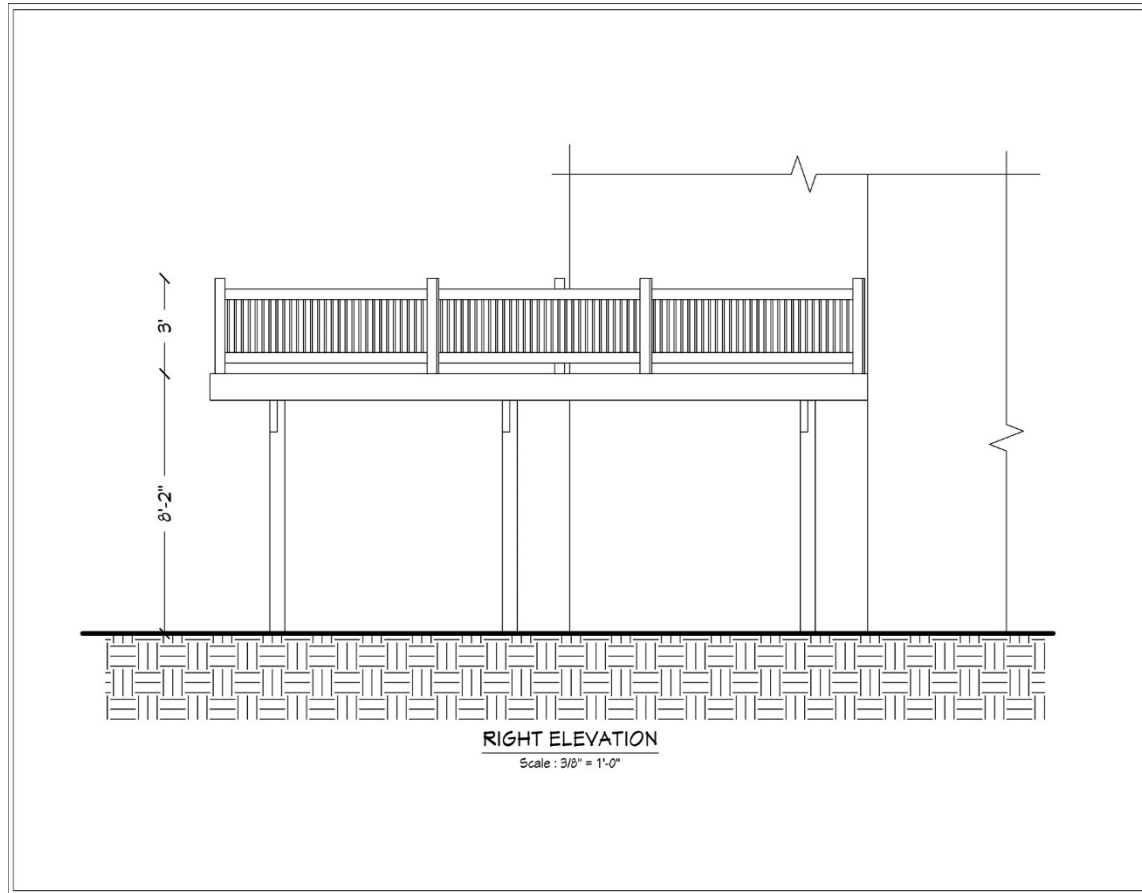
REAR ELEVATION AND FRAMING PLAN



FRONT ELEVATION



RIGHT AND LEFT ELEVATIONS



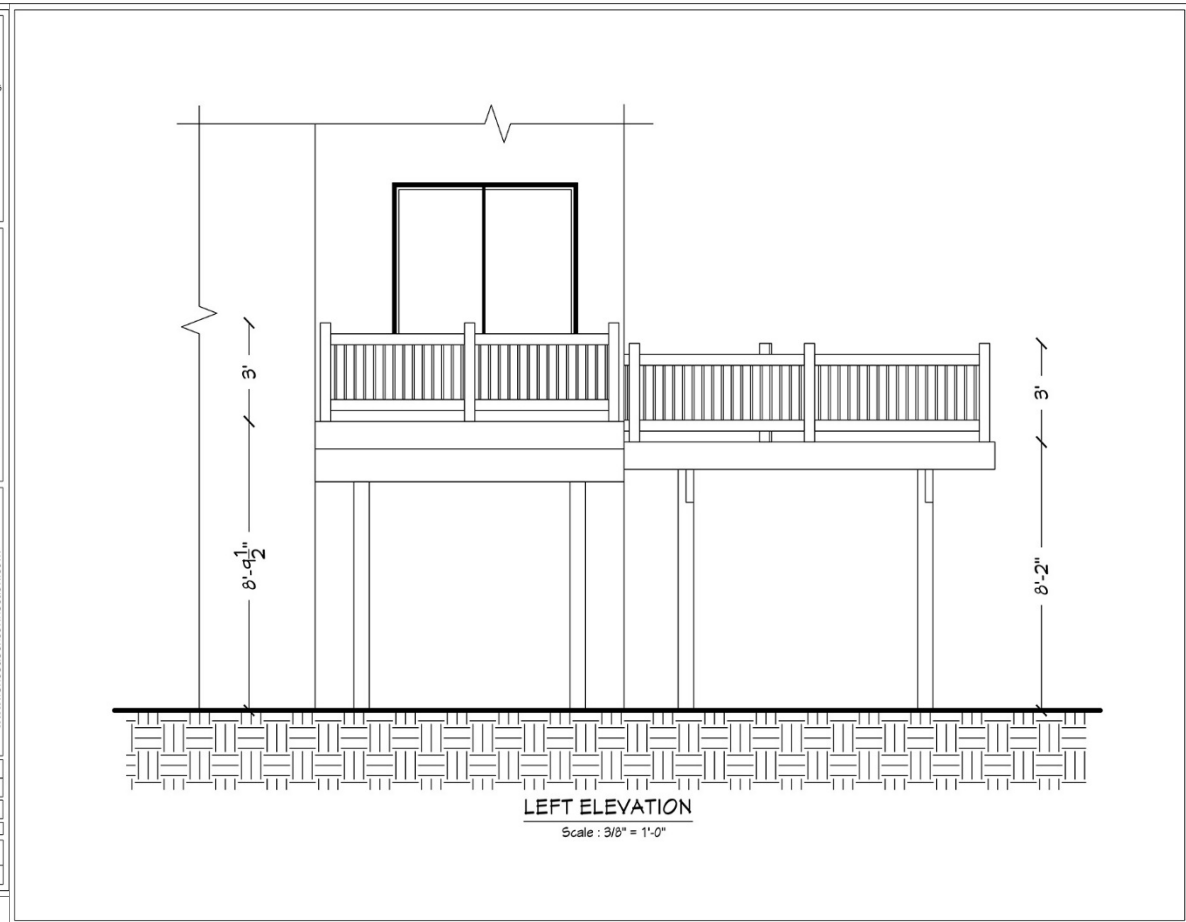
SHEET INDEX

- 1 FRAMING
- 2 DECK
- 3 LT. ELEVATION
- 4 FT. ELEVATION
- 5 RT. ELEVATION
- 6 CROSS SECTIONS
- 7 CAD DETAILS

PROJECT DESCRIPTION:
 Vaila Deck Layout
 Carnie Vaila
 4001 House of Lord Drive,
 Upper Marlboro, MD 20712

DRAWINGS PROVIDED BY:
 Fence & Deck Connection, Inc.
 8051 Veterans Highway
 Millersville, MD, 21108
 410-964-4444
 www.fenceanddeckconnection.com

DATE:	10/08/2020
SCALE:	PER PLAN
SHEET:	A-5



SHEET INDEX

- 1 FRAMING
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DATE:	10/08/2020
SCALE:	PER PLAN
SHEET:	A-3



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

May 19, 2004

RE: CDP 0302 The Buck Property

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on April 26, 2004.

CERTIFICATE OF SERVICE

This is to certify that on May 19, 2004 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink that reads "Redis C. Floyd".

Redis C. Floyd
Clerk of the Council

(10/97)

County Administration Building - Upper Marlboro, Maryland 20772

Case No.: CDP-0302

Applicant: M/I Schottenstein
Homes, Inc.

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

ORDER AFFIRMING PLANNING BOARD DECISION
WITH ADDITIONAL CONDITION

IT IS HEREBY ORDERED, after review of the administrative record, and after hearing oral argument, that the Planning Board's decision in Resolution PGCPB No. 03-250, to approve a comprehensive design plan, CDP-0302, for 357 single-family dwellings on R-S Zone property described as approximately 210.73 acres of land on the west side of US 301, approximately one mile north of its intersection with MD 725, Upper Marlboro, is hereby:

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

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

1. At the time of preliminary plan, the applicant shall dedicate all rights-of-way for A-61, F-10 as identified by the Planning Department. The applicant shall also provide a new traffic study that includes an analysis of the Trade Zone Ave/US 301 intersection.
2. Prior to the issuance of any building permit, the following improvements shall be in place, under construction or bonded and permitted.

US 301/Leeland Road

- a. Construct a third northbound and southbound through lane along US 301.
- b. Construct an eastbound triple left turn lane along Leeland Road for approximately 375 feet and a free-flowing right-turn lane.
- c. Construct a fourth southbound through lane along US 301 beginning at a point approximately 500 feet north of Leeland Road and extending to a point approximately 2,600 feet south of Leeland Road (to Swanson Road).

US 301/Village Drive

- a. Construct a third northbound and southbound through lane along US 301.
- b. Widen Village Drive (westbound) to provide four (4) lanes; two (2) exclusive left-turn lanes, an exclusive through lane, and a free-flowing right-turn lane.

US 301/MD 725

- a. Construct a third northbound and southbound through lane along US 301.
 - b. Construct a fourth southbound through lane along US 301.
 - c. Restripe westbound approach to provide a second through lane.
3. In order to alleviate the negative impact on fire and rescue services due to the inadequate engine service, a fire suppression system shall be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
 4. Prior to the submittal of the Specific Design Plan, all specimen trees located within 50 feet of the limit of disturbance shall be surveyed and reevaluated for retention potential. The specimen tree shall be shown on the SDP at their surveyed locations along with their respective critical root zone.

5. Prior to certification of the Comprehensive Design Plan, the following note shall be added to each sheet of the TCPI and a table shall be added to the plan that provides a detailed listing of all PMA impacts, an identifying number or letter, the area of the proposed impact and the area of forest disturbed by the proposed impact: "Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan."
6. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the US, the applicant shall submit copies of all federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
7. Prior to certification of the Comprehensive Design Plan, Type I Tree Conservation Plan TCPI/30/03 shall be revised to clarify the exact acreage of woodland clearing within the PMA. This clearing and the associated impacts will be evaluated further during the review of the preliminary plan of subdivision. The TCPI shall be revised as needed to preserve the PMA to the fullest extent possible.
8. At the time of the preliminary plan of subdivision, the geotechnical report will need to address the 1.5 safety factor line and all other aspects of Marlboro clay.
9. Prior to certification of the Comprehensive Design Plan (CDP), the CDP and the TCPI shall be revised to show the location of the 65dBA (Ldn) noise contour as identified by the Phase I noise study.
10. Prior to certification of the CDP, Type I Tree Conservation Plan TCPI/30/03 shall be revised as follows:
 - a. Revise the worksheet to show the acreage of existing woodland on the net tract correctly.
 - b. Revise the plans to show the proposed stormwater management outfalls to convey the treated water to the existing stream channels.
 - c. Clarify the exact acreage of woodland clearing within the PMA. This clearing and the associated impacts will be evaluated further during the review of the preliminary plan

of subdivision. The TCPI shall be revised as needed to preserve the PMA to the fullest extent possible.

- d. Add the following note to the TCPI: "The TCPI submitted for review with the preliminary plan of subdivision shall clearly show the proposed trail locations."
 - e. Add a legend to each sheet of the TCP that shows each of the symbols used on the plan.
 - f. Make other revisions as necessary to address revisions noted above.
 - g. Have the revised plans signed and dated by the licensed landscape architect, licensed forester, or MD-DNR qualified professional who prepared the plans.
11. Prior to the approval of the Specific Design Plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered that are found to occur on the site shall be surveyed and accurately located according to DNR protocol. The SDP shall be designed to eliminate any impacts to specific habitats and/or populations. Prior to approval of the SDP, the forest stand delineation for the site shall be revised to show the location of the specific habitats and/or populations.
 12. Land to be dedicated to M-NCPPC for the master-planned Collington Branch stream valley park shall include 100-year floodplain and floodplain buffers as shown on attached Exhibit "A."
 13. Recreational facilities on park property shall be designed and constructed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*.
 14. Construction drawing for the recreational facilities on parkland shall be reviewed and approved by Department of Parks and Recreation staff prior to SDP approval.
 15. All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.

16. The handicapped accessibility of all trails shall be determined during SDP review.
17. At least one suitable vehicular access to the land being dedicated shall be provided from a primary residential street, to be determined at the time of preliminary plan of subdivision.
18. All additional accesses to the parkland from development pods, school and recreation facilities shall be at least 40 feet wide, or otherwise required.
19. All primary and secondary roads shall be standard sidewalks on a least one side.
20. All primary and secondary roads shall be developed in accordance with the 1999 American Association of State Highway and Transportation Officials Guidelines for the Development of Bicycle Facilities, where feasible.
21. All HOA trails shall be six feet wide and made of asphalt.
22. The most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors and fireplace chimneys, and these features shall form a reasonably balanced composition.
23. The community center shall be provided with distinctive details, be equally attractive from all four sides, and incorporate a high-pitched roof, masonry exterior and facade articulation, unless alternative design treatments can be demonstrated to achieve the same high quality of design and appearance.
24. At the time of the first Specific Design Plan for residential areas, the applicant shall submit and obtain Planning Board approval of a special purpose Specific Design Plan devoted to elements of streetscape including but not limited to street trees, entry monuments, signage, and special paving at important intersections. This SDP shall also address utilizing distinctive landscape treatments to emphasize important focal points, intersections, and trail heads.
25. The following recreational facilities (or equivalent) shall be provided and reviewed at the time of SDP review for each phase:

Facility	Location	Completion of Construction
2 Picnic Areas	Community Building	Prior to release of 150 th BP
1 Open Play Area	US 301 Buffer	Prior to release of 25 th BP
4 Sitting Areas	1 @ Community Building	Prior to release of 150 th BP
	1 @ US 301 Buffer	Prior to release of 25 th BP
	1 @ Neighborhood "F"	Prior to release of 300 th BP
	1 @ Neighborhood "D"	Prior to release of 300 th BP
1 Tot Lot	Neighborhood "D"	Prior to release of 300 th BP
1 Multiage Play Area	Community Building	Prior to release of 150 th BP
Private Trails		In phase with development
Community Building (with meeting rooms and fitness equipment)		Prior to release of 150 th BP

26. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the *Parks and Recreation Facilities Guidelines*) prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located.
27. The applicant shall provide a usable 3.5-acre site for the community building. The cul-de-sac in Neighborhood "A" may have to be reduced in size or eliminated to ensure that a usable area is provided for the community building.
28. The area on the north side of the US 301 entrance road shall contain an open play area, designed and constructed in accordance with *Parks and Recreational Facilities Guidelines*.
29. The community building shall include an area for parking based on the number of spaces required by Part 11 of the Zoning Ordinance.
30. This open space area on either side of the main access road off of US 301 shall not be a manicured green grassy area, but shall contain native grasses, wildflowers and shrubs for an attractive rural appearance.
31. The following design standards shall be added to the face of the CDP plan:
 - a. Variations to the lot development standards may be granted by the Planning Board or its designee at the time of Specific Design Plan in order to protect natural features or to accommodate infrastructure.

- b. All yards abutting a street shall be considered to be front yards. Only one yard shall be considered to be a rear yard, and it shall be opposite a front yard. All other yards are side yards.
- c. Covered open porches, steps, and stoops may extend up to eight feet beyond the front setback line. Paved walks may extend beyond the front setback line without any distance restrictions.
- d. Enclosed porches must be located fully behind all setback lines. Screening, latticework, jalousie windows and other nonweather-tight visual screens shall be considered as enclosure for this restriction.
- e. Eaves, bay windows, chimneys, and decorative features such as attached lamps string courses, cornices, and brackets, may extend beyond all setback lines by up to two feet.
- f. Construction that shall be used in determining the lot coverage shall include principal buildings (including covered porches and decks), accessory buildings and driveways. Uncovered and unenclosed porches, decks, patios, paved walks and swimming pools shall not be counted toward maximum lot coverage. Uncovered and unenclosed porches, decks, and patios whose surface is within three feet of finished grade shall be set back at least two feet from side and rear lot lines. Uncovered and unenclosed porches, decks, and patios whose surface is greater than three feet above finished grade shall be located behind the setback lines.
- g. Building height shall be measured from the average grade along the elevation facing the street to the midpoint between the eave and the peak of sloped roofs.
- h. The maximum number of stories shall not include basements where the grade at the front elevation is less than five feet below the first floor elevation.
- i. Accessory buildings shall not be located in any yard adjacent to a street. Accessory buildings shall be located at least two feet from side or rear lot lines.

- j. Fences shall not be constructed in any front yards, or nearer to a street than a point six feet to the rear of the front-most house corners (not including open covered porches).

k.

Neighborhood	A, B, C, D	All	All
Lot Standard	Small	Medium	Large
Minimum Lot Size (square feet)	5,000	6,000	7,500
Minimum Lot Width at Street (feet)	25	25	25
Minimum Lot Width at Front Building Line (feet)	50	60	80
Front Yard Setback (feet)	20	20	20
Side Yard Setback (feet)	5	5	5
Rear Yard Setback (feet)	15	15	15
Maximum Building Height (feet)	35	35	35
Maximum Building Height (stories)	3	3	3
Maximum Lot Coverage (percent)	65	60	55

32. All lots adjacent to the Beech Tree golf course shall be a minimum of 7,500 square feet.
33. The three smallest models (Emory I, Oxford I, Syracuse) shall have a minimum of 2,400 square feet gross floor area.
34. All flag lots shall be eliminated.
35. Wherever feasible, a tree save buffer shall be placed between lots, as approved by the staff of the Urban Design Section.

Ordered this 26th day of April, 2004, by the following vote:

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

Opposed:

Abstained:

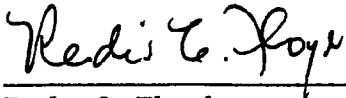
Absent: Council Members Dean, Dernoga and Harrington

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: 
Tony Knotts, Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
(301) 952-3600

June 21, 2002

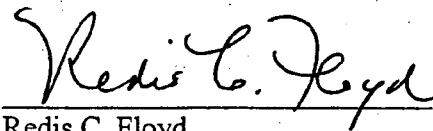
RE: A 9952 KB Buck Development, L.C.

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of Zoning Ordinance No. 8-2002 setting forth the action taken by the District Council in this case on June 10, 2002.

CERTIFICATE OF SERVICE

This is to certify that on June 21, 2002, this notice and attached Council order were mailed, postage prepaid, to all persons of record.


Redis C. Floyd
Acting Clerk of the Council

(10/97)

Case No.: A-9952

Applicant: KB Buck
Development, L.C.

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

ZONING ORDINANCE NO. 8 - 2002

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, subject to conditions.

WHEREAS, Application No. A-9952 has been filed for property described as approximately 210.73 acres of land, 104.72 acres in the E-I-A Zone and 106.01 acres in the R-A Zone, located on the west side of U.S. Route 301, immediately south of proposed Beech Tree Development, one mile north of the intersection of U.S. Route 301 and MD Route 725 (Marlboro Pike) on Crain Highway South, Upper Marlboro, to rezone the property to the R-S Zone; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, who have filed recommendations with the District Council; and

WHEREAS, a public hearing was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were duly filed with and considered by the District Council; and

WHEREAS, having reviewed the record in this case, the District Council has determined, based on consideration of the entire record, that the subject property should be rezoned to the R-S Zone; and

WHEREAS, in order to protect adjacent properties and the surrounding neighborhood, the rezoning herein is granted with conditions; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings and conclusions in this case.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the property which is the subject of Application No. A-9952 from the E-I-A and R-A Zones to the R-S Zone.

SECTION 2. Application No. A-9952 is approved subject to the following conditions:

1. The land use types and quantities, basic plan modifications, and conditions and considerations of approval shall be printed on the face of the basic plan.

2. The applicant shall provide an acceptable traffic study evaluating the traffic impact of the staged development of the subject property at the time of Comprehensive Design Plan (CDP) submission.
3. At the time of preliminary plan of subdivision, the applicant shall dedicate all rights-of-way for A-61 and F-10.
4. Land shall be dedicated to the M-NCPPC for the Master Plan proposed Collington Branch Stream Valley Park, in accordance with the Department of Parks and Recreation Exhibit A (Exhibit 16 (a)), per the November 1, 2001 memorandum from Helen Asan. The land to be conveyed to the M-NCPPC shall be subject to the conditions of the Exhibit "B" attached to the November 1, 2001 memorandum from Helen Asan.
5. The applicant shall construct a 10-foot wide hiker/biker and equestrian trails along Collington Branch, including a connection to the hiker/biker trails within the Stream Valley Park approved in the Beech Tree development. Provision shall be made for access to the trails by park police and park maintenance staff. Plans for such access shall be shown on the Comprehensive Design Plan (CDP) submission.
6. The trail system shall include feeder connections to all development pods, schools and recreational facilities. Said trails shall be reviewed by the Department of Parks and Recreation staff, at the time of CDP review.
7. The applicant shall provide adequate, private recreational facilities in lieu of mandatory dedication of parkland to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be constructed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
8. All nonresidential buildings shall be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable county laws.

9. Dedication/reservation of land shall be required for the Master Plan proposed Water Storage Facility shown on the property if a need still exists.
10. If the proposed subdivision roads are to be county-maintained roadways, right-of-way dedications and roadway construction, in accordance with the Department of Public Works and Transportation's (DPW&T) Specifications and Standards, are required. Since the basic plan for this subdivision shows a tie-in to US 301, the applicant must coordinate all plans for development with the State Highway Administration.
11. Cul-de-sacs should allow for, as a minimum, the turning movement for a standard WB-40 vehicle and a standard length fire engine. When considering the turning movement, it must be ensured that parking is provided on the outside edge or radius of said cul-de-sacs.
12. All improvements within the public right-of-way, as dedicated to the County, are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act.
13. All storm drainage systems and storm drainage facilities are to be in accordance with DPW&T's and the Department of Environmental Resources' requirements.
14. A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for public streets, is required at the time of subdivision.
15. An access permit must be issued to the developer/builder by State Highway Administration for access into the proposed development from state roads. This permit must be in accordance with the rules and regulations of the State Highway Administration (SHA).
16. The proposed entrance road into the Buck property should be relocated, at such time in the future when the freeway and service road are built.
17. The Natural Reserve Areas designated in the Master Plan shall be used as a guide for Woodland Conservation during the review of the CDP. The Woodland Conservation

Threshold shall be between 25 and 35 percent with an emphasis on the preservation of high priority woodlands and connectivity of woodland areas.

18. All required woodland conservation for A-9952 shall be on site.
19. No woodland conservation, reforestation, or afforestation areas on lots of 20,000 square feet or less in area shall be used to meet required woodland conservation.
20. Stream buffers as defined in Section 24-130 of the Subdivision Regulations shall be included in woodland conservation areas to the fullest extent possible.
21. Individual specimen trees or groups of specimen trees shall be retained and shown on the Type I Tree Conservation Plan with the exception of the few Tulip Poplars marked as "in poor health" in the Forest Stand Delineation. (Exhibit 5)
22. The Type I Tree Conservation Plan shall have the following note:

"Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan."
23. To meet the requirements of Section 27-518(b)(11) of the Zoning Ordinance, the Forest Stand Delineation shall be revised to include the data sheets from the sample points shown on the plan and show the location, species, and a measure of vigor for all specimen trees within 50 feet of both sides of the proposed limit of disturbance.
24. Prior to the approval of the Comprehensive Design Plan by the Planning Board, a Stormwater Management Concept Plan shall be approved by the Prince George's County Department of Environmental Resources.
25. Prior to the approval of the Specific Design Plan by the Planning Board, a Stormwater Design Concept Plan shall be approved by the Prince George's County Department of Environmental Resources.

26. A wetland delineation shall be submitted with the Comprehensive Design Plan.
27. A delineation of the Patuxent River Primary Management Area Preservation Area shall be shown on the Comprehensive Design Plan.
28. Woodland cleared within the Patuxent River Primary Management Area Preservation Area shall be mitigated on-site at a ratio of 1:1 and shown on the Type II Tree Conservation Plan.
29. A geologic map shall be submitted with the Comprehensive Design Plan. The map shall include at least one east-west cross-section through the site.
30. A geotechnical report shall be submitted with the Preliminary Plan of Subdivision. The geotechnical report, prepared following the guidelines established by the Environmental Planning Section and the Prince George's County Department of Environmental Resources, shall address existing slope stability, show on a plan the existing 1.5 safety factor line, recommend mitigation measures, and show on a plan the resulting 1.5 safety factor line.
31. A soil map shall be submitted with the Comprehensive Design Plan. The map should clearly indicate areas of highly erodible soils on slopes of 15 percent or greater.
32. The Comprehensive Design Plan shall show the 65dBA(Ldn) highway noise contour for US 301 at ultimate design.
33. All primary and secondary roads shall have standard sidewalks on at least one side.
34. All primary and secondary roads shall be developed in accordance with the 1999 American Association of State Highway and Transportation Officials Guidelines for the Development of Bicycle Facilities, where feasible.
35. The Master Plan trail (marked as the 10-foot trail on Exhibit 16(b)) shall be ADA compatible and should be

assured dry passage. If wet areas must be traversed, suitable structures shall be constructed.

36. All HOA trails shall be six-feet wide and paved with asphalt.

37. The rear lot lines of parcels adjoining the proposed golf course north of the site shall be set back from the centerline of the golf hole a minimum of 175 feet.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

Enacted this 10th day of June, 2002, for initial approval, by the following vote:

In Favor: Council Members Shapiro, Bailey, Dernoga, Knotts, Hendershot, Russell, Scott, and Wilson

Opposed:

Abstained:

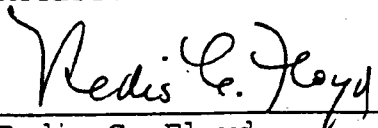
Absent: Council Member Estep

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: 
Peter A. Shapiro, Chairman

ATTEST:


Redis C. Floyd
Acting Clerk of the Council

Additional Back-up

For

CDP-0302-H1
Balmoral, Lot 24, Block C
(Vala Deck)

Date: April 20, 2021

To: The Maryland-National Capital Park and Planning Commission
Planning Board Meeting
4/22/2021 10:15 AM

From: A. Michael Schaal, Chair
Balmoral Architectural Covenants Committee
balmoralaccchair@gmail.com

RE: CDP-0302-H1 BALMORAL, LOT 24 BLOCK C - VALA DECK

It is my understanding there is a hearing is scheduled for April 22, 2021, regarding the matter referenced above. To date, the Balmoral Architectural Covenant Committee (ACC) has received no information about the homeowner's intended modifications to their property. However, we now note that some information is now available on this proposed modification on the hearing agenda.

The Balmoral ACC requires each homeowner to maintain the exterior appearance of his/her property in a manner that upholds the quality of our neighborhood. The Balmoral Declaration of Covenants, Conditions, Easements and Restrictions ("Balmoral Covenants") have been provided to each Balmoral homeowner prior to the purchase of their property. This document ensures that the ACC is able to protect every homeowner's property value by ensuring a well-kept and desirous place in which to live, which includes aesthetics involving after-construction equipment and/or improvements added to a Lot or a house.

For this proceeding, we remind the homeowner that any proposed exterior modification of their home will require a separate application to the Balmoral ACC to be received and approved. This separate application and approval process by the Balmoral Homeowners Association is described in the Balmoral Covenants and can be submitted online through the TownSQ website (<https://townsq.io/>).

Any other questions regarding this separate approval process for homes located in the Balmoral HOA can be directed to balmoralaccchair@gmail.com.