



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>

Detailed Site Plan Departure from Design Standards Woodmore Commons

DSP-04067-09
DDS-669

REQUEST	STAFF RECOMMENDATION
<p>This case was continued from the Planning Board hearing date of April 2, 2020 to May 7, 2020.</p> <p>DSP: Development of five buildings with 268 multifamily dwelling units and a 5,000-square-foot clubhouse.</p>	APPROVAL with conditions
<p>DDS: Departure from Design Standards for a reduced parking space size of 9 feet by 18 feet.</p>	APPROVAL

Location: In the northeast quadrant of the intersection of Ruby Lockhart Boulevard and Saint Joseph's Drive.

Gross Acreage: 9.34

Zone: M-X-T

Dwelling Units: 268

Gross Floor Area: 307,976 sq. ft.

Planning Area: 73

Council District: 05

Election District: 13

Municipality: None

200-Scale Base Map: 203NE09

Applicant/Address:
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Staff Reviewer: N. Andrew Bishop
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Planning Board Date: 05/07/2020

Planning Board Action Limit: 05/16/2020

Staff Report Date: 04/22/2020

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Sign Posting Deadline: 03/03/2020

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: Detailed Site Plan DSP-04067-09
 Type II Tree Conservation Plan TCPII-082-05-05
 Woodmore Commons

The Urban Design Section has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION CRITERIA

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Mixed Use-Transportation Oriented (M-X-T) Zone, and the site plan design guidelines of the Prince George's County Zoning Ordinance;
- b. The requirements of Zoning Map Amendment (Basic Plan) A-9956-C;
- c. The requirements of Conceptual Site Plan CSP-03001 and its amendment;
- d. The requirements of Preliminary Plan of Subdivision 4-18024;
- e. The requirements of Detailed Site Plan DSP-04067 and its amendments;
- f. The requirements of the 2010 *Prince George's County Landscape Manual*;
- g. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- h. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- i. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design Section recommends the following findings:

- Request:** The detailed site plan (DSP) is for the development of five multifamily residential buildings, including 268 dwelling units, a 5,000-square-foot clubhouse, and surface parking. The companion Departure from Design Standards, DDS-669, requests a reduction of the standard parking space size to 9 feet by 18 feet.

- Development Data Summary:**

	EXISTING	PROPOSED
Zone	M-X-T	M-X-T
Use	Vacant	Multifamily Residential
Total Acreage	9.34	9.34
Parcels	2	2
Total Gross Floor Area (sq. ft.)	0	307,976
Total Multifamily Dwelling Units	0	268

Overall Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed:	0.40 FAR
Residential Bonus Incentive:	1.00 FAR
Total FAR Permitted:	1.40 FAR
Total FAR Proposed:	0.43 FAR*

Note: *Pursuant to Section 27-548(e) of the Zoning Ordinance, the proposed FAR shall be calculated based on the entire property, as approved with the conceptual site plan (CSP). CSP-03001-01 includes 125.4 acres; therefore, the proposed FAR in this DSP needs to include the proposed development and all other previously approved development within the CSP area. Staff estimates this to be approximately 0.43, but the DSP does not include a table listing the allowed and proposed FAR. Therefore, the General Notes, as conditioned herein, should be updated to show the allowed and proposed FAR relative to the entire CSP area.

PARKING AND LOADING TABULATION

Use	Number of Spaces Provided*
Total On-site Surface Parking	376
Handicap-Accessible	8
Standard Spaces	255
Compact	113
Total Loading Spaces	1
Multifamily	
1 space/100 to 300 Dwelling Units	1

Note: **Per Sections 27-574 and 27-583 of the Prince George's County Zoning Ordinance, there is no specific required number of parking or loading spaces in the M-X-T Zone. The applicant has included an analysis to be approved by the Prince George's County Planning Board. See Finding 7 for a discussion of the parking analysis.

3. **Location:** The subject property is located at the northeast quadrant of the intersection of Ruby Lockhart Boulevard and Saint Joseph's Drive, in Planning Area 73, Council District 5. The subject DSP includes two parcels, which are located on Tax Map 60 in Grid E3, and are known as part of Parcel 1, recorded in Liber 33973 folio 99, and a plat for Balk Hill Village Subdivision recorded in Plat Book PM 217-92 on March 2, 2007. Parcel 1 is proposed to be subdivided with the approval of Preliminary Plan of Subdivision (PPS) 4-18024 into Parcels 10 and 11, which are the subject of this application.
4. **Surrounding Uses:** The site is bounded by uses in the Mixed Use-Transportation Oriented (M-X-T) Zone. The property to the north includes commercial office uses and single-family attached and detached residential dwellings. The property to the east is approved for the development of single-family attached residential units, known as Woodmore Overlook. The site is further bounded by the public rights-of-way of Ruby Lockhart Boulevard to the south, with future commercial development beyond, and Saint Joseph's Drive to the west, with commercial development beyond.
5. **Previous Approvals:** In 2002, the subject property was rezoned from the Planned Industrial/Employment Park (I-3) Zone to the M-X-T Zone by the Prince George's County District Council through Zoning Map Amendment (Basic Plan) A-9956-C. On March 22, 2018, the District Council subsequently adopted an ordinance to amend conditions 5 and 10 of A-9956-C.

The Prince George's County Planning Board approved Conceptual Site Plan CSP-03001, on September 11, 2003, which included the approval of 393 residential units, 20,000 square feet of commercial/retail space, and 329,480 square feet of commercial/office space. After the District Council's approval of the revised conditions attached to A-9956-C, an amendment, CSP-03001-01, was approved by the Planning Board on June 25, 2019 to revise the mix of uses on Parcels 1 and 2, reduce the commercial square footage to 65,000-100,000 square feet, and add 284 multifamily dwelling units.

The Planning Board initially approved PPS 4-03094 on February 19, 2004. Subsequently, the Planning Board approved PPS 4-18024 on September 26, 2019, for Parcels 1 and 2, which are a portion of the larger property approved with PPS 4-03094. The approval of 4-18024 supersedes the prior approval of 4-03094 for existing Parcels 1 and 2, which is the property included in this DSP application.

DSP-04067 was originally approved by the Planning Board on September 29, 2005. A number of amendments have been made to the DSP for the existing residential uses within the Balk Hill development north of the subject site.

On June 20, 2012, D.R. Horton, Inc. conveyed Parcels 1 and 2 to the Revenue Authority of Prince George's County. On October 20, 2014, the Revenue Authority issued a request for qualifications, soliciting interested purchasers of both parcels. The applicant, Petrie Richardson, was the only potential purchaser to submit a response and executed a contract of sale.

In addition, it is noted that the site is the subject of the requirements of Stormwater Management (SWM) Concept Plan 45273-2018-00, approved on October 10, 2019, and will expire on October 10, 2022.

6. **Design Features:** The applicant requests to develop proposed Parcel 11 with a multifamily residential development, including 268 units in five, four-story, buildings and a 5,000-square-foot community center. Access to the parcel is from a shared easement extending from Ruby Lockhart Boulevard, which forms the southern boundary of the site. No development is proposed on Parcel 10 at this time, but will be the subject of a future DSP. The five multifamily residential buildings are located in the southern and eastern portions of the site. The proposed clubhouse is in the central western portion facing the future development on Parcel 10.

Architecture

The architectural design of the multifamily residential buildings is contemporary with a gabled roof and emphasis is provided on the variation of façades through the application of different building volumes and massing, architectural design elements, and finish materials. The exterior of the building is predominantly finished, with a mix of materials including decorative metal coping along the roofline, balconies, windows, glass sliding doors, fiber cement panels, and accents of brick and composite wood on the lower level. The central and northern buildings include a landscaped courtyard in the front and between the buildings, which provide walkways and sitting areas for the building's residents.



Figure 1: Proposed Architectural Elevations



Figure 2: Rendering of Proposed Development

Recreational Facilities

PPS 4-18024 determined that on-site private recreational facilities are appropriate for the project development to serve the future residents, in accordance with Section 24-134 of the Subdivision Regulations and the standards in the Prince George's County *Parks and Recreation Facilities Guidelines*.

In accordance with the current formula for calculating the value of the recreational facilities, for a development of 268 multifamily dwelling units in Planning Area 73, a recreational facility package worth approximately \$225,310 is needed to serve this development.

The recreational amenities are proposed within a 5,000-square-foot clubhouse building, including a party room, fitness room, and exterior patio. Floorplans demonstrating the size and location of these internal facilities were not provided. In addition, the value associated with the cost estimate of the proposed private recreational facilities provided with the DSP appear to be inflated and need to be broken out to justify their value. Therefore, a condition has been included in the Recommendation section of this report requiring the applicant to provide a breakdown of the cost estimates and floorplan associated with the proposed private recreational facilities on the DSP and revise the recreational facilities spreadsheet, in accordance with the values provided in the *Parks and Recreation Facilities Guidelines*.

Lighting

The applicant is proposing lighting in the parking area surrounding the multifamily buildings and in the parking areas on-site. The photometric plan submitted with the DSP shows appropriate lighting levels in the parking area and at the building entrance. The details and specifications for the lighting show a downward facing light with a 24-foot pole, and lighting proposed at 16 feet. Staff finds this acceptable.

Signage

The DSP is not proposing any building-mounted signage, but does include one 13-foot-tall, double-faced monument sign along Ruby Lockhart Boulevard, near the entrance to the multifamily site. The sign is constructed of composite wood-slats and is mounted on a dark

gray masonry base matching the architecture of the multifamily buildings. The sign includes back-lit, white channel letters on the wood-slat wall that display the name and address of the development. The 14-foot-wide sign does not include landscaping at its base and is conditioned herein to be added to provide seasonal interest.

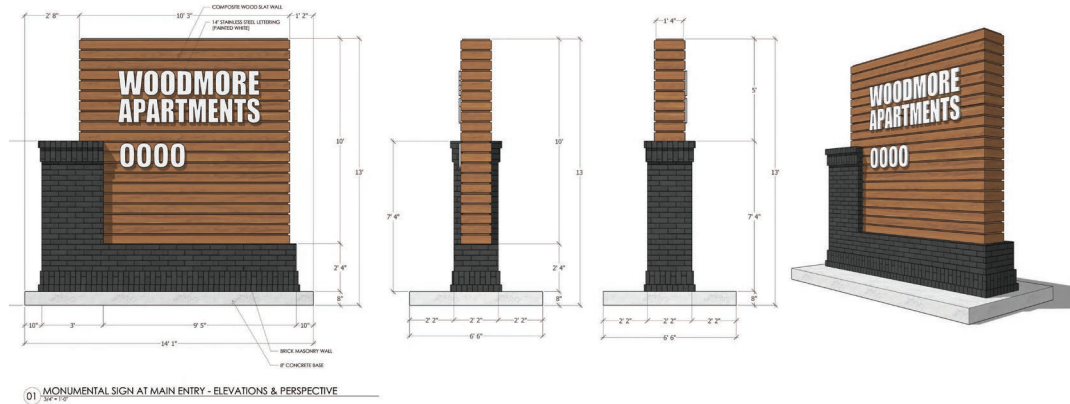


Figure 3: Proposed Freestanding Sign

Loading and trash facilities

One loading space has been proposed for the multifamily building and is located on the southwest portion of the site, adjacent to the clubhouse. Dumpster facilities are proposed in three locations on the site and have been shown in proximity to the multifamily buildings. These facilities should be adequately screened, and it is unclear if enclosures are proposed, as required. A condition has been included herein to provide enclosures, and staff recommends that these be constructed with materials similar to those used on the building, such as a masonry and composite-wood.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-547 of the Zoning Ordinance, Uses permitted, which governs permitted uses in the M-X-T Zone. The multifamily buildings proposed with the subject DSP are permitted in the M-X-T Zone.
 - b. Section 27-548 of the Zoning Ordinance, M-X-T Zone Regulations, establishes additional standards for development in this zone. The DSP's conformance with the applicable provisions is discussed, as follows:
 - (a) **Maximum floor area ratio (FAR):**
 - (1) **Without the use of the optional method of development—0.40 FAR**
 - (2) **With the use of the optional method of development—8.0 FAR**

This development will use the optional method of development in Section 27-545(b) of the Zoning Ordinance, as follows:

(b) Bonus incentives.

(4) Residential use.

- (A) Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

The applicant uses the optional method of development for the project by proposing a residential component of more than 20 units as part of the overall development. This increases the permitted floor area ratio (FAR) by 1.0 above the base of 0.40. Therefore, 1.4 FAR is permitted for the overall development. The proposed FAR is approximately 0.94 for proposed Parcel 11, which includes the 268 multifamily dwellings. However, the cumulative FAR for the entire area of the CSP development needs to be provided on the plan to ensure conformance.

- (b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

The DSP proposes one use in more than one building on one parcel, in conformance with this requirement.

- (c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

The site plan indicates the location, coverage, and height of all improvements, in accordance with this regulation.

- (d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

The development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additional buffering and screening are required to satisfy the purposes of the M-X-T Zone and is discussed in detail in Finding 12 below.

- (e) In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the**

optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.

The FAR for the proposed development within the area of the CSP is approximately 0.43. However, as conditioned herein, the applicant needs to provide a chart on the DSP confirming this.

- (f) Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

There are no private structures within the air space above, the ground below, or in public rights-of-way as part of this project. Therefore, this requirement is inapplicable to the subject DSP.

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

This requirement was reviewed at the time of PPS 4-18024, which was approved by the Planning Board on September 26, 2019. Each parcel has frontage and access to a public right-of-way, as authorized pursuant to Subtitle 24 of the Prince George's County Code.

- (i) The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

The multifamily buildings proposed with this DSP are approximately 56 feet in height, which is below this limit.

- (j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map**

Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).

This requirement does not apply to this DSP because the site was rezoned to the M-X-T Zone through A-9956-C.

- c. The subject application has been reviewed for conformance with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a DSP in the M-X-T Zone, as follows (in **BOLD** text followed by staff comment).

(1) The proposed development is in conformance with the purposes and other provisions of this Division;

Conformance to the purposes of the M-X-T Zone was found with CSP approval and is adopted herein by reference (PGCPB Resolution No. 19-71). The proposed DSP does not change that finding because it still promotes the orderly development of land with a new residential component of a mixed-use development in close proximity to the major intersection of MD 202 and Saint Joseph's Drive. It is also noted that the development of the site consisting of residential uses will allow for increased hours of activity in the area.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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 subject site was placed in the M-X-T Zone through A-9956-C, as approved by the District Council on July 23, 2002. Therefore, this requirement does not apply.

(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

The multifamily dwellings proposed with this DSP create a transition between the single-family attached and detached units in Balk Hill Village to the north, and the existing commercial and future commercial/retail uses to the south and west, and future single-family attached units to the east of the subject property. The layout of the buildings is oriented toward the existing street pattern and is expected to rejuvenate the existing neighborhood and provide economic vitality in the immediate area through the addition of new residential dwelling units.

- (4) The proposed development is compatible with existing and proposed development in the vicinity;**

The proposed development is compatible with nearby existing and proposed development, and will provide a transitional area from the single-family attached and detached homes to the north, the future single-family attached units to the east, and the commercial retail uses to the south and southeast, along Saint Joseph's Drive and Ruby Lockhart Boulevard.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

The subject DSP is designed to blend with the existing and approved residential and commercial uses in the overall Balk Hill and Woodmore Commons development and surrounding vicinity. The application includes amenities for the residents and will create an independent environment of continuing quality and stability, as conditioned.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

This application will be phased in accordance with fine grading permits. The proposed multifamily buildings will be self-sufficient, in terms of access and recreational facilities, while also being integrated with subsequent phases through pedestrian and vehicular access.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

A comprehensive internal sidewalk network is proposed for the development, with sidewalks generally located on both sides of the private streets and along Ruby Lockhart Boulevard. However, to complete the system, a pedestrian connection is needed from the multifamily buildings to the sidewalk within the right-of-way of Tulson Lane to the north. This will ensure convenient and comprehensive connections between this site and the remainder of the CSP development.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The application proposes pedestrian pathways throughout the site connecting to gathering areas, with outdoor landscaped courtyards for community events, and is designed with attention to human scale and high-quality urban design.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

This requirement is not applicable to the subject DSP.

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

The applicable PPS was approved by the Planning Board on September 26, 2019. The transportation adequacy findings in that PPS are discussed in detail in Finding 10 below.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The overall site plan contains less than 250 acres; therefore, this application is not subject to this requirement.

- d. **Departure from Design Standards DDS-669:** The applicant requires a departure from Section 27-558(a) of the Zoning Ordinance, which requires nonparallel standard parking spaces to be 9.5 feet by 19 feet, but allows up to one-third of the required spaces to be compact, measuring 8 feet by 16.5 feet. The applicant is proposing 9-foot by 18-foot standard parking spaces and utilizes compact spaces, as allowed.

Section 27-239.01(b)(7)(A) of the Zoning Ordinance contains the following required findings, in order for the Planning Board to grant the departure:

- (i) The purposes of this subtitle will be equally well or better served by the applicant's proposal;**

The reduced parking space size will allow more space on the site for landscaping, open space, and provide a more compact multifamily development, while still allowing for proper on-site circulation.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The proposed parking space width of 9 feet is reflective of other standards in the region, such as Montgomery, Frederick, and Charles Counties, which are between 8.5 and 9 feet wide. In addition, the proposed departure meets the size requirements of the standards in the recently adopted Zoning Ordinance, Prince George's County Council Bill CB-13-2018. A 9-foot width is based on design standards for a vehicle that is 6 feet, 7 inches wide, such as a large sport utility vehicle, and will be adequate for most motor vehicles. Furthermore, this departure has been sought with staff consent as a means of achieving an adequate number of parking spaces on the site.

- (iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The recent approval of CSP-03001-01 and PPS 4-18024 contemplated the development and construction of 284 multifamily units on the property. However, due to the site's constraints, the buildable area is limited and necessitates a smaller parking space size, to more efficiently use the space. Therefore, only 268 dwellings are proposed, and this reduction in the number of units will provide a higher parking ratio for the number of units. In addition, it is noted that the reduced parking space size of 9 feet by 18 feet is more comparable to most other neighboring Maryland jurisdictions.

- (iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or the surrounding neighborhood.**

The departure will allow the applicant to maximize the efficient use of the site to provide parking, as well as additional greenspace and landscaping, which is visually and functionally attractive. Thereby, the departure in parking space size will allow the proposed development to provide a more visually appealing and improved environmental quality. In addition, it is noted that the reduction in parking space size will improve the functionality of the site by enabling the provision of much-needed parking for future residents of this site.

Based on the analysis above, staff recommends that the Planning Board approve the departure request to reduce the dimensions of the proposed standard parking spaces from 9.5 by 19 feet, to 9 feet by 18 feet.

- e. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283 of the Zoning Ordinance. For example, the subject development provides pedestrian access to the site from the public right-of-way and the architecture proposed for the multifamily buildings employ a variety of architectural features and designs, such as window and door treatments, projections, colors, and materials.
- f. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval. The Transportation Planning Section has reviewed the parking analysis provided by the applicant, in accordance with the methodology for determining parking requirements in the M-X-T Zone. The following are the major points highlighted in the parking analysis:
 - (1) The methodology in Section 27-574 requires that parking be computed for each use, in accordance with Section 27-568 of the Zoning Ordinance. Using the parking schedule, it is shown that the uses would require 610 parking spaces. Given that the site does not provide a mix of uses at this time, there is no opportunity for shared parking, and consequently this is the base requirement per Section 27-574.
 - (2) The plan provides 376 parking spaces to serve the proposed 268 residential units.
 - (3) The applicant has provided extensive data from the *Parking Generation Manual* (Institute of Transportation Engineers) and also cited the applicant's own experience at other similar properties as a means of justifying the large reduction in parking spaces. While 610 parking spaces would result in 2.28 parking spaces per residential unit, the proposal by the applicant is much lower. The following table shows the parking ratio for this DSP versus other recently approved projects in Prince George's County; the current project is shown in bold near the bottom of the table. It is noted that many sites in the table are near Metrorail stations or major public transportation lines. The parking analysis states that Prince George's County's TheBus Route 28 passes by this site on a loop route to and from the Largo Metro Station. However, that service is hourly on weekdays.

Comparison of Parking Ratios for Multifamily and Mixed-Use Projects: DSP-04067-09: Woodmore Commons			
Name of Project	Units: residences or 1,000 square feet (KSF)	Residential Parking Spaces Provided (per site plan)	Parking Ratio*
Tapestry at Largo Station (Largo Park DSP)	318 residences 89 KSF ret/off	469	1.47
Allure Apollo and Aspire Apollo (Town Center at Camp Springs DSP)	797 residences	1,195	1.50
3350 at Alterra (Belcrest Plaza DSP)	283 residences 1.47 KSF office	304	1.07
Artisan DSP (within Gateway Arts D-D-O)	84 residences	120	1.43
Brentwood DSP (within Gateway Arts D-D-O)	147 residences	192	1.31
Ascend Apollo DSP (within Largo Town Center D-D-O)	846 residences	1,170	1.38
Kiplinger Phase I DSP (near Prince George's Plaza)	352 residences	416	1.18
Proposed Woodmore Commons	268 residences	376	1.40
210 Maryland Park (not yet constructed)	178 residences	155	0.87
Commons at Addison Road (approved on 4/9/2020)	193 residences 11 KSF retail	138	0.71
*The parking ratio is the number of parking spaces provided divided by number of residential units.			

- (4) The applicant has also done an analysis of the entire site covered by PPS 4-18024, including uses and parking that could be included on future site plans. The applicant concludes that in the future, the overall Woodmore Commons site will have adequate parking. This analysis is not endorsed by this review for several reasons:
- (a) The parking and land uses on any future site plans are highly speculative. There is no evidence of what will be included on future site plans, when they will be filed, or if they will be approved.
 - (b) The analysis has made heavy use of the *Parking Generation Manual* (Institute of Transportation Engineers) and cites a base requirement per Section 27-574 using data from the *Parking Generation Manual*. The transportation staff does not endorse the use of the *Parking Generation Manual* as a regulating document.

With the proximity of an adjacent residential area, parking reductions should be consistent with the needs of future residents of the site under review, but must also consider that parking and loading needs of adjacent residential areas will not be infringed upon. While this is a finding for granting a parking departure and is not a requirement for reducing parking within the M-X-T Zone, it is believed that sufficient separation exists between the site and the adjacent neighborhood that parking will not be an issue. Based on the submitted analysis, the transportation staff believes that the number of parking spaces shown on the plan is satisfactory to serve the proposed use and access, and circulation is acceptable.

8. **Zoning Map Amendment (Basic Plan) A-9956-C:** A-9956-C rezoned the 123.20 acre property from the I-3 to M-X-T Zones and was originally approved by the District Council on July 23, 2002, with 14 conditions. Subsequently, the District Council approved a request to amend Conditions 5 and 10 on February 26, 2018. The majority of the conditions have been addressed through previous approvals and existing development on the overall property. The following conditions are pertinent to the current application and warrant discussion:

5. **The development of the subject property shall be limited to the prior approved 393 residences plus additional permitted uses under the M-X-T Zone which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.**

This condition was amended by the District Council and as amended, limits the development of this project to other permitted uses on Parcels 1 and 2 within the overall 1,013 AM peak-hour trips and 1,058 PM peak-hour trips. Conformance with this condition was found with 4-18024, which noted that proposed development will not exceed the established trip cap.

10. **Prior to the acceptance of a Detailed Site Plan for development of the twenty (20) acres (Parcels 1 and 2), the Applicant shall provide written confirmation that it has held a community meeting with stakeholders which shall include an invitation to at least representatives from St. Joseph's parish and Balk Hill Homeowners association.**

This condition, as set forth above, was amended pursuant to the District Council's ordinance, which became effective March 27, 2018. The applicant has met with the interested citizens to discuss the revisions to conditions, the revised CSP and PPS, and indicated that they have met with the appropriate parties, prior to acceptance of this DSP.

9. **Conceptual Site Plan CSP-03001 and its amendment:** CSP-03001 was approved by the Planning Board on September 11, 2003, subject to 11 conditions. CSP-03001-01 was approved by the District Council on October 15, 2019, subject to one condition, which is not applicable to this DSP.

10. **Preliminary Plan of Subdivision 4-18024:** PPS 4-18024 was approved by the Planning Board on September 26, 2019, subject to 15 conditions. The relevant conditions of that approval are included, as follows:

1. **Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made to the plan:**
- b. **Revise and consolidate the cross sections provided on the plans to show the following:**
- (1) **All cross sections shall include a sidewalk and green space abutting the drive aisles.**

The shared driveway entrance into the site from Ruby Lockhart Boulevard has sidewalks on both sides. On the east side, landscaping has been provided in the form of shade trees. The west side of the driveway entrance will be developed with the future development of proposed Parcel 10.

2. **Prior to acceptance of the detailed site plan, the applicant shall provide a cross section for the service road segment of the access easement.**
3. **Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that indicates the location, limits, and details of all pedestrian and bicycle facilities and illustrates how their interconnectivity and connectivity to adjacent properties encourages walkability and reduced automobile use.**
4. **In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73*, the applicant shall provide the following:**
 - b. **Sidewalks, a minimum five feet in width, along one side of all internal access easements, not including service access areas.**
 - c. **A standard five-foot-wide sidewalk and a designated bicycle lane along each side of Ruby Lockhart Boulevard, unless modified with written documentation by Prince George's County Department of Permitting, Inspections and Enforcement/Department of Public Works and Transportation.**

An exhibit showing the pedestrian connections was included in the subject application, and staff recommends that the plans be revised to reflect the approved design of Ruby Lockhart Boulevard, per the Prince George's County Department of Public Works and Transportation to fully satisfy Condition 3. In addition, it is noted that the road design includes an on-street bicycle lane and does not include on-street parking, as depicted in the submitted plans. The proposed internal sidewalk is shown to be 5-foot-wide and on both sides of the internal access, which satisfies Condition 4b. Ruby Lockhart Boulevard has been permitted for construction and will include 5-foot-wide sidewalks and bike lanes along both sides of the roadway, satisfying Condition 4c above.

5. **Total development within the subject property shall be limited to uses, which generate no more than 448 AM and 547 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This trip cap was reviewed in the Trip Generation Summary table below, and it is determined that the development proposed is consistent with the PPS trip cap.

Trip Generation Summary: DSP-04067-09: Woodmore Commons								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Existing Development: Balk Hill Village								
Residential – Detached plus Manor Residences	333	Units	50	200	250	197	103	300
Residential – Attached	60	Units	8	34	42	31	17	48
Specialty Retail/Live-Work	20,000	square feet	0	0	0	26	26	52
Total Trips Existing: Balk Hill Village			58	234	292	254	146	400
Proposed Development: DSP-04067-09								
Multifamily Residences	268	units	27	112	139	105	56	161
Trip Cap – 4-18024					448			547
Total Existing Plus Proposed					431			561
Trip Cap – A-9956					1013			1058

11. **The applicant shall provide private recreational facilities within the residential development parcel. The private recreational facilities shall be evaluated by the Urban Design Review Section of the Development Review Division, for adequacy and proper siting during the review of the detailed site plan.**
12. **All on-site private recreational facilities shall be designed in accordance with the Parks and Recreation Facilities Guidelines.**

These issues are discussed further in Finding 6 above and conditions are included herein to ensure conformance.

11. **Detailed Site Plan DSP-04067 and its amendments:** DSP-04067 was approved by the District Council, subject to 27 conditions, on July 18, 2006. This application was amended eight times for specific lots and uses in the overall Balk Hill development. None of the conditions attached to those approvals directly impact the development of Parcel 1, that is the subject of this application.
12. **2010 Prince George’s County Landscape Manual:** Per Section 27-544(a) of the Zoning Ordinance, landscaping, screening, and buffering for property zoned M-X-T, is subject to the provisions of the Landscape Manual. The proposed development is subject to Section 4.1, Residential Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The required plantings and schedules are provided, in conformance with the Landscape Manual, with the exception of the treatment of the proposed parking lot adjacent to Tulson Lane, which requires a minimum 3-foot-wide planting strip to be planted

with 15 shrubs every 35 feet between it and the adjacent property line. Therefore, a condition has been included in the Recommendation section of this report requiring the applicant to provide the appropriate landscape treatment along this portion of the site.

13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has previously approved tree conservation plans for the overall Woodmore Commons property, Type I Tree Conservation Plan, TCPI-019-03-03 and TCPII-082-05-04. A revision to the TCPII has been submitted with this application.

The TCP worksheet was broken down into four phases. However, the plan does not delineate where the phase line is between Phases 3 and 4. The gross tract area for Phase 3 is inconsistent with the acreage of this DSP application. The phasing on the TCPII must be clearly shown and the gross tract acreage must be revised to be consistent with that of the DSP.

According to the worksheet submitted, the woodland conservation threshold for the overall 117.89-acre property is 15 percent of the net tract area or 17.32 acres, which is consistent with previous approvals. The current application proposes to clear all of the remaining woodland within Parcels 1 and 2 (Phases 3 and 4) and to meet the 8.45-acre requirement generated by this clearing entirely in fee-in-lieu. As previously stated, this plan is not grandfathered from the provisions of the WCO and the environmental technical manual. Per Section 25-122(c) of the WCO, payment of fee-in-lieu is the lowest priority for meeting a woodland conservation requirement. In addition, per Section 25-122(d)(8), fee-in-lieu may be used to meet the conservation requirements after all other options are exhausted. The woodland conservation requirement generated by the clearing for this DSP must be met through on-site attenuation or at an off-site woodland conservation bank.

The TCPII plan requires additional technical corrections to be in conformance with the WCO. These revisions are specified in the recommended conditions below.

14. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area covered in TCC. The subject application provides the required TCC schedule demonstrating conformance with this requirement for proposed Parcel 11 only. Proposed Parcel 10 is included for grading and infrastructure only with this DSP and will need to show conformance to the TCC requirement at the time of DSP for full development.

15. **Referral Comments:** The subject application was referred to the following concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Historic Preservation**—In a memorandum dated February 20, 2020 (Stabler to Bishop), the Historic Preservation Section noted that a Phase I archeological survey was conducted on the subject property in 2005. No archeological sites were identified and no further work was required on the site. In addition, it was noted that the property is not adjacent to any designated Prince George's County historic sites or resources.

- b. **Community Planning**—In a memorandum dated April 14, 2020 (Umeozulu to Bishop) incorporated herein by reference, the Community Planning Division indicated that pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.
- c. **Transportation Planning**—In a memorandum dated April 13, 2020 (Masog to Bishop) incorporated herein by reference, the Transportation Planning staff provided a discussion of the applicable previous conditions of approval, the requested departure, and the parking requirements under Section 27-574 that have been included in the above findings. They concluded that, from the standpoint of transportation, this plan is acceptable if the application is approved as conditioned.
- d. **Trails**—In a memorandum dated April 13, 2020 (Smith to Bishop), incorporated herein by reference, the trails planner provided a discussion of the applicable previous conditions of approval that have been incorporated into the findings above. In addition, it is noted that the subject property was reviewed for conformance with the Approved Countywide Master Plan of Transportation and the 1990 *Approved Master Plan Amendment and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* to provide the appropriate pedestrian and bicyclist transportation recommendations. In conclusion, it was noted that additional bicycle parking is needed and is an important component of a bicycle-friendly roadway. The submitted plans include a wave-style bicycle rack detail, and staff recommends that this bicycle rack be replaced with an inverted-U style rack. This rack style provides two-points of contact for bicycles, which is better for supporting and securing them. Improvements to the site have been addressed through revisions to the plans or are included as conditions in the Recommendation section of this report, as appropriate.
- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated February 25, 2020 (Sun to Hurlbutt), incorporated herein by reference, DPR commented that the on-site recreational facilities should be evaluated by the Urban Design Section.
- g. **Permits**—In a memorandum dated January 30, 2020 (Chaney to Hurlbutt), incorporated herein by reference, the Permit Review Section offered numerous comments, which have been addressed through revisions to the plans.
- h. **Environmental Planning**—In a memorandum dated March 3, 2020 (Juba to Bishop), incorporated herein by reference, the Environmental Planning Section indicated that there are no applicable environmental-related conditions attached to previous approvals. In addition, it was noted that the site has a Natural Resources Inventory, NRI-151-2018, which was approved on November 13, 2018, and shows no streams, wetlands, or floodplain on the area of the subject DSP.

Stormwater Management

An approved SWM Concept Plan 45273-2018 was submitted with the subject application that is consistent with the TCPII and DSP. According to the approval, the private system will utilize micro-bioretenion and permeable pavement, and has

been approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE).

Soils

The predominant soils found to occur on-site, according to the US Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Marr-Dodon Complex (5–15 percent slopes) and Collington-Wist Complex (2-5 percent slopes). According to available information, unsafe soils containing Marlboro clay or Christiana complexes are not mapped on-site. A soils report may be required by DPIE at time of permit.

The Environmental Planning Section recommends approval of DSP-04067-09 and TCPII-082-05-05, subject to conditions that have been included in the Recommendation section of this technical staff report.

- i. **Prince George's County Fire Department**—In a memorandum dated February 5, 2020 (Reilly to Bishop), incorporated herein by reference, the Office of the Fire Marshal provided a comprehensive analysis of the DSP's conformance with applicable fire-related requirements. Plan revisions address the Fire Department's comments.
 - j. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of this writing, comments regarding the subject project have not been received from DPIE.
 - k. **Prince George's County Police Department**—At the time of this writing, comments regarding the subject project have not been received from the Police Department.
 - l. **Prince George's County Health Department**—At the time of this writing, comments regarding the subject project have not been received from the Health Department.
 - m. **Maryland State Highway Administration (SHA)**—At the time of this writing, comments regarding the subject project have not been received from SHA.
 - n. **Washington Suburban Sanitary Commission (WSSC)**—At the time of this writing, comments regarding the subject project have not been received from WSSC.
16. Based on the foregoing, and as required by Section 27-285(b)(1), the DSP will, if approved with the proposed conditions below, represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
17. As required by Section 27-285(b)(2), the DSP is required to be in conformance with the approved CSP-03001, as amended. CSP-03001-01 amended the original CSP for Balk Hill Centre and revised the uses to reduce the commercial square footage and add multifamily dwelling units as are included with this DSP. Therefore, it has been determined that the DSP is in general conformance with CSP-03001-01, as conditioned.

18. As required by Section 27-285(b)(4), for approval of a DSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations, as this property does not contain any regulated environmental features.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and:

- A. APPROVE Departure from Design Standards DDS-669, to allow the standard parking spaces to be 9 feet wide by 18 feet long.
- B. APPROVE Detailed Site Plan DSP-04067-09 and TCPII-082-05-05 for Woodmore Commons, subject to the following conditions:
 - 1. Prior to certification of the detailed site plan (DSP), the following revisions shall be made to the plans:
 - a. Show bike lanes along Ruby Lockhart Boulevard, in compliance with the approved plans per the Prince George's County Department of Public Works and Transportation.
 - b. Provide a standard sidewalk connecting the sidewalks around the multifamily buildings to the sidewalk within Tulson Lane.
 - c. Provide a continental style crosswalk crossing the subject site's entrance at Ruby Lockhart Boulevard, unless modified by the Prince George's County Department of Permits, Inspections and Enforcement.
 - d. Provide a standard crosswalk crossing the access road at the intersection southwest of the clubhouse.
 - e. Provide inverted-U style bicycle racks to replace the proposed wave-style bicycle racks.
 - f. Include landscaping at its base of the freestanding sign to provide for seasonal interest.
 - g. Provide a list of cost estimates, a floorplan, and a spreadsheet, in accordance with the values of the proposed private recreational facilities proposed with the DSP, in accordance with the Prince George's County *Parks and Recreation Facilities Guidelines*.
 - h. Provide a General Note showing the proposed and allowed floor area ratio relative to all development within the total area of the conceptual site plan.

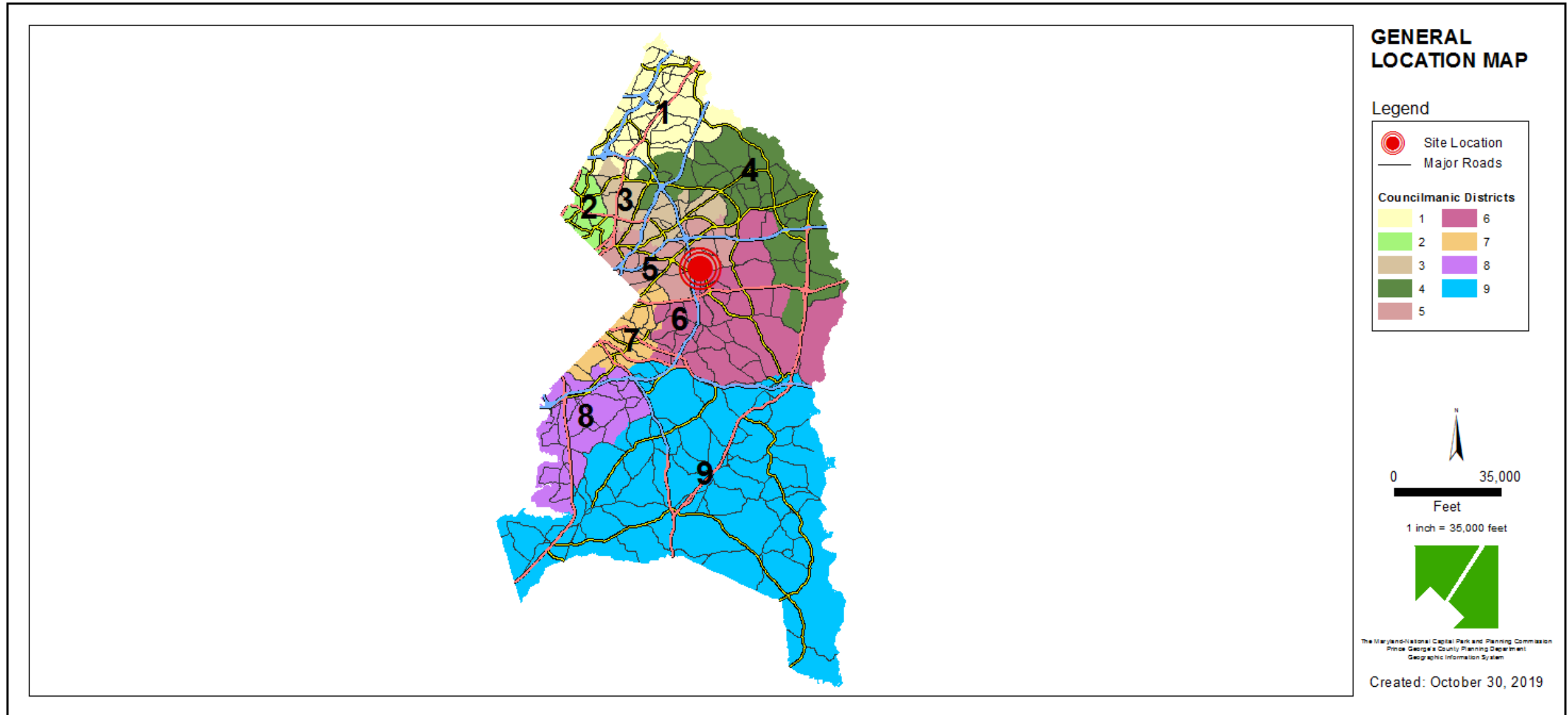
- i. Provide the appropriate landscape treatment between the parking lot and Tulson Lane, in conformance with Section 4.3-1 of the 2010 *Prince George's County Landscape Manual*.
 - j. Provide enclosures for the dumpster facilities constructed with materials to compliment the proposed buildings, such as masonry or composite-wood, or screen these facilities with the appropriate amount of landscaping, in conformance with Section 4.4 of the 2010 *Prince George's County Landscape Manual*.
- 2. Prior to certification of the detailed site plan, the Type II tree conservation plan (TCPII) shall be revised, as follows:
 - a. Type in all previous TCPII approval information in the TCPII approval block.
 - b. Revise the TCPII so that the phasing boundary is consistent with the detailed site plan (DSP). Revise the limits of disturbance to highlight the grading associated with implementing this DSP. Update the site statistics tables and the woodland conservation worksheet accordingly to reflect each of the new phases.
 - c. Remove all proposed fee-in-lieu from Phases 3 and 4. Indicate that all remaining woodland conservation required will be met on-site or through off-site mitigation on the worksheet and TCPI plan.
- 3. Prior to issuance of the final certificate of occupancy for the fourth multifamily building, all on-site recreational facilities and amenities shall be completed and verified by the Maryland-National Capital Park and Planning Commission.

ITEM: 9 & 10

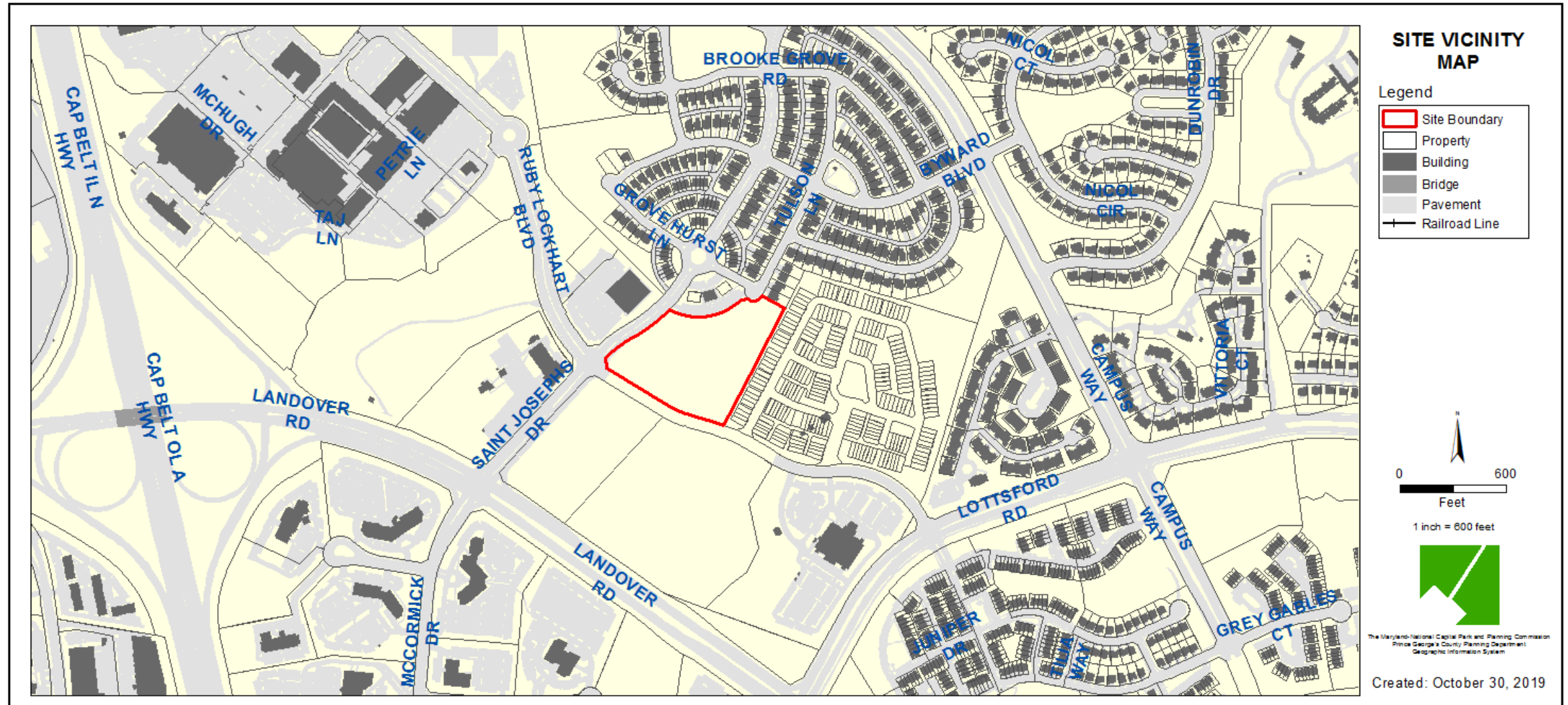
CASE: DSP-04067-09 & DDS-669

WOODMORE COMMONS

GENERAL LOCATION MAP



SITE VICINITY

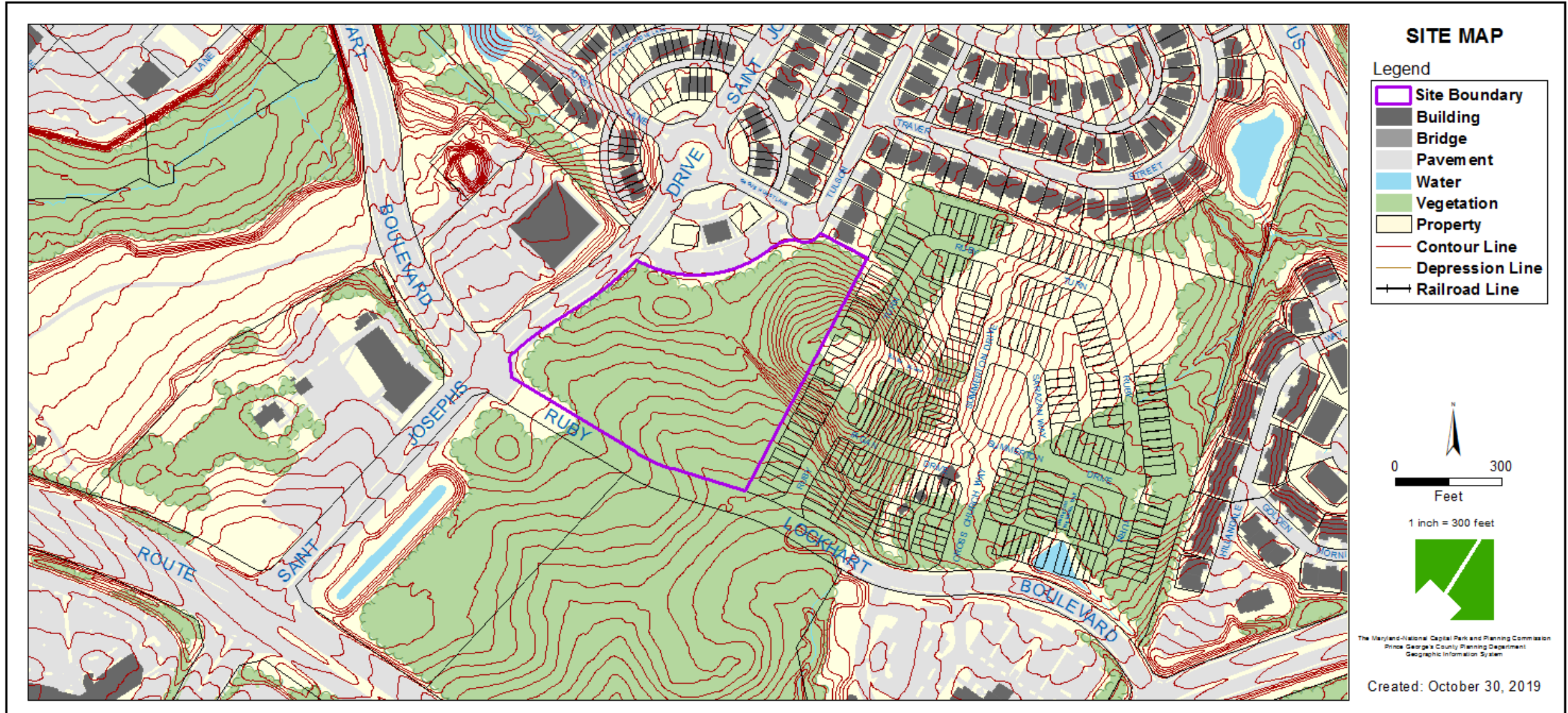




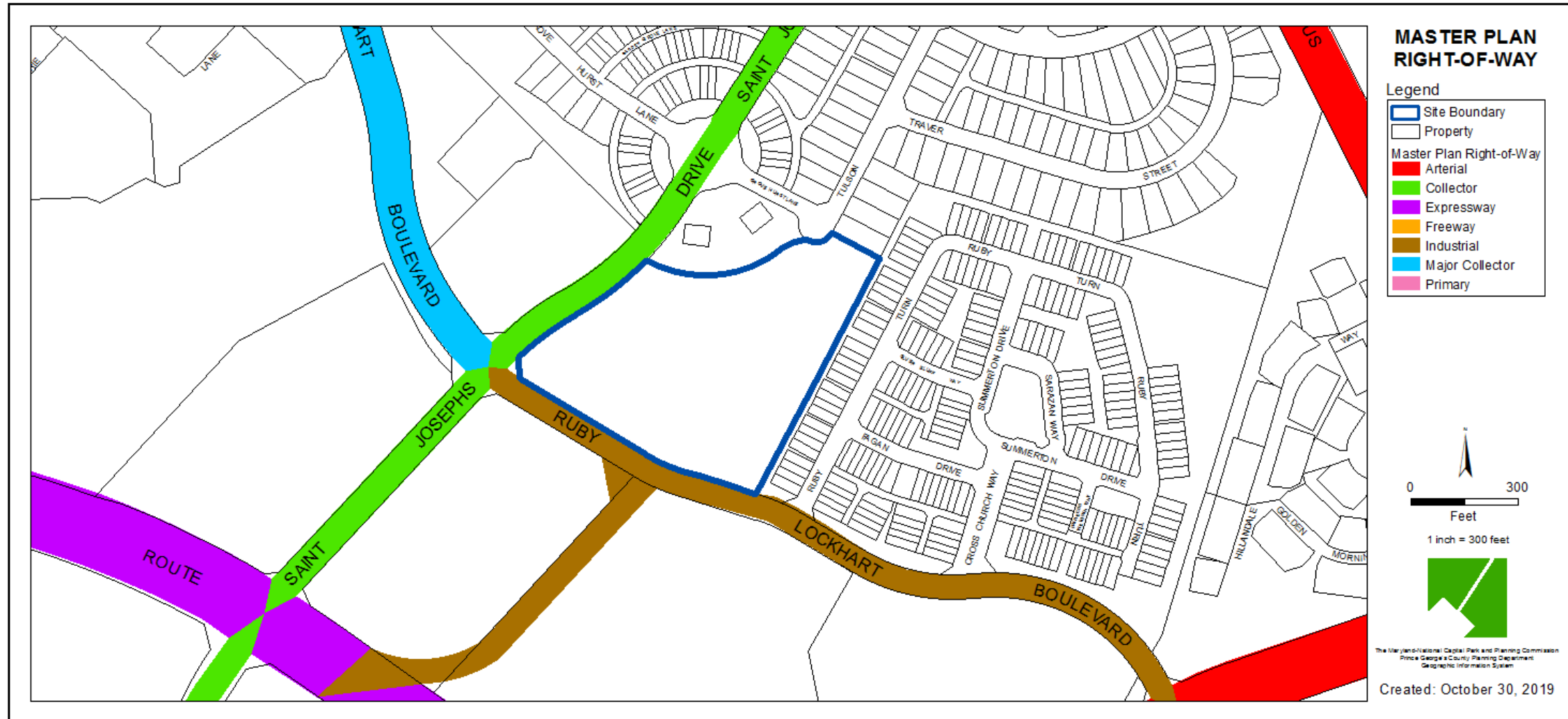
AERIAL MAP



SITE MAP

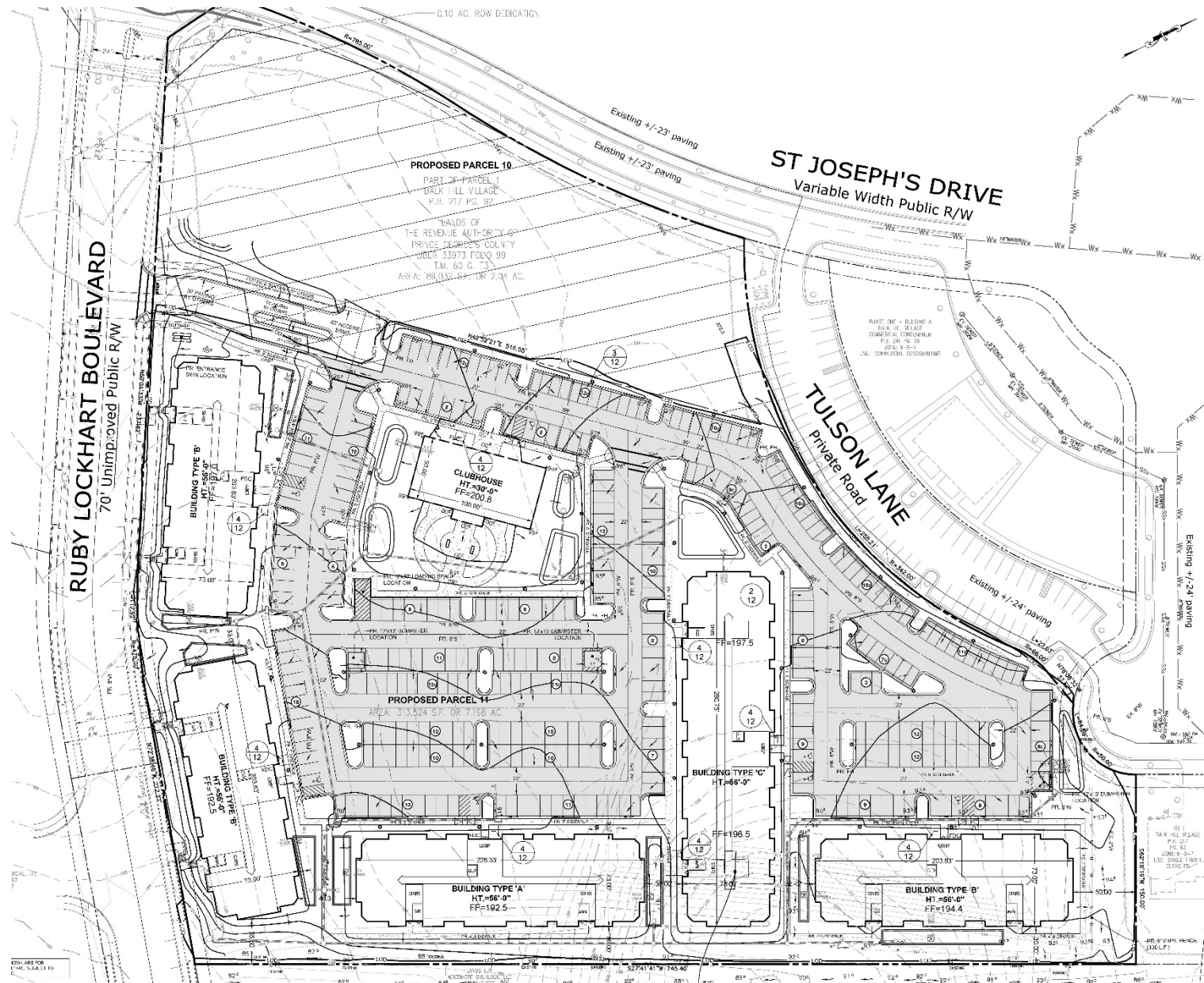


MASTER PLAN RIGHT-OF-WAY MAP

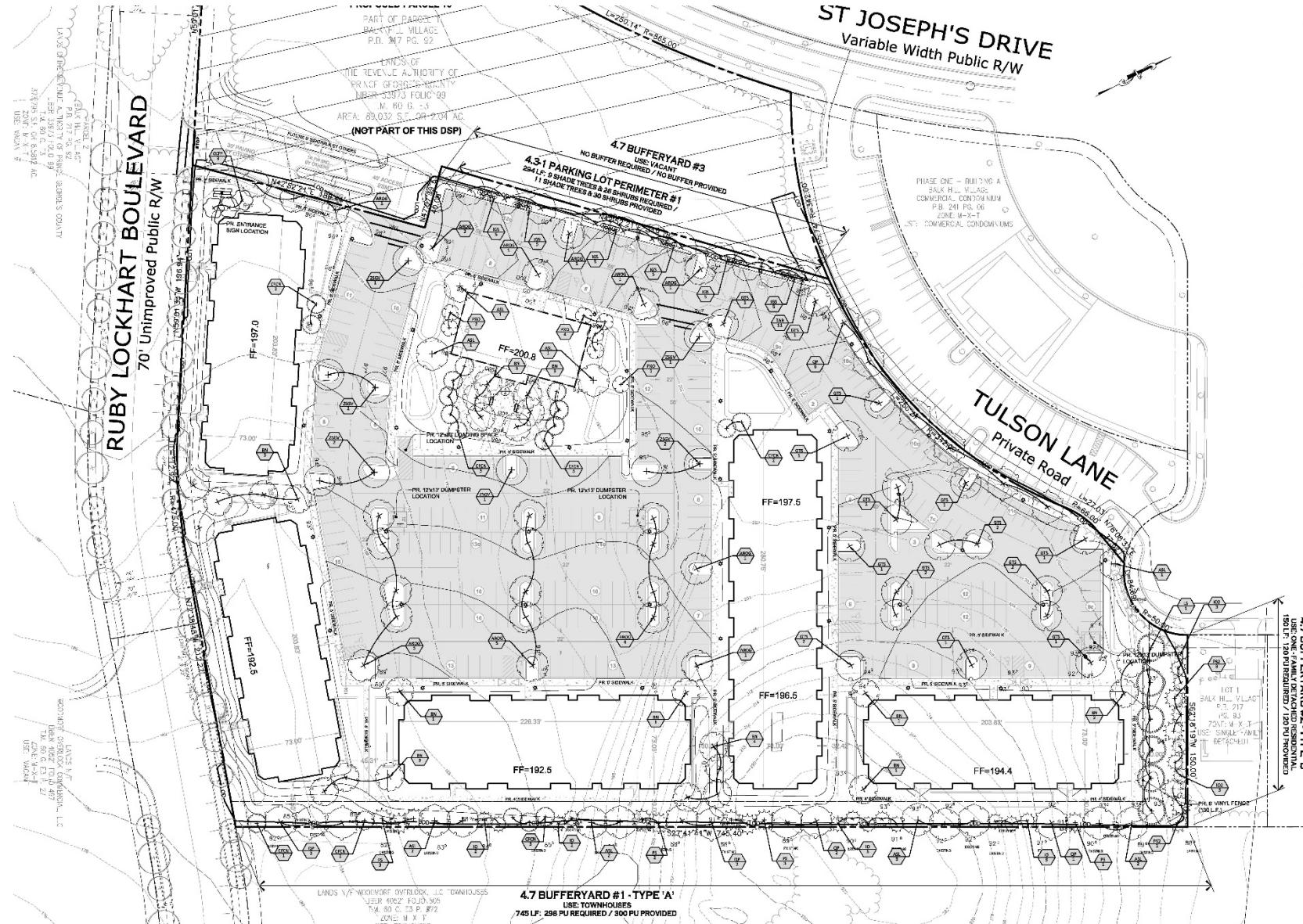


BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED

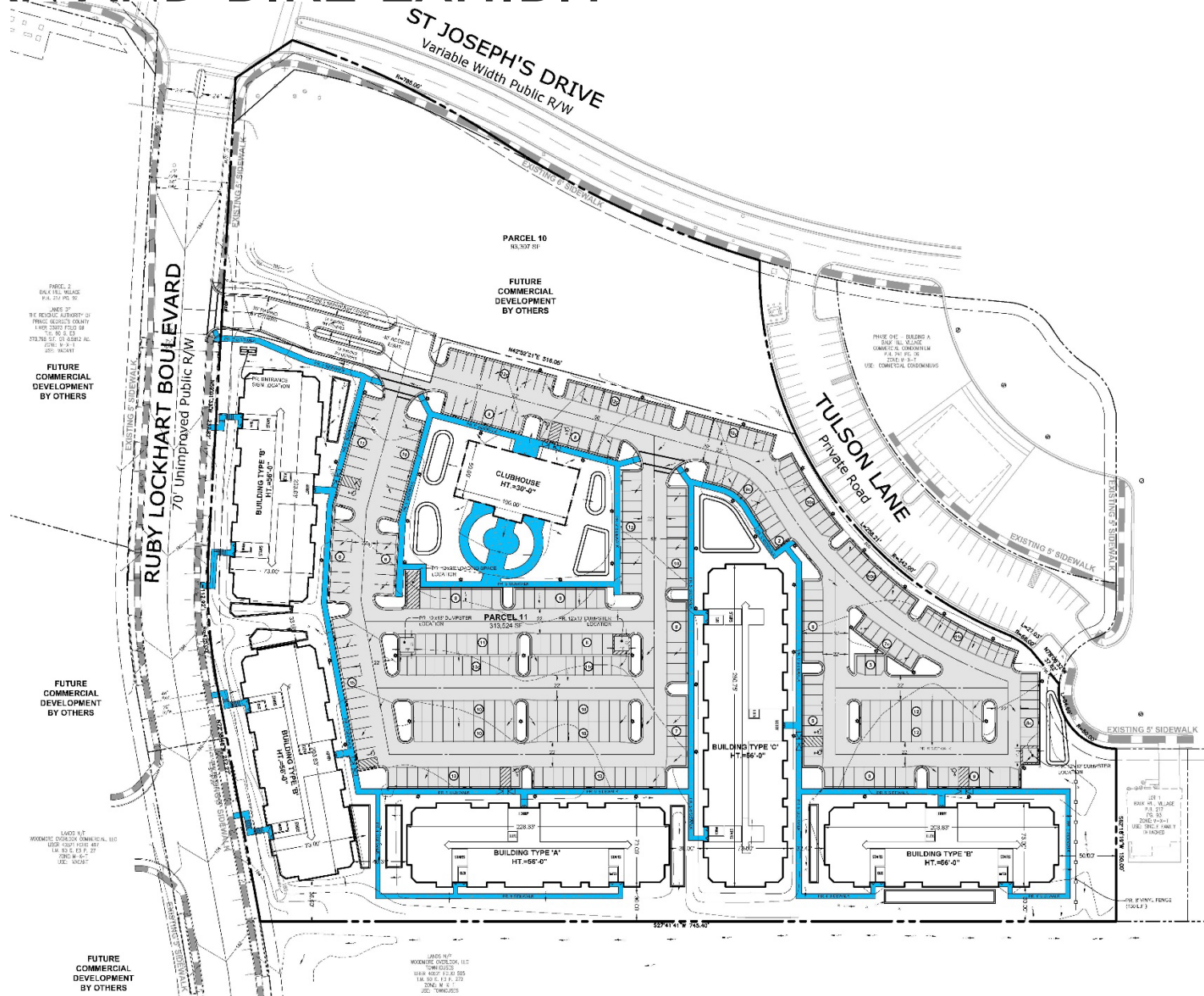




LANDSCAPE PLAN



PEDESTRIAN AND BIKE EXHIBIT



ILLUSTRATIVE RENDERING



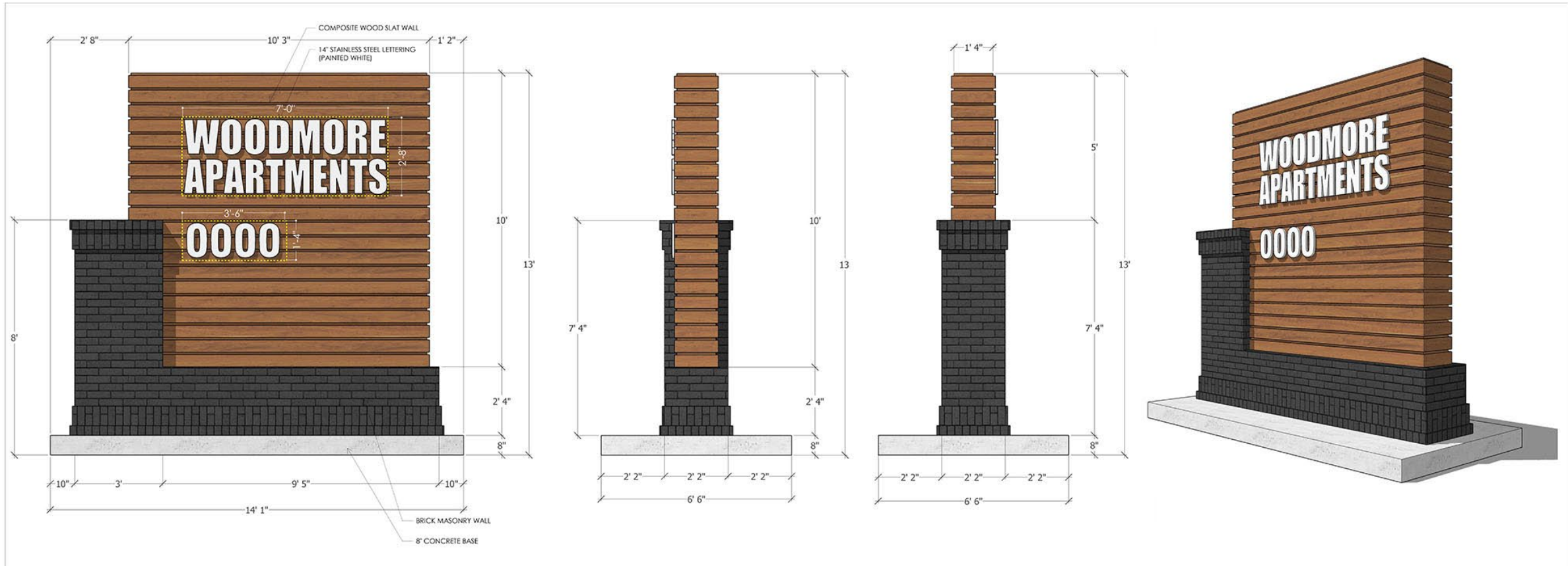
BUILDING A & B, FRONT, REAR AND SIDE ELEVATIONS



BUILDING D & E, FRONT AND REAR ELEVATIONS



MONUMENT ENTRYWAY SIGN



RENDERING



PGCPB No. 05-202 (A)

File No. DSP-04067

A M E N D E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

*WHEREAS, on November 14, 2005, the District Council elected to review this case; and

*[WHEREAS, in consideration of evidence presented at a public hearing on September 29, 2006 regarding Detailed Site Plan DSP-04067 for Balk Hill Village, the Planning Board finds:]

*WHEREAS, on March 13, 2006, the District Council voted to remand the case to the Planning Board in accordance with Section 27-290 of the Zoning Ordinance in order to address transportation, land use and school adequacy issues as specified and to ensure that the adjacent 20-acre tract to be dedicated to the Prince George's County Revenue Authority shall be the subject of a detailed site plan; and

*WHEREAS, in consideration of evidence presented at a second public hearing on June 1, 2006, regarding Detailed Site Plan DSP-04067 for Balk Hill Village, the Planning Board finds:

1. **Request:** The Detailed Site Plan is for Phase I of the development, consisting of 168 single-family dwelling units and 24 "manor house" dwelling units for a total of 192 units. The application also includes 16,500 square feet of commercial retail/office space and 3,300 square feet of community room space. A Conceptual Site Plan and Preliminary Plan have been approved by the Planning Board for up to 393 dwelling units, 20,000 square feet of retail and 328,000 square feet of office.

*Denotes Amendment

Underlining indicates new language

[Brackets} indicate deleted language

2. Development Data Summary

	EXISTING	PROPOSED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Residential, Commercial
Acreage (Total Site)	125.4	125.4
Lots (Phase I)	0	192
Parcels (Phase I)	0	3
Square Footage/GFA (Phase I)	0	16,500 SF Commercial; 3,300 Community Space
Dwelling Units:		192
Attached (Manor House)	0	24
Detached	0	168
Multifamily	0	0

Floor Area Ratio (FAR) in the M-X-T Zone

FAR Permitted:	(For Entire Development)
Base Density	0.4 FAR
Residential	1.0 FAR
Total Permitted	1.4 FAR (permitted under the Optional Method of Development, 27-545(b)(4), for provision of more than 20 dwelling units) (1.4 x 5,462,424 sf (gross site area)=7,647,394 sq. ft. permitted)

FAR Proposed (Phase I):	Residential	559,768 sq. ft.
	Retail	7,700 sq. ft.
	Office	8,800 sq. ft.
	Community Bldg.	3,300 sq. ft.
Total FAR (Phase I)		579,568 sq. ft. (0.106 FAR)

Parking Required (in conformance with Section 27-574 for the M-X-T Zone):	81 spaces
Parking Provided:	83 spaces

- Location:** The subject property consists of 125.4 acres in the M-X-T Zone and is located on the north side of MD 202 at its intersection with St. Joseph's Drive. The site is approximately 1,000 feet southeast of the interchange of the Capital Beltway (I-95) and MD 202.
- Surroundings:** To the southeast of the site is vacant land in the I-3 and C-O Zones; to the northeast is land in the R-S Zone, currently under development (Balk Hill); to the northwest is vacant land in the M-X-T Zone and to the southeast, across MD 202 is land in the I-3 Zone, currently under development. St. Joseph's parish is to the southeast of the site on the west side of St. Joseph's Drive.

5. **Design Features:** Phase I of Balk Hill Village consists of 192 dwelling units, 16,500 square feet of retail/office and 3,300 square feet of community space. Three separate two-story brick commercial buildings are proposed, with retail on the first floor of the buildings and office and community space above.

Required Findings in the M-X-T Zone

6. The proposed development is in conformance with the purposes and other provisions of this Division.

Section 27-542. Purposes of the M-X-T Zone

(a) The purposes of the M-X-T Zone are:

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**
- (2) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**
- (3) To promote the effective and optimum use of transit and other major transportation systems;**
- (4) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**
- (5) To encourage diverse land uses which blend together harmoniously;**
- (6) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**
- (7) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;**
- (8) To permit a flexible response to the market; and**

(9) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

The Detailed Site Plan provides for a development that meets the above purposes of the M-X-T Zone. In general, the same finding can be made that was made by the Planning Board for the Conceptual Site Plan. Some portions of that finding that are applicable to the Detailed Site Plan are as follows:

“The plan proposes a mix of uses including a variety of residential types, retail and office in a village pattern utilizing a grid street system. The proposed development is located at a major intersection in the county where the office and retail will provide for an expanding source of desirable employment while also providing for an assortment of living opportunities for its citizens. A mixed-use development at this location maximizes the development potential inherent in the location of the zone and promotes the effective use of major transportation systems. The retail and office components have the ability to facilitate and encourage a 24-hour environment.

“The plan provides for a variety of residential opportunities in different settings that offer choices for the consumer. Three residential types are to be provided: single-family detached lots, manor homes, and triplex and quadplex units. The manor homes are multifamily units constructed to look like large single-family homes. The triplex and quadplex units are models that are designed to look more like townhouse units and will be interspersed with the single-family detached lots. A grid street pattern with a hierarchy of street widths, buildings sited close to the street, pedestrian sidewalks, and street trees will provide for animated streetscapes throughout the development. An open space system is evenly dispersed throughout the development, consisting of a centrally located 8- to 10-acre public open space with a stormwater management (SWM) pond on the west side of Saint Joseph’s Drive and a one-acre pocket park on the east side of Saint Joseph’s Drive.

“These features, connected together with a grid street pattern, create dynamic, functional relationships among individual uses within a distinctive visual character and identity. The Conceptual Site Plan for Balk Hill Village, with its mix of uses on a grid street pattern, promotes optimum land planning at this location with greater efficiency through the use of economies of scale and savings in energy beyond the scope of a single-purpose project. People who live and work in the community will also be able to shop, eat or work in a community that is walkable. The layout, with its diversity of uses and building types, will permit a flexible response to the market and freedom of architectural design has been allowed within the framework of the Detailed Site Plan.”

7. The proposed development has an outward orientation, which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation.

In general, the same finding can be made that was made by the Planning Board for the Conceptual Site Plan. Some portions of that finding that are applicable to the Detailed Site Plan are as follows:

“Along the frontage with future Campus Way North, the plan proposes to provide manor homes, which are multifamily units constructed to look like large single-family homes. The homes will be set back from the right-of-way by 50 feet. Within the 50-foot-wide bufferyard will be landscaping. Private pedestrian access to the front of the buildings has been provided in this location. The private pedestrian access periodically connects to the public sidewalk along the right-of-way. Along this most publicly visible edge of the development, the fronts of the manor homes will face Campus Way North, which will lend the development an impressive outward orientation.

“Along the western property line a wooded tributary will be preserved, screening the development from the adjacent vacant property in the M-X-T Zone (for Phase II of the development).

“Along the northeastern property line, the residential portion of the development will be screened from vacant property in the C-O and I-3 Zones by a small wooded tributary and by the employment of a landscape bufferyard in compliance with the requirements of the *Landscape Manual*.

“Along the southeastern property line, the proposed commercial development is deemed to be compatible with the adjacent property in the I-3 Zone.” This is in reference to the future office development on Lots 1 and 2 that are to be conveyed to the Revenue Authority.

Therefore, it can be concluded that the proposed development has an outward orientation that is physically and visually integrated with existing and future adjacent development.

8. The proposed development is compatible with existing and proposed development in the vicinity.

The same finding can be made that was made by the Planning Board for the Conceptual Site Plan, which is as follows:

“As explained in Finding 5 above, the proposed development will be compatible with existing and future adjacent development in the vicinity, either by virtue of the intrinsic compatibility of the adjacent land uses or by the existence of wooded areas and/or landscape buffers.”

9. The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability.

The same finding can be made that was made, in part, by the Planning Board for the Conceptual Site Plan, which is as follows:

The Detailed Site Plan “meets the above requirement by providing for a development with a mixture of residential units, commercial retail and office, and an open space system that is interconnected with a grid street pattern. The village development pattern creates dynamic, functional relationships among individual uses within a distinctive visual character and identity. The applicant proposes to provide a high-quality development of continuing quality and stability.”

10. If the development is staged, each building phase is designed as a self-sufficient entity while allowing for effective integration of subsequent phases.

The Conceptual Site Plan showed the development broken into five stages. The Detailed Site Plan incorporates several of the stages into one larger phase. This phase incorporates all of the unit types anticipated in the Conceptual Site Plan and several of the major amenities, such as the community building, fountain and pocket park. As such, the phasing of this portion of the development has been designed as a self-sufficient entity and allows for the effective integration of subsequent phases.

11. The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development.

The same finding can be made that was made, in part, by the Planning Board for the Conceptual Site Plan, which is as follows:

“The grid street pattern will provide for a comprehensive pedestrian system. Sidewalks are proposed to be on both sides of all streets. The pedestrian system is convenient in that there will be easy access to the open space areas and to the village center where the Balk Hill Circle is located.”

12. On a Conceptual Site Plan for property placed in the M-X-T Zone by a sectional map amendment, transportation facilities that are existing; that are under construction; or for which 100 percent of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

The property was placed in the M-X-T Zone by Zoning Map Amendment (Case No. A-9956-C), approved by the District Council on July 23, 2002. A finding of adequate public facilities was made with the approval of the Preliminary Plan, 4-03094.

13. Section 27-548.25 (a) of the Zoning Ordinance requires that a Detailed Site Plan be approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance. The detailed site plan submitted has been reviewed in accordance with those provisions and it can be found that the plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the

proposed development for its intended use.

14. The Detailed Site Plan is in conformance with the requirements of the *Landscape Manual*.
15. The Detailed Site Plan is in conformance with signage regulations of Part 12 of the Zoning Ordinance. Gateway entrance signage is provided at the entrance to the subdivision consisting of a low brick wall, brick columns and wrought iron fence. Metal letters will be mounted to a recessed brick panel on the corner brick columns indicating the initials RP for Regency Park. Signage for the retail will be located above doorways of individual tenants as shown on the architectural elevations. The applicant should indicate the type, size and style of lettering to be provided on the architectural elevations.
16. **Zoning Map Amendment A-9956-C:** The Conceptual Site Plan is in general conformance to Zoning Map Amendment A-9956-C. The following conditions warrant discussion:

10. **An Advisory Planning Committee, consisting of the applicant and representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations, shall be established to advise the Revenue Authority, a community development corporation, or another nonprofit entity about the development, use, and disposition of the 20-acre employment parcel.**

By letters dated July 21, 2005, and September 7, 2005, (Arrington to Wagner) the applicant has provided documentation that an Advisory Planning Committee has been established and officers have been elected to advise the Revenue Authority on the development and use of the 20-acre employment parcel. The letter indicates that the Committee will hold monthly meetings on the second Tuesday of each month for 2005 and if necessary, revise the schedule for 2006.

11. **The open area designated on the Basic Plan as the Balk Hill Circle shall include an amphitheater or other suitable facility that may be used for outdoor cultural activities.**

To meet the above requirement, the applicant has provided a large fountain in the center of the traffic circle with low, decorative fencing, landscaping and special paving. Since the traffic circle is too small to include an amphitheater, and to encourage pedestrians to cross St. Josephs Drive to use such a facility would be a safety hazard, an amphitheater is not recommended. The applicant has also provided a village green in front of the retail space with benches, special paving, landscaping and pedestrian-scaled lighting that is oriented to the circle and provides views to the water feature.

12. **The community building shall be designed with an area suitable for community theatrical productions.**

The community building is to be located on the second floor of one of the three retail buildings located at the traffic circle on Saint Joseph's Drive and consist of

approximately 3,300 square feet of space. The space has been designed to accommodate theatrical productions with the provision of a collapsible stage with approximately 48 moveable seats, suitable for theatrical productions. The facility will also have the ability to be used for other functions when it is not in use for theatrical productions. The facility will also include a warming kitchen, large screen television, internet connections, room dividers and a storage area.

17. **Conceptual Site Plan, CSP-03001:** The Detailed Site Plan is in general conformance to the Conceptual Site Plan. For information regarding transportation issues, see Finding 19 below. For information regarding environmental issues, see Finding 20 below.

18. **Preliminary Plan, 4-03094:** The Detailed Site Plan is in general conformance with the Preliminary Plan. The following conditions warrant discussion:

6. **At the appropriate state of development, the applicant, his heirs, successors, and/or assignees shall provide the following:**

c. **Provide standard sidewalks along both sides of all other internal roads, per the concurrence with DPW&T.**

Sidewalks have been provided on both sides of all streets; however, dimensions should be provided for all sidewalks.

8. **The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines*.**

Adequate recreational facilities have been provided for Phase I of the development. A 30,000± square-foot central recreation open space has been provided that contains a tot lot, benches, an open grass play area, a walking trail and landscaping. The community has requested that the play area be provided with a rubberized safety surface and that activity stations be provided around the trail. The applicant has also provided a large fountain in the traffic circle and benches, lighting, special paving and landscaping in the village green area in front of the retail buildings.

16. **A Phase I archeology study shall be performed prior to the approval of the Detailed Site Plan. The study shall pay particular attention to possible burials, including slave burials, and possible slave quarters.**

See Finding 21 below for information regarding this condition.

21. **The relationship of the community building, the retail commercial buildings on Lots 1-9, Block D, and the office use on Parcels 1 and 2 shall be determined at the time of the first Detailed Site Plan submitted for any portion of the entire site.**

As mentioned above, the community building is to be located on the second floor of one of the

three retail buildings located at the traffic circle on Saint Joseph's Drive and consist of approximately 3,300 square feet of space. The retail/office buildings are designed to have pedestrian connections between the buildings to be able to access the parking to the rear of the buildings. The pedestrian connections will also serve as access to the retail space from the future office development on Parcels 1 and 2.

- 23. At the submission of the first Detailed Site Plan, the applicant shall submit documentation on the structure of the Advisory Planning Committee and how it will function to advise the Revenue Authority on the development of Parcels 1 and 2 pursuant to Condition 10 of Zoning Map Amendment A-9956-C. As part of the documentation noted above, it shall include confirmation that the representatives from the required membership have been duly chosen by their respective organizations.**

See discussion under Finding 16 above.

Referrals

- *[19.]a. In a memorandum dated September 2, 2005 (Masog to Wagner), the Transportation Planning Division offered the following comments:

The Transportation Planning Section has reviewed the application referenced above. The application involves construction of residential units on a portion of a mixed-use development. The entire Balk Hill Village development consists of approximately 125.4 acres of land in the M-X-T Zone. The property is located north and east of MD 202; it straddles the proposed alignment for St. Joseph's Drive and is south and west of the proposed alignment for Campus Way. The application proposes the development of 192 residences and 9 triplex retail units.

Prior applications A-9956, CSP-03001, and 4-03094 contain a number of transportation-related conditions. The status of the transportation-related conditions is summarized below:

A-9956:

Condition 1: Requires construction of Campus Way and St. Joseph's Drive within the limits of the subject property. These facilities are reflected on the plans and will be constructed as overall construction progresses.

Condition 2: Requires off-site road improvements in the area, either directly by the applicant or through payment of a fee on a pro rata basis. This was reiterated at the time of preliminary plan, and is addressed through conditions on that plan.

Condition 3: Requires that adequate right-of-way for needed master plan facilities is provided. This was confirmed during review of the preliminary plan, and submitted plans show adequate right-of-way where needed.

Condition 4: Requires further study at Campus Way/St. Joseph's Drive. This condition was enforceable at the time of preliminary plan, and this intersection was studied further at that time.

Condition 5: Caps development of the property. The development proposed under this site plan is estimated to generate 158 AM and 188 PM peak-hour vehicle trips. This is well within the overall trip cap indicated by this condition.

CSP-03001:

Condition 3: Requires an extension of Ruby Lockhart Boulevard to the west property line as a 70-foot right-of-way. This was done at the time of preliminary plan and is reflected on this plan.

4-03094:

Condition 1d: Requires the elimination of on-street parking along St. Joseph's Drive. Also requires that curve radii along all streets be increased to a minimum of 300 feet. The on-street parking is a permitting issue under the authority of the county Department of Public Works and Transportation (DPW&T) and is not reviewable under this plan. All streets shown on the plan conform to the 300-foot minimum for curvature.

Condition 18: Requires dedication along proposed Campus Way and St. Joseph's Drive within the limits of the subject property. This is reflected on the plans, and these roadways will be constructed within the dedicated rights-of-way.

Condition 19: Requires off-site road improvements in the area, either directly by the applicant or through payment of a fee on a pro rata basis. This condition will be enforced at the time of building permit.

Access and circulation within the area of plan is acceptable.

The subject property is required to make roadway improvements in the area pursuant to a finding of adequate public facilities made in 2004 for Preliminary Plan of Subdivision 4-03094. These findings were supported by a traffic study submitted in 2003. Insofar as the basis for the findings is still valid, and in consideration of the scope of this application, the transportation staff can make a finding that the subject property will be served by adequate transportation facilities within a reasonable period of time.

*[20.]b. In a memorandum dated August 31, 2005 (Shirley to Wagner), the Environmental Planning Section offered the following comments:

The Environmental Planning Section has reviewed the revised TCPII/82/05 for the above referenced property, stamped as received by the Environmental Planning Section on August 16, 2005. The Environmental Planning Section recommends approval of DSP-04067 and TCPII/82/05, subject to the conditions in the Recommendations Section.

*Denotes Amendment

Underlining indicates new language

[Brackets} indicate deleted language

Background

The Environmental Planning Section previously reviewed applications for this site including the approvals of Basic Plan, A-9956; Conceptual Site Plan, CSP-03001 and Type I Tree Conservation Plan, TCPI/19/03. In 2003, Preliminary Plan of Subdivision 4-03094 was submitted and was approved with an 01 revision to the TCPI. The Planning Board's action regarding the preliminary plan is found in Planning Board Resolution No. 04-33. The Board's approval was for a total of 393 lots.

The scope of this review is for the first phase of 201 lots at the central and northeast portions of the overall 125.4-acre Balk Hill Village site.

Site Description

The 125.4-acre property in the M-X-T Zone is located on the east side of MD 202 approximately 1,600 feet north of its intersection with Lottsford Road. Approximately 60 percent of this site has existing forest cover. Streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are found to occur on the property. MD 202 and Campus Way North have been identified as transportation-related noise generators. The soils found to occur according to the Prince George's County Soil Survey include Collington fine sandy loam, Ochlockonee sandy loam, Shrewsbury fine sandy loam and Westphalia fine sandy loam. Although some of these soils have limitations with respect to drainage and infiltration those limitations will have the greatest significance during the construction phase of any development of this property. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled, "Ecologically Significant Areas of Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The site is located in the headwaters of Western Branch, Bald Hill Branch and Southwestern Branch watersheds of the Patuxent River basin and in the Developing Tier as reflected in the approved General Plan.

Summary Of Prior Environmental Conditions Of Approval

During the approval of the previous Preliminary Plans of Subdivision and Specific Design Plans by the Planning Board and/or District Council, numerous conditions were placed on the approvals, several of which dealt with environmental issues to be addressed during subsequent reviews.

Conceptual Site Plan, CSP-03001 (PGCPB No. 03-176)

- 8. At time of Detailed Site Plan submission, the TCPII shall contain details and a narrative regarding the proposed preservation measures for all specimen trees to be preserved on site. These measures shall include treatments to occur prior to, during, and after construction.**

Sheet 15 contains a note that reads: "Specimen tree preservation note per Condition 8 of CSP-03001:

Specimen trees to be preserved as part of this DSP shall be protected by a blaze orange plastic mesh fence around the perimeter of their branches. Installation of the blaze orange fence shall be in accordance with the detail provided on this detail sheet. Specimen trees located 75 feet outside the limits of disturbance shall be exempt from this requirement. Fencing shall be installed prior to the start of construction activity."

There are a total of 69 specimen trees that have been located at the overall site. There is a note on sheet 1 below the Significant Tree Table that states: "yltnerruc era taht seert nemiceps setacidl

It should be noted, many specimen trees at the overall site are located on the west portion not included in the subject DSP. However, when the second phase undergoes DSP review, orange blaze fencing will not be sufficient to protect the specimen trees. In the future review for the second phase, the use of nonmoveable fencing such as installed in place 2 x 4 fencing or chain link a minimum of six feet in height must be shown on the TCPII.

Recommended Condition: Prior to certificate approval of DSP-04067, TCPII/82/05 shall be revised to include detailed information regarding specimen trees #71, 93, 202-218, 227-239, 258, 259, 261-263 in the subject phase within 100 feet of the site's limits of disturbance and the preservation measures including treatments to occur prior to, during, and after construction in relation to these trees. The note regarding specimen trees below the table on sheet 1 shall be removed and the note on sheet 15 shall be revised to remove the third sentence and replaced with a new sentence to read: "Specimen trees #71, 93, 202-218, 227-239, 258, 259, and 261-263 within 100 feet of the limits of disturbance shall be identified in the specimen tree table as to each tree's disposition before signature approval of the TCPII." In addition, the TCPII shall graphically show each specimen tree within 100 feet of the limits of disturbance and each tree's critical root zone in relation to the limits. Provide a column in the specimen tree table to indicate which trees in this phase of the development will have root pruning as a method of preservation and what other specific treatment methods such as pruning, fertilization, and supplemental watering are to be provided.

10. At time of submission of the Detailed Site Plan, the technical stormwater management plans shall be submitted.

The DSP submittal included only a copy of the Stormwater Management Concept Plan Approval letter for Case # 4981-2002 that was issued by DER on January 19, 2003. The concept approval has an expiration date of December 19, 2005.

Recommended Condition: Prior to certificate approval of DSP-04067, a copy of the Technical Stormwater Management Plans shall be submitted. The limits of disturbance on the Technical Plans shall conform to those shown on the TCPII.

Preliminary Plan of Subdivision, 4-03094 Conditions to be addressed at DSP

The approval of the Preliminary Plan of Subdivision included 23 conditions, two of which are associated with environmental issues to be addressed during DSP review. The two environmental conditions to be addressed during the review of the Detailed Site Plan are provided below.

1. Prior to signature approval of the Preliminary Plan:

b. The Preliminary Plan and the Type I Tree Conservation Plan shall be revised:

2. To eliminate proposed PMA impacts associated with clearing of Lots 8-10, Block A in order to further minimize the extent of the proposed PMA impacts. The extent of proposed impact "A" shall be further evaluated and minimized to the extent possible prior to the submittal of the Detailed Site Plan.

The submittal of DSP-04067 does not include the portion of the site where impact "A" is located. Therefore, this condition will be reviewed with the future submittal of a revised TCPII for the

second phase of the development.

3. A Type II Tree Conservation Plan shall be approved concurrently with the Detailed Site Plan.

The submittal of DSP-04067 included a Type II Tree Conservation Plan to address this condition. See the Environmental Review part of this memo for specific comments about the TCPII.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when and by whom.

- a. The Detailed Forest Stand Delineation (FSD) submitted with Preliminary Plan 4-03094 was previously reviewed and was found to meet the requirements of the Woodland Conservation Ordinance.

Discussion: No additional information is required with respect to the FSD.

- b. The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there is a previously approved Tree Conservation Plan for the property, TCPI/19/03. A Type II Tree Conservation Plan, TCPII/82/05, has been submitted and reviewed.

The site contains 75.24 acres of existing woodland, of which 0.06 acres are within the 100-year floodplain. The site has a Woodland Conservation Threshold of 15 percent or 17.68 acres. The site has an overall woodland conservation requirement of 26.14 acres. The TCPII proposes to meet this requirement through the preservation of 10.39 acres of on-site preservation, 0.69 acres of reforestation and 15.05 acres of off-site mitigation on another property.

The TCPII submitted has been reviewed and revisions are required. The worksheet on the current plan has a shortage of 0.01 acres of required woodland conservation. The previous plan submittal showed the worksheet with a different total acreage for the gross tract (125.4). The current plan shows the computed figure of 117.89 acres as the gross tract. This represents a difference of 7.51 acres. The total area in this phase of the development appears to be inaccurate at 117.89 acres as now shown in the worksheet. If this acreage is correct, then the remaining 192 lots of the total 393 lots are proposed on the balance of the 7.51 acres. Use a phased worksheet to reflect the accurate acreage in this phase of the development and adjust the worksheet accordingly.

Sheets 13 and 14 previously showed an unlabeled pattern behind Lots 22-24. The revised plan no longer shows the pattern behind Lot 24 on sheet 13; however, it is still shown on sheet 14 in relation to Lots 22 and 23 and is identified as a future access road in relation to Parcel D where a stormwater management pond is proposed. Put the pattern on sheet 13, and add it to the legend on these sheets with a corresponding symbol.

The standard TCPII notes need several revisions. Standard note #5 has an extra phrase at the end that should be removed. Optional note #6 is incorrectly shown as #5 and should be renumbered accordingly. Below Optional note #6 is a phrase that should be removed from the plan. Optional note #7 has a phrase at the end of it that is not part of the language in this note. Revise optional note #7 to contain the correct language.

On sheet 14 regarding Preservation Area A, indicate the amount of acreage in this woodland treatment area to the closest one-hundredth of an acre.

The Specimen Tree table needs several revisions. Specimen tree #200 is shown in the table to be removed; however, on the plan it is shown as saved and has a specimen tree sign associated with it. Reflect on the plan and the table the actual disposition of this tree. Specimen tree #226 is shown on sheet 11 as being saved with a specimen tree sign symbol on the plan; however, in the table this tree is shown to be removed. Specimen tree #261 is shown on sheet 14 as having a specimen tree sign in relation to it; however, on the plan it is more than 100 feet from the proposed limits of disturbance. Remove the specimen tree symbol from the plan in relation to specimen tree #261.

A total of 0.69 acres of reforestation is proposed. However, not all of the required information regarding the reforestation details has been shown on sheet 15. Provide the Reforestation Inspection and Planting Narrative and 5-Year Management Plan for Re/Afforestation information.

Two retaining walls are proposed on sheet 14 in the rear yards of Lots 19-21 of Block O. Provide the profiles on the plan for each retaining wall because the walls will be located in front of a woodland conservation treatment area, and the required signage may not be visible depending on the height of the walls.

The Edge Management notes on sheet 15 are outdated. Replace these notes with the current Edge Management notes used by the Environmental Planning staff.

Sheet 14 shows Reforestation Area 1 located behind Lots 16-20 of Block O. In order to protect the reforestation area after planting, so that the area may mature into perpetual woodlands, the reforestation area must be completed prior to the issuance of building permits for Lots 16-20 of Block O. The reforestation area must be placed in a conservation easement.

After these revisions have been made to the plan, have the qualified professional who prepared the plan sign and date it.

Recommended Condition: Prior to certificate approval of DSP-04067, TCPII/82/05 shall be revised as follows:

- a. In the worksheet provide an additional 0.01 acres of woodland conservation to eliminate a shortage in the site's requirement. Adjust the gross acreage in the worksheet for this

portion of the development. Show the accurate acreage in the worksheet for this phase of the development. Use a phased worksheet because the site will be developed in more than one phase.

- b. Put the pattern on sheet 13 for the future access road behind Lot 24 of Block O, and add it to the legend on sheets 13 and 14 with a corresponding symbol.
- c. Standard note #5 has an extra phrase at the end that should be removed. Optional note #6 is incorrectly shown as #5 and should be renumbered accordingly. Below Optional note #6 is a phrase to a sentence that should be removed. Optional note #7 has a phrase at the end of it that is not part of the language in this note. Revise optional note #7 to contain the correct language.
- d. On sheet 14 regarding Preservation Area A, indicate the amount of acreage in this woodland conservation area to the closest one-hundredth of an acre.
- e. Reflect on the plan and the table the actual disposition of Specimen tree #200. It is shown on sheet 11 as being saved with a specimen tree sign symbol on the plan; however, in the table the tree is shown to be removed. Show the disposition of Specimen tree #226 so that the two points of reference do not conflict. Remove the specimen tree sign symbol from the plan in relation to specimen tree #261.
- f. Provide the Reforestation Inspection and Planting Narrative and 5-Year Management Plan for Re/Afforestation information.
- g. Provide the profiles on the plan for each retaining wall.
- h. Replace the Edge Management notes on sheet 15 with the notes currently in use.
- i. Add the following note to the TCPII: The reforestation and associated fencing shall be installed prior to the issuance of building permits for Lots 16-20 of Block O. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area and the associated fencing in relation to each lot (Lots 16-20 of Block O), with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
- j. After these revisions have been made to the plan, have the qualified professional who prepared the plan sign and date it.

Recommended Condition: The reforestation and associated fencing shall be installed prior to the issuance of building permits for Lots 16-20 of Block O. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area and the associated

fencing in relation to each lot (Lots 16-20 of Block O), with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

- c. The current TCPII shows the 65-dBA (Ldn) noise contour in relation to Campus Way North on sheets 11 and 13. However, Sheet 12 also has lots in relation to this traffic-noise generating road. Show the location of the 65-dBA (Ldn) noise contour on sheet 12. It appears that lots in proximity to Campus Way North are outside of this noise contour and no noise impacts are anticipated. In relation to MD 202, the site has lots located approximately 1400 feet set back from the road. It is anticipated that these lots are also outside of the 65-dBA (Ldn) noise contour.

Recommended Condition: Prior to certificate approval of DSP-04067, TCPII/82/05 shall be revised to locate the unmitigated 65-dBA (Ldn) noise contour on sheet 12 in relation to Campus Way North.

*[21.]c. In a memorandum dated April 29, 2005 (Bienenfeld to Wagner), the Historic Preservation Section offered the following comments with regard to archeology:

Phase I archeological survey is recommended by the county on the above-referenced property. Remains of the historic house, Rose Mount, are located in the northern portion of the property. The parcel was the subject of a Phase IA-type reconnaissance completed in September 2004 (*Historical and Archeological Reconnaissance of the Proposed Balk Hill Village Development, Prince George's County*, R. Christopher Goodwin & Associates, Inc., 2004). That report consisted of results of an archival study, history of land ownership and land use of the property, and a pedestrian walkover of the parcel. No subsurface archeological testing was done for that study. A Phase I archeological field investigation, discussed below, was recommended in that report.

The reconnaissance study divided the subject parcel into five areas, A through E. Ruins and remains of agricultural outbuildings, most dating to the 20th century, were identified in the walkover of the property. Area A included main historic house complex, including the L-shaped foundation of the main residence, with bricks dating the structure to the early- to mid-19th century. Remains of two 20th-century structures were identified in Area B, and disturbed remains of three 20th-century structures were found in Area D. There were no structural remains in Areas C or E.

The reconnaissance report recommended the following for the Phase I investigation:

Area A (the main plantation complex): clearing activities, Phase I shovel testing and retesting, with testing at 20-meter intervals and retesting at 10-meter intervals, and limited test excavations, if artifacts are found. The report also recommends mapping to locate and document the historic terrace system.

Area B (possible location for slave quarters, slave burials, and potential prehistoric activity loci): clearing of vegetation, and Phase I testing and retesting, using a minimal testing interval of 10 meters.

Areas C, D, and E: standard Phase I shovel testing at 20-meter intervals, with retesting at 10-meter intervals if artifacts are found.

*Denotes Amendment

Underlining indicates new language

[Brackets} indicate deleted language

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994) and report preparation should follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid, at minimum, and excavations should be clearly identified on a map to be submitted as part of the report. Section 106 review may require archeological survey for state or federal agencies.

*[22.]d. In a memorandum dated April 8, 2005 (Rea to Wagner), the Department of Environmental Resources/Concept has indicated that the site plan is consistent with the approved stormwater concept plan #315-2005.

*[23.]e. In a memorandum dated April 6, 2005 from the City Manager of the City of Glenarden, the city was concerned with the amount of retail space offered by the development; that additional recreational facilities should be provided; that adequate roads are provided to serve the community; about a proposed connection of Campus Way over the Beltway to Brightseat Road.

With regard to retail space, the applicant is bound by the conditions of ZMA-A-9956-C. With regard to additional recreational facilities, additional facilities will be provided in Phase II of the development.

With regard to adequate roads to serve the community, a finding of adequate public facilities was made with the approval of Preliminary Plan 4-03094.

With regard to the extension of Campus Way North over the Beltway to Brightseat Road, there are no plans to extend Campus Way North at this time beyond the boundaries of the subject property. However, the extension of Campus Way North is shown on the approved Largo-Lottsford master plan.

*20. The Order of Remand, dated March 13, 2006, offers the following reasons for the remand. Each reason for the remand listed by the District Council is included in bold face type below followed by Staff's comments:

The Planning Board should state in its revised decision how transportation improvements proposed by (or required of) the applicant, for adequate public facilities purposes, relate to the design of the residential and commercial components shown on the plan.

Comment: In a memorandum dated May 12, 2006, the Transportation Planning Section offered the following response to this element of the remand order:

*Denotes Amendment

Underlining indicates new language

[Brackets} indicate deleted language

As a part of findings of adequacy, the subject site has been required to do the following:

1. Provide dedication and construction of Campus Way and St. Joseph's Drive within the limits of the subject property. These facilities have been reflected on all plans, and will be constructed as overall construction progresses.
2. Provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the applicant will provide a second eastbound left-turn lane along MD 202 at the McCormick Drive/St. Josephs Drive intersection.
3. Provide other streets, constructed to County standards, to adequately serve the access needs of this site and allow key vehicular connections to adjacent sites.

The residential components of the plan are well-designed with regard to the transportation facilities. The single-family residences are generally along primary and secondary residential streets, with the streets appropriately sized to foster good access and circulation. Larger single-family residences are placed along St. Josephs Drive. All homes along St. Josephs Drive and Campus Way are served by alleys, allowing the master plan roadways to be lined with manicured lawns and vegetation.

The commercial components of the plan are placed around the traffic circle along St. Josephs Drive, creating commercial activity at a transportation focal point. Necessary parking facilities are close at hand.

In all cases, exterior elements on the buildings echo the muted tones of new pavement and curbing.

The subject property is required to make roadway improvements in the area pursuant to a finding of adequate public facilities made in 2004 for Preliminary Plan of Subdivision 4-03094. These findings were supported by a traffic study submitted in 2003. Insofar as the basis for the findings is still valid, and in consideration of the scope of this application, the transportation staff can

make a finding that the subject property will be served by adequate transportation facilities within a reasonable period of time.

Comment: Based on the Transportation Planning Section's comments above, it is clear that the required transportation improvements relate harmoniously to the design of the residential and commercial components shown on the plan and therefore fulfill the remand order in this respect.

*Denotes Amendment

Underlining indicates new language

[Brackets} indicate deleted language

Staff and Planning Board shall determine on the record whether the 19,800 square-foot retail component is of sufficient size to serve as a third use type, in the M-X-T Zone on the property.

Comment: In a memorandum dated May 11, 2006, the Research Section stated that, based on their review of the submitted Regent Park Retail Market Study, prepared by the Center for Regional Analysis at George Mason University, they agree with the applicant's conclusion that the supply of retail space in the market area is substantially greater than the demand for retail by the residents in the area. Therefore, the offered 19,800-square-foot retail component of the subject development is more than adequate to meet market demand, and to require a larger retail component to fulfill the requirements of the M-X-T Zone would not be reasonable or advisable.

Planning Board should also state in a revised decision how the design of the residential component of the project is consistent with public school facilities existing or programmed for the area including the subject property. The Board shall place in the record an explanation how the residential part of the project will affect neighborhood schools and school capacity.

Comment: In a memorandum dated May 11, 2006, The Public Facilities Planning Section offered the following:

The existing enrollment and capacity of schools in the immediate area are shown on the table below.

<u>School Name</u>	<u>Capacity</u>	<u>Enrollment 2005-2006</u>	<u>Percent Capacity</u>
<u>Lake Arbor E.S.</u>	<u>778</u>	<u>835</u>	<u>107</u>
<u>Ernest E. Just M.S.</u>	<u>990</u>	<u>1,111</u>	<u>112</u>
<u>Flowers H.S.</u>	<u>2,200</u>	<u>2,539</u>	<u>115</u>

Source: Prince George's County Public Schools

The 192 single-family dwelling units will produce 46 elementary school students, 12 middle school students and 23 high school students. The Prince George's County Public Schools make the final assignment for specific schools. The Lake Arbor Elementary School has 835 students in the 2005-2006 school year and operates at 107% of capacity. If the 46 students generated by Balk Hill were to be assigned to that school it would operate at 113% of capacity. The 12 middle school students would attend Ernest Just Middle School, which has an expected enrollment of

1,111 in 2006, 112% of capacity. The 12 additional students would result in the school operating at 113% of capacity. Flowers High school is operating at 115% of capacity in 2006 and the 23 students generated by the Balk Hill development would change the operating capacity to 121%.

*Denotes Amendment
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[Brackets} indicate deleted language

There are no elementary or middle school projects in the current Capital Improvement Program for this area. The FY 06-2001 Capital Improvement Program does contain a project for a new high school which could provide some relief to the system but it is not expected to be completed before 2008.

Urban Design Comment: It would appear that the design of the residential component will result in a slight increase in the degree of overcrowding in the neighborhood schools. However, there is no required finding of adequacy of public schools at the time of detailed site plan.

As to the commercial or industrial area proposed adjacent to the subject property, the tract of approximately 20 acres to be conveyed to the Prince George's County Revenue Authority, the Planning Board shall require review and approval of the use of the 20-acre property, and the design of the use, as follows:

- 1. Regardless of ownership, no part of the 20-acre tract shall be eligible for permits until the Planning Board and District Council approve the use of the property and a detailed site plan for the use.**

Comment: Staff has included this requirement as a recommended condition below.

- 2. Prior to detailed site plan application, the applicant (whether public or private) shall obtain advice from the Advisory Planning Committee about the proposed use and design of the property. This advice shall be reduced to writing and filed with the site plan application.**

Comment: Staff has included this requirement as a recommended condition below.

The "Manor House" units shall not include rental or condominium units, and each Manor House unit shall contain exactly three attached "buildings," arranged or designed as "one-family dwellings, "in accordance with the Zoning Ordinance definition of a "townhouse."

Comment: Staff has included this requirement as a recommended condition below.

- 21. As required by Section 27-258(b) of the Zoning Ordinance, the detailed site plan represents a**

reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

*Denotes Amendment

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NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP/82/05) and further *[APPROVED Detailed Site Plan, Balk Hill for the above-described land, subject to the following conditions:] REAPPROVED the Detailed Site Plan DSP-04067 in accordance with the Order of Remand subject to the following conditions:

1. Prior to certification of the Detailed Site Plan, the following shall be provided:
 - a. Dimensions shall be provided for all sidewalks.
 - b. The tot lot shall be designed with high-quality play equipment and a rubberized safety surface.
 - c. Decorative lighting, to match the lighting in the retail area shall be provided in the central recreational open space area.
 - d. Architectural models shall be revised to provide a minimum of two standard architectural features, such as a door, window or masonry fireplace on the side elevations of all models.
 - e. Lot numbers and square footage shall be provided for all lots.
 - f. A note shall be added to the plan indicating that the lot coverage for single-family detached lots is 80 percent.
 - g. A note shall be added to the plan that all decks shall meet all building restriction lines.
 - h. Fencing details shall be provided. A maximum of three fencing styles shall be permitted.
 - i. All building, deck and fencing standards shall be entered into the Homeowners Association covenants. A copy of the covenants shall be provided to the Urban Design Section for review.
 - j. A note shall be added to the plan that porches may extend into the front building restriction line, but that chimneys and bay windows may not extend into the side yard.
 - k. The type, size, and style of lettering for the retail tenants shall be indicated on the architectural plan elevations.

*Denotes Amendment

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[Brackets} indicate deleted language

1. Side and rear architectural elevations shall be provided for the retail buildings. The retail buildings shall be brick on all four sides.
2. At the time of Detailed Site plan for Phase II, recreational facilities worth no less than \$100,000 shall be provided, based on a total of 201 dwelling units in Phase II. If the number of dwelling units in Phase II is reduced, the amount of recreational facilities may be reduced accordingly.
3. Prior to issuance of Final Plats, the applicant shall enter into a private Recreational Facilities Agreement with the Urban Design Review Section. The private Recreational Facilities Agreement shall include the construction phasing of the various recreational facilities.
4. On corner lots where the sides of single-family detached homes are exposed to public streets, a brick watertable shall be provided along the entire length of the side elevations and windows and doors shall be provided with a minimum four-inch trim.
5. A minimum of 60 percent of the approved dwelling units shall have brick or stone front facades as shown on the approved architectural elevations. A tracking chart shall be provided on the coversheet of the Detailed Site Plan to account for the brick facades at the time of building permit.
6. No two identical facades may be located next to or across from one another.
7. Prior to certificate approval of DSP-04067, TCPII/82/05 shall be revised to include detailed information regarding specimen trees #71, 93, 202-218, 227-239, 258, 259, 261-263 in the subject phase within 100 feet of the site's limits of disturbance and the preservation measures including treatments to occur prior to, during and after construction in relation to these trees. The note regarding specimen trees below the table on sheet 1 shall be removed and the note on sheet 15 shall be revised to remove the third sentence and replaced with a new sentence to read: "Specimen trees #71, 93, 202-218, 227-239, 258, 259, and 261-263 within 100 feet of the limits of disturbance shall be identified in the specimen tree table as to each tree's disposition before signature approval of the TCPII." In addition, the TCPII shall graphically show each specimen tree within 100 feet of the limits of disturbance and each tree's critical root zone in relation to the limits. Provide a column in the specimen tree table to indicate which trees in this phase of the development will have root pruning as a method of preservation and what other specific treatment methods such as pruning, fertilization, and supplemental watering are to be provided.
8. Prior to certificate approval of DSP-04067 a copy of the Technical Stormwater Management Plans shall be submitted. The limits of disturbance on the Technical Plans shall conform to those shown on the TCPII.
9. Prior to certificate approval of DSP-04067, TCPII/82/05 shall be revised as follows:
10. In the worksheet provide an additional 0.01 acres of woodland conservation to eliminate a shortage in the site's requirement. Adjust the gross acreage in the worksheet for this portion of

the development. Show the accurate acreage in the worksheet for this phase of the development. Use a phased worksheet because the site will be developed in more than one phase.

11. Put the pattern on sheet 13 for the future access road behind Lot 24 of Block O, and add it to the legend on sheets 13 and 14 with a corresponding symbol.
12. Standard note #5 has an extra phrase at the end that should be removed. Optional note #6 is incorrectly shown as #5 and should be renumbered accordingly. Below Optional note #6 is a phrase to a sentence that should be removed. Optional note #7 has a phrase at the end of it that is not part of the language in this note. Revise optional note #7 to contain the correct language.
13. On sheet 14 regarding Preservation Area A, indicate the amount of acreage in this woodland conservation area to the closest one-hundredth of an acre.
14. Reflect on the plan and the table the actual disposition of Specimen tree #200 shown on sheet 11 as being saved with a specimen tree sign symbol on the plan; however, in the table the tree is shown to be removed. Show the disposition of Specimen tree #226 so that the two points of reference do not conflict. Remove the specimen tree sign symbol from the plan in relation to specimen tree #261.
15. Provide the Reforestation Inspection and Planting Narrative and 5-Year Management Plan for Re/Afforestation information.
16. Provide the profiles on the plan for each retaining wall.
17. Replace the Edge Management notes on sheet 15 with the notes currently in use.
18. Add the following note to the TCPII: The reforestation and associated fencing shall be installed prior to the issuance of building permits for Lots 16-20 of Block O. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area and the associated fencing in relation to each lot (Lots 16-20 of Block O), with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
19. After these revisions have been made to the plan, have the qualified professional who prepared the plan sign and date it.
20. The reforestation and associated fencing shall be installed prior to the issuance of building permits for Lots 16-20 of Block O. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area and the associated fencing in relation to each lot (Lots 16-20 of Block O), with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

21. Prior to certificate approval of DSP-04067, TCPII/82/05 shall be revised to locate the unmitigated 65-dBA (Ldn) noise contour on sheet 12 in relation to Campus Way North.
22. Prior to the issuance of any permits, a Phase I archeological investigation shall be conducted, pursuant to the findings of Historical and Archeological Reconnaissance of the Proposed Balk Hill Village Development, Prince George's County, by R. Christopher Goodwin & Associates, Inc., 2004.
23. Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1994) and report preparation should follow MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations should be spaced along a regular 20-meter or 50-foot grid, at minimum, and excavations should be clearly identified on a map to be submitted as part of the report. Section 106 review may require archeological survey for state or federal agencies.
24. Regardless of ownership, no part of the approximately 20 acres of commercial and industrial land adjacent to the subject site to be conveyed to the Prince George's County Revenue Authority, shall be eligible for permits until the Planning Board and the District Council approve the use and a detailed site plan for the property.
25. Prior to submittal of the above-mentioned detailed site plan application, the applicant (whether public or private) shall obtain advice from the Advisory Planning Committee about the use and design of the property and reduce that advice to writing and file it with the site plan application.
26. The "Manor House" units shall not include rental or condominium units, and each Manor House unit shall contain exactly three attached "buildings," arranged or designed as "one-family dwellings, "in accordance with the Zoning Ordinance definition of a "townhouse."

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BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire, Clark and Parker voting in favor of the motion, at its regular meeting held on Thursday, June 1, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of June 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:bjs



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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PGCPB No. 13-29

File No. DSP-04067/03

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 25, 2013 regarding Detailed Site Plan DSP-04067/03 for Balk Hill Village, Phase II, the Planning Board finds:

1. **Request:** The detailed site plan (DSP) is for Phase II of the development, including the addition of 163 additional dwelling units, consisting of 81 single-family detached dwelling units and 82 townhouses.
2. **Location:** The subject property consists of 125.4 acres located on the southwestern side of Campus Way North, northwest and southeast of St. Joseph's Drive, which transects the site from the northeast to the southwest and intersects with Campus Way North at its northeastern-most point. The resulting subject property after the deletion of Parcels 1 and 2 consists of 107.48 acres, see Finding 5.
3. **Surrounding Uses:** To the southeast of the site is vacant land in the Planned Industrial/Employment Park (I-3) and Commercial Office (C-O) Zones; to the northeast is land in the Residential Suburban Development (R-S) Zone, currently under development (Balk Hill); to the west is the mixed-use Woodmore Towne Centre development in the Mixed Use-Transportation Oriented (M-X-T) Zone; and to the southwest is a church in the Rural Residential (R-R) Zone.
4. **Previous Approvals:** Zoning Map Amendment (Basic Plan) A-9956-C was approved by the District Council, with conditions on July 23, 2002. Subsequently, the Planning Board approved Conceptual Site Plan CSP-03001 for the site on September 11, 2003. The Planning Board subsequently adopted PGCPB Resolution No. 03-176 on September 25, 2003, formalizing that approval. On February 19, 2004, the Planning Board approved Preliminary Plan of Subdivision 4-03094 for the subject property. On March 11, 2004, the Planning Board adopted PGCPB Resolution No. 04-33, formalizing that approval. On September 29, 2005, the Planning Board approved DSP-04067 for the subject site. On October 27, 2005, the Planning Board adopted PGCPB Resolution No. 05-202, formalizing that approval. On November 14, 2005, the District Council elected to review DSP-04067 and, on March 13, 2006, following oral argument on the case, remanded it to the Planning Board. The Planning Board then again approved DSP-04067 on remand on June 1, 2006 and subsequently adopted Resolution No. 05-202 on June 1, 2006, formalizing that approval. The District Council again called it up and finally approved it with conditions on July 18, 2006. Detailed Site Plan DSP-04067/01 was approved by the Planning Director on July 18, 2006 for the purpose of installing a public water line. However, this case was subsequently withdrawn by the applicant on August 21, 2006. Detailed Site Plan DSP-04067/02 was approved by the Planning Director for four residential home models on February 26, 2008. Detailed Site Plan DSP-04067/04 was approved by the Planning Director for an entrance sign and

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decorative wall along Campus Drive on June 25, 2009. Detailed Site Plan DSP-04067-05 was approved by the Planning Board for two additional residential single-family models on November 4, 2010. The Planning Board subsequently adopted PGCPB Resolution No. 10-121 on November 18, 2010, formalizing that approval. The site is also the subject of the requirements of Approved Stormwater Management Concept Plan 39070-2007-00, approved by the Prince George's County Department of Public Works on May 12, 2011, and is valid until May 4, 2013.

5. Development Data Summary

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Residential
Original Gross Acreage	125.40	125.40
Land Conveyed to Revenue Authority*	17.92	17.92
Gross Acreage after Conveyance to Revenue Authority	107.48	107.48
Floodplain Acreage	2.43	2.43
Net Acreage of Tract (Phase II)	105.05	105.05
Phase I		
Lots	192	192
Parcels	13	13
Square Footage/GFA	19,800	19,800
Phase II		
Lots	0	163
Parcels	0	12
Square Footage/GFA	N/A	N/A
Dwelling Units:	0	163
Attached	0	82
Detached	0	81
Multifamily	N/A	N/A

*Land known as Parcels 1 and 2, originally part of the subject DSP, were conveyed per plat note requirement to the Revenue Authority and recorded in Liber 33973/Folio 099 on September 20, 2012. Therefore, a condition of this approval requires that prior to signature approval that Parcels 1 and 2 shall be removed from the limits of the subject DSP.

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Residential Parking Calculations

Phase/Number of Units	Parking Required: Rate/Total	Parking Provided: Rate/Total
Phase I/Residential Units: 168 single-family detached and 24 single-family attached, for a total of 192	2 per single-family detached lot (168) and 2.04 per single-family attached (24) or 336 and 49, for a total of 385	3 spaces per dwelling unit (2 in garage and one on driveway), for a total of 576
Phase II/Residential Units: 81 single-family detached lots and 82 single-family attached lots, for a total of 163	2 per single-family detached lot (81) and 2.04 per single-family attached lot (82) or 162 and 168, for a total of 330 spaces	3 units per dwelling unit (2 in the garage and one on driveway) or 489
Phase I/Commercial/Retail Space	1 space per 150 square feet for the first 3,000 square feet of commercial space; 1 per 200 square feet for the remaining 4,400 square feet=20 and 22, for a total of 44	*See below
Phase I/Office Space	1 space per 200 square feet for the first 2,000 square feet of office space; 1 per 400 square feet for the remaining 6,600 square feet=10 and 17 for a total of 27	*See below
Phase I/48-seat Community space	1 space per 4 seats=12	*See below
Phase I/Total Parking Required	Rate-As above-stated Total=81	Rate-As above-stated Total=80, including 4 handicapped spaces

Note: The parking schedule contained in Part 11 of the Prince George's County Zoning Ordinance has been used as the most appropriate guide to establish the required parking for this M-X-T-zoned site.

*The deficit in one parking space has been remedied by a requirement for the inclusion of same in a condition of this approval.

Floor Area Ratio (FAR) in the M-X-T Zone

FAR Permitted: (For Entire Development)
 Base Density 0.4 FAR
 Residential 1.0 FAR

Total Permitted: 1.4 FAR (permitted under the Optional Method of Development, Section 27-545(b)(4) of the Zoning Ordinance, for provision of more than 20 dwelling units)

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Floor Area Ratio Table:

	Floor Area	Acreage	FAR
Phase I	27.46	75.31	0.36
Phase II	19.60	50.09	0.39
Total	47.06	125.4	0.38

Floor Area Ratio Table After Conveyance to the Revenue Authority:

	Floor Area	Acreage	FAR
Phase I	27.46	57.39	0.48
Phase II	19.60	50.09	0.39
Total	47.06	107.48	0.44

6. **Design Features:** Phase II of Balk Hill Village consists of 163 dwelling units, including 81 single-family detached residential units and 82 single-family attached residential units. The subject subdivision is primarily accessed from Landover Road (MD 202) via St. Joseph's Drive, which runs through the center of the subdivision in a northeastern direction to Campus Way North. The subdivision is secondarily accessed at two additional points on Campus Way North, with its most northern access point at Lady Grove Road and Campus Way North, providing frontage for 16 lots and terminating quickly in a cul-de-sac. Another access is provided to the subdivision through St. Joseph's Drive, a spine in the central portion of what is predominantly a grid pattern, interrupted primarily by the presence of sensitive environmental features, including steep slopes, wetlands, 100-year floodplain, and primary management area.

Single-family detached units in the project are hereby approved to be selected from the architecture approved in Phase I of the project. However, new architecture for the townhouses is also hereby approved as part of the subject project. The townhouse models and their corresponding base square footages are as follows:

The Lexington	2,212 square feet
The Montgomery	2,215 square feet
The Madison	2,215 square feet
The Lincoln	2,212 square feet

The architecture of the models provides visual interest by means of a varied pattern of fenestration utilizing various window treatments, including bay, sidelights, shutters, and mixed groupings (single, double and triple windows); windows in the roofline, pediments, and dormers; and various forms of headers including row locks, arched segmented windows with a semicircular row lock above, and additional rectilinear headers or pediments. The pattern of the windows is generally

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six-over-six or nine-over-nine light, with the nine-over-nine light windows utilized on the second story. Bay windows are an exception to this general rule, using a narrower and tall six-over-six window for the two outside windows in a triple.

The brick models are enhanced by use of decorative brickwork, including a soldier course of brick emphasizing the watertable or upper story. The front entranceways of the units, in addition to the use of sidelights, are further emphasized by decorative pilasters and a pediment or wood header over the doorways. A two-step front stoop is included for many of the models. Colonial-style outdoor light fixtures provide outdoor light for the units.

The townhouse models have two general types identified that are very similar. One is for a "slab on grade" and one is for a "buried condition." The latter is for use in situations where grade causes the first story in the front to be buried, so the front in essence is two-story, whereas the back is three. The rear elevations of the Lexington and Montgomery models indicate, in a "slab on grade" condition, that the models will include a two-car garage on the first level with a colonial-style outdoor light fixture to its right and a second colonial-style outdoor light fixture illuminating a deck that stretches almost the entire length of each individual townhouse unit. Double glass sliding doors, with a transom light above, provide access to the deck. A projecting roofed element with a quadruple window provides additional visual interest to the façade and additional light into the first story. The fenestration on the upper floor is somewhat varied both in terms of window shape and size and the use of shutters, with this variation offering additional visual interest. In the rear, the roof line is unpunctuated with additional architectural detail or fenestration. The submitted drawings vary as to which features are optional or standard. The Planning Board requires, in the interest of a more regular and aesthetically pleasing appearance of the alley side of the townhouse sticks, a condition of this approval requiring that the rear decks indicated on these models become a standard feature on the rear-loaded townhouses.

The side elevations of the townhouse models indicate sparse and unbalanced fenestration and architectural detailing. A condition of this approval requires that the side elevations be redesigned prior to signature approval to include two versions for each model: one to be utilized on standard lots and a second to be utilized on the lots deemed "highly visible" in this approval.

The house type for what the applicant terms the "Manor Units," the larger townhouses proposed to front on Campus Way North, will be chosen from the approved architecture for the project at the time of approval of a building permit. What the applicant refers to as the "Neo-traditional" and "Pacesetter units" (Piedmont and Tuscany) are front-loaded detached and are located primarily in the mid-portion of the development. Any approved unit may be utilized on any lot if the conditions regarding architecture of this and prior approvals on the site are conformed to.

The applicant has submitted an exhibit suggesting that the highly-visible lots in the subject project are Lots 53, 38, 11, and 1 (Block A) in the northern portion of the subdivision; Lots 6 and 7 (Block E), and Lots 1, 13, 17, and 22 (Block B) in the mid-portion of the subdivision; Lots 1, 8, and 9 (Block D), Lots 1 and 8 (Block J), Lots 1 and 8 (Block C), and Lots 23, 24, and 40 (Block D) in the southern portion of the subdivision.

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The Planning Board hereby adds the following additional lots to the list of highly-visible lots because of their visibility from the open space, trails, and streets and alleys of the subdivision:

Block A, Lots 2, 10, 42, 43, 48, and 49 in the northern portion of the subdivision; Block E, Lots 1, and 13 and Block D. Lots 39 and 51 in the mid-portion of the subdivision; and Block C, Lots 9, 13, and 16 in the southern portion of the development.

The architecture for the previously-approved single-family detached units is being included in the subject approval for information only, and will be recertified, as the originals suffered flood damage. These models include the following:

- The Calvert "Manor" townhouse
- The Kent "Manor" townhouse
- The Fillmore
- The Harrison
- The Monroe
- The Taylor
- The Piedmont
- The Tuscany

Recreational facilities for the Balk Hill Village development include the following facilities approved in the original DSP-04067:

A 30,000-square-foot urban park containing a 20-foot diameter gazebo, a crescent cantilever arbor, and three chess tables; a pet waste station; specialty lighting and paving; a large fountain to include benches, specialty lighting and paving and a 3,300-square-foot community space to be located on the second floor of one of the retail buildings at the traffic circle on St. Joseph's Drive to include a warming kitchen, a large screen television, internet connections, room dividers, a collapsible stage with 48 removable seats, and a storage area.

By a recreational facilities agreement (RFA) dated December 26, 2006, the applicant obligated himself to build the urban park prior to the release of the 96th building permit, the fountain prior to the release of the 193rd building permit, and the community space prior to the release of the 193rd building permit. At the present time, 190 building permits have been released for the project and only the urban park is in place. Further, in this plan is a replacement of the fountain, benches, and specialty lighting and paving with an approximately 19-foot-tall "wayfinder-type" sculpture contracted for by the applicant with artist Alan Binstock, together with a small passive recreational seating area. A condition of this approval requires this substitution and the re-execution and recording of a revised RFA reflecting the above substitution, as well as 500 feet of five-foot-wide connector trail to be included in Phase II, and the applicant is proffered additional recreational facilities including:

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- (1) A 200-square-foot sitting area including four benches, a trash receptacle, and landscaping for shade;
- (2) A 900-square-foot picnic area including four picnic trash receptacles, and landscaping for shade;
- (3) A second stretch of eight-foot-wide hiker/biker trail (approximately 750 feet long) to complement the one already shown from the end of Lady Grove Road (Sheet 4) to the end of the cul-de-sac (Sheet 13). Second stretch of trail shall be located within the sanitary sewer easement from the portion of Lady Grove Road which connects to Campus Way North running between Stormwater Management Pond 1 and Lot 48 (Sheet 4) between Lots 9 and 10, to the cul-de-sac of Gant Court (Sheet 5) or as otherwise agreed to between the applicant and the Planning Board or its designee. Additionally, it shall be located entirely off private lots on homeowners association property. It shall be constructed prior to issuance of building permits for all abutting residential lots including Lots 9, 10, 19, 20, and 48. This list of abutting lots shall be adjusted if the applicant and the Planning Board or its designee mutually agree to an alternative for this segment of trail. The timing for this second stretch of trail shall be the same as the originally included trail, bonded by the time of issuance of the 10th building permit for Phase II and constructed prior to issuance of the 82nd building permit for Phase II. This requirement shall be added to the recreational facilities agreement. Both this trail and the trail already shown on the detailed site plan shall include a minimum of three exercise stations each or six stations combined;
- (4) A third sitting area that has been approved in concept by the Historic Preservation Commission proximate to the archeological and historic resource Rose Mount that will include four-foot-tall decorative aluminum fencing around the Rose Mount foundation area, two decorative four- to six-foot metal benches, an irregular pattern flagstone pavement treatment, landscaping for shade, and an interpretative sign; and
- (5) The project shall include a tot lot for young children.

A community garden, also shall by condition of this approval be included in the subject project, providing additional recreational opportunities. However, such garden may be replaced by an enhanced landscaped area including trees, shrubs, and flowers arranged in an aesthetically-pleasing design if the homeowners association decides to do so in accordance with their by-laws. Such replacement shall be permitted by virtue of this requirement and shall not necessitate a formal revision to the plans for the project.

7. **The Prince George's County Zoning Ordinance:**

- a. **Section 27-542, Purposes of the M-X-T Zone**—The subject project conforms to these stated purposes for the M-X-T Zone in that it implements the land use recommendations of the 2002 *Prince George's County Approved General Plan Development Plan* and the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford*

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Planning Area 73 (Largo-Lottsford Master Plan) by maintaining a pattern of low- to moderate-density, suburban, residential communities with distinct commercial centers and employment areas that are increasingly transit-serviceable, and by conforming to the land use recommendations of the Largo-Lottsford Master Plan for employment or alternative residential uses at this site and that it too permits a flexible response to the market and promotes economic vitality and investment.

- b. **Section 27-544, Regulations in the M-X-T Zone**—The Planning Board has reviewed the project against the regulations in the M-X-T Zone as stated in Section 27-544 of the Zoning Ordinance and finds that it conforms to the requirements contained therein.
- c. **Section 27-545, Optional Methods of Development in the M-X-T Zone**—The subject project is in conformance with the requirements of Section 27-545 of the Zoning Ordinance as follows:

Section 27-545(b)(4) identifies an optional method of development for the residential portion of the Balk Hill Village project which was approved on both the CSP and the preliminary plan. The site is allowed an additional 1.0 of FAR because of the residential component, which added to the 0.4 base, provides a total of 1.4 allowable FAR for the site. Calculations show that the site is considerably underneath the 1.4 FAR cap maximum.

- d. **Section 27-546, Site Plan Requirements in the M-X-T Zone**—As required by Section 27-546 of the Zoning Ordinance, the following additional findings required in the M-X-T Zone may be made as follows. Each required finding is included in **boldface** type below, followed by staff comment:

(d) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

The subject project is in conformance with the purposes of the M-X-T Zone as follows:

- It promotes the orderly development of land proximate to the major interchange of Landover Road (MD 202) and the Capital Beltway (I-95/495);
- It enhances the economic status of the county and provides an expanding source of desirable employment and living opportunities for its citizens as its first phase includes 19,800 square feet of commercial retail and office

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space which will generate jobs, and both phases of the project include a variety of housing types;

- It implements the 2002 General Plan and the Largo-Lottsford Master Plan by maintaining a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable and including employment opportunities and various housing opportunities in the project;
 - It places commercial use in close proximity and provides sidewalks and trails to encourage pedestrian and bike traffic;
 - It encourages a 24-hour environment and a horizontal and vertical mix of land uses by including commercial townhouse-type buildings as a focal point in an otherwise residential development and including community space on the second floor of one of the commercial townhouses, which also creates a dynamic and functional relationship among the individual uses, using attractive upscale architectural designs and materials to create distinctive visual character and identity.
- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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 subject property was rezoned on July 23, 2002, well before October 1, 2006. Therefore, this required finding is not applicable to the subject project.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The subject development is in accordance with this required finding as it has an outward orientation. The townhouses on the periphery of the development front on the perimeter roads and the development is visually integrated with Phase I of the project as it utilizes the same single-family detached and some of the same single-family attached architecture.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

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The subject project is in accordance with this required finding as the development is compatible with the adjacent Woodmore Towne Centre. The two developments together will help catalyze adjacent community improvement and rejuvenation.

- (5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

This required finding may be made in this case as additional recreational facilities have been provided that complement the original recreational facilities package. The additional facilities include: two trails (with six exercise stations between them), two sitting areas with benches, a picnic area, a tot lot for young children, a significant public art sculpture, and specialty paving and lighting on the periphery of the traffic circle. See condition 1(0) for a full description. These amenities, in combination with the commercial component, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability.

- (6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

This required finding is hereby made in the subject project. The subject project is the second and final stage of the development. Both Phases I and II have been designed as self-sufficient entities, though when completed, together will be effectively integrated.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

This required finding is hereby made as the pedestrian system offers sidewalks on both sides of most streets and two stretches of trail that together provide a comprehensive network through the development.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

This required finding is hereby made as the area adjacent to the traffic circle will provide a small outdoor gathering place, where residents will be able to sit on

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benches and admire the sculpture to be provided thereon. The benches, lighting, and paving to be utilized on the periphery of the circle, by conditions of this approval and by details provided in the plans, indicate that the choices are at a human scale, creating a high-quality urban amenity for the subdivision.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

As the subject site plan is not a conceptual site plan and is a detailed site plan, this required finding does not apply to the subject project.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

The connection of St. Joseph's Drive between Campus Way North and Ruby Lockhart Drive has been constructed and will be opened to general traffic upon release of the 125th building permit for the second phase, or no later than June 2015, and as Ruby Lockhart Drive east of St. Joseph's Drive to the eastern property line will be bonded and permitted no later than December 2014. As the applicant is obligated to construct the roadway within six months of notice to construct said roadway being given by DPW&T, the Planning Board hereby determines that the transportation facilities will be provided within a reasonable period of time as required by this finding.

- (11) **On a property or parcel zoned E-1-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned**

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Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.

As the subject project measures 117.89 acres, far below the stated 250-acre minimum of this required finding, it need not be made for the subject project.

- e. **Section 27-274, Design Guidelines, and Section 27-285(b)(1)(4), Required Findings for Detailed Site Plans:** For a discussion of Sections 27-274 and 27-285(b)(1)(4), see Finding 11.
- 8. **Zoning Map Amendment (Basic Plan) A-9956-C:** Basic Plan A-9956-C was approved by the District Council on July 23, 2002, subject to 14 conditions. Each relevant condition of that approval is included in **boldface** type below, followed by Planning Board comment:
 - 1. **The following improvements shall be funded by the Applicant, with the timing to be determined at the time of preliminary plan of subdivision:**
 - a. **The construction of Campus Way as an arterial facility within the limits of the subject property.**
 - b. **The construction of St. Joseph's Drive as a collector facility within the limits of the subject property.**

As required by this condition, Campus Way North and St. Joseph's Drive within the limits of the subject property are reflected on the plan, and will be constructed as overall construction progresses.

 - 2. **The Applicant shall provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the Applicant shall provide a second eastbound left turn lane along MD 202 at the McCormick Drive/St. Joseph's Drive intersection. These improvements shall be either directly provided by the Applicant, or shall be funded by the Applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis to be determined at the time of preliminary plan of subdivision.**

This condition requires off-site road improvements in the area, either directly by the applicant or through payment of a fee on a pro-rata basis. This was reiterated at the time of approval of the preliminary plan of subdivision and is addressed through requirements of the approval of that plan.

 - 3. **Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:**

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- a. **Campus Way, an arterial facility with a right-of-way of 120 feet.**
- b. **St. Joseph's Drive, a collector facility with a right-of-way of 80 feet.**
- c. **A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph's Drive.**

This condition requires that adequate right-of-way for the above-cited master plan facilities are provided. This was confirmed during the review of the preliminary plan, and the submitted plans show adequate right-of-way where needed.

4. **The Applicant shall study the planned Campus Way/St. Joseph's Drive intersection and the possible need for traffic controls at that location at the time of preliminary plan of subdivision.**

This condition requires further study at the intersection of Campus Way North and St. Joseph's Drive. This condition was enforceable at the time of the approval of the preliminary plan for the project, and this intersection was further studied at that time.

5. **The development of the subject property shall be limited to 20,000 square feet of retail space, 328,480 square feet of general office space, and 393 residences, or other permitted uses which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.**

This condition sets the caps on development of the property. More particularly, the development proposed by Phase I (DSP-04067) included 192 residential units.

6. **No more than 119 of the single-family dwelling units shall be attached units.**

The subject application meets this requirement as follows:

Phase I included 24 townhouses
Phase II includes 82 townhouses

Total townhouses included in the development equals 106, which is within the allowable 119 total townhouse unit count for the subject project.

7. **The Conceptual Site Plan shall include a tree stand delineation plan. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as buffer between the subject property and adjacent land.**

The forest stand delineation submitted with the Conceptual Site Plan application, CSP-03001, was reviewed and found to address the requirements for detailed forest stand delineation by the

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Planning Board. The Type I tree conservation plan submitted for this approval generally provides for the protection of the woodlands in the vicinity of the streams on the property.

8. **At the time of Conceptual Site Plan, TCPI/05/97 shall be revised as required if areas along St. Joseph's Drive and Campus Way North are not proposed for woodland reforestation or preservation.**

The Type I Tree Conservation Plan (TCPI/019/03) approved in conjunction with CSP-03001 overlaps a portion of TCPI/05/97 that was previously approved in conjunction with the Balk Hill Preliminary Plan, 4-02016. Because the woodland conservation requirements on the portion of the property covered by TCPI/05/97 were satisfied by TCPI/019/03, it was not necessary to revise TCPI/05/97. During the TCPI review, it was noted that areas along St. Joseph's Drive and Campus Way North are not proposed for woodland reforestation or preservation due to necessary site grading and proposed landscaped open space.

In the subject DSP approval, the TCPII was evaluated for conformance with the TCPI. The TCPII is in general conformance with the TCPI with regard to the limits of disturbance that were established at the time of approval of the TCPI. However, the limits of disturbance on the TCPI are considered conceptual.

9. **All public sidewalks shall comply with applicable ADA standards and be free of above ground utilities and street trees.**

The requirements established with the passage of the Americans with Disabilities Act (ADA) are federal law and applicable even absent a requirement in a zoning approval. However, depressed curb cuts required are not shown in every quadrant of every intersection. Therefore, a condition of this approval requires that, prior to signature approval, depressed curbs shall be indicated in every appropriate location. Sidewalks appear free of above-ground utilities and street trees.

10. **An Advisory Planning Committee, consisting of the Applicant and representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations, shall be established to advise the Revenue Authority, a community development corporation, or another nonprofit entity about the development, use, and disposition of the 20-acre employment parcel.**

Additional information has not been submitted to the Planning Board that would modify findings made in prior approvals regarding the subject requirement. The applicant has provided documentation that an Advisory Planning Committee was established and officers had been elected to advise the Prince George's County Revenue Authority on the development and use of the 20-acre employment parcel. The letters indicated further that the Committee would hold monthly meetings on the second Tuesday of each month for 2005 and, if necessary, revise the schedule for 2006.

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- 11. The Applicant shall work with the Fox Lake and Ridgewood communities in restoring the entranceway hardscape and landscape at a cost not to exceed \$35,000.**

As neither the Planning Board resolution nor the District Council order for the original DSP-04067 approval provides any relevant findings regarding this requirement, and as the applicant has not proffered any evidence of conformance with this requirement, a condition of this approval requires that, prior to issuance of the 200th building permit for Phases I and II combined, the applicant shall by condition of this approval work with the Fox Lake and Ridgewood communities in restoring the entranceway hardscape and landscape at a cost not to exceed \$35,000 and provide evidence that a written agreement has been executed to ensure fulfillment of this requirement.

- 12. The open area designated on the Basic Plan as the Balk Hill Circle shall include an amphitheater or other suitable facility that may be used for outdoor cultural activities.**

A fountain, benches, and specialty paving and lighting was originally approved to replace the amphitheater, and a sculpture, and specialty paving and lighting, together with a passive recreational facility on the periphery of the circle are being hereby approved to replace the fountain in the current approval. The applicant has commissioned artist Alan Binstock to create this sculpture of his "Wayfarer" type for display in the Balk Hill circle, for the suitable alternative facility.

- 13. The community building shall be designed with an area suitable for community theatrical productions.**

The design program for the 3,300 square feet of community space that will be included on the second floor of one of the commercial buildings planned to front on the traffic circle includes a warming kitchen, room dividers, a collapsible stage with 48 removable seats, and a storage area, fulfilling this requirement as part of the first phase of this development and formalized in a recreational facilities agreement executed December 27, 2006.

- 14. No building permits shall be issued for Balk Hill Village until the percent of capacity at all affected school clusters is less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council (if required) to construct or secure funding for construction of all or part of a school to advance capacity.**

This requirement has been superseded by subsequent state and county laws requiring a school surcharge with each building permit.

- 9. Conceptual Site Plan CSP-03001:** Conceptual Site Plan CSP-03001 was approved by the Planning Board on September 11, 2003, subject to 11 conditions. The Planning Board

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subsequently adopted PGCPB Resolution No. 03-176 formalizing that approval. The relevant conditions of that approval are included in **boldface** type below, followed by Planning Board comment:

1. **At the time of Detailed Site Plan, the following shall be provided:**
 - a. **Private pedestrian access shall be provided to the front of the manor homes fronting on Campus Way North. The private pedestrian access shall periodically connect to the public sidewalk along the right-of-way.**

A single sidewalk connection is provided from the central unit of each three-unit cluster with sidewalk connections provided from that central unit to the two outer units.

1. **Consideration shall be given to removing the three single-family detached lots from the south end of Street C, adjacent to the SWM pond. The three lots may be provided on either side of St. Joseph's Drive, at the entrance along Campus Way North, or other locations on the site.**

Due consideration was given to removing the three single-family detached lots at the time of approval of the original DSP for the project in conformance with this requirement.

- b. **An eight-foot-wide hiker/biker trail shall be provided across the SWM pond embankment connecting Street C and Street D.**

Condition 1b of the CSP requires an eight-foot-wide trail across the stormwater management pond embankment connecting Streets C and D. The layout of this section of the site has been redesigned and the trail connection was not included on the original submitted plans for the project. A replacement trail connection in the same vicinity of the previous requirement was included in revised plans submitted by the applicant. This trail connection, together with a second stretch of trail subsequently proffered by the applicant, will achieve similar goals to the trail required at the time of CSP and will provide non-motorized access between two culs-de-sac.

4. **The applicant, his successors, and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the *Parks and Recreational Facilities Guidelines*.**

A review of the required expenditure formula indicates that the applicant will be required to provide private recreational facilities, the value of which exceeds the specified dollar amount. Supplementing the urban park, interior space in a commercial building for community use, and an amenity with benches and specialty lighting and paving provided in the first phase of the development, the current phase includes 500 linear feet of trail as a recreational facility and

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additional recreational facilities subsequently proffered by the applicant as specified in Condition 1(0) of this approval.

8. **At time of Detailed Site Plan submission, the TCPII shall contain details and a narrative regarding the proposed preservation measures for all specimen trees to be preserved on site. These measures shall include treatments to occur prior to, during and after construction.**

Preservation methods for the specimen trees located within Phase I were addressed on the original TCPII approval; however, the specimen trees located within Phase II were not previously addressed. The plan as currently approved no longer addresses previously approved preservation methods for the trees located within Phase I and does not propose any preservation methods for Phase II.

The plan shall by condition of this approval be revised to include all details and notes that were previously shown on the detail sheet for Phase I including, but not limited to, the specimen tree sign detail, the root pruning detail, and the note labeled as "Specimen tree preservation note per Condition 8 of CSP-03001."

Field visits revealed that unauthorized clearing occurred on-site which negatively impacted the critical root zone of Specimen Tree 222, a 46-inch American elm. This tree is located just within the limits of Phase II and was identified during the Phase I review as being a high priority for preservation. This tree is highly visible from many locations on-site including the main entrance to the subdivision (Campus Way North and St. Joseph's Drive). Two evaluations prepared by a Maryland tree expert were submitted to address the health of the tree. The first was prepared on June 18, 2012 by William Dowling of Empire Landscape LLC and determined that the declining health of the tree was not likely from Dutch elm disease, but did note several dead limbs throughout the canopy. The report indicated that an inspection of the bark was not feasible at the time due to the presence of vines. The report recommended removal of the vines and that further disturbance should remain outside of the drip line. It was recommended that, if disturbance is necessary, the use of a vibratory plow for root pruning to make clean cuts should be used. Cutting more than 25 percent of the feeder roots was not recommended. Post construction recommendations included mulching and deep root fertilization. A follow-up report was prepared by the same tree expert on August 3, 2012. This report was prepared after the vines had been removed from the tree and noted approximately 25 percent dead canopy. Vertical mulching had been done and tree protection fence had been installed around the drip line. Continued monitoring was then recommended.

In addition to the recommendations outlined in the tree expert's reports as submitted, the Planning Board by condition of this approval requires the following treatment methods: provide an access point through the fence for further evaluations and treatments; crown cleaning for the proper removal of all dead and broken branches; removal of all trash and debris from within the drip line by hand; provide watering regularly (the amount and

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frequency to be determined by the applicant's tree consultant); and all equipment must be kept outside the fence. Prior to certification of the DSP, a maintenance schedule prepared by a certified arborist and/or licensed tree expert shall by condition of this approval be submitted that takes into consideration all of the recommendations made by the applicant's tree expert and the requirements of the Planning Board. The maintenance schedule shall by condition of this approval include the following information: a list of all tasks to be performed (pruning, watering, etc.), the timing of each task, who is to perform each task, and finally it shall by condition of this approval include an inspection schedule to ensure that the required measures are being taken. The inspection reports shall be submitted to the Planning Board or its designee on an annual basis for a minimum of five years.

Other specimen trees located along the newly proposed limits of disturbance within Phase II also require additional consideration for long-term survivability; these trees are 212, 229, 230, and 232. Tree 212 is shown on Sheet 2 and has been identified as a 42-inch elm in poor condition. This tree is located between the lot line of Lot 48A and an approved sewer connection. The critical root zone of this tree shall be significantly impacted and, given that the tree is already in poor condition, additional protection measures shall by condition of this approval be taken. Tree 229 is shown on Sheet 10 and has been identified as a 59-inch black gum in good condition. This tree may qualify as a state or county champion according to the 2002 list. Because of its large size, particular attention was paid to this specimen tree. The tree was determined to be in poor condition based on the following factors: a large broken limb has cracked and is lying on the ground which has opened a large cavity making the tree vulnerable to rot and disease; the tree is split into a y-shape approximately 15-feet above the ground, which is generally an unstable form for this species; a canker has formed just below the y-split; large decayed branches have fallen; and the root system is partially exposed. Champion status is based on diameter, height, and crown spread. While the diameter of this tree is larger than both the county and state listed champions, based on the county and state 2008 lists, it is in poor condition and would most likely not survive long-term in its present condition. Tree 230 is shown on Sheet 10 and has been identified as a 35-inch black cherry in good condition. This tree shall remain on the corner of Brooke Grove Road and Lady Grove Road and a significant portion of the root zone shall be disturbed. Additional protection measures shall by condition of this approval be taken. Tree 232 is shown on Sheet 11 and has been identified as a 48-inch poplar in good condition. This tree is located within close proximity to the Rose Mount historic site, but is close enough to the approved road that a significant portion of the root zone is proposed to be impacted. Poplars generally do not survive construction impacts well; therefore, additional protection measures shall by condition of this approval be taken.

Temporary protection measures for Trees 212, 229, 230, and 232, including the installation of tree protection fence surrounding the trees, shall by condition of this approval be performed for protection during construction. Additionally, an evaluation of the trees shall by condition of this approval be performed by a certified arborist and/or licensed tree expert post construction to evaluate their long-term survivability. This

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evaluation shall by condition of this approval be submitted to the Planning Board or its designee.

Several trees within the vicinity of the Rose Mount historic site were survey-located during previous reviews. The specimen tree table shall by condition of this approval be updated with a column to indicate which trees have been survey-located.

Conditions of this approval address the Planning Board concerns outlined above.

10. At time of submission of the Detailed Site Plan, the technical stormwater management plans shall be submitted.

The technical stormwater management plans were stamped as received by the Planning Board on February 27, 2013. The plans covering Phase II of the project are contained in two separate stormwater management plan sets. Pond 1 and all associated stormdrain and stormwater management features serving Lots 1-51A were provided in a plan set. Ponds 2 and 3 serving the remainder of Phase II were provided in a separate plan set. These two sets of plans were approved by the Department of Public Works and Transportation (DPW&T) under SWM/SD 39070-00/398-2010.

The plan sets submitted did not include all sheets of each plan set. Prior to certification of the DSP, all sheets of both plan sets of the technical stormwater management plan shall by condition of this approval be submitted. While the sheets that were submitted contain a majority of the stormwater information, the remaining sheets are needed to verify that all stormwater management features are shown correctly on the TCPII. Several lots are shown to have level spreaders located along the back property lines. These features, along with all stormwater and stormdrain features, shall by condition of this approval be shown on the TCPII prior to certification.

The final stormwater management design is different than what was previously approved on Stormwater Management Concept Plan 39070-2007-00 issued by the Department of Environmental Resources (DER) on June 12, 2008. The design shown on the concept plan proposed a large pond located within the primary management area (PMA). The current design appears to have less environmental impacts with three smaller ponds located along the edge of the on-site stream valley, with only three small impacts to the PMA for outfall structures.

The Planning Board has included conditions of this approval to address the concerns outlined above.

11. The Type I Tree Conservation Plan shall be modified to incorporate any design changes made subsequent to the Environmental Planning Section memo dated June 25, 2003.

This requirement was conformed to prior to signature approval of the TCPI.

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10. **Preliminary Plan of Subdivision 4-03094:** Preliminary Plan of Subdivision 4-03094 was approved by the Planning Board on February 19, 2004, subject to 23 conditions. The relevant conditions of that approval are included in **boldface** type below, followed by Planning Board comment:

1. **Prior to signature approval of the Preliminary Plan:**

- a. **The Type I Tree Conservation Plan, TCPI/19/03-01 shall be revised as follows:**

- (1) **Remove all woodland conservation areas located on lots and woodlands retained on lots shall be considered as being cleared.**
- (2) **Show the location of the 100-year floodplain and do not count the floodplain toward the woodland conservation requirements.**
- (3) **Revise the TCPI to be consistent with the proposed PMA impacts as identified by the letter of justification.**
- (4) **Revise the woodland conservation worksheet as necessary after the above revisions have been completed.**
- (5) **Have the revised plan signed and dated by the qualified professional who prepared the plan.**

- b. **The Preliminary Plan and the Type I Tree Conservation Plan shall be revised:**

- (1) **To correctly label the Patuxent River Primary Management Area as PMA, not SVB or stream valley buffer.**
- (2) **To eliminate proposed PMA impacts associated with clearing of Lots 8-10, Block "A" in order to further minimize the extent of the proposed PMA impacts. The extent of proposed impact "A" shall be further evaluated and minimized to the extent possible prior to the submittal of the Detailed Site Plan.**

- c. **The Preliminary Plan shall be revised:**

- (1) **To show the private alleys as parcels.**
- (2) **To remove the note that Parcels 1 and 2 are to be conveyed to a private entity and replaced with a note that the parcels are to be conveyed to the Revenue Authority.**

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- d. **To eliminate on-street parking on St. Joseph's Drive and to increase the curve radii of the streets to a minimum of 300 feet, unless the Department of Public Works and Transportation waives these requirements in writing.**

With respect to Condition 1(b)(2) above:

Detailed Site Plan DSP-04067-03 and TCPII-082-05-01 do not propose impacts to the primary management area (PMA) for lot grading. Previously proposed Impact Area A has been significantly reduced by removing lots from the PMA, by revising the stormwater management design to replace a large pond with three smaller ponds located outside the PMA, and with only three small impacts to the PMA for outfall structures and two small impacts for sewer outfall connections.

This project is grandfathered with respect to the environmental regulations contained in Subtitles 24, 25, and 27, which came into effect on September 1, 2010 because the project has a previous preliminary plan approval (4-03094).

Several impacts were approved with the preliminary plan totaling 99,145 square feet of PMA. These impacts included the following:

- Impact A: 22,750 square feet for the installation of a street, including water and sewer lines.
- Impact B: 75,250 square feet for the installation of a stormwater management pond.
- Impact C: 970 square feet for the installation of a street, including water and sewer lines.
- Impact D: 175 square feet for the installation of a stormwater management outfall.

Impact A is the subject of the above condition and was reduced during the preliminary plan certification process to remove PMA impacts associated with lots. Impact D was approved as part of Phase I of the project and is not proposed to be revised as part of the current approval.

The current approval is for a different lot configuration than what was originally anticipated. The revised lot layout and updated stormwater management, stormdrain, and sewer design have been revised to be more environmentally-sensitive than the previously approved design.

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A statement of justification was stamped as received by the Planning Board on February 28, 2013, proposing a total of 15,366 square feet of PMA impacts. The statement outlines the current impacts as follows:

- Impact 1: 3,422 square feet for the installation of a stormwater management outfall.
- Impact 2: 3,772 square feet for the installation of a stormwater management outfall.
- Impact 3: 2,002 square feet for the installation of a stormwater management outfall.
- Impact 4: 4,072 square feet for the installation of a sewer outfall connection.
- Impact 5: 2,098 square feet for the installation of a sewer outfall connection.

The current approval reduces the proposed PMA impacts by 83,779 square feet, a reduction of approximately 85 percent.

The Planning Board hereby finds the significant reduction of proposed PMA impacts in substantial conformance with the preliminary plan approval.

The remainder of conditions 1(a) through (d) were conformed to at the earlier time of signature approval of the preliminary plan of subdivision.

- 3. A Type II Tree Conservation Plan shall be approved concurrently with the Detailed Site Plan.**

Type II Tree Conservation Plan TCPII-082-05-01 is being hereby approved with conditions, concurrently with the DSP. Therefore, this requirement has been met.

- 6. At the appropriate state of development, the applicant, his heirs, successors, and/or assignees shall provide the following:**

- a. Construct a standard sidewalk along the subject property's entire frontage of the west side of Campus Way North, per the concurrence of DPW&T.**
- b. Provide wide sidewalks (six to eight feet wide) along both sides of St. Joseph's Drive, per the concurrence of DPW&T.**
- c. Provide standard sidewalks along both sides of all other internal roads, per the concurrence of DPW&T.**

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- d. **Additional pedestrian amenities and safety measures are encouraged, including benches, curb extensions, well-marked or contrasting crosswalks, raised crosswalks, and pedestrian-scale lighting. These features shall be addressed at the time of Detailed Site Plan.**
- e. **Private pedestrian access shall be provided to the front of the manor homes fronting on Campus Way North. The private pedestrian access shall periodically connect to the public sidewalk along the right-of-way (Condition 1 a. of CSP-03001).**
- f. **An eight-foot-wide hiker/biker trail shall be provided across the SWM pond embankment connecting Street C and Street D (Condition 1 c. of CSP-03001).**

The DSP approved hereby includes standard sidewalks along both sides of all internal roads and along the site's frontage of Campus Way North. Six-foot-wide sidewalks are included along both sides of St. Joseph's Drive. Condition 6(d) encourages the provision of additional pedestrian amenities and safety measures, including benches, curb extensions, well-marked and contrasting crosswalks, raised crosswalks, and pedestrian scale lighting. The originally submitted DSP incorporated the use of the median as a pedestrian refuge in the vicinity of the traffic circle. Crosswalks were indicated at many, but not all, intersections. St. Joseph's Drive included a median, which can be utilized as a pedestrian refuge. The traffic circle along St. Joseph's Drive shall by condition of this approval include crosswalks at all four approaches.

8. **The applicant, his successors, and/or assignees, shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.**

The appropriate formula was applied and it was determined that the applicant has met and exceeded the required expenditure for recreational facilities for the Balk Hill Village project; as he has proffered additional facilities to those originally provided for the project. The recreational facilities included in the project are designed in accordance with the standards outlined in the *Parks and Recreation Facilities Guidelines* (Guidelines). A condition of this approval requires that the additional proffered facilities shall be so designed as well.

9. **The detailed site plan shall include a site plan of the facilities that comply with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed for adequacy and proper[sic] siting prior to approval of the detailed site plan by the Planning Board.**

Such review has been conducted for this project in both of its phases. The facilities included are designed in accordance with the Guidelines, and a condition of this approval requires that the additional proffered recreational facilities shall be designed in accordance with the Guidelines.

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- 12. The applicant, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and [sic] future maintenance of the proposed recreational facilities.**

In an email dated April 3, 2013, the applicant's representative provided the Planning Board with information that Section 10.2 of the homeowners association's declaration requires that the maintenance of all common areas shall be by the homeowners association. Further, they stated that since all recreational facilities/amenities, including the community room in the commercial building, are proposed to be located on common areas that will be conveyed to the homeowners association and that they will maintain the facilities. Therefore, their perpetual maintenance will be ensured in conformance with this requirement.

- 15. Development must be in accordance with the approved stormwater management concept plan, Concept 4981-2002-00, or any approved revisions thereto.**

Although General Note 14 on the DSP states that Stormwater Management Concept Plan 4981-2002-00 was approved on January 9, 2003 and expired on December 19, 2005, the Planning Board has a Stormwater Management Concept Plan (39070-2007-00) approved May 12, 2011 and due to expire on May 4, 2014. A condition of this approval requires that General Note 14 be revised to reflect the more recent approval and provide the Planning Board or its designee with a writing from DPW&T stating that Stormwater Management Concept Plan 39070-2007-00 is a revision of Stormwater Management Concept Plan 4981-2002-00.

- 16. A Phase I archeological study shall be performed prior to the approval of the Detailed Site Plan. The study shall pay particular attention to possible burials, including slave burials, and possible slave quarters.**

A Phase I archeological survey was conducted on the approximately 125-acre Balk Hill Village property in 2004 and 2005 by R. Christopher Goodwin and Associates, Inc. This study was specifically performed to meet this requirement.

- 17. The use and ownership disposition of Parcels 1 and 2 shall be determined at the Detailed Site Plan stage.**

Parcels 1 and 2 were recorded in Plat Book PM 217-92 on March 2, 2007. The record plat noted that Parcels 1 and 2 are to be conveyed to the Revenue Authority. Parcels 1 and 2 have been conveyed to the Revenue Authority and recorded in Liber 33973/Folio 099 on September 20, 2012 in conformance with this requirement.

- 19. The applicant will provide an additional eastbound through lane along MD 202 through the I-95 interchange and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the applicant will provide a second eastbound left-turn lane along MD 202 at the McCormick Drive/St. Josephs Drive intersection. These improvements will be either**

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directly provided by the applicant, or will be funded by the applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis.

The improvements required by this condition are built and open to traffic in conformance with this requirement.

- 20. Prior to final plat, either the Subdivision Regulations shall be revised to allow the use of alleys in the M-X-T Zone or the alleys will be removed from the plan.**

In accordance with the current Subdivision Regulations, pursuant to Section 24-128(b)(7)(A), the use of alleys in the M-X-T Zone is permitted. Section 24-128(b)(7)(A) states the following:

(7) In Comprehensive Design and Mixed Use Zones:

- (A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an "alley" shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.**

Pursuant to Section 24-128(b)(7)(A), all lots utilizing alleys must have frontage on a public right-of-way. It appears that the DSP is consistent with Section 24-128(b)(7)(A); however, the DSP shall by condition of this approval be revised to include the dimension of the width of each alley and label all alleys and the public rights-of-way as such. The street between Lots 23 and 24 appears to be 24 feet wide, which is below the standard for a public residential street. A condition of this approval requires that the dimension of the public right-of-way be reviewed and determined by DPW&T prior to signature approval.

The applicant has agreed with DPW&T to maintain the public street between Lots 23 and 24. Therefore, the townhouse lots that front on that street will front on a public street as required by Subtitle 24 and a reconsideration of Preliminary Plan 4-03094 and a variation request from Section 24-128(b)(7)(A) will be unnecessary.

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- 22. Parcels 1 and 2 shall be platted in conjunction with the first final plats for the entire development. The parcels shall be conveyed to the Revenue Authority immediately after recordation.**

This requirement is triggered at the earlier time of platting of the first final plats for the entire development. The said parcels have been conveyed to the Revenue Authority in accordance with this requirement.

- 11. Detailed Site Plan DSP-04067 and its revisions:** Detailed Site Plan DSP-04067 was approved by the District Council, subject to 27 conditions, on July 18, 2006. The relevant conditions are included in **boldface** type below, followed by Planning Board comment:

- 1. Prior to certification of the Detailed Site Plan, the following shall be provided:**
- a. Dimensions shall be provided for all sidewalks.**
 - b. The tot lot shall be replaced by an urban park or similar recreational area, whose design shall be approved by the Urban Design section.**
 - c. Decorative lighting, to match the lighting in the retail area, shall be provided in the central recreational open space area.**
 - d. Architectural models shall be revised to provide a minimum of two standard architectural features, such as a door, window or masonry fireplace on the side elevations of all models.**
 - e. Lot numbers and square footage shall be provided for all lots.**
 - f. A note shall be added to the plan indicating that the lot coverage for single-family detached lots is 80 percent.**
 - g. A note shall be added to the plan that all decks shall meet all building restriction lines.**
 - h. Fencing details shall be provided. A maximum of three fencing styles shall be permitted.**
 - i. All building, deck and fencing standards shall be entered into the Homeowners Association covenants. A copy of the covenants shall be provided to the Urban Design Section for review.**

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- j. A note shall be added to the plan that porches may extend into the front building restriction line, but that chimneys and bay windows may not extend into the side yard.**
- k. The type, size, and style of lettering for the retail tenants shall be indicated on the architectural plan elevations.**

This condition has been conformed to at the earlier time of signature approval of the original DSP for the project.

- 2. Side and rear architectural elevations shall be provided for the retail buildings. The retail buildings shall be brick on all four sides.**

The side and rear architectural elevations for the retail buildings have been submitted and indicate brick on all four sides.

- 3. At the time of Detailed Site plan for Phase II, recreational facilities worth no less than \$100,000 shall be provided, based on a total of 201 dwelling units in Phase II. If the number of dwelling units in Phase II is reduced, the amount of recreational facilities may be reduced accordingly.**

The recreational facilities included in the subject phase are estimated to cost \$80,000, which meets the \$100,000 requirement when it is prorated for the 163 dwelling units included in this approval. The requirement will be exceeded however by the applicant's additional proffered recreational facilities as specified in Condition 1(0) of this approval.

- 5. On corner lots where the sides of single-family detached homes are exposed to public streets, a brick watertable shall be provided along the entire length of the side elevations and windows and doors shall be provided with a minimum four-inch trim.**

In the subject DSP, the Planning Board has required a more stringent condition regarding "high visibility" side walls that would replace this previous condition, and which is more in keeping with the current practice regarding the same.

- 6. At least 80 percent of the approved dwelling units shall have brick or stone front façades, as shown on the approved architectural elevations. A tracking chart shall be provided on the coversheet of the Detailed Site Plan, to account for the brick façades at the time of building permit.**

This requirement is being brought forward as a condition of this approval.

- 7. No two identical façades may be located next to or across from one another.**

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This requirement is being brought forward as a condition of this approval.

8. **Prior to certificate approval of DSP-04067, TCPII/82/05 shall be revised to include detailed information regarding specimen trees #71, 93, 202-218, 227-239, 258, 259, 261-263 in the subject phase within 100 feet of the site's limits of disturbance and the preservation measures including treatments to occur prior to, during and after construction in relation to these trees. The note regarding specimen trees below the table on sheet 1 shall be removed and the note on sheet 15 shall be revised to remove the third sentence and replaced with a new sentence to read: "Specimen trees #71, 93, 202-218, 227-239, 258, 259, and 261-263 within 100 feet of the limits of disturbance shall be identified in the specimen tree table as to each tree's disposition before signature approval of the TCPII." In addition, the TCPII shall graphically show each specimen tree within 100 feet of the limits of disturbance and each tree's critical root zone in relation to the limits. Provide a column in the specimen tree table to indicate which trees in this phase of the development will have root pruning as a method of preservation and what other specific treatment methods such as pruning, fertilization, and supplemental watering are to be provided.**

This requirement was triggered at the earlier time of prior to certificate approval of DSP-04067 and was met for Phase II during the certification of DSP-04067.

9. **Prior to certificate approval of DSP-04067 a copy of the Technical Stormwater Management Plans shall be submitted. The limits of disturbance on the Technical Plans shall conform to those shown on the TCPII.**

This requirement was triggered at the earlier time of prior to certificate approval of DSP-04067 and was met for Phase I during the certification of DSP-04067.

21. **The reforestation and associated fencing shall be installed prior to the issuance of building permits for Lots 16-20 of Block O. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area and the associated fencing in relation to each lot (Lots 16-20 of Block O), with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.**

This condition was written specifically for Phase I. Reforestation is proposed on Phase II that will also be subject to verification prior to issuance of a building permit.

The following condition that has been included in this approval:

All reforestation and associated fencing and signs shall be installed prior to issuance of a building permit for lots abutting reforestation areas. A certification prepared by a qualified professional shall be used to provide verification that the reforestation has been

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completed. It must include, at a minimum, photos of the reforestation area and the associated fencing in relation to the abutting lot, with labels on the photos identifying the locations, and a plan showing the locations where the photos were taken.

- 22. Prior to certificate approval of DSP-04067, TCPH/82/05 shall be revised to locate the unmitigated 65-dBA (Ldn) noise contour on sheet 12 in relation to Campus Way North.**

This condition was met for Phase I during the approval of DSP-04067.

- 23. Prior to the issuance of any permits, a Phase I archeological investigation shall be conducted, pursuant to the findings of Historical and Archeological Reconnaissance of the Proposed Balk Hill Village Development, Prince George's County, by R. Christopher Goodwin & Associates, Inc., 2004.**

This requirement was met prior to issuance of the first permit for the project.

- 24. Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1994) and report preparation should follow MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations should be spaced along a regular 20-meter or 50-foot grid, at minimum, and excavations should be clearly identified on a map to be submitted as part of the report. Section 106 review may require archeological survey for state or federal agencies.**

This requirement was met prior to issuance of the first permit for the project.

- 25. Regardless of ownership, no part of the approximately 20 acres of commercial and industrial land adjacent to the subject site to be conveyed to the Prince George's County Revenue Authority, shall be eligible for permits until the Planning Board and the District Council approve the use and a detailed site plan for the property.**

This requirement is triggered at the later time of development of the land conveyed to the Revenue Authority.

- 26. Prior to submittal of the above-mentioned detailed site plan application, the applicant (whether public or private) shall obtain advice from the Advisory Planning Committee about the use and design of the property and reduce that advice to writing and file it with the site plan application.**

This requirement is triggered at the later time of development of the land conveyed to the Revenue Authority.

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27. **The “Manor House” units shall not include rental or condominium units, and each Manor House unit shall contain exactly three attached “buildings,” arranged or designed as “one-family dwellings,” in accordance with the Zoning Ordinance definition of a “townhouse.”**

This requirement is being brought forward to the subject approval.

Detailed Site Plan DSP-04067 is the subject of five revisions. However, DSP-04067-01 for a public water line was accepted, but subsequently withdrawn by the applicant. Detailed Site Plan DSP-04067-02 for architectural revisions to the Fillmore, Monroe, Taylor, and Harrison models was approved on February 6, 2008 at the Planning Director level. Detailed Site Plan DSP-04067-03 for 86 attached and 96 detached single-family detached residential units is the instant application. Detailed Site Plan DSP-04067-04 for an entrance sign and decorative wall was approved at the Planning Director level on June 25, 2009. Detailed Site Plan DSP-04067-05 for architectural revisions to the Tuscany and Piedmont architectural models was approved by the Planning Board on November 4, 2010.

12. **Further Planning Board Findings and Comments from Other Entities:**

- a. **Historic Preservation Commission**—The Historic Preservation Commission (HPC) offered the following:

Background

The 117.89-acre Balk Hill Village development near Largo, Maryland encompasses the central domestic complex of the plantation known historically as Maryland Governor Joseph Kent’s Rose Mount Plantation (Historic Site 73-009). The property is zoned M-X-T (Mixed Use–Transportation Oriented), which provides for a variety of residential, commercial, and employment uses. This approval is for the construction of 81 single-family detached houses, and 82 townhouses. The Rose Mount Site (73-009, 18PR754) and its 3.5-acre environmental setting was designated a Prince George’s County historic site in June 2010.

The subject property contains the Rose Mount Historic Site (73-009, 18PR754) and the former residence of Joseph Kent and his nephew, Joseph Kent Roberts, who built a frame house probably on the foundations of Governor Kent’s house. Joseph Kent served two terms in the U.S. House of Representatives from 1811–1815 and from 1819–1826. He also served one term as Maryland’s Governor from 1826 to 1829 and as a U.S. Senator from 1833–1837. A house was built for Joseph Kent on the subject property in 1806. Governor Kent died at the plantation in 1837 and was buried there. Rose Mount was acquired by Kent’s nephew Joseph Kent Roberts in 1840. Roberts had a new frame house built on the property in 1856. Rose Mount remained in possession of members of the Roberts family throughout most of the twentieth century. The house burned in 1974 and all that remains is the foundation and remnants of a terraced formal garden. The foundation remnants are thought to represent the remains of the mid-nineteenth century

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house built by Joseph Kent Roberts on the site. Governor Kent's burial site has not been located within the developing property through previously conducted archeological studies.

Findings

- (1) A Phase I archeological survey was conducted on the approximately 125-acre Balk Hill Village property in 2004 and 2005 by R. Christopher Goodwin and Associates, Inc. Nine structural features were identified in Area A, representing the foundation of the main dwelling, the remains of eight outbuildings (one twentieth century feature, one possible animal shelter, one possible meat house, one wall remnant from a twentieth century building, one rectangular arrangement of cut stone piles, possible remains of an early air-cured tobacco barn, one collapsed nineteenth century building, and one nineteenth century stone foundation), and one large pit feature. Remains of the terraced, landscaped gardens are in Area A. The fieldwork identified two Archeological Sites, 18PR754 (the core of the main house and associated outbuildings of the Rose Mount plantation complex identified in Area A) and 18PR755 (a mid-twentieth century tenant site and secondary deposit of domestic debris identified in Area D), and delineated one historic locus (a concentration of brick fragments) that measured approximately 40 by 50 meters in size. One standing twentieth century tobacco barn was also recorded and preliminary documentation was completed for that barn.
- (2) Phase II testing of nineteenth century features and a remote sensing survey of portions of the terraced gardens were recommended at the Rose Mount site, 18PR754. Due to limited stratigraphic integrity and lack of research value, Site 18PR755 and Locus E-1 did not require further archeological investigation. The Phase II testing was recommended as limited to portions of the main house foundation, and within Features 3 and 7 as identified during the fieldwork. Feature 3 was a small, coursed rubble stone foundation measuring 12 by 14 feet and was thought to be a nineteenth century meat house. Feature 7 was a small, nineteenth century, coursed rubble stone foundation that was 12.5 feet long and at least 10 feet wide. Limited remote sensing investigations were recommended to take place within the small, formally landscaped terrace southeast of the main house. In part, the purpose of the remote sensing was to search for anomalies that might indicate the gravesite of Governor Joseph Kent.
- (3) After completion of the Phase II evaluation survey, the Planning Board concluded that archeologists should monitor the terraced area around the Rose Mount manor house foundations during any soil disturbance there. The Planning Board also concluded that the remains and layout of the Rose Mount plantation site, which was once a substantial operating farm over a 200-year period owned by a family prominent in the county and state, meets Criterion A (a clear association with an

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event or trend that is important on a national, regional, state, or local level) and Criterion D (it can yield research data important to our understanding of history and prehistory) for inclusion in the National Register of Historic Places. Archeological Site 18PR754 also meets Criteria (1)(A)(i) and (1)(A)(iii) of the Prince George's County Historic Preservation Ordinance (Subtitle 29-104). Measures were, therefore, implemented to protect and preserve the Rose Mount foundation in place.

- (4) The subject approval was previously reviewed by HPC at its September 15, 2009 meeting. At that time, the Rose Mount Site and Cemetery (73-009) was not a designated Prince George's County historic site. Through negotiations with HPC, Lots 29-33 next to the Rose Mount site were removed from the plan to provide a 3.5-acre environmental setting that would include the terracing of a formal garden associated with the house and several specimen trees that are located on the edge of the terracing and that were probably part of the formal garden. HPC voted 5-0-1 (the Chairman voted "present") to recommend the designation of Rose Mount Site and Cemetery as a historic site to include an environmental setting of 3.5 acres of Parcel J, Balk Hill Village. That was never reviewed by the Planning Board. The Rose Mount site has since been designated a Prince George's County Historic Site (73-009) through the update to the *Prince George's County Historic Sites and Districts Plan* in June 2010.
- (5) The applicant had revised the DSP to avoid sensitive environmental features, to conform to the preliminary plan of subdivision, and to set the Rose Mount historic site off from proposed new development. The Rose Mount historic site is situated within proposed Parcel J containing approximately 3.94 acres.
- (6) One of the powers and duties of HPC is "to delineate the extent of appurtenances and environmental setting associated with a historic resource during the development review process [Subtitle 29-106(a)(10)]." The applicant submitted a Change of Environmental Setting form to revise the current setting from 3.5 acres to 3.94 acres. With that application, proposed Parcel J, within which the historic site is located, would be modified to set it apart from proposed new development. HPC reviewed the proposed change of environmental setting at its November 27, 2012 meeting.
- (7) The subject approval includes a landscape plan that proposes an interpretive area to the north of the Rose Mount house foundation that would include a paved sitting area with two benches and an interpretive sign addressing the history and significance of the Rose Mount historic site. The applicant shall by condition of this approval place an aluminum fence around the perimeter of the Rose Mount house foundation to protect the feature and to prevent injury.

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- (8) At its November 27, 2012 meeting, HPC expressed concern that, if the area around the Rose Mount foundation were left alone, it would become overgrown and harbor invasive species. As such, the environmental setting could also become an attractive nuisance and an area where trash is dumped. HPC directed the applicant to work with the Planning Board to establish an appropriate edge/buffer for the perimeter of the Rose Mount historic site environmental setting to enhance its appearance and help control invasive species.

Conclusions

- (1) The significant portion of Archeological Site 18PR754, Rose Mount, and its 3.5-acre environmental setting was designated a Prince George's County historic site in June 2010 and is to be preserved in place within proposed Parcel J containing 3.94 acres. HPC concludes that no further archeological investigation is necessary at this time.
- (2) The applicant's DSP locates the Rose Mount foundation, associated terraced gardens, and several specimen trees within proposed Parcel J. At its November 27, 2012 meeting, by separate action, HPC voted 7-0-1 (the Chairman voted "present") to revise the current environmental setting of the Rose Mount Historic Site (73-009) from 3.5 acres to 3.94 acres. Based on testimony from the applicant, Parcel J will ultimately be conveyed to the development's homeowners' association.
- (3) HPC recommends that archeologists should monitor any grading within and adjacent to Parcel J to determine if any historic burials are present.
- (4) The applicant's proposal to develop the subject property with 81 single-family detached, and 82 townhouses will have no impact on the character of the archeological site to be included within proposed Parcel J. After the Rose Mount house burned, debris was thrown into the basement and may pose a safety hazard. The applicant shall by condition of this approval erect a fence around the Rose Mount foundation, which will prevent access while still allowing it to be viewed.
- (5) At the direction of HPC, the Planning Board met with the applicant's representatives and concluded that the applicant should develop an invasive species management plan for Parcel J to determine which invasive plants are present and the extent of clearing necessary to control them. Grading within the Rose Mount historic site environmental setting, construction of the protective fence around the foundation, construction of the interpretive area, and an invasive species management plan must be approved through the Historic Area Work Permit process, by the Planning Board or its designee.

The HPC recommended conditions have been included in this approval.

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- b. **Community Planning**—The application is consistent with the 2002 *Prince George's County Approved General Plan* (General Plan) Development Pattern policies for the Developing Tier and does not violate the General Plan's growth goals for the year 2025, based upon Prince George's County's current General Plan Growth Policy Update. Additionally, the application conforms to the land use recommendations of the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford Planning Area 73* (Largo-Lottsford Master Plan) for employment or alternative residential uses at this site. The following general planning comments are offered by the Planning Board:

The development site is identified in the Largo-Lottsford Master Plan as part of Employment Area 3 (page 86). The master plan (pages 87 and 88) recommends Employment Area 3 as an appropriate location for development in accordance with an industrial park/business campus approach. However, the master plan also acknowledges transportation capacity constraints that would limit the area's full development potential as an employment center. It therefore suggests (page 88) that "[c]areful incorporation of a residential component into this area could promote a more efficient use of the area's transportation system...Land use compatibility, internal circulation, and protection from noise impacts from nearby highways should be major concerns during design. The staging conditions for a mixed use development would be the same as if the entire area were developed solely for employment."

- c. **Transportation Planning**—The Planning Board has reviewed the transportation-related issues in the subject approval. The application involves construction of residential units on a portion of a mixed-use development. The entire Balk Hill Village development consists of approximately 117.89 acres of land in the M-X-T Zone. The property is located north and east of Landover Road (MD 202); it straddles the alignment for St. Joseph's Drive; and is south and west of the proposed alignment for Campus Way North. The application proposes the development of 165 residences.

Planning Board Comments Regarding Required Transportation Finding

Section 27-546(d)(10) of the Zoning Ordinance requires that, in cases where more than six years have elapsed since a finding of adequacy was made, a finding is required that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or facilities to be provided by the applicant. The review of conformance to this finding has typically focused upon demonstrating the period of time required for the implementation of any needed transportation facilities. "Needed transportation facilities" would typically involve programmed or bonded transportation facilities that were assumed to be part of background development during preliminary plan review along with any facilities to be constructed by the applicant. At this time, and pursuant to Section 27-546(d)(10), the Planning Board provides the following information:

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- (1) The connection of St. Joseph's Drive between Campus Way North and Ruby Lockhart Drive has been constructed, and will be opened to general traffic upon the release of the 125th permit of the second phase, or no later than June 2015.
- (2) Ruby Lockhart Drive, east of St. Joseph's Drive, to the eastern property line will be bonded and permitted no later than December 2014. The applicant shall construct the roadway within six months of notice to construct said roadway being given by the Department of Public Works and Transportation (DPW&T).

It is therefore determined that these transportation facilities will be provided within a reasonable period of time.

Findings

The subject property is required to make roadway improvements in the area pursuant to a finding of adequate public facilities made in 2004 for Preliminary Plan of Subdivision 4-03094. These findings were supported by a traffic study submitted in 2003. At this time, the Planning Board determines that the subject property complies with the necessary findings for a detailed site plan as those findings may relate to transportation. In particular, the requirement of Section 27-546(d)(10), requiring that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or facilities to be provided by the applicant, is met as the application is approved with the following conditions:

- (1) The connection of St. Joseph's Drive between Campus Way North and Ruby Lockhart Drive will be opened to general traffic upon the release of the 125th permit of the second phase, or no later than June 2015.
- (2) Ruby Lockhart Drive, east of St. Joseph's Drive, to the eastern property line will be bonded and permitted no later than December 2014. The applicant shall construct the roadway within six months of notice to construct said roadway being given by DPW&T.

Transportation-Related Planning Board Comments

The site plan is a requirement of the M-X-T Zone. The requirement for a site plan was recommended to address drainage, the mix of uses, conformity with the purposes of the zone, conformity with other applicable plans, compatibility and integration with other existing and proposed development in the vicinity, the pedestrian system, and quality of design, as well as general detailed site plan requirements. The transportation-related findings are limited to the particular circumstances in which at least six years have elapsed since a finding of adequacy was made. In this case, the transportation adequacy finding was made more than eight years prior and so, the transportation adequacy issues have herein been addressed in a formal manner.

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Prior applications A-9956, CSP-03001, and 4-03094 contain a number of transportation-related conditions. The status of the transportation-related conditions is summarized below:

Zoning Map Amendment (Basic Plan) A-9956: See Finding 8 for a discussion of transportation-related Conditions 1, 2, 3, 4, and 5 of the approval of A-9956.

Conceptual Site Plan CSP-03001: See Finding 9 for a discussion of transportation-related Condition 3 of the approval of CSP-03001.

Preliminary Plan of Subdivision 4-03094: See Finding 10 for a discussion of transportation-related Conditions 1(d), 18, and 19 of the approval of 4-03094.

Access and circulation within the area of the plan are acceptable. Access and circulation issues were thoroughly reviewed at the time of preliminary plan of subdivision.

During the past year, an issue arose regarding the fixtures within the landscaped middle of the roundabout at St. Joseph's Drive and Grove Hurst Lane. While that issue is primarily a permitting issue with the DPW&T, there is a condition on the Basic Plan (A-9956) regarding the use of this area within the roundabout. However, confirmation from DPW&T stating that this issue has been resolved has been received by the Planning Board. All transportation-related issues have been resolved and/or are addressed by transportation-related conditions of this approval.

- d. **Subdivision Review**—The subject site is located on Tax Map 60 in Grid D-1, E1, E2, F1, and F2, in the M-X-T Zone, and measures 117.89 acres. The site is currently wooded and is developed with several residential dwellings. The applicant submitted a revised detailed site plan (DSP) for the development of Phase II of the Balk Hill Village project consisting of 81 single-family detached dwellings, 55 residential townhouses, and 27 townhouses/"manor" houses.

The site is the subject of approved Preliminary Plan of Subdivision 4-03094 and the resolution was adopted by the Planning Board on March 11, 2004 (PGCPB Resolution No. 04-33). The preliminary plan has been signature approved and is valid until December 31, 2013 pursuant to County Council Bills CB-07-2011 and CB-08-2011. The lots and parcels in Phase I of Balk Hill Village have been recorded. A final plat for the subject property, Phase II of Balk Hill Village, shall be accepted by M-NCPPC before the preliminary plan expires or a new preliminary plan shall be required. The relevant resolution of approval (PGCPB Resolution No. 04-33) contains 23 conditions.

For a discussion of the relevant requirements of the approval of Preliminary Plan 4-03094, see Finding 8 of this report.

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The DSP shows 163 residential lots for Phase II and 202 residential lots and 9 parcels for Phase I, with a total of 365 residential lots and 9 parcels for the entire development. Preliminary Plan 4-03094 was approved with 393 residential lots and 9 parcels. The lot size and layout of the residential lots on the DSP are different from the approved preliminary plan. Since the approval of the preliminary plan in 2004, the environmental features (primary management area (PMA)) on the western portion of the site has expanded out further onto the site. The DSP reduces the number of residential lots and changes the lot layout as shown on the originally submitted plans to accommodate the expanded area of the PMA. However, the overall lot layout and street pattern on DSP-04067-03 are not inconsistent with the approved preliminary plan. This DSP has technical inconsistencies that need to be corrected. Prior to certification of the DSP, the following technical corrections shall be made by condition of this approval:

- Provide lot sizes for all residential lots.
- Label all parcels and provide acreage and disposition of all parcels.
- Label the public and private rights-of-way and alleys and show their dimensions.
- Label and show the public utility easements (PUEs) along all rights-of-way pursuant to Sections 24-122(a) and 24-128(b)(12) of the Subdivision Regulations.
- Label and show the dimension of all sidewalks and trails.
- Revise the DSP based on comments on Sheets 7 and 8 as follows:

Sheet 7

- That the indicated PUEs be called out on the plans as same;
- That the ownership of Block A, Parcel A, be indicated on the plans;
- That the name, nature, and ownership of what is currently indicated as Block D, Parcel V, the right-of-way line along it be clarified and that the width of the right-of-way of the traffic circle be clarified and dimensioned; and
- That the narrow strips of land separating the property lines of Lots 4 and 5 on Block C, and Lots 4 and 5, 13 and 14, and 18 and 19 on Block D be identified and their ownership indicated, if they are to remain. In the alternative, the area of narrow strips of land may be equally divided between the two adjacent lots.

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Sheet 8

- That the property line be appropriately indicated together with bearings and distances along the right-of-way of St. Joseph's Drive and the northern and eastern extent of the subject property included on this sheet; and
- That the PUE along the southern and western boundary of portion of the subject project included on this sheet be called out on the plans as such.

DSP-04067-03 is in substantial conformance with approved Preliminary Plan 4-03094 as the above comments have been made conditions of this approval. Failure of the site plan and record plat to match will result in building permits being placed on hold until the plans are corrected.

- e. **Trails**—The subject DSP was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master plan in order to provide the master plan trails. The type of master plan bikeway and pedestrian circulation involves Prince George's County rights-of-way and sidewalks.

More particularly, the submitted DSP was reviewed for conformance with the MPOT and the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford Planning Area 73* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject property consists of 117.89 acres of land in the M-X-T Zone along the south side of Campus Way North. St. Joseph's Drive will be extended through the subject site from Landover Road (MD 202), and Ruby Lockhart Drive will connect the property to the Woodmore Town Center.

The following are trails-related review comments regarding master plan compliance and the requirements of prior approvals:

Conditions of approval from previous applications address bicycle and pedestrian access, as well as master plan trail issues. The majority of the bicycle and pedestrian facilities were required at the time of approval of the preliminary plan of subdivision. Conceptual Site Plan CSP-03001 (PGCPB Resolution No. 03-176) included some conditions addressing right-of-way dedication and one trail around a storm water management pond. See Finding 8 for a full discussion of the trails-related conditions of the preliminary plan and Finding 7 for a full discussion of the trails-related requirements of the CSP.

1. At the time of Detailed Site Plan, the following shall be provided:

- c. **An eight-foot-wide hiker/biker trail shall be provided across the SWM pond embankment connecting Street C and Street D.**

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2. **Prior to preliminary plan approval, the Department of Public Works and Transportation shall determine the appropriateness of the traffic circle along St. Joseph's Drive and approve its design elements.**
3. **If determined to be desirable and needed at the time of preliminary plan, the preliminary plan shall reflect an extension of Ruby Lockhart Boulevard beyond Saint Joseph's Drive to the west property line as a 70-foot right-of-way.**

Preliminary Plan 4-03094 (PGCPB Resolution No. 04-33) included the following condition of approval related to bicycle and pedestrian facilities:

6. **At the appropriate state of development, the applicant, his heirs, successors, and/or assignees shall provide the following:**
 - a. **Construct a standard sidewalk along the subject property's entire frontage of the west side of Campus Way North, per the concurrence of DPW&T.**
 - b. **Provide wide sidewalks (six to eight feet wide) along both sides of St. Joseph's Drive, per the concurrence of DPW&T.**
 - c. **Provide standard sidewalks along both sides of all other internal roads, per the concurrence of DPW&T.**
 - d. **Additional pedestrian amenities and safety measures are encouraged, including benches, curb extensions, well-marked or contrasting crosswalks, raised crosswalks, and pedestrian-scale lighting. These features shall be addressed at the time of Detailed Site Plan.**
 - e. **Private pedestrian access shall be provided to the front of the manor homes fronting on Campus Way North. The private pedestrian access shall periodically connect to the public sidewalk along the right-of-way (Condition 1 a. of CSP-03001).**
 - f. **An eight-foot-wide hiker/biker trail shall be provided across the SWM pond embankment connecting Street C and Street D (Condition 1 c. of CSP-03001).**

The approved DSP includes standard sidewalks along both sides of all internal roads and along the site's frontage of Campus Way North. Six-foot-wide sidewalks are included along both sides of St. Joseph's Drive.

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Condition 6(d) encourages the provision of additional pedestrian amenities and safety measures, including benches, curb extensions, well-marked and contrasting crosswalks, raised crosswalks, and pedestrian scale lighting. The approved DSP has incorporated the use of the median as a pedestrian refuge in the vicinity of the traffic circle. Crosswalks are indicated at many, but not all, intersections. St. Joseph's Drive includes a median, which can be utilized as a pedestrian refuge. The traffic circle along St. Joseph's Drive by condition of this approval shall include crosswalks along all four approaches. Additional conditions of approval related to crosswalks, trails, and curb cuts are also included below.

Regarding sidewalk connectivity, standard sidewalks are included on both sides of all internal roads and along the site's frontage of Campus Way North. Six-foot-wide sidewalks are approved along both sides of St. Joseph's Drive. These sidewalks, in conjunction with the additional trail being required by condition of this approval make the community walkable and pedestrian friendly, with sufficient sidewalks and numerous routes and alternatives for pedestrians.

Additional Trails-related requirements

- ADA curb cuts and ramps shall by condition of this approval be indicated at all locations where the sidewalk network intersects with the road system. Currently, some sheets include curb cuts and ramps and others do not. For example, Sheets 4, 5, 6, and part of 7 do not reflect the appropriate curb cuts, ramps, and crosswalks. Sheet 15 includes curb cuts and ramps for the sidewalk along Byword Boulevard at some locations, but they are missing at others.
- The trail connection from Street C to Street D that is shown on approved Preliminary Plan 4-03094 (Condition 6(f) of PGCPB Resolution No. 04-33) is not reflected on the approved site plan. However, the revised plans show a connection within the sewer right-of-way from Lady Grove Road (Sheet 4) to Lady Grove Road (Sheet 5). The sewer easement and trail connection shall by condition of this approval be off private lots and completely on homeowner's association land. This trail shall by condition of this approval be located a minimum of 20 feet from any private lot lines and 25 feet from any dwelling units.

The trails-related conditions of this approval bring the project into conformance with the relevant conditions of the CSP and preliminary plan for the site and to provide better sidewalk connectivity as outlined above.

The subject DSP was reviewed for conformance with the MPOT and/or the appropriate area master plan in order to provide the master plan trails and the following trails-related condition is noted.

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The approved plans included a trail connection from the end of Lady Grove Road to the eyebrow cul-de-sac along Street A that avoids the impact to the PMA.

Condition 1(0) of this approval includes a proffered second approximately 750-linear-foot segment of trail as specified there in between Lady Grove Road and Gant Court.

- f. **Permit Review**—The numerous Permit Review comments have either been addressed through revisions to the plans or in conditions of this approval.
- g. **Environmental Planning**—The Planning Board previously reviewed applications for this site including the approvals of Zoning Map Amendment (Basic Plan) A-9956, Conceptual Site Plan CSP-03001, and Type I Tree Conservation Plan TCPI/019/03. In 2003, Preliminary Plan of Subdivision 4-03094 was submitted and approved with an -01 revision to the TCPI. The Planning Board's action regarding the preliminary plan is found in PGCPB Resolution No. 04-33. The Board's approval was for a total of 393 lots. In September 2005, the Planning Board reviewed DSP-04067 and TCPII/082/05. The Board's conditions of approval are found in PGCPB Resolution No. 05-202 and the Notice of Final Decision of the District Council dated July 25, 2006. An -01 revision to DSP-04067 was reviewed for the construction of a water line to be installed in the right-of-way of St. Joseph's Drive; however, DSP-04067/01 was withdrawn. An -02 revision to DSP-04067 for architecture was reviewed and approved by the Planning Board or its designee.

The Detailed Site Plan (DSP-04067-03) the subject of this approval was originally reviewed by the Planning Board in 2009, but remained dormant until recent submissions were made. The current approval proposes the development of 49.46 acres of the 117.89-acre site in the M-X-T Zone for mixed-use development that consists of 82 townhouse units and 81 single-family detached units. The scope of this review is for the second phase of development and represents the -01 revision to TCPII/082/05.

The project is grandfathered with respect to the environmental regulations contained in Subtitles 24, 25, and 27, which came into effect on September 1, 2010 because the project has a previous preliminary plan approval (4-03094).

Site Description

The 117.89-acre property in the M-X-T Zone is located on the east side of Landover Road (MD 202), approximately 1,600 feet north of its intersection with Lottsford Road. Approximately 60 percent of this site has existing forest cover. Streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly-erodible soils are found to occur on the property. Landover Road (MD 202) and Campus Way North have been identified as transportation-related noise generators. The soils found to occur according to the Prince George's County Soil Survey include Collington fine sandy loam, Ochlockonee sandy loam, Shrewsbury fine sandy loam, and Westphalia fine sandy loam. Although some of these soils have limitations with respect to drainage and infiltration,

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those limitations will have the greatest significance during the construction phase of any development of this property. According to mapping research, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. According to the 2005 *Approved Countywide Green Infrastructure Plan*, one network feature from the plan is associated with the site; an evaluation area. The site is located in the headwaters of the Western Branch, Bald Hill Branch, and Southwestern Branch watersheds of the Patuxent River basin, and in the Developing Tier as reflected in the General Plan.

The Planning Board has included in this approval a summary of environmentally-related conditions of previous approvals. See Finding 7 for a discussion of environmentally-related Conditions 7 and 8 of the basic plan. See Finding 8 for a discussion of environmentally-related Conditions 8 and 10 of the conceptual site plan. See Finding 9 for a discussion of environmentally-related Conditions 1 and 3 of the preliminary plan. See Finding 10 for a discussion of environmentally-related Conditions 8–22 of Detailed Site Plan DSP-04067.

The following is the Planning Board's environmental review of the subject project:

- (1) The detailed forest stand delineation (FSD) submitted with Preliminary Plan 4-03094 was previously reviewed and found to meet the requirements of the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance.

No additional information is required with respect to the FSD.

- (2) The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there is an approved Type I Tree Conservation Plan, TCPI/019/03, and an approved Type II Tree Conservation Plan, TCPII/082/05.

The project is grandfathered with respect to the environmental regulations contained in Subtitles 24 25, and 27, that came into effect on September 1, 2010 because the project has a previous preliminary plan approval (4-03094).

The woodland conservation threshold for this 117.89-acre property is 15 percent of the net tract area or 17.32 acres. The total woodland conservation requirement based on the amount of clearing proposed is 30.17 acres. This requirement is proposed to be satisfied with 13.05 acres of on-site preservation, 2.09 acres of on-site reforestation, and 15.16 acres of off-site woodland conservation.

Conditions of this approval require technical changes to bring the project into conformance with the requirements of the Woodland Conservation Ordinance. An area of

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unauthorized clearing has occurred within the preservation area labeled on the plan as Preservation Area D. The clearing was associated with the installation of a temporary gravel road and must be shown on the plan and accounted for in the worksheet. A portion of the clearing and grading occurred within the critical root zone of Specimen Tree 222, a 59-inch elm that was identified during the Phase I review and approval as being high priority for preservation. The road and associated clearing shall by condition of this approval be shown on the plan. Further, the road shall by condition of this approval be shown to be removed and replanted. An evaluation of the health of the specimen tree and recommendations for preservation efforts by a Maryland tree expert has been reviewed by the Planning Board.

Sheet 14 shows an access easement through a preservation and reforestation area on Phase I. This access easement was not previously shown on the plans. Woodland conservation cannot be located in an easement. The woodland conservation must be removed from this easement and the calculations in the worksheet for Phase I shall by condition of this approval be updated accordingly.

The plan shows both an existing and a proposed tree line with the same line type and line weight making it difficult to determine the location of the existing tree line. The proposed tree line shall by condition of this approval be removed from the plan and the legend. The existing tree line shall by condition of this approval be made darker and more legible. Any conflicting tree lines shall by condition of this approval be addressed so that the existing tree line is the same as what was shown on the TCP approved for Phase I.

Temporary tree protection fence has been shown on some clearing edges; however, it shall by condition of this approval be consistently shown along all proposed clearing edges. The plan shall by condition of this approval be revised to show temporary tree protection fence and preservation signs along all clearing edges. Areas of reforestation shall by condition of this approval show permanent protection fence (split-rail or equivalent) and reforestation signs along all edges. Tree protection signs are shown in the legend with a single symbol and it is unclear whether this symbol is meant for preservation or reforestation. Separate symbols shall by condition of this approval be shown on the plan and in the legend for preservation, reforestation, and the protection of specimen trees.

No limits of disturbance have been shown surrounding Preservation Area C. The limits of disturbance surrounding Preservation Area J are graphically shown to cross the PMA in several locations. No limits of disturbance have been shown to account for the proposed sewer line running through Preservation Area J and F. The limits of disturbance shall by condition of this approval be accurately reflected on all sheets and revised as necessary to be graphically shown outside the PMA where PMA impacts have not been approved.

Woodland conservation shall by condition of this approval be removed from Lots 45 and 46, Block A (Sheet 2), and from Lots 14 and 16, Block D (Sheet 4). Areas of PMA and open areas behind lots are required to be the focus of reforestation; behind Lots 1 through

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5 and Lot 20, Block A (Sheet 3). Reforestation shall by condition of this approval also be provided in the open area behind Lot 22, Block A, and running between Preservation Areas J and C (Sheets 2 and 3). This area appears to be an old road and is a high priority for reforestation because it is located within the PMA. Reforestation shall by condition of this approval be concentrated within the open areas of PMA surrounding Preservation Area G (Sheet 4). The order of meeting woodland conservation includes on-site reforestation above off-site. The above identified areas shall by condition of this approval be planted to meet as much of the woodland conservation requirement on-site as possible.

Several woodland conservation labels shown in various locations on the plan conflict. For example, Sheet 11 shows two labels for the same reforestation area that have different area identifiers and different area calculation labels. The plan shall by condition of this approval be revised to ensure that all woodland conservation labels shown on the plan match the information shown in the summary tables on the cover sheet and are consistent across all sheets of the plan set.

The steep slopes have been accurately reflected on previous plans and shall by condition of this approval be removed from the plan and the legend to improve plan readability. Street labels are an important plan element for orientation; several sheets are missing street labels. The plan shall by condition of this approval be revised so that all streets are clearly labeled on all plan sheets. All information that was previously approved with Phase I has been made lighter on this revision to the TCP because it is not the focus of the application; however, once this TCP is certified it will serve as the approved plan for both phases. The street labels, lot numbers, and block identifications shall by condition of this approval be made darker in Phase I of the plan.

The worksheet reflects a larger area of on-site floodplain than that approved on the TCPI or that previously approved on the TCP II. Note 19 on the coversheet states the floodplain acreage as 2.43 acres, which is significantly larger than the 0.06 acre shown on previously approved plans. Note 19 shall by condition of this approval be revised to include an approved floodplain study number and/or an explanation as to why the on-site floodplain area increased so significantly.

Note 9 on the coversheet indicates that no historic sites are located on-site; however, the archeologically significant Rose Mount resource is located on-site. Note 9 shall by condition of this approval be revised to identify Rose Mount.

The woodland conservation area summary tables on the coversheet shall by condition of this approval be revised to include columns for phase information so that it is obvious under what phase the woodland conservation treatment is to occur.

The detail sheet requires several revisions. All standard TCP notes shall by condition of this approval be added to the plan including the standard TCP II notes, the preservation and reforestation notes, edge management notes, and the five-year reforestation

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management notes. Reforestation notes, per Condition 18 of PGCPB Resolution No. 05-202, and specimen tree preservation notes per Condition 8 of CSP-03001 shall by condition of this approval be shown on the plan, as previously shown on the approved TCPII. The split-rail fence detail shall by condition of this approval be added to the detail sheet as previously shown. The reforestation plant list shall by condition of this approval be revised to show the planting that was previously approved on the TCPII for Phase I, as well as the proposed planting for the current Phase II revision.

Additional information shall by condition of this approval be added to the TCPII detail sheet with respect to the preservation requirements of certain specimen trees.

- h. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department offered comment on needed accessibility, private road design, and the location and performance of fire hydrants.
- i. **Department of Public Works and Transportation (DPW&T)**—DPW&T offered numerous comments that will have to be addressed before the application will receive the required permit from DPW&T. Among these comments, the following is the most salient:
 - The proposed site development has an approved Stormwater Management Concept Plan, 39070-2007, dated June 12, 2008

The Planning Board is in receipt of a stormwater management concept approval letter issued by DPW&T indicating that the approval was issued on May 12, 2011, and that it is set to expire on May 4, 2013. A condition of this approval requires the applicant to apply for and receive from DPW&T an extension of the validity of the concept plan as it is likely to expire prior to final approval of the subject project.

Subsequent to receipt of the DPW&T referral comments, the question arose as to the private nature of the streets on which townhouses front. The Planning Board indicated that Subtitle 24, Subdivisions, requires that townhouses be located on public streets and DPW&T indicated they would not assume responsibility for the perpetual maintenance of such streets. An agreement was subsequently reached that roads on which townhouses front would be publically owned, but privately maintained. A condition of this approval requires that the applicant provide a written agreement with DPW&T that would require that the applicant and/or homeowners association be obligated to maintain specified public streets in the subdivision on which townhouses front in the subject project, prior to signature approval of the plans.

- j. **Prince George's County Health Department**—The Environmental Engineering Program of the Prince George's County Health Department stated that they had completed a health impact assessment review of the detailed site plan submission for the "03" revision of Balk Hill Village, and offered the following comments:

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- (1) The public health value of access to active recreational facilities has been well documented. Indicate the location of active recreational facilities within one quarter mile of the proposed residences.

While design constraints and the approval history of the subject property prevent full conformance with this suggestion of the Health Department, the subject approval includes substantial additional recreational facilities of note. These include: a 200-square-foot sitting area including four benches and landscaping for shade; a 900-square-foot picnic area including an outdoor fireplace, four picnic tables, trash receptacles, and landscaping for shade; two six-foot-wide stretches of trail (approximately 500 and 750 linear feet, respectively), with a minimum of six exercise stations between them; and a third sitting area, that has been approved in concept by the Historic Preservation Commission proximate to the historic resource that will include four-foot-tall decorative aluminum fencing around the Rose Mount foundation area, two decorative four- to six-foot metal benches, an irregular pattern flagstone pavement treatment, landscaping for shade, and an interpretative sign. The available open space adjacent to the three sitting areas would provide some area for free play, shall by condition of this approval include an open play area or dog park as space permits. In addition, the approval requires a community garden, which will provide additional recreational opportunities. The community garden will be retained in perpetuity, except that the homeowners association will retain the right to convert the proposed garden into an enhanced landscaped area including trees, shrubs, and flowers.

- (2) Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how development of the site will provide for safe pedestrian access to amenities in the adjacent communities.

Standard sidewalks are proposed on both sides of all internal roads of the subject project and along the site's frontage of Campus Way North. Six-foot-wide sidewalks are proposed along both sides of St. Joseph's Drive. These sidewalks were augmented on revised plans by a single trail between the cul-de-sac of the portion of Lady Grove Road which connects to Campus Way North, (Sheet 4) and the eyebrow cul-de-sac at the intersection of Street A, (Sheet 13). This trail offering and sidewalk network has been augmented by the applicant's proffer to include a second stretch of trail. This trail would run along the sewer easement that stretches from the portion of Lady Grove Road which connects to Campus Way North running between Stormwater Management Pond 1 and Lot 48 (Sheet 4) along the sewer easement, between Lots 9 and 10, to the cul-de-sac of Gant Court (Sheet 5). The sidewalk and trail offerings will make the community walkable and pedestrian-friendly, with sufficient sidewalks and numerous routes and alternatives for pedestrians. In addition, conditions of this approval ensure that crosswalks be instituted at the four approaches to the traffic circle and that ADA curb cuts, ramps, and crosswalks be included for ADA access at all locations where sidewalks intersect with the road system. Such crosswalks shall by condition of this approval be marked with high-visibility pavement

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markings and/or made of a contrasting surface material. Lastly, all necessary connections are made with the existing sidewalk network of Phase I of this project, making pedestrian access to and within the site a seamless web.

- (3) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light. It is recommended that light levels at residential property lines should not exceed 0.05 footcandles.

A condition of this approval requires that all light fixtures be of a downward-facing design so that light trespass caused by light spillage is minimized in accordance with this suggestion.

- k. **Maryland State Highway Administration (SHA)**—The Planning Board did not receive comment from SHA regarding the subject project.
- l. **Verizon**—The Planning Board did not receive comment from Verizon regarding the subject project.
- m. **Potomac Electric Power Company (PEPCO)**—In an email received January 17, 2013, PEPCO indicated that they reviewed the plans and that they concur with General Note 18 on Sheet 1 of 16 that a ten-foot-wide public utility easement (PUE) will be provided along all public rights-of-way. However, they did not see the PUE identified on the DSP. They said that they did see what appears to be the demarcation of a PUE, but that the symbology was not identified in the legend. Further, they stated that additional easements for PEPCO equipment may be required depending on loads and their respective locations.

A condition of this approval requires that, prior to signature approval, the symbol indicating the PUE be appropriately identified in the legend of the plan set.

13. Based upon the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the subject detailed site plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

In addition, as required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. The regulated environmental features on this site have been preserved in a natural state to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and

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Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP11-082-05-01) and further APPROVED Detailed Site Plan DSP-04067/03 for the above-described land, subject to the following conditions:

1. Prior to certification of the detailed site plan (DSP), the following revisions shall be made or the additional specified documentation provided:
 - a. Label and show the public utility easement (PUE) along all rights-of-way and the symbol representing the PUE shall be identified in the plan legend.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall indicate the following on the plan set:
 - (1) Standard sidewalks along the subject property's entire frontage of the west side of Campus Way North, unless modified by the Department of Public Works and Transportation (DPW&T).
 - (2) Six-foot-wide sidewalks along both sides of St. Joseph's Drive, unless modified by Department of Public Works and Transportation (DPW&T).
 - (3) Crosswalks on all four approaches to the traffic circle to be constructed of a contrasting surface material, unless modified by the Department of Public Works and Transportation (DPW&T).
 - c. The plans shall be modified to include ADA (Americans with Disabilities Act) curb cuts, ramps, and crosswalks at all locations where sidewalks intersect with the road system. All crosswalks shall be indicated to be marked with high visibility pavement markings and/or made of contrasting surface material.
 - d. The plans shall be revised to ensure that the eight-foot-wide hiker/biker trail from the end of Lady Grove Road (Sheet 4) to the end of the cul-de-sac on Street A (Sheet 13) is located entirely off private lots and on homeowners association property. It shall be constructed prior to issuance of building permits for all abutting residential lots, including Lots 10, 42, and 43. The timing element for the trail shall be bonded by the time of issuance of the 10th building permit for Phase II and constructed prior to issuance of the 82nd building permit for Phase II. This requirement shall be added to the recreational facilities agreement. A 6-foot high non-white, non-wood, low sheen, durable fence shall be constructed on homeowner association land parallel and in close proximity to its common boundary with Lot 43. The fence shall be constructed prior to the issuance of a use and occupancy permit for the dwelling unit to be located on Lot 43.
 - e. Decks will be optional; however the applicant shall provide evidence that the homeowners association documents have been revised to provide uniform design standards for decks to require that the publicly visible parts of the floor, rails and fascia boards of all decks shall

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be constructed of or clad with a vinyl, composite or comparable non-wood material. Supports including columns and floor joists may be constructed of wood. The side elevations of the proposed units shall be redesigned so as to include no less than three architectural features on the less visible lots and no less than four architectural features in a reasonably balanced arrangement on the highly visible lots, with final design of these side elevations to be approved by the Planning Board or its designee prior to signature approval. The false louvers, bay windows, normally optional features, may be employed on the models placed on the highly-visible lots to meet the architectural features listed above.

- f. The applicant shall provide lot sizes for all residential lots.
- g. Label all parcels and provide acreage and disposition of all parcels.
- h. Label and dimension the width of all of the public and private rights-of-way and alleys.
- i. Label and show the dimension of all sidewalks and trails.
- j. Revise Sheets 7 and 8 of the DSP plan set as follows:

Sheet 7

- That the indicated public utility easements be called out on the plans as same;
- That the ownership of Block A, Parcel A, be indicated on the plans;
- That the name, nature, and ownership of what is currently indicated as Block D, Parcel V, the right-of-way line along it be clarified and that the width of the right-of-way width of the traffic circle be clarified and dimensioned; and
- That the narrow strips of land separating the property lines of Lots 4 and 5 on Block C, and Lots 4 and 5, 13 and 14, and 18 and 19 on Block D be identified and their ownership indicated, if they are to remain. In the alternative, the area of narrow strips of land may be equally divided between the two adjacent lots.

Sheet 8

- That the property line be appropriately indicated together with bearings and distances along the right-of-way of St. Joseph's Drive and the northern and eastern extent of the subject property included on this sheet; and
- That the public utility easement along the southern and western boundary of portion of the subject project included on this sheet be called out on the plans as such.

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- k. The Highly Visible Lot Exhibit shall be modified to include the following lots:
- Block A, Lots 2, 10, 42, 43, 48, and 49 in the northern portion of the subdivision;
 - Block E, Lots 1 and 13, and Block D, Lots 39 and 51 in the mid-portion of the subdivision; and
 - Block C, Lots 9, 13, and 16 in the southern portion of the development.
- l. The applicant shall revise General Note 14 to reflect the current stormwater management concept approval, which was approved on May 12, 2011 and is due to expire on May 4, 2013, or to include updated information if the applicant has successfully procured an extension of that approval from the Department of Public Works and Transportation.
- m. Add a note stating that the height of the proposed sculpture in the traffic circle, measured from grade and not including any berm it may be set on, shall measure a minimum of 19 feet tall, plus or minus six inches.
- n. Plans for the project shall be revised to include a community garden. Final placement and design of the community garden shall be approved by the Planning Board or its designee. Notes on the plan shall state that the homeowners association may decide at any time in accordance with their by-laws to eliminate the community garden, in which case, it shall be redesigned as an enhanced landscaped area to include trees, shrubs, and flowers. This modification shall not require a formal revision to the plans.
- o. The following proffered recreational facilities shall be designed in accordance with *Parks and Recreation Facilities Guidelines* and included on the revised plans, to be verified and approved by the Planning Board or its designee:
- (1) A 200-square-foot sitting area including four benches, a trash receptacle, and landscaping for shade;
 - (2) A 900-square-foot picnic area including four picnic tables, trash receptacles, and landscaping for shade;
 - (3) A second stretch of eight-foot-wide hiker/biker trail (approximately 750 feet long) to complement the one already shown from the end of Lady Grove Road (Sheet 4) to the end of the eyebrow cul-de-sac adjacent to Lot 10 (Sheet 13). This second stretch of trail shall be located within the sanitary sewer easement from the portion of Lady Grove Road which connects to Campus Way North running between Stormwater Management Pond 1 and Lot 48 (Sheet 4), between Lots 9 and 10, to the cul-de-sac of Gant Court (Sheet 5). Additionally, it shall be located entirely off private lots and on homeowners association property. It shall be constructed prior

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to issuance of building permits for all abutting residential lots including Lots 9, 10, 19, 20, and 48. The timing for this second stretch of trail shall be the same as the originally included trail, bonded by the time of issuance of the 10th building permit for Phase II and constructed prior to issuance of the 82nd building permit for Phase II. This requirement shall be added to the recreational facilities agreement. Both this trail and the trail already shown on the detailed site plan shall include a minimum of three exercise stations each or six stations combined. Prior to certification, the applicant shall determine whether the location of this section of the trail can be adjusted so as to provide a minimum of 20 feet from all private lot lines and 25 feet from all dwelling units. If such relocation is not reasonably possible, a 6-foot high non-white, non-wood, low sheen, durable fence shall be constructed on homeowner association land parallel and in close proximity to the common boundary of such homeowner association land and Lots 9, 10, 19, 20 and 48. Other methods to address privacy of the yards adjacent to the trail may be considered, subject to the review and approval by the Planning Board or its designee;

- (4) A third sitting area that has been approved in concept by the Historic Preservation Commission proximate to the archeological and historic resource Rose Mount that will include four-foot-tall decorative aluminum fencing around the Rose Mount foundation area, two decorative four- to six-foot metal benches, an irregular pattern flagstone pavement treatment, landscaping for shade, and an interpretative sign; and
 - (5) Provide a tot lot in the area near the intersection of Byward Boulevard and Grovehurst Lane, or in another location agreed to by the Planning Board or its designee and the applicant.
- p. A note shall be added to the plans stating that the "Manor House" units shall not include rental or condominium units, and each Manor House unit shall contain exactly three attached "buildings," arranged or designed as "one-family dwellings," in accordance with the Zoning Ordinance's definition of a "townhouse."
 - q. A note shall be added to the plans stating that at least 80 percent of the approved dwelling units shall have brick or stone front façades as shown on the approved architectural elevations. A tracking chart shall be provided on the coversheet of the detailed site plan, to account for the brick façades at the time of building permit.
 - r. A note shall be added to the plans stating that no two identical façades may be located next to or across the street from one another.
 - s. The plans shall include a detail for the fence to be placed proximate to the historic resource on the plans. Such detail shall reflect the design approved by the Historic

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Preservation Section for a four-foot-high decorative aluminum fence for the Rose Mount foundation area and shall be approved by the Planning Board or its designee.

- t. Dimensions of each house type including all options, garages, and front porches or stoops shall be provided on the template sheets. Further, whether front porch stoops are covered or not shall be indicated.
- u. Dimensions and material of the driveways shall be provided on the plans for the project.
- v. The bearings and distances shall be shown on the plans for the project and they shall be legible and match those indicated on the record plats for the project.
- w. The location with top-of-wall and bottom-of-wall elevations of all retaining walls shall be provided on the plans for the project.
- x. A parking and loading schedule shall be provided on the plans for the project, including both required and provided parking and loading, and shall individually include all requirements for commercial, residential, and the community/performance space.
- y. A dimensioned detail of each type of parking space (standard, compact (if any), standard handicap parking, and van-accessible handicap parking) shall be included on the plans for the project.
- z. Ramps and depressed curbing providing an accessible route from all parking for the physically handicapped shall be demonstrated on the plans for the project.
- aa. All sheets of the approved technical stormwater management plans shall be submitted. All features included thereon, including level spreaders located along the back property lines, stormwater and stormdrain features shall be shown on the TCPII.
- bb. The recreational facilities required by Phase II of this project included in Sub-conditions 1(d) and 1(o) shall to be bonded by the time of issuance of the 10th permit for Phase II of the development and constructed prior to issuance of the 82nd permit for Phase II of the project. The recreational facilities agreement for the project shall be revised to reflect the above, to include the additional recreational facilities and to update the timing schedule for the additional facilities. The homeowner's documents shall also reflect the revised additional information.
- cc. The plans for the project shall be revised to include the appropriate labels for all blocks, lots, and/or parcels for the project. Such labeling shall be approved as correct by the Planning Board or its designee.

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- dd. The parking schedule for the project shall be corrected to reflect parking required by Part 11 of the Zoning Ordinance and revised to include required parking for the three commercial buildings included in Phase I of the project.
 - ee. All street lights shall have fixtures of a downward facing design so that light trespass caused by spill light shall be minimized.
 - ff. The applicant shall provide staff with written documentation of the agreement between the applicant and the Department of Public Works and Transportation (DPW&T) ensuring that the public streets on which townhouses front in the development will be maintained by the applicant and/or homeowner's association in perpetuity, and that DPW&T has approved the width of the street indicated on the plans submitted for certification.
 - gg. The applicant shall add one parking space for the commercial/retail/office portion of the project, subject to final review and approval by the Planning Board or its designee.
 - hh. The gross and net acreage of the site for both phases and the acreage conveyed to the Prince George's County Revenue Authority shall be accurately reflected throughout the plan set to the satisfaction of the Planning Board or its designee. Remove the land that has been conveyed to the Prince George's County Revenue Authority from the DSP to the mutual satisfaction of the Planning Board or its designee and the applicant.
 - ii. If permitted by the Zoning Ordinance, provide a monument entrance identification sign near the St. Joseph's Drive entrance to the community. The exact location, dimensions, construction material and sign message shall be consistent with the requirements of the Zoning Ordinance, subject to the final review and approval of the Planning Board or its designee.
 - jj.. Revise and correct the general notes on the DSP, subject to the review and approval of the Planning Board or its designee.
 - kk. The applicant shall provide a plan note indicating their intent to conform to construction activity dust control requirements as specified in the applicable Maryland Standards and Specifications for Soil Erosion and Sediment Control.
 - ll. The applicant shall provide a plan note indicating that the DSP is subject to environmental noise standards, sound level limits and noise control rules and regulations adopted pursuant to Md. Environmental Code Ann. §3-401 et seq. and COMAR 26.02.03.00 et seq.
2. The connection of St. Joseph's Drive between Campus Way North and Ruby Lockhart Drive will be opened to general traffic upon the release of the 125th permit of the second phase, or no later than June 2015.

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3. Ruby Lockhart Drive, east of St. Joseph's Drive, to the eastern property line will be bonded and permitted no later than December 2014. The applicant shall construct the roadway within six months of notice to construct said roadway being given by the Department of Public Works and Transportation (DPW&T).
4. Prior to issuance of any grading permits or any ground disturbance within or adjacent to proposed Parcel J, the applicant shall:
 - a. Ensure that a qualified archeologist is present at any pre-construction meetings for the development and is present to monitor any clearing or grading within or adjacent to Parcel J.
 - b. Install permanent fencing around the foundation of Rose Mount. Installation of the fencing is subject to the Historic Area Work Permit (HAWP) application process.
5. Prior to issuance of the 66th building permit for Phase II for the proposed development, the applicant shall provide signage and other appropriate interpretative measures for the Rose Mount Historic Site (73-009, Archeological Site 18PR754), such as brochures, web site material, etc., designed to provide public information about the significance of the property. The interpretive measures shall be reviewed and approved by Historic Preservation staff as designee of the Historic Preservation Commission. The installation of interpretive measures is subject to the Historic Area Work Permit (HAWP) application process.
6. In addition to any county permit required, the applicant shall also obtain a Historic Area Work Permit (HAWP) to perform grading within the Rose Mount historic site's 3.94-acre environmental setting. The applicant shall also develop an invasive species management plan for the removal of invasive species within the environmental setting, which is also subject to the HAWP application process.
7. Prior to certification of the detailed site plan, the Type II tree conservation plan (TCP II) shall be revised as follows:
 - a. Revise the detail sheet to include all notes and details that were shown on the detail sheet approved for Phase I.
 - b. Provide a five-year maintenance schedule prepared by a certified arborist and/or licensed tree expert for the treatment of Specimen Tree 222. The maintenance schedule shall outline the timing and the responsible party for the following required treatments:
 - (1) The use of a vibratory plow for any additional root pruning that may be necessary;
 - (2) No more than 25 percent of the feeder roots shall be impacted;
 - (3) Vertical mulching and deep root fertilization shall be done;

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- (4) Provide an access point in the tree protection fence;
 - (5) Crown cleaning shall be performed;
 - (6) All trash and debris shall be removed by hand from within the drip line;
 - (7) Provide regular watering;
 - (8) All equipment shall be kept outside the tree protection fence.
- c. Add a note to the TCP stating that the applicant should provide an annual inspection report shall be submitted to the Environmental Planning Section to ensure that the maintenance schedule is followed for Specimen Tree 222.
- d. The detail sheet shall be updated to include the maintenance schedule and all notes and details necessary to implement the maintenance schedule for Specimen Tree 222.
- e. Revise the specimen tree table to include a column to indicate which trees have been survey-located.
- f. Revise the plan to show temporary tree protection fence and specimen tree preservation signs surrounding Trees 212, 229, 230, and 232.
- g. Add a note to the TCP stating that the applicant should provide a post construction evaluation of Trees 212, 229, 230, and 232, performed by a certified arborist and/or licensed tree expert. This evaluation shall contain an opinion as to the long-term survivability of these trees.
- h. Show the area of unauthorized clearing through Preservation Area D, account for the clearing in the worksheet, and show the area as reforested.
- i. Remove woodland conservation from the access easement shown on Sheet 14.
- j. Remove the proposed tree line from the plan and the legend. Make the existing tree line darker and revise as necessary to be consistent with the tree line shown on previously approved plans.
- k. Provide temporary tree protection fence and preservation signs along all clearing edges.
- l. Provide permanent tree protection fence and reforestation signs along all reforestation edges.

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- m. Provide separate symbols in the legend and on the plan for preservation, reforestation, and specimen tree protection signs.
- n. Show the limits of disturbance surrounding all proposed site development activities. Revise the limits of disturbance as necessary to be graphically shown outside the PMA where impacts to the PMA have not been approved.
- o. Remove woodland conservation from Lots 45 and 46, Block A (Sheet 2), and Lots 14 and 16, Block D (Sheet 4).
- p. Provide reforestation in the open areas within and adjacent to the PMA behind Lots 1 through 5 and Lot 20, Block A (Sheet 3), behind Lot 22, Block A, between preservation areas J and C (Sheets 2 and 3), and the area surrounding Preservation Area G (Sheet 4).
- q. Ensure all woodland conservation labels and areas are consistent across all plan sheets and match the summary tables shown on the coversheet.
- r. Remove steep slopes from the plan and legend.
- s. Ensure all streets are labeled on the plan.
- t. Revise the street labels and lot and block labels for Phase I to be darker.
- u. Revise Note 19 on the coversheet to include an approved floodplain study number and/or an explanation as to why the area of existing floodplain significantly increased from previous approvals.
- v. Revise Note 9 on the coversheet to identify the archeologically-significant Rose Mount resource.
- w. Revise the woodland conservation area summary tables on the coversheet to include a column for phase identification.
- x. Revise the detail sheet to include all standard TCP notes including:
 - (1) The standard TCP II notes;
 - (2) The preservation and reforestation notes;
 - (3) The edge management notes;
 - (4) The five-year reforestation management notes;
 - (5) The reforestation notes per Condition 18 of PGCPB Resolution No. 05-202;

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- (6) The specimen tree preservation notes per Condition 8 of CSP-0300;
 - (7) The standard split-rail fence detail;
 - (8) Update the reforestation plant list to show the planting that was previously approved on the TCPH for Phase I, as well as the proposed planting for the current Phase II revision.
- y. The limits of disturbance and all stormwater management and stormdrain features shown on the technical plans shall be reflected on the TCPH.
- z. Add a note to the TCP stating that all reforestation and associated fencing and signs shall be installed prior to issuance of a building permit for lots abutting reforestation areas. A certification prepared by a qualified professional shall be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area and the associated fencing in relation to the abutting lot, with labels on the photos identifying the locations, and a plan showing the locations where the photos were taken.
8. The fountain in the traffic circle on St. Joseph's Drive which was originally (as part of the Phase I approval of the subject project) to be constructed in accordance with the fountain detail on the original detailed site plan, as referenced in the recreational facilities agreement (RFA) executed on December 27, 2006, shall be replaced by a 19-foot-tall (\pm six inches) sculpture of the "wayfinder variety" as defined by artist Alan Binstock, to include specialty lighting, and paving, subject to the approval by Department of Public Works and Transportation (DPW&T). The RFA shall be modified as necessary to reflect this change.
9. Prior to issuance of the 200th building permit for Phase I and II of the Balk Hill Village project combined, the applicant shall provide evidence to staff that the applicant has worked with the Fox Lake and Ridgewood communities restoring the entranceway in hardscape and landscape at a cost not to exceed \$35,000 in conformance with Condition 11 of the approval of Zoning Map Amendment (Basic Plan) A-9956-C for the project.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

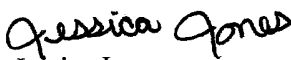
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* * * * *


This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, April 25, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of April 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCP&PC Legal Department
Date 5/21/13

CERTIFICATE OF APPROVAL

BALK HILL VILLAGE DSP-04067-05

The resolution for this Detailed Site Plan was approved on November 18, 2010 by the Prince George's County Planning Board in accordance with Subtitle 27, Part 3, Division 9 of the Prince George's County Code. The official decision of this case is embodied in Prince George's County Planning Board Resolution No. 10-121, which contains the conditions listed below:

1. Prior to signature approval of the plans, the applicant shall revise the plans for the project as follows:
 - a. On corner lots where the sides of single-family detached homes are exposed to public streets, and on lots identified as "highly visible" on staff's exhibit a brick watertable shall be provided along the entire length of the side elevations, and windows and doors shall be provided with a minimum four-inch trim.
 - b. A minimum of 60 percent of the approved dwelling units shall have brick or stone front façades as shown on the approved architectural elevations. A tracking chart shall be provided on the coversheet of the detailed site plan to account for the brick façades at the time of building permit.
 - c. No two identical façades may be located next to or across from one another.
 - d. Plans for the architectural models shall be maintained in the sales office of the subdivision.
 - e. The applicant shall revise the side architectural elevations in the case file to comport with those presented at the Planning Board hearing.
 - f. All front architectural elevations for the Tuscan model, including sidelights on one side of the front entranceway, shall be revised to include sidelights on the opposite side as well. All front architectural elevations for the Piedmont and Tuscan models with Front Elevations A, D and G, shall be redesigned with cross gables and/or dormers so as to add articulation to the roof line. Final design of said façades shall be approved by the Urban Design Section as designee of the Planning Board.
 - g. All front elevations for the Piedmont and Tuscan models, Front Elevations A, D, and G, shall be made standard or these elevations shall not be approved and shall be redesigned with cross gables and/or dormers so as to add articulation to the roof line. Final design of said façades shall be approved by the Urban Design Section as designee of the Planning Board.

This approval includes:

- 1 Cover Sheet
- 1 Approval Sheet
- 1 Template Sheet (3A)
- 17 Architectural Elevations

Any departure from this plan shall be resubmitted to the Planning Board for approval.

This Detailed Site Plan is valid for 3 years, until November 18, 2013, or as provided for in Section 27-287.

**CERTIFIED BY AUTHORITY OF:
The Prince George's County Planning Board**

Signed: 
Steven D. Adams, Urban Design Supervisor

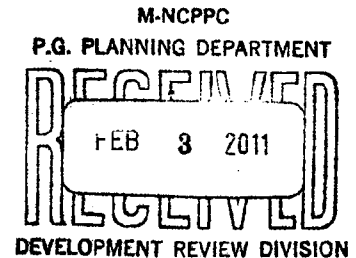


THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

February 1, 2011

INTRA-OFFICE MEMORANDUM



TO: Alan Hirsch, Acting Chief
Development Review Division
Maryland National Capital Park and Planning Commission

FROM: ^{see}Redis C. Floyd
Clerk of the Council

RE: **DSP 04067/05 Balk Hill Village**
D.R. Horton c/o James Ibarra, Applicant
Located at the eastern quadrant of the intersection of Largo Road
(MD 202) and St. Joseph Drive (125.40 Acres, M-X-T Zone)

This is to advise you that:

- (X) The District Council has not elected to review the subject application during the thirty-day review period.
- (X) No appeal was received during the thirty-day appeal period.
- (X) Therefore, the Planning Board's decision stands final.
- () On _____, District Council elected to make the final decision on the subject application.

cc: ✓ Ruth Grover
All Persons of Record

MN
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PPC

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

November 23, 2010

D.R. Horton
15810 Gaither Drive, Suite 220
Gaithersburg, Maryland 20877

Re: Notification of Planning Board Action on
Detailed Site Plan – DSP-04067/05
Balk Hill

Dear Applicant:

This is to advise you that on **November 18, 2010** the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-523, the Planning Board's decision will become final 30 calendar days after the date of the final notice **November 23, 2010** of the Planning Board's decision unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or any Person of Record in the case; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-883-5784.)

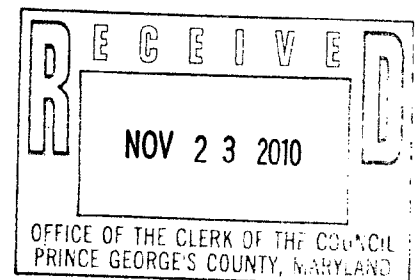
Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the Council, at the above address.

Very truly yours,
Alan Hirsch, Acting Chief
Development Review Division

By: Ruth E. Groves
Reviewer

c: Redis C. Floyd, Clerk to the County Council
Persons of Record

PGCPB No. 10-121





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-121

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. DSP-04067/05

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on November 4, 2010, regarding Detailed Site Plan DSP-04067/05 for Balk Hill Village, the Planning Board finds:

1. **Request:** This application requests the addition of the Tuscan and Piedmont architectural models to the architecture approved for the subdivision.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Single-family detached residential and vacant land	Single-family detached
Acreage	125.40	125.40
Lots	192	192

3. **Location:** The site is in Planning Area 73, Council District 5. More specifically, it is located 2,500 feet northwest of the intersection of Campus Way North and Lottsford Road.
4. **Surrounding Uses:** The subject property is bounded to the east by Phase 2 of the project, with a commercial shopping center in the M-X-T Zone beyond; to the north and east by Campus Way North, with residential land use in the Residential Suburban Development (R-S) Zone beyond; and to the south by vacant land in the M-X-T and I-3 Zones, residential land use in the Commercial Office (C-O) Zone, and Landover Road.
5. **Previous Approvals:** Basic Plan A-9956 was approved for the project on July 23, 2002 and its approval memorialized in Zoning Ordinance No. 16-202. Conceptual Site Plan CSP-03001 was then approved for the project on September 11, 2003 and its approval formalized in PGCPB Resolution No.03-176. Preliminary Plan of Subdivision 4-03094 was approved by the Planning Board on February 19, 2004 and its approval formalized in PGCPB Resolution No. 04-33. The Planning Board approved Detailed Site Plan DSP-04067 for Balk Hill Village on September 14, 2005 (PGCPB Resolution No. 05-202). The District Council then elected to review the case and, in an Order of Remand dated March 13, 2006, returned the case to the Planning Board which reapproved the case June 1, 2006, with conditions. The District Council then finally approved the application on July 18, 2006, with conditions. Since the time of the original approval, the application has been the subject of four revisions prior to the subject DSP. These include: DSP-04067/01 for the installation of a public water line, which was later withdrawn;

DSP-04067/02 was approved for the addition of four architectural models; DSP-04067/03 is a pending application for 86 townhouse units and 96 detached units; and DSP-04067/04 was approved for a revision to the entrance sign and decorative wall along Campus Way. The project is also subject to approved Stormwater Management Concept Plan 315-2005-00, approved on March 21, 2008 and valid until March 21, 2011.

6. **Design Features:** This application requests the addition of the Tuscan and Piedmont architectural models to the architecture approved for the subdivision. The base square footage for the Tuscan model is 2,894 square feet and 2,714 square feet for the Piedmont model. These new units have front-loading garages, though most other architecture previously approved for the project has been rear loading. These units, therefore, can only be utilized on Lots 1 through 23 in this first phase of the Balk Hill Village project. These are the only lots that are not served by alleys at the rear, except for the Manor homes along Campus Way North, which are already built and a different architectural type.

The existing approved architecture for the Balk Hill Village project includes the following models, with their square footage indicated:

- The 64-foot, two-unit manor house (2,736 square feet and 2,440 square feet)—End Mansion
- The 100-foot, three-unit manor house (2,736 square feet and 2,440 square feet)—Interior Mansion
- Unit G— 3,216 square feet (40-foot)
- Unit G— 3,463 square feet (45-foot)
- The Harrison— 2,945 square feet
- The Monroe— 2,959 square feet
- The Taylor— 3,312 square feet
- The Filmore— 2,585 square feet

The last four models were revised as part of the /02 revision to the detailed site plan. The approved architecture, as revised, includes well-balanced form and massing and the consistent and aesthetically pleasing use of architectural detail and ornamentation so as to create a rich visual presentation. The two additional models under consideration present a somewhat simpler architecture which, on the whole, presents a less pleasing appearance and does not maintain the level of architectural quality established by the previously approved models. The Planning Board has reviewed the variety of dissimilar elevations offered for each model and, by selecting the more visually-pleasing elevations and selectively conditioning the choice and application of architectural

detail and ornament, find them compatible with the approved architecture and fitting for the superior quality of the Balk Hill development.

Below, all proposed elevations are evaluated and conditions discussed that would improve the use of architectural detail and ornament. The Piedmont and Tuscany elevations are almost identical except for, generally, a reversal in the window placement from one side of the entranceway to the other. Thus, the seeming diversity offered by nine different elevations of two different models results, in essence, in the addition of a single model to the approved architecture for the case.

The Piedmont

The Piedmont model, offering nine different elevations, is basically rectilinear in form with the garage section of the unit separated from the primary living space by a differentiated roofline. The primary living space generally has windows on both stories, while the garage section has either one or no windows. On most of the nine elevations, the window to the left of the entrance door is either elevated or the lower portion of a two-story-high window.

Architectural treatment of the windows should be regularized in placement, design, and detail. The window design should remain constant except where justified by a design consideration such as the inclusion of a small window under the pedimented roofline above the garage door. The application of architectural detail is irregular, with keystone-like features utilized on some parts of the fenestration, but not all. The various elevations also propose a variety of roofline treatments. Unlike the previous approved architecture for the project, some offer no embellishment, while others have multiple-pedimented cross-gables and window accents, offering more visual interest. Due to the perspective of the elevation drawings offered, it is sometimes difficult to discern whether sidelights are included on either side of all front entranceways. Therefore, the Planning Board has conditioned, after the applicant indicated that use sidelights on both sides was impossible on the Piedmont, the use of decorative pilasters down either side of the door, together with well balanced light fixtures on either side of the door and either a peephole or small window in the door to ensure visibility for safety.

The Planning Board makes the following recommendations regarding the Piedmont model:

- a. Piedmont Front Elevations A, D, and G, evidencing virtually no variation in roofline, shall be redesigned with cross gables and/or dormers so as to add articulation to the roof line. Final design of said façades shall be approved by the Urban Design Section as designee of the Planning Board.
- b. Piedmont Front Elevation B
 - (1) The windows to the left of the entrance door should line up with the windows on the right side of the entrance door.
 - (2) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.

- (3) Shutters should be utilized on all of the windows.

c. Piedmont Front Elevation C

- (1) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.
- (2) The windows to the left of the entrance door should line up with the windows on the right side of the entrance door.

d. Piedmont Front Elevation D

- (1) The architectural detail of the keystone-type detail in the first story lintel and transom should be included over the entrance door and the windows on the upper story.
- (2) The windows to the left of the entrance door should line up with the windows on the right side of the entrance door.

e. Piedmont Elevation E

- (1) The windows to the left of the entrance door should line up with the windows on the right side of the entrance door.
- (2) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.
- (3) Shutters should be utilized on all of the windows.

f. Piedmont Elevation F

- (1) The architectural detail and ornament, such as keystone-type detail, should be utilized uniformly on all transoms and lintels on the façade.
- (2) The windows to the left of the entrance door should line up with the windows on the right side of the entrance door.

g. Piedmont Elevation G

- (1) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.

- (2) The windows to the left of the entrance door should line up with the windows on the right side of the entrance door.

h. Piedmont Elevation H

- (1) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.
- (2) The windows to the left of the entrance door should line up with the windows on the right side of the entrance door.

i. Piedmont Elevation I

- (1) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.
- (2) The window to the right side of the front entranceway should be regularly positioned in line with the two windows to the left.

The left and right elevations for the Piedmont model are acceptable, utilizing four reasonably well-balanced architectural features. This design will be somewhat embellished, on highly visible lots, by the addition of four-inch trim and a brick watertable as proposed in Condition 1a below, carried forward from the original approval of the Balk Hill Village case, on corner lots where the sides of single-family detached homes are exposed to public streets. Staff is recommending extending this treatment to several other vacant lots in the subdivision identified as highly visible on Staff's Exhibit 1. The Piedmont rear elevations, though quite plain and unadorned, are found acceptable by staff.

The Tuscan

The Tuscan model, offering nine different elevations, is basically rectilinear in form with the garage section of the unit separated from the primary living space by a differentiated roofline. The primary living space generally has windows on both stories, while the garage section has either one or no windows. On most of the nine elevations, the window to the right of the entrance door is either elevated or the lower portion of a two-story-high window.

The architectural treatment of the windows should be made more consistent in placement, design, and detail. The window design should remain constant except where justified by a design consideration such as the inclusion of a small window under the pedimented roofline above the garage door. The application of architectural detail is irregular, with keystone-like features utilized on some parts of the fenestration, but not all. The various elevations are also inconsistent regarding roofline. Unlike the previous approved architecture for the project, some offer no embellishment, while others have multiple pedimented cross-roofs and window accents, offering more visual interest. Due to the perspective of the elevation drawings offered, it is sometimes difficult to

discern whether sidelights are included on either side of all front entranceways. Therefore, a condition below requires that sidelights be located on both sides of the entrance doors.

The Planning Board makes the following recommendations regarding the Tuscany model:

- j. Tuscany Front Elevations A, D, and G, evidencing virtually no variation in roofline, shall be redesigned with cross gables and/or dormers so as to add articulation to the roofline. Final design of said façades shall be approved by the Urban Design Section as designee of the Planning Board.
- k. Tuscany Front Elevation B
 - (1) The windows to the right of the entrance door should line up with the windows on the right side of the entrance door.
 - (2) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.
 - (3) Shutters should be utilized on all of the windows.
- l. Tuscany Front Elevation C
 - (1) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.
 - (2) The windows to the right of the entrance door should line up with the windows on the right side of the entrance door.
 - (3) Shutters should be included on all windows.
- m. Tuscany Elevation E
 - (1) The windows to the right of the entrance door should line up with the windows on the right side of the entrance door.
 - (2) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.
 - (3) Shutters should be utilized on all of the windows.
- n. Tuscany Elevation F
 - (1) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.

- (2) The windows to the right of the entrance door should line up with the windows on the right side of the entrance door.
 - (3) Shutters should be utilized on all of the windows.
- o. Tuscan Elevation H
 - (1) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.
 - (2) The windows to the left of the entrance door should line up with the windows on the right side of the entrance door.
- p. Tuscan Elevation I
 - (1) The architectural detail and ornament, such as keystone-type details, should be utilized uniformly on all transoms and lintels on the façade.
 - (2) The window to the right side of the front entranceway should be regularly positioned in line with the two windows to the left.

The left and right elevations for the Tuscan model are acceptable, utilizing four reasonably well-balanced architectural features. This design will be somewhat embellished, on highly visible lots, by the addition of four-inch trim and a brick watertable as required by Condition 1a below, carried forward from the original approval of the Balk Hill Village case, on corner lots where the sides of single-family detached homes are exposed to public streets. The Planning Board hereby extends this treatment to several other vacant lots in the subdivision identified as highly visible on Staff's Exhibit 1. The Tuscan rear elevations, though quite plain and unadorned, are found acceptable by staff.

COMPLIANCE WITH EVALUATION CRITERIA

- 7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-543, which governs permitted uses in mixed-use zones. The proposed single-family detached residential development is a permitted use in the M-X-T Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-544, Regulations, regarding additional regulations for development in mixed-use zones.

8. **Basic Plan A-9956:** Basic Plan A-9956 was approved for the project on June 12, 2002, subject to 14 conditions. None of the conditions of that approval relate to the subject review of architectural models.
9. **Conceptual Site Plan CSP-03001:** Conceptual Site Plan CSP-03001 was approved for the project on September 11, 2003. The PGCPB Resolution, No. 03-176, was subsequently adopted by the Planning Board, formalizing that approval and containing 11 conditions. None of the conditions of that approval relate to the subject review of architectural models.
10. **Preliminary Plan of Subdivision 4-03094:** Preliminary Plan of Subdivision 4-03094 was approved by the Planning Board on February 19, 2004. The PGCPB Resolution, No. 04-33, was subsequently adopted by the Planning Board, formalizing that approval and containing 23 conditions. None of the conditions of that approval relate to the subject review of architectural models.
11. **Detailed Site Plan DSP-04067, as revised:** Detailed Site Plan DSP-04067 was finally approved by the District Council on July 18, 2006 and its approval formalized in an order affirming the Planning Board's decision, containing 27 conditions. The following conditions are germane to the review of this case and are included in bold face type below, followed by comment:

1. **Prior to certification of the Detailed Site Plan, the following shall be provided:**

- d. **Architectural models shall be revised to provide a minimum of two standard architectural features, such as a door, window or masonry fireplace on the side elevations of all models.**

The proposed architectural models meet and exceed this requirement.

5. **On corner lots where the sides of single-family detached homes are exposed to public streets, a brick watertable shall be provided along the entire length of the side elevations and windows and doors shall be provided with a minimum four-inch trim.**

This condition has been brought forward as a condition of the subject approval.

6. **A minimum of 60 percent of the approved dwelling units shall have brick or stone front façades as shown on the approved architectural elevations. A tracking chart shall be provided on the coversheet of the Detailed Site Plan to account for the brick façades at the time of building permit.**

This condition has been brought forward as a condition of the subject approval.

7. **No two identical façades may be located next to or across from one another.**

This condition has been brought forward as a condition of the subject approval.

12. **The Prince George's County Landscape Manual:** The proposed revision does not affect the previous findings of conformance with the requirements of the Landscape Manual.
13. **The Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The proposed revision does not affect the previous findings of conformance with the requirements of the previously applicable Prince George's County Woodland Conservation Ordinance, nor render the application subject to the Woodland and Wildlife Habitat Conservation Ordinance.
14. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Section 27-546(d) of the Zoning Ordinance states:

(d) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**

(1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

As discussed in Finding 7 of this resolution, the subject application is in compliance with the requirements of the M-X-T Zone. These requirements include the purposes of the M-X-T Zone (Section 27-546.01) and uses, regulations, and site plans (Section 27-543, Section 27-544, and Section 27-546). Section 27-545, Optional method of development, has not been utilized by the subject project. Addition of the two proposed house types has no effect on previous findings that the Balk Hill Village development is in conformance with Division 2 of Part 10 of the Zoning Ordinance.

(2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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 property was not placed in the M-X-T Zone through a sectional amendment approved after October 1, 2006.

(3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The subject application involves only the addition of two architectural models to the approved architecture for the project, not the placement of lots within the subdivision. Addition of the two proposed house types has no effect on previous findings that the Balk Hill Village development has an outward orientation that should catalyze adjacent community improvement.

(4) The proposed development is compatible with existing and proposed development in the vicinity;

The subject application involves only the addition of two architectural models to the approved architecture for the project, not the placement of lots within the subdivision. Addition of the two proposed house types has no effect on previous findings that the Balk Hill development is compatible with existing and proposed development in the vicinity.

(5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

The subject application involves only the addition of two architectural models to the approved architecture for the project, not the placement of lots within the subdivision. Addition of the two proposed house types has no effect on previous findings that this mix of uses, arrangement, and design of buildings and other improvements and the provision of public amenities for the Balk Hill development reflects a cohesive development capable of sustaining an independent environment of continuing quality and stability.

(6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;

The subject application involves only the addition of two architectural models to the approved architecture for the project, not the placement of lots within the subdivision. Addition of the two proposed house types will have no effect on previous findings for the Balk Hill development that this staged development provides phases that are designed to be a self-sustaining entity, while allowing for effective integration of subsequent phases.

(7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

The subject application involves only the addition of two architectural models to the approved architecture for the project, not the placement of lots within the subdivision. Addition of the two proposed house types will have no effect on previous findings that the

pedestrian system for the Balk Hill development is convenient and is comprehensively designed to encourage pedestrian activity within the development.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The subject application involves only the addition of two architectural models to the approved architecture for the project, not the placement of lots within the subdivision. Addition of the two proposed house types will have no effect on the previous findings for the Balk Hill development that adequate attention has been paid to human scale, high-quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting in areas which are to be used for pedestrian activities or as gathering places for people.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The subject project does not involve a conceptual site plan. Therefore, this required finding is not applicable to the subject project.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.**

The subject detailed site plan for the addition of two architectural models to the approved architecture for the project does not affect previous findings regarding the adequacy of public facilities to serve the subject project.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

The subject site measures only 125.40 acres and the project does not involve the creation of a mixed-use planned community. Therefore, this required finding is not applicable to the subject project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-04067/05, subject to the following conditions:

1. Prior to signature approval of the plans, the applicant shall revise the plans for the project as follows:
 - a. On corner lots where the sides of single-family detached homes are exposed to public streets, and on lots identified as "highly visible" on staff's exhibit a brick watertable shall be provided along the entire length of the side elevations, and windows and doors shall be provided with a minimum four-inch trim.
 - b. A minimum of 60 percent of the approved dwelling units shall have brick or stone front façades as shown on the approved architectural elevations. A tracking chart shall be provided on the coversheet of the detailed site plan to account for the brick façades at the time of building permit.
 - c. No two identical façades may be located next to or across from one another.
 - d. Plans for the architectural models shall be maintained in the sales office of the subdivision.
 - e. The applicant shall revise the side architectural elevations in the case file to comport with those presented at the Planning Board hearing.
 - f. All front architectural elevations for the Tuscany model, including sidelights on one side of the front entranceway, shall be revised to include sidelights on the opposite side as well. All front architectural elevations for the Piedmont and Tuscany models with Front Elevations A, D and G, shall be redesigned with cross gables and/or dormers so as to add articulation to the roof line. Final design of said façades shall be approved by the Urban Design Section as designee of the Planning Board.

- g. All front elevations for the Piedmont and Tuscany models, Front Elevations A, D, and G, shall be made standard or these elevations shall not be approved and shall be redesigned with cross gables and/or dormers so as to add articulation to the roof line. Final design of said façades shall be approved by the Urban Design Section as designee of the Planning Board.

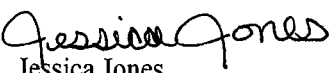
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

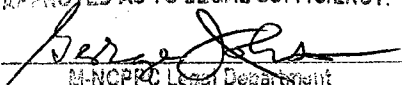
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Clark, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, November 4, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of November 2010.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPMC Legal Department
Date 11/5/10

REQUEST FOR PLANNING DIRECTOR DECISION

Steve,

The attached Pre-Application, DSP-04067/05, Balk Hill Village, is a request for Planning Director Decision rather than Planning Board. A simple justification and site plan are attached.

December 22, 2009

☐ Planning Director

☒ Planning Board

☐ POSTING WAIVED *

☒ POSTING REQUIRED COUNCIL DISTRICT #__, Council member: _____
(Send notice at the time of posting)

Supervisor Signature: S.A.

Date: 3-8-2010

***In Accordance with Section 27-289 (c), Limited minor amendment, Planning Director:**

“(5) The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.

(6) The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.”

By checking the “Posting Waived” box above, the Director’s designee determines that the proposed minor amendment will have no appreciable impact on adjacent property.

REQUEST FOR PLANNING DIRECTOR DECISION

Steve,

The attached Pre-Application, DSP-04067/05, Balk Hill Village, is a request for Planning Director Decision rather than Planning Board. A simple justification and site plan are attached.

August 4, 2009



Planning Director



Planning Board



POSTING WAIVED



POSTING REQUIRED

COUNCIL DISTRICT # ____, Council member: _____
(Send notice at the time of posting)

Supervisor Signature: S.A.

Date: 8-24-2009

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 29, 2017, regarding Detailed Site Plan DSP-04067-07 for Balk Hill Village (Davy Deck), the Planning Board finds:

1. **Request:** The detailed site plan (DSP) is being filed by the homeowner to request the construction of a 16-foot by 11.5-foot composite deck and stairs, attached to the rear of an existing single-family detached house.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use	Residential	Residential
Gross Acreage	0.06	0.06
Dwelling Unit:	1	1

	EXISTING
Total parking spaces	4

Floor Area Ratio (FAR) in the M-X-T Zone

FAR Permitted (for entire development):

Base Density 0.4 FAR

Residential 1.0 FAR

Total Permitted: 1.4 FAR (permitted under the Optional Method of Development, Section 27-545(b)(4) of the Zoning Ordinance, for provision of more than 20 dwelling units) This DSP will not have any impact on the previously approved FAR for the larger development.

3. **Location:** The subject property consists of 0.06 acre, located on the southwestern side of Campus Way North, approximately 200 feet north of its intersection with Byward Boulevard.
4. **Surrounding Uses:** To the southeast of the site is vacant land in the Planned Industrial/ Employment Park (I-3) and Commercial Office (C-O) Zones; to the northeast is land in the Residential Suburban Development (R-S) Zone, currently under development (Balk Hill); to the

west is the mixed-use Woodmore Towne Centre development in the Mixed Use–Transportation Oriented (M-X-T) Zone; and to the southwest is a church in the Rural Residential (R-R) Zone.

5. **Previous Approvals:** The larger project was previously in the residential Comprehensive Design Zone. Zoning Map Amendment (Basic Plan) A-9956-C was approved, with conditions, by the Prince George's County District Council to rezone the property to the M-X-T Zone on July 23, 2002. Subsequently, the Prince George's County Planning Board approved Conceptual Site Plan CSP-03001 for the site on September 11, 2003 and adopted PGCPB Resolution No. 03-176 on September 25, 2003. On February 19, 2004, the Planning Board approved Preliminary Plan of Subdivision 4-03094 for the subject property and adopted PGCPB Resolution No. 04-33 on March 11, 2004. On September 29, 2005, the Planning Board approved Detailed Site Plan DSP-04067 for the subject site and adopted PGCPB Resolution No. 05-202 on October 27, 2005. On November 14, 2005, the District Council elected to review DSP-04067 and, on March 13, 2006, following oral argument on the case, remanded the application to the Planning Board. The Planning Board reapproved the remanded DSP-04067 on June 1, 2006 and subsequently adopted PGCPB Resolution No. 05-202 on June 1, 2006. The District Council reviewed and finally approved the application, with conditions, on July 18, 2006. Detailed Site Plan DSP-04067-01 was approved by the Planning Director on July 18, 2006 for the purpose of installing a public water line. However, this case was subsequently withdrawn by the applicant on August 21, 2006. Detailed Site Plan DSP-04067-02 was approved by the Planning Director for four residential home models on February 26, 2008. Detailed Site Plan DSP-04067-04 was approved by the Planning Director for an entrance sign and decorative wall along Campus Drive on June 25, 2009. Detailed Site Plan DSP-04067-05 was approved by the Planning Board on November 4, 2010 and adopted PGCPB Resolution No. 10-121 on November 18, 2010. The site is also the subject of the requirements of Stormwater Management Concept Plan 39070-2007-00, approved on May 12, 2011.
6. **Design Features:** The subject application includes a proposal for the addition of a 16-foot by 11.5-foot composite deck and stairs at the rear of an existing single-family detached dwelling, which is located at 2316 Campus Way North. The subject property, known as Lot 22, Block L, of Balk Hill Village, is an interior lot with an existing dwelling, which fronts on Campus Way to the north. The proposed deck will be attached to the southern elevation of the dwelling. The deck is proposed within the rear property line; however, it will encroach into the rear yard setback by three feet.

The Planning Board noted that a survey has not been submitted with this application. The deck may impact the public utility easement, as stated, and multiple utilities may currently exist within the vicinity of the proposed deck as well as the support structure of the deck. The applicant should work with the appropriate utility companies to determine the exact location of the utilities. If the installation is determined to be detrimental to any of the affected utilities, the location should be adjusted accordingly.
7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the following Zoning Ordinance requirements:

- a. The subject application is in conformance with the requirements of Section 27-547, which governs uses in mixed-use zones. The proposed deck is attached to the residential property, which is a permitted use in the M-X-T Zone. A variance application was provided in error with this submission, but is not required. Section 27-548(c) states that the dimensions for the location, coverage, and height of all improvements shown on an approved DSP shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.
 - b. Section 27-548, M-X-T Zone regulations establishes additional standards for the development in this zone. The DSP's conformance with all applicable provisions is still valid for the development, but does not affect this application for a homeowner's minor improvement and addition of the deck on the property.
 - c. Section 27-274, Design Guidelines: Prior findings for conformance with all applicable site design guidelines are still valid and governing this DSP.
8. **Zoning Map Amendment (Basic Plan) A-9956-C:** None of the 14 conditions of approval are relevant to this application. The proposed deck in the rear yard setback do not alter the previously made findings of approval of the basic plan.
9. **Conceptual Site Plan CSP-03001:** Conceptual Site Plan CSP-03001 was approved, subject to 11 conditions. The relevant conditions of that approval are included in **boldface** type below, followed by Planning Board comment:
8. **At time of Detailed Site Plan submission, the TCPII shall contain details and a narrative regarding the proposed preservation measures for all specimen trees to be preserved on site. These measures shall include treatments to occur prior to, during and after construction.**
- The Planning Board found that this requirement was satisfied prior to signature approval of the previous Type II tree conservation plan (TCPII). The subject application is for a deck on a private residence and does not impact the TCPII.
10. **At time of submission of the Detailed Site Plan, the technical stormwater management plans shall be submitted.**
- The Planning Board noted that the subject application is for a deck on a private residence and does not require and will not impact technical stormwater management approval.
11. **The Type I Tree Conservation Plan shall be modified to incorporate any design changes made subsequent to the Environmental Planning Section memo dated June 25, 2003.**

The Planning Board noted that this requirement was satisfied previously. The subject application is for a deck on a private residence and does not impact the Type I tree conservation plan.

10. **Preliminary Plan of Subdivision 4-03094 and Record Plat PM 225@66:** The subject project generally complies with the requirements of Preliminary Plan of Subdivision 4-03094, which was approved by the Planning Board, subject to 23 conditions. None of the conditions of approval are relevant to this application.

The subject project is in compliance with the requirements contained in the plat notes of Balk Hill Village, Plat Four, recorded as Plat Book PM 225@66.

11. **Detailed Site Plan DSP-04067 and its amendments:** The subject project does not impact the requirements of Detailed Site Plan DSP-04067, which was approved by the District Council, subject to 27 conditions. The DSP was subsequently amended several times. None of the conditions of approval are relevant to this application.
12. **2010 Prince George's County Landscape Manual:** The addition of a deck is exempted from the requirements of the 2010 *Prince George's County Landscape Manual*. Previous landscaping-related findings are still valid.
13. **Prince George's County Tree Canopy Coverage Ordinance:** The subject application is exempt from the Tree Canopy Coverage Ordinance because the applicant proposes less than 5,000 square feet of gross floor area or disturbance.
14. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The subject lot does not contain any woodland conservation. The addition of the proposed deck would not alter the previous findings regarding conformance with the Woodland and Wildlife Habitat Conservation Ordinance that were made at the time of approval of the preliminary plan and previous DSPs.
15. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Community Planning Division**—The Planning Board found that there are no master plan issues at this time.
 - b. **Subdivision Review Section**—The Planning Board found that there are no subdivision issues at this time.
 - c. **Permit Review Section**—Permit review comments have been either addressed during the review process or worded as conditions of this approval.
 - d. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not offer any comments on the subject project.
 - e. **Prince George's County Department of Department of Permitting, Inspections and**

Enforcement (DPIE)—DPIE did not offer any comments on the subject project.

16. Based upon the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the subject DSP represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
17. In addition, as required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board found that the regulated environmental features on a site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. Since the lot has been developed in accordance with previously approved plans, this requirement is not applicable.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Detailed Site Plan DSP-04067-07.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 29, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of July 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:NAB:rpg

FIRST AMENDED STATEMENT OF JUSTIFICATION

DETAILED SITE PLAN, DSP-04067-09

WOODMORE COMMONS

APPLICANT: BALK HILL VENTURES, LLC

Edward C. Gibbs, Jr., Esquire
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
egibbs@gibbshaller.com
Attorney for the Applicant

APPLICANT

The Applicant for this Detailed Site Plan application is Balk Hill Ventures, LLC. Balk Hill Ventures is a Maryland limited liability company formed and wholly owned by the principals of Petrie Richardson Ventures LLC ("Petrie Richardson"). Petrie Richardson was the original developer of Woodmore Town Centre, a major mixed use commercial and residential development located contiguous to the property forming the subject matter of this application. Petrie Richardson has substantial experience both locally and nationally in the development, construction and operation of mixed use development projects. Woodmore Towne Centre is a prime example of Petrie Richardson's efforts. Woodmore Towne Centre is an approximately 274 acre project zoned M-X-T (Mixed Use Transportation Oriented). It includes a mix of commercial retail, commercial office and residential units of all types. To date, Woodmore Towne Centre has been developed with approximately 750,000 square feet of commercial retail uses, a hotel, a medical office building, and over 600 residential units. The development is ongoing.

Balk Hill Ventures is the contract purchaser of two parcels of land, one of which forms the subject matter of the instant application. The property is presently owned by the Revenue Authority of Prince George's County, Maryland. ("Revenue Authority").

THE PROPERTY

Balk Hill Ventures, LLC is the assignee of a contract of sale entered into between Petrie Richardson and the Revenue Authority to acquire Parcels 1 and 2. Parcels 1 and 2 are part of a larger project known as Balk Hill, which is zoned M-X-T. Parcels 1 and 2 are presently unimproved and wooded. They comprise 9.34 and 8.6 acres respectively and are recorded among the Land Records of Prince George's County, Maryland in Plat Book REP 217, Plat No. 92. In addition to Parcels 1 and 2, Balk Hill also includes up to 393 residential uses of varying types as well as a small commercial office component within structures designed as townhomes. That portion of the development is under the ownership and project control of D.R. Horton, Inc. The entire project included approximately 125.4 acres. The development of Parcels 1 and 2 is to be known as Woodmore Commons. Within Woodmore Commons, this Detailed Site Plan will include 284 multifamily units to be known as Woodmore Apartments.¹

DEVELOPMENT HISTORY OF BALK HILL

The Balk Hill/Woodmore Commons project is zoned M-X-T. It was rezoned in 2002 pursuant to the approval by the District Council of Zoning Map Amendment Application A-9956-C. The applicant in that case was Rocky Gorge Homes. The application was approved subject to a number of conditions, all of which were accepted by Rocky Gorge. Rocky Gorge is primarily a residential home builder. However, the M-X-T Zone requires a mix of uses. A solely residential development is not authorized in the M-X-T Zone. Accordingly, the application as approved by the District Council authorized a total of 393 residential units, 20,000 square feet of retail space and 328,000 square feet of general office space.²

¹Originally, the entire 125.4 acre development was known as Balk Hill. At the time of processing Preliminary Subdivision Plan 4-1802, the Applicant decided to name the development of Parcels 1 and 2 "Woodmore Commons".

²All of the approval orders and resolutions have been filed with this Application. The limitation on development as set forth in the original rezoning appears in Condition 5 of the District Council Order granting final conditional zoning to the Balk Hill project.

The M-X-T Zone requires a multi-phased approval process. Once the basic rezoning has been approved, before development may occur an applicant must obtain approval of a Conceptual Site Plan, a Preliminary Subdivision Plan, a Detailed Site Plan and Final Plats of Subdivision.

Conceptual Site Plan

In the case of Balk Hill, a Conceptual Site Plan was filed and processed in 2003. The original Conceptual Site Plan was assigned the application number CSP-03001. The Prince George's County Planning Board ("Planning Board") of the Maryland-National Capital Park and Planning Commission ("MNCPPC") approved the Conceptual Site Plan for Balk Hill on September 11, 2003 pursuant to the adoption of Planning Board Resolution PGCPB No. 03-176. The District Council did not elect to review the Conceptual Site Plan and therefore the Planning Board's decision became the final approval. The Conceptual Site Plan (CSP-03001) covered and included the entire 125.4 acres which were the subject of the original Balk Hill rezoning. In conformance with the rezoning, the Planning Board Resolution included the approval of 393 residential units, 20,000 square feet of commercial retail space and 328,480 square feet of "commercial" space. The commercial space was to be developed within a 20 acre employment parcel consisting of two individual lots. These lots were to be located in the northeast quadrant of the intersection of MD 202 (Landover Road) and St. Joseph's Drive. (See Planning Board Approval Resolution of CSP-03001, Page 5) The Conceptual Site Plan drawing depicted the location of these two employment development parcels, now known as Parcels 1 and 2.

Preliminary Subdivision Plan

The original Preliminary Subdivision Plan for Balk Hill (4-03094) was approved by the Planning Board on February 19, 2004. By that time, Rocky Gorge Homes was no longer the proposed developer. The applicant for the approved Preliminary Subdivision Plan was D.R. Horton, also a residential developer and builder. The Planning Board's approval was set forth in Resolution PGCPB No. 04-33. The transportation findings indicate that the site traffic generation was analyzed for 393 residential units, 20,000 square feet of specialty commercial retail and 328,480 square feet of general commercial retail. The commercial uses were designated to be developed on Parcels 1 and 2. It was further provided in the conditions of approval of the preliminary subdivision plan that Parcels 1 and 2 were to be conveyed to the Revenue Authority. (See Condition 1(c)(2)). Condition 17 of the Preliminary Subdivision Plan approval provided that the use of Parcels 1 and 2 should be determined at the time of approval of the Detailed Site Plan. Condition 22 provided that Parcels 1 and 2 were to be platted with the first final plats for the entire project and to be conveyed to the Revenue Authority immediately after recordation. At the time of approval of the Preliminary Subdivision Plan, Parcel 1 was indicated to comprise 8.9 acres and Parcel 2 was indicated to comprise 8.6 acres.

Detailed Site Plan

The initial Detailed Site Plan for Balk Hill (DSP-04067) was approved by the Planning Board on September 29, 2005. There have been a number of revisions to DSP-04067 but these revisions deal with the residential component of Balk Hill. The Planning Board's Resolution evidencing this approval bears the number PGCPB No. 05-202. The Detailed Site Plan referenced future commercial development to occur on Parcels 1 and 2 as comprising 20,000

square feet of commercial retail space and 325,000 +/- square feet of commercial office use.³ Parcels 1 and 2 were referenced to be conveyed to the Revenue Authority. However, no details for any development on Parcels 1 or 2 were included within the approval of DSP-04067. Ultimately, the Detailed Site Plan was reviewed by the District Council and remanded to the Planning Board. Thereafter, the Planning Board reapproved DSP-04067 on June 1, 2006 as evidenced in Planning Board Resolution PGCPB No. 05-202(A). Finally, after the remand the Detailed Site Plan was reviewed and approved by the District Council on July 25, 2006. A copy of the District Council Order of Approval has been filed with this application.

Revenue Authority Ownership of Parcels 1 and 2

On June 20, 2012, D.R. Horton, Inc. conveyed Parcels 1 and 2 to the Revenue Authority of Prince George's County. The Deed was recorded in the Land Records of Prince George's County, Maryland in Liber 33973, Folio 099. The Revenue Authority never pursued any development of Parcels 1 and 2. Ultimately, the Revenue Authority determined to dispose of Parcels 1 and 2. Accordingly, on October 20, 2014 the Revenue Authority issued a Request For Qualifications ("RFQ") soliciting interested purchasers of both Parcels. Petrie Richardson was the only potential purchaser to file a response. Subsequent thereto, Petrie Richardson and the Revenue Authority entered into negotiations which led to the execution of a contract of sale.

Amendment of Zoning Conditions

Subsequent to entering into the contract of sale with the Revenue Authority, Petrie Richardson commenced its due diligence process. Petrie Richardson determined that its proposed development of Parcels 1 and 2 would include commercial retail uses and multi-family residential uses. Accordingly, due to the ambiguous wording of Condition 5, as attached to the original rezoning of the Balk Hill project, Petrie Richardson notified the Revenue Authority that Condition 5 would need to be revised in order to ensure that any uses permitted in the M-X-T Zone could be developed on Parcels 1 and 2. Petrie Richardson also requested that Condition 10 attached to the original Zoning be revised. Condition 10 required the establishment of an advisory planning committee to advise the Revenue Authority on the ultimate use and disposition of Parcels 1 and 2.

Petrie Richardson and the Revenue Authority both took part in the process to amend Conditions 5 and 10. After review by staff of MNCPPC and a hearing before the Zoning Hearing Examiner, the District Council on March 22, 2018 adopted an Ordinance of Final Conditional Zoning Approval amending both Condition 5 and Condition 10. In particular, Condition 5 was amended to provide as follows:

The development of the subject Property shall be limited to the prior M-X-T approved 393 residences plus additional permitted uses under the MXT Zone which generate no more than 1,013 am and 1,058 pm peak hour trips.

³The commercial component is referred to as both general commercial and office commercial in different approvals.

Revision to Conceptual Site Plan

The Applicant filed a Revision to the Conceptual Site Plan (CSP-03001-01). This Revision dealt with Parcels 1 and 2. Parcel 1 was proposed to be developed with approximately 6,000 square feet of retail/service commercial uses and 284 multifamily residential units. Parcel 2 was proposed to be developed with approximately 70,000 square feet of commercial retail and/or office uses. This Revision to the Conceptual Site Plan was reviewed and approved by the Planning Board on May 30, 2019 (PGCPB No. 19-71). This Conceptual Site Plan Revision was approved by the District Council on October 15, 2019.

Preliminary Subdivision Plan

A new Preliminary Subdivision Plan was filed for Parcels 1 and 2 (4-18024). This Plan proposed dividing Parcel 1 into two individual lots (Parcels 10 and 11) and Parcel 2 into seven individual lots (Parcels 3 thru 9 inclusive). Parcel 2 is to be accessed exclusively from Ruby Lockhart Boulevard. A private road/access easement which was approved pursuant to Section 24-128(b)(1) will provide access from Ruby Lockhart Boulevard into the seven individual parcels. Parcel 1 will also be accessed by a private road/access easement from Ruby Lockhart Boulevard, again pursuant to Section 24-128(b)(1). In addition, Parcel 1 will have access via a right-in/right-out turning movement directly from St. Joseph's Drive. Preliminary Subdivision Plan 4-18024 was approved by the Planning Board on September 26, 2019. The multifamily residential units which are proposed in this Detailed Site Plan will be constructed on Parcel 11.

NEIGHBORHOOD AND SURROUNDING USES

Parcels 1 and 2 are located in the northeast quadrant of the intersection of MD 202 (Landover Road) and St. Joseph's Drive. Parcel 1 has frontage on St. Joseph's Drive. Parcel 2 has frontage on both St. Joseph's Drive and MD 202. Both parcels will ultimately have frontage on an extension of Ruby Lochart Boulevard which will run generally in an east/west direction and connect Lottsford Road and St. Joseph's Drive. The majority of the 393 residential units within Balk Hill have been constructed and are occupied. Balk Hill is strategically located within the central portion of Prince George's County. It is proximate to the intersection of MD 202 and the Capital Beltway (I-495). Immediately west across St. Joseph's Drive is the St. Joseph's Church and Parish Center. Farther west and northwest is Woodmore Towne Centre, a mixed use commercial and residential development situated on approximately 274 acres of land zoned M-X-T. Woodmore Town Centre is approved to include up to 1,100 residential units of varying types, up to 1,000,000 square feet of commercial retail space, up to 1,000,000 square feet of commercial office space, hotel uses consisting of 360 rooms and a conference center between 6,000 and 45,000 square feet. To the south and across MD 202 is the Inglewood Business Community. It is home to a number of commercial office buildings and three hotels. Prince George's County has all of its permitting offices within Inglewood Business Community. Further, the Wayne K. Curry Administration Building has recently opened and is presently home to the offices of the Prince George's County Executive. In the near future, it is anticipated that the Prince George's County Council as well as MNCPPC will each relocate from Upper Marlboro to the Curry Administration Building. Farther to the south and across Arena Drive is a Metro Station and the Prince George's County Hospital which is currently under construction. In short, this area is quickly becoming the nerve center and development hub of Prince George's County.

DEVELOPMENT PROPOSAL

This Detailed Site Plan application deals exclusively with the 284 multifamily residential units which have been approved to be constructed on Part of Parcel 1. The individual parcel is designated Parcel 11 on Preliminary Subdivision Plan 4-18024. Proposed Parcel 11 consists of 7.2 acres. The project will be known as Woodmore Apartments and will be developed by Saint Joseph Apartments LLC.

Design Features

The Woodmore Apartments community is a multifamily development designed for quality, community living. The development is easily accessible with moderate density, but still provides ample apartment sizes and centralized amenities. This project aims to be one of the catalysts for the region's vision for sustainable, cohesive communities.

This detailed site plan for multifamily units is to be on proposed Parcel 11, which is 7.20 acres in size. One point of vehicular access from Ruby Lockhart Boulevard is proposed to serve the multifamily component. This development will provide 284 multifamily units across seven 4-story multifamily buildings. Each building has a diverse mix of unit types, 50% being one-bedrooms with a few studios mixed in. With 45% two and three bedroom apartments, the development provides a much needed boost toward the region's lack of quality apartments for families. The generously sized corner three bedroom apartments have considerable light in the open living spaces. All ground floor apartments have a patio off of the main living space, with privacy landscaping and fencing. Parking will be provided via surface parking lots surrounding the multifamily buildings.

The project will be visible from Landover Road. For that reason, great detail, time, and expense have gone into the building elevations, which, as reflected on the plans submitted herein, are of the highest quality not only in design but also in material selection. Indeed, the project's modern, contemporary architecture, and more specifically, curated corner elements, will become a prominent feature visible to both drivers and pedestrians at the gateway to Woodmore Towne Center at Glenarden. The development utilizes contemporary building materials to create a vibrant facade palette. The entire ground floor utilizes dark gray face brick as a durable but sleek base. At each building entry there is a wood-slat secure gate which provides a welcoming entry for residents. Contemporary and durable fiber cement siding and panels are used on the undulating bay structures of the top three floors, which break up the overall massing of the buildings. The project includes large, corner vinyl windows and aluminum balconies with a wood top rail.

One of the chief focuses of this building is to contribute to the strength of the existing community by providing a place for new residents to gather. At the center of the project is a 4,000 square foot ground floor amenity space with fitness areas, party room, game room and much more. This interior space is paired with an outdoor landscaped plaza for community events. These spaces will be available to all residents every day, and will also provide secure locations for mail and administrative services.

In order to exceed baseline sustainability measures, the development provides creative solutions for stormwater management, by fully integrating bioretention facilities. Rainwater is retained on-site in designed, linear structures immediately adjacent to the buildings, utilizing innovative landscape features. Beyond its efficient and compact nature, the building includes energy efficient mechanical equipment, water saving plumbing fixtures and environmentally friendly & recycled materials wherever possible.

Signage

The applicant is proposing a monument sign at the proposed entrance from Ruby Lockhart Boulevard. At its closest point, the sign is set back approximately 20 feet from the right-of-way.

Lighting

A lighting plan with photometric study has been provided with this DSP application. The details and specifications of the proposed lights are included on the photometric plan and all site lighting fixtures will utilize full cut-off optics.

Green Building Techniques

Woodmore Apartments incorporates several sustainable strategies that will include the following:

- Energy Star appliances;
- Energy Star and LED light fixtures;
- Energy Star roofing;
- Energy Star windows;
- Enhanced thermal insulation package;
- Water-conserving, low-flow plumbing fixtures;
- Highly efficient water heaters;
- All bathrooms, kitchens, and laundry closets will be exhausted to the outdoors;
- Low/No VOC paints, primers and sealants;
- Compact design that will reduce erosion and existing land disturbance;
- Walking paths that will promote pedestrian activity;
- Bike storage facilities that encourages alternative transportation methods; and
- Bio-retention facilities dispersed around the site to capture and filter rain water on-site.

Recreation Facilities

The proposed development for 284 new multifamily residential units is to be located on part of Parcel 1 (proposed Parcel 3).. The applicant is providing on-site recreational facilities to meet the mandatory dedication of parkland requirement. These on-site facilities include:

- Clubhouse (approx. 4,000 square feet) that includes:
 - 1,000 square foot Party Room for resident gatherings and events, with sitting areas and pantry for catered events;
 - 750 square foot Fitness Room with recumbent bikes, tread mills, weights, etc.;
 - Cyber café with computers and mail/package room;
 - Administrative offices; and
 - Exterior activity patio.

CONFORMANCE WITH ZONING ORDINANCE STANDARDS

CRITERIA FOR DETAILED SITE PLAN APPROVAL

The subject application is in conformance with the requirements of Section 27-547, which governs uses in mixed-use zones. Specifically, the proposed multifamily residential use is a permitted use in the M-X-T Zone.

Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:

- (d) **At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:**

- (1) Retail businesses;**
- (2) Office, research, or industrial uses;**
- (3) Dwellings, hotel, or motel.**

COMMENT: This DSP is for 284 multi-family residential dwellings only; however, the overall development, as approved in CSP-03001-01, also includes commercial uses. Further, , the entire Balk Hill development also includes DR Horton's 393 residential units. Therefore, this Detailed Site Plan is in conformance with this requirement as part of the larger Conceptual Site Plan approval.

Section 27-548, M-X-T Zone regulations, establishes additional standards for development in this zone. The DSP's conformance with the applicable provisions is discussed, as follows:

- (a) **Maximum floor area ratio (FAR):**
 - (1) **Without the use of the optional method of development—0.40 FAR**
 - (2) **With the use of the optional method of development—8.0 FAR**

COMMENT: This development will use the optional method of development, and specifically utilizes one bonus incentive in Section 27-545(b), as follows:

- (b) **Bonus incentives.**
 - (4) **Residential use.**
 - (A) **Additional gross floor area equal to a floor area ratio (FAR) of one (1.0) shall be permitted where twenty (20) or more dwelling units are provided.**

COMMENT: The DSP proposes a total of 284 multifamily residential dwellings, allowing for a maximum allowed FAR of 1.40. A maximum FAR for the apartment parcel (proposed Parcel 11) is approximately 0.94, which meets this requirement.

- (b) **The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.**

COMMENT: The DSP shows that the uses included in this DSP will be located in more than one building and on more than one lot as permitted under this section.

- (c) **Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.**

COMMENT: The detailed site plan is approved with appropriate bulk requirements including the location, coverage, and height of all improvements, as permitted under this regulation.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

COMMENT: The development is subject to the requirements of the 2010 Prince George's County Landscape Manual (Landscape Manual), as set forth in Finding 11.

- (e) **In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the of building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.**

COMMENT: The FAR for the overall development of project applied to the entire Conceptual Site Plan site is 0.31, which is calculated in accordance with this requirement.

- (f) **Private structures may be located within the air space above, or in the ground below, public rights-of-way.**

COMMENT: There are no private structures within the air space above, or in the ground below, public rights-of-way as part of this project. Therefore, the DSP is in conformance with this requirement.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

COMMENT: Preliminary Plan 4-18024 has been approved for the property that is the subject of this application. The Woodmore Apartments front and have direct vehicular access onto Ruby Lockhart Boulevard, which is a public right-of-way. They will share access with proposed Parcel 10 pursuant to a private easement which was approved pursuant to Section 24-128(b)(1) of the Subdivision Ordinance.

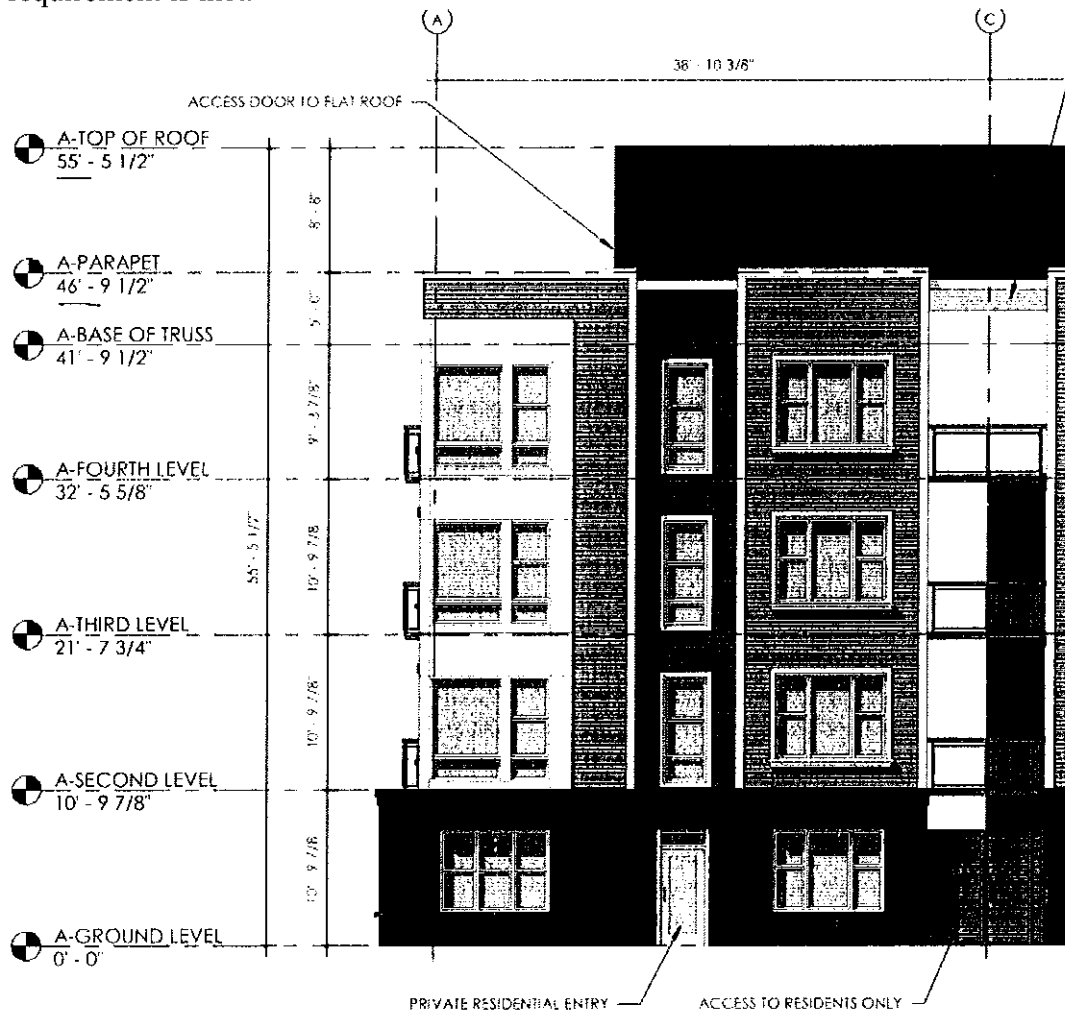
- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front facade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front facade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a

Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular development.

COMMENT: The project is not subject to this requirement because there are no townhouses proposed.

- (i) **The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.**

COMMENT: The proposed multifamily buildings are approximately 55' - 5 1/2" feet in height, so this requirement is met.



- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational**

requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).

COMMENT: In 2002, the subject property was rezoned from the Planned Industrial/Employment Park Zone to the M-X-T Zone by the District Council through Zoning Map Amendment (ZMA) A-9956-C. The Prince George's County Planning Board approved CSP-03001, which included 393 residential units, 20,000 square feet of commercial/retail space, and 329,480 square feet of commercial/office space. On March 22, 2018, the District Council adopted an ordinance to amend conditions 5 and 10 of A-9956-C. On May 30, 2019, the Planning Board approved CSP-03001-01 amendment for Balk Hill Centre to revise the uses on Parcels 1 and 2 to reduce the commercial square footage to 65,000 to 100,000 square feet and add 284 multifamily dwelling units. The District Council approved CSP-03001-01 on October 15, 2019.

In accordance with Section 27-546(d), in addition to the findings required to approve a DSP, the Planning Board shall make the following findings for projects in the M-X-T Zone:

- (1) The proposed development is in conformance with the purposes and other provisions of this Division:**

COMMENT: As noted above, the Property is zoned M-X-T. The purposes of the M-X-T Zone are set forth in Section 27-542 of the Zoning Ordinance as follows:

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**
- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**
- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**
- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

- (5) **To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**
- (6) **To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**
- (7) **To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**
- (8) **To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**
- (9) **To permit a flexible response to the market and promote economic vitality and investment; and**
- (10) **To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.**

The instant proposed Detailed Site Plan must be viewed in conjunction with the overall development which has been approved for Balk Hill/Woodmore Commons. The existing development of course involves primarily residential development at suburban densities. The proposal to add retail and service commercial uses as well as a multi-family component also satisfies the purposes of the M-X-T Zone. Balk Hill represents an opportunity to develop land in the vicinity of a major interchange, (Capital Beltway (I-495) and MD 202 (Landover Road)). It is also in close proximity to a major Metro transit station located just to the southwest. The development being proposed within Woodmore Commons, which includes a mix of uses, will enhance the economic status of the County by providing both housing and shopping opportunities for residents. The proposed commercial uses will also present employment opportunities. The proposed development, as explained above, is in conformance with the Master Plan. The interaction of the existing residentially developed portion of Balk Hill with the proposed multifamily residential, retail and service uses within Woodmore Commons will provide and create a mixed use walkable community. Recreational space is already provided within the existing residential component. Additional recreational space is proposed with this detailed Site Plan. The mix of uses being proposed also provides for the maximization of private development potential. The retail commercial development being proposed will provide shopping and dining opportunities for residents. The proposal provides for commercial and residential uses within a single development thus discouraging scattered development of the uses throughout the County. Since the residential and non-residential uses are in close proximity to one another, use of automobiles will be reduced. Residents of Balk Hill and Woodmore Commons can easily walk to various retail uses which will be proposed. These retail uses will also promote and encourage a 24-hour environment. It is anticipated that the retail commercial uses will be open for use after normal workday hours allowing residents of Balk Hill and Woodmore Commons to shop and eat in close proximity to their homes. Further, by use of sensitive land planning, including pedestrian connections, the mix of uses will blend together harmoniously and will create a distinct identity for the overall community. Stormwater management will utilize bioretention facilities. Public facilities have been provided by improvements to Landover Road and the construction of various connector facilities, including Ruby Lochard Boulevard and the extension of Campus Way North. Overall, the development being proposed will indeed represent a flexible response to the market and will promote economic vitality as well as private investment for the betterment of the community. Architectural design will be exciting and will be compatible with the

standards set by the nearby and very successful Woodmore Towne Centre development. The Woodmore Apartments will establish an attractive and distinctive multifamily community that will promote economic growth and vitality. Finally, conformance with the purposes of the M-X-T Zone was also found with the approval of CSP-03001-01.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development 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;

COMMENT: In 2002, the overall project was rezoned from the Planned Industrial/Employment Park Zone to the M-X-T Zone by the District Council through Zoning Map Amendment (ZMA) A-9956-C. As such, the development proposed in this DSP is subject to the applicable requirements of the M-X-T Zone, the conditions of prior approvals, and the required findings for approval of a DSP in the Zoning Ordinance, all of which have been met.

(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

COMMENT: The multi-family dwellings proposed with this DSP will create a transition between the single-family attached and detached units in Balk Hill Village to the north, and the existing commercial and future commercial/retail uses to the south, southeast, and future single-family attached units to the east of the subject property. The layout of the residential component as proposed in this DSP will generally be oriented toward the existing street pattern achieving the outward orientation. This redevelopment is expected to rejuvenate the existing neighborhood and inject new economic vitality into the immediate area through the addition of new residents.

(4) The proposed development is compatible with existing and proposed development in the vicinity;

COMMENT: The development will be buffered from the surrounding uses in accordance with the Landscape Manual, and compatibility with the existing and proposed developments in the vicinity has been met by providing a visually compatible housing type and style that will provide a transitional area from the single-family attached and detached homes to the north, the future single family attached units to the east and the commercial retail to the south and southeast, and along St. Joseph's Drive and south of Ruby Lockhart Boulevard.

(5) The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

COMMENT: The design scheme provided with this DSP reflects a cohesive development in and among the existing and approved residential and commercial uses in the overall Balk Hill and Woodmore Commons development and surrounding vicinity. The development of the Woodmore Apartments with DSP-04067-09, with safe and well marked pedestrian and vehicular connections and private recreational facilities, is capable of sustaining a high-quality, independent environment of quality and stability, as conditioned in this approval.

(6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;

COMMENT: Woodmore Apartments is designed for multifamily residential uses that will be completed in two sub-phases, in accordance with fine grading permits. The proposed residential phase will be self-sufficient, in terms of access and recreational facilities, while also being integrated with previous phases through the use of trails and vehicular access, as conditioned.

- (7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

COMMENT: A comprehensive sidewalk network has been proposed and is generally shown on both sides of all roadways. The sidewalks are approved to further connect with the existing office building and surrounding neighborhoods. In a memorandum dated March 15, 2019 (Shaffer to Bishop), and incorporated herein by reference, the trails coordinator stated that, from the standpoint of non-motorized transportation, it has been determined that the plan is acceptable, in satisfaction of this requirement.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

COMMENT: The applicant is proposing pedestrian pathways throughout the site connecting to gathering areas, which include an outdoor landscaped plaza for community events. This area has been designed with attention to human scale and high-quality urban design.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

COMMENT: This application is not a conceptual site plan; therefore, this finding is not applicable.

- (10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be approved by the applicant.**

COMMENT: Preliminary Plan 4-18024 was approved on September 26, 2019. Transportation adequacy findings were made and approved by the Planning Board based upon the trip cap established by Condition 5, as amended, in ZMA-A-9956-C..

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with**

the provisions set forth in this Section and Section 27-548.

COMMENT: Woodmore Commons is not being developed as a mixed-use planned community. It also does not include 250 acres. Therefore, this provision does not apply.

In accordance with Section 27-574, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of DSP. Detailed information regarding the methodology and procedures to be used in determining the parking ratio is outlined in Section 27-574(b).

A detailed and thorough parking analysis has been prepared by Lenhart Traffic Consulting, Inc. That parking analysis, as set forth in a memorandum dated July 13, 2018, has been filed with this application. The Lenhart Traffic Consulting parking memorandum analyzes both the normal required parking spaces as set forth in the Zoning Ordinance for multifamily residential units as well as the Institute of Transportation Engineers Parking Generation Manual. Lenhart Traffic Consulting concludes, based upon its analysis, that the peak parking demand for these 284 multifamily units would be 296 parking spaces. Since the project proposes a total of 367 parking spaces, there will be more than sufficient parking provided on site to accommodate all parking needs.

Section 27-285. Planning Board Procedures.

(b) Required findings.

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use;**

COMMENT: The Applicant submits that this Detailed Site Plan conforms to all design requirements of the M-X-T Zone and the Landscape Manual. In particular, setbacks and green areas are all met and satisfied. Access proposed is as approved in Preliminary Plan 4-18024. Cross sections have been provided illustrating that access and on site circulation will be safe and efficient. As can be seen from the elevations filed with this application, the buildings present an attractive and aesthetically pleasing design incorporating high architectural standards. The construction will utilize durable and attractive building materials. The proposed buildings do not exceed established height requirements. In short, the proposal does in fact represent a reasonable and viable alternative for satisfying site design guidelines while allowing for the construction of a development which will serve its intended purpose and use.

- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).**

COMMENT: On May 30, 2019, the Planning Board approved CSP-03001-01 (PGCPB No. 19-71), which, among other things, amended the original Conceptual Site Plan for Balk Hill Centre to revise the uses on Parcels 1 and 2 to reduce the commercial square footage to a range of 65,000 to 100,000 square feet and add 284 multifamily dwelling units. The District Council approved CSP-03001-01 on October 15, 2019. This Detailed Site Plan is in general conformance with the approved Conceptual Site Plan Revision. Specifically, the revised Conceptual Site Plan proposed access would occur from Ruby Lockhart Boulevard via a private road which would be shared with the adjoining proposed commercial parcel. The access as approved by the Conceptual Site Plan has been incorporated into the Detailed

Site Plan. In addition, the approved Preliminary Subdivision Plan will divide Parcel 1 into two individual parcels. The Conceptual Site Plan approved 284 multifamily units to be constructed on that portion of Parcel 1 which will become Parcel 11 pursuant to approved Preliminary Subdivision Plan 4-18024. The multifamily component, as embodied in this Detailed Site Plan, is shown on proposed Parcel 11 in the area approved on the Conceptual Site Plan. In view of the above, the Applicant submits that this Detailed Site Plan conforms to the approved revised Conceptual Site Plan (CSP-03001-01).

- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

COMMENT: DSP-04069-09 is not a DSP for Infrastructure, this finding does not apply.

- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

COMMENT: Natural Resources Inventory NRI-151-2018 was approved for this property on November 13, 2018, and is still valid. The NRI shows no streams, wetlands, or floodplain are found to occur on the subject property, and there are no specimen trees. DSP-04069-09 conforms to this requirement.

PRIOR CONDITIONS OF APPROVAL

There have been several prior approvals and each contain conditions. However, due to the fact that the DR Horton residential component is virtually completed, most of the conditions are no longer relevant. A discussion of those conditions which remain relevant follows.

Zoning Map Amendment Application A-9956-C

Condition 5. The development of the subject property shall be limited to the prior approved 393 residences plus additional permitted uses under the M-X-T Zone which generate no more than 1,013am and 1,058pm peak hour vehicle trips.

This Condition was revised and amended by the District Council in its Ordinance of March 28, 2018. As amended, Condition 5 now makes it clear the Applicant can develop any uses permitted in the M-X-T Zone on Parcel 1 and Parcel 2 as long as proposed development does not exceed the established trip caps.

An analysis of transportation needs in this area occurred pursuant to the provisions of the MD 202 Corridor Study and the Road Club which resulted from that study. There were over 500 acres in the study area and an overall density and overall trip cap were approved based upon providing identified major road improvements which no single project could bear financially. Prince George's County was also to contribute to the improvements.

When Balk Hill was initially rezoned to the M-X-T Zone, a transportation adequacy finding was required pursuant to Section 27-213 of the Zoning Ordinance. The Traffic Group, as traffic engineer for the applicant at that time, filed a traffic study in 2001. The Transportation Section undertook a thorough analysis which resulted in a lengthy referral memorandum dated April 19, 2007. The referral was attached to the Staff Report in the zoning case (A-9956) and the analysis was included in the body of the staff report. The referral analyzed the 202 Corridor Study including its recommendation for road improvements. It noted that the rezoning application proposed 328,480 sq. ft. of general office, 20,000 sq. ft. of retail and 393 residences. It set out the AM and PM trips which that development would generate and the resulting number was 1,013 AM peak hour trips and 1,058 peak hour trips (see p. 12 of referral). Based upon the findings, 5 conditions were recommended. The first 4 conditions were road improvements and the 5th was a trip cap of 1,013 AM and 1,058 PM peak hour trips for the uses which the applicant proposed and which was included in proposed Condition 5 of the staff report. The conditions were incorporated into the Order approving A-9956. That Order is also attached.

When the property went through preliminary subdivision plan approval in 2004 (4-03094), another traffic study was prepared, presumably to confirm the established trip cap was not exceeded. For some reason, that study analyzed the 328,480 sq. ft. as retail and not office. This resulted in a lower AM trip generation due to the fact that retail would not generally be open for business in the AM peak hour. There were no conditions attached to the approval of 4-03094 relating to limiting trips or changing in any way the previously established trip cap.

In 2018 the Applicant, in conjunction with the Revenue Authority (the present owner of Parcels 1 and 2), processed a revision to Condition 5 to allow 393 residential units and any other uses permitted in the M-X-T Zone provided the trip cap of 1,013 AM and 1,058 PM peak hours was not exceeded. That request was granted by the District Council and a copy is attached to this application.

Based on the above, it is the Applicant's understanding that in rezoning the property in 2002, the Council was required to find transportation adequacy. It did so and put in place a trip cap of 1,013 AM and 1,058 PM peak hour trips. That trip cap never changed when Preliminary Plan 4-03094 as approved. Further, the District Council's recent decision amending Condition 5 reaffirms and clarifies that the trip cap governs. It represents a subsequent act taken by the District Council after approval of the Preliminary Subdivision Plan and makes clear that any transportation finding in the original Preliminary Plan is subordinate to the Condition 5 trip cap. The trip cap remains in effect today and as long as the applicant's proposed new development does not exceed that trip cap, no new transportation adequacy test is required.

The applicant's transportation engineer prepared a trip generation analysis for Preliminary Subdivision Plan 4-18024 which confirmed that the development proposed therein did not exceed the approved trip cap.

Condition 10. Prior to the acceptance of a Detailed Site Plan for development of the twenty (20) acres (Parcels 1 and 2), the Applicant shall provide written confirmation that it has held a community meeting with stakeholders which shall include an invitation to at least representatives from St. Joseph's parish and Balk Hill Homeowners association.

As part of its request to revise conditions attached to the rezoning the Applicant also sought clarification and revision to Condition 10. Condition 10 as set forth above was amended pursuant to the District Council's Ordinance which became effective March 27th, 2018. The Applicant has met with the interested citizens to discuss the revisions to Conditions, the revised Conceptual

Site Plan and the new Preliminary Subdivision Plan. Another meeting will be scheduled before this Detailed Site Plan is accepted.

Conceptual Site Plan CSP-03001

Condition 9. Development of this subdivision shall be in compliance with an approved type 1 tree conservation plan (PCP I/19/03).

All development will be in accordance with the approved tree conservation plan as it may be amended.

Preliminary Subdivision Plan 4-03094

Condition 6(b). Provide wide sidewalks (six to eight feet wide) along both sides of St. Joseph's Drive, per the concurrence of DPW and T.

This conditioned will be addressed at time of the appropriate Detailed Site Plan.

Condition 6(c). Provide standard sidewalks along both sides of all other internal roads per the concurrences of DPWT.

This condition has been addressed on this Detailed Site Plan.

Condition 15. Development must be in accordance with the approved stormwater management concept plan, Concept 4981-2002-00, or any approved revisions thereto.

The Applicant intends to conform with all applicable stormwater management plans as approved by Prince George's County.

Condition 17. The use and ownership disposition of Parcels 1 and 2 shall be determined at the Detailed Site Plan stage.

This condition was previously satisfied at the time of the approval of DSP-04067. Parcels 1 and 2 were deeded to the Revenue Authority.

Condition 18. At the time of final plan approval, the applicant shall dedicate a right of way along Campus Way and St. Joseph's Drive in accordance with the submitted plan.

The final plats have been approved and recorded. Right of way required along the St. Joseph's Drive frontage of Parcel 1 and Parcel 2 has been dedicated.

Condition 22. Parcels 1 and 2 shall be platted in conjunction with the first final plats for the entire development. The Parcels shall be conveyed to the Revenue Authority immediately upon recordation.

Parcels 1 and 2 were in fact deeded to the Revenue Authority, by deed date June 20, 2012 and recorded in Liber 33973, Folio 099.

Condition 23. At the submission of the first Detailed Site Plan, the Applicant shall submit documentation on the structure of the advisory planning committee and how it will function to advise the Revenue Authority. on the development of Parcels 1 and 2 pursuant to condition 10 of Zoning Map Amendment Application A-9956-C. As part of the documentation noted above, it shall include confirmation that the

representatives from the required membership have been duly chastened by the respective organizations.

As noted above, Condition 10 in Zoning Map Amendment Application A-9956-C has in fact been amended at the request of the Applicant and the Revenue Authority. The advisory planning committee no longer exists. That being said, Balk Hill Ventures intends to continue to interact with civic associations and other interested individuals and entities.

Detailed Site Plan DSP -04067.

DSP-04067 included a number of conditions. However, those conditions related to the residential development of the 393 units within Balk Hill. None of the conditions attached to that approval impact the development of Parcel 1 and Parcel 2.

Conceptual Site Plan Revision CSP-03001-01

The approval of the Conceptual Site Plan Revision contained one condition with several subparts. The condition required certain changes to be made to the Conceptual Site Plan prior to certification. None of those have been made since the Conceptual Site Plan was only approved by the District Council on October 15, 2019. None of the conditions attached to the Conceptual Site Plan revision have any application to this Detailed Site Plan.

Preliminary Subdivision Plan 4-18024

1.b.(1) All cross sections shall include a sidewalk and green space abutting the drive aisles.

The shared driveway entrance into the site from Ruby Lockhart Boulevard has sidewalks on both sides. On the east side landscaping has been provided in the form of shade trees and shrubs. The west side of the driveway entrance contains a stormwater management facility.

3. Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that indicates the location, limits and details of all pedestrian and bicycle facilities and illustrates how their interconnectivity and connectivity to adjacent properties encourages walkability and reduced automobile use.

The Detailed Site Plan and Landscape Plan illustrate the proposed sidewalk system which will convey pedestrians from the multifamily residential units across the site. Bicyclists will be able to also traverse the site through the private parking areas and drive aisles in order to obtain access to Ruby Lockhart Boulevard. The potential exists for striping across Ruby Lockhart Boulevard in order to provide for a pedestrian connection. In the alternative, pedestrians may walk Ruby Lockhart Boulevard to the light at the intersection of Ruby Lockhart Boulevard and St. Joseph's Drive. From there, pedestrians and bicyclists can cross Ruby Lockhart Boulevard and proceed in a southeasterly direction to obtain access to the balance of the Woodmore Commons site.

Sidewalks along Ruby Lockhart Boulevard will be available for pedestrians. An exhibit providing greater detail has been included with this Detailed Site Plan.

CONCLUSION

In view of all of the above, the applicant submits that all required criteria for the approval of this Detailed Site Plan are met and satisfied. The applicant therefore requests that this Detailed Site Plan be approved as requested.

A handwritten signature in blue ink, appearing to read 'E. Gibbs, Jr.', is written over a horizontal line.

Edward C. Gibbs, Jr., Esquire
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S:\Petrie ELG\BALK HILL\Justification Statement DSP-04067-09.wpd

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April 8, 2020

Mr. Andrew Bishop
The Maryland-National Capital
Park and Planning Commission
County Administration Building
Upper Marlboro, Maryland 20772

Re: DSP-04067-09

Dear Andrew:

On April 1, 2020, Rodgers Consulting electronically filed the revision to the referenced Detailed Site Plan. This revision added parking spaces and deleted 16 units from the original proposed 284 units. Consequently, the unit total now is 268 units. This, along with some other changes (including a DDS to reduce the size of parking spaces) allowed as to add more parking spaces. The additional parking resulted in a reorientation of the multifamily buildings on site. In addition, it resulted in the ability to place the recreational facilities in a freestanding building. The original parking ratio was 1.2 spaces per unit. These changes were made as a result of the staff's recommendation that the parking ratio be increased. Pursuant to the revised plan, the parking ratio is now 1.4 spaces per unit. In support of this new ratio, the transportation engineer, Lenhart Traffic Consulting, prepared a revised parking analysis which was also filed electronically by Rodgers.

Part of the revision to DSP-04067-09 involved reducing the normal size of parking spaces from 9.5 feet x 19 feet to 9 feet x 18 feet, as referenced above. That necessitated a departure from design standards (DDS-669). After discussion with both you and Cheryl Summerlin, that DDS has been filed pursuant to the most recently issued Bulletin. DDS-669 was filed at approximately 11:30 a.m. on April 2, 2020 by depositing the package in the drop box located at the rear of the County Administration Building.

Please let me know that you have received all documents. Thanks,
Andrew.

Very truly yours,

GIBBS AND HALLER


Edward C. Gibbs, Jr.

cc: Chris Duffy
S:\Petrie ELG\Woodmore Commons\Bishop3.wpd

STATEMENT OF JUSTIFICATION

DEPARTURE FROM DESIGN STANDARDS DDS-669

WOODMORE COMMONS

APPLICANT: BALK HILL VENTURES, LLC

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STATEMENT OF JUSTIFICATION IN SUPPORT OF DEPARTURE FROM DESIGN STANDARDS DDS-669

APPLICANT

The Applicant for this Departure from Design Standards application is Balk Hill Ventures, LLC. Balk Hill Ventures is a Maryland limited liability company formed and wholly owned by the principals of Petrie Richardson Ventures LLC ("Petrie Richardson"). Petrie Richardson was the original developer of Woodmore Town Centre, a major mixed use commercial and residential development located contiguous to the property forming the subject matter of this application. Petrie Richardson has substantial experience both locally and nationally in the development, construction and operation of mixed use development projects. Woodmore Towne Centre is a prime example of Petrie Richardson's efforts. Woodmore Towne Centre is an approximately 274 acre project zoned M-X-T (Mixed Use Transportation Oriented). It includes a mix of commercial retail, commercial office and residential units of all types. To date, Woodmore Towne Centre has been developed with approximately 750,000 square feet of commercial retail uses, a hotel, a medical office building, and over 600 residential units. The development is ongoing.

Balk Hill Ventures is the contract purchaser of two parcels of land, one of which forms the subject matter of the instant application. The property is presently owned by the Revenue Authority of Prince George's County, Maryland. ("Revenue Authority").

THE PROPERTY

Balk Hill Ventures, LLC is the assignee of a contract of sale entered into between Petrie Richardson and the Revenue Authority to acquire Parcels 1 and 2. Parcels 1 and 2 are part of a larger project known as Balk Hill, which is zoned M-X-T. Parcels 1 and 2 are presently unimproved and wooded. They comprise 9.24 and 8.6 acres respectively and are recorded among the Land Records of Prince George's County, Maryland in Plat Book REP 217, Plat No. 92. In addition to Parcels 1 and 2, Balk Hill also includes up to 393 residential uses of varying types as well as a small commercial office component within structures designed as townhomes. That portion of the development is under the ownership and project control of D.R. Horton, Inc. The entire project included approximately 125.4 acres. The development of Parcels 1 and 2 is to be known as Woodmore Commons.¹

NEIGHBORHOOD AND SURROUNDING USES

Parcels 1 and 2 are located in the northeast quadrant of the intersection of MD 202 (Landover Road) and St. Joseph's Drive. Parcel 1 has frontage on St. Joseph's Drive. Parcel 2 has frontage on both St. Joseph's Drive and MD 202. Both parcels will ultimately have frontage on an extension of Ruby Lochart Boulevard which will run generally in an east/west direction and connect Lottsford Road and St. Joseph's Drive. The majority of the 393 residential units within Balk Hill have been constructed and are occupied. Balk Hill is strategically located within the central portion of Prince George's County. It is proximate to the intersection of MD 202 and the Capital Beltway (I-495). Immediately west across St. Joseph's Drive is the St. Joseph's Church and Parish Center. Farther west and northwest is Woodmore Towne Centre, a mixed use commercial and residential development situated on approximately 274 acres of land zoned M-X-T. Woodmore Town Centre is approved to include up to 1,100 residential units of varying

¹Originally, the entire 125.4 acre development was known as Balk Hill. At the time of processing Preliminary Subdivision Plan 4-1802, the Applicant decided to name the development of Parcels 1 and 2 "Woodmore Commons".

types, up to 1,000,000 square feet of commercial retail space, up to 1,000,000 square feet of commercial office space, hotel uses consisting of 360 rooms and a conference center between 6,000 and 45,000 square feet. To the south and across MD 202 is the Inglewood Business Community. It is home to a number of commercial office buildings and four hotels. Prince George's County has all of its permitting offices within Inglewood Business Community. Further, the Wayne K. Curry Administration Building has recently opened and is presently home to the offices of the Prince George's County Executive. In the near future, it is anticipated that the Prince George's County Council as well as MNCPPC will each relocate from Upper Marlboro to the Curry Administration Building. Farther to the south and across Arena Drive is a Metro Station and the Prince George's County Hospital which is currently under construction. In short, this area is quickly becoming the nerve center and development hub of Prince George's County.

DEVELOPMENT PROPOSAL

The applicant filed a Detailed Site Plan application (DSP-04067-09) which proposed the development and construction of 284± multifamily residential units on Part of Parcel 1. The individual development footprint is designated as Parcel 11 on Preliminary Subdivision Plan 4-18024. That Preliminary Subdivision Plan was approved by the Planning Board and as approved, Parcel 1 is proposed to be divided into two individual lots (Parcels 10 and 11). Parcel 11 consists of 7.2± acres. The Preliminary Subdivision Plan was approved by the Planning Board on September 26, 2019. The project will be known as Woodmore Apartments and will be developed by St. Joseph Apartments LLC.

Project Outline

The Woodmore Apartments community is a multifamily development designed for quality, community living. The development is easily accessible and proposes a moderate density. It nonetheless provides ample apartment sizes and centralized amenities. This project aims to be one of the catalysts for the region's vision for sustainable, cohesive communities.

The detailed site plan for multifamily units is to be on proposed Parcel 11, which is 7.2± acres in size. One point of vehicular access from Ruby Lockhart Boulevard is proposed to serve the multifamily component. This development originally proposed 284 multifamily units across seven 4-story multifamily buildings. Each building has a diverse mix of unit types, 50% being one-bedrooms with a few studios mixed in. With 45% two and three bedroom apartments, the development provides a much needed boost toward addressing the region's lack of quality apartments for families. The generously sized corner three bedroom apartments have considerable light and open living spaces. All ground floor apartments have a patio off of the main living space, with privacy landscaping and fencing. Parking will be provided via surface parking lots surrounding the multifamily buildings.

NATURE OF REQUEST

As noted, when originally filed, the proposal as outlined in DSP-04067-09 was to construct 284 multifamily units. Within the M-X-T Zone, required parking is to be determined by the Planning Board at the time of the approval of the Detailed Site Plan. In this instance, the applicant proposed to provide parking spaces for the multifamily units at a rate of 1.2 parking

spaces per unit. During review of the Detailed Site Plan by staff, a concern was raised relative to the number of spaces proposed to be provided. In order to address the concerns raised by staff, the multifamily developer, St. Joseph Apartments LLC, made certain design changes to the site. These included reducing the number of units from 284 to 268 (a reduction of 16 units) in order to provide more land area for parking spaces. Also, some spaces which had originally been proposed (and which had been deleted at the suggestion of staff) have been replaced. As an additional measure, the applicant is also now proposing to reduce the normal required size of parking spaces. In general, the size of parking spaces is determined based upon the provisions of Section 27-558 of the Zoning Ordinance. Specifically, non parallel parking spaces are generally required to be dimensioned at 9.5 feet x 19 feet. In an effort to add some additional spaces, the applicant is now requesting authorization and approval to provide perpendicular parking spaces which are dimensioned at 9 feet x 18 feet.

CONFORMANCE WITH ZONING ORDINANCE STANDARDS

Departures from Design Standards for parking compounds and parking spaces within those compounds are authorized pursuant to the provisions of Section 27-587 of the Zoning Ordinance. That section provides as follows:

Sec. 27-587. Departures from Design Standards.

(a) Authorization.

- (1) In order to accomplish the purposes of this part, the Design Standards (Division 2, Subdivision 2; and Division 3, Subdivision 2) shall normally be complied with. A departure from these Design Standards may be permitted by the Planning Board or Planning Director, or by a municipality if this authority has been delegated by the District Council to a Municipal Corporation or through the establishment of a Revitalization Overlay District.**

The property is not within the limits of a municipal corporation. Therefore, the Departure in this instance must be granted by either the Planning Board or the Planning Director.

- (2) The Planning Board is authorized to approve departures from Design Standards in this Part, under procedures and requirements in Part 3, Division 5.**

This will be addressed hereinafter.

- (3) The Planning Director is authorized to approve administratively, without public hearing, limited departures from Design Standards, for a maximum of ten percent (10%) of standard requirements. The Director shall follow procedures and make the findings required in Part 3, Division 5.**

Pursuant to this provision, the Planning Director is authorized to approve administratively and without a public hearing, limited Departures from Design Standards up to a maximum of ten percent (10%) of standard requirements. The applicant submits that from a technical standpoint, in this instance the departure being requested could be approved by the Planning Director administratively and without a public hearing. As noted, the normal dimensions for parking

spaces are 9.5 feet x 19 feet. A reduction of ten percent of the width of a normal space would allow a space 8.55 feet in width. Similarly, a reduction of ten percent of the length of a normal 19 foot long space would allow for a space of 17.1 feet in length. Clearly, the departure being requested by the applicant in this instance (9 feet x 18 feet) is substantially less than ten percent of the maximum standard. However, given that this departure is being requested within the context of a pending Detailed Site Plan, the applicant believes that it would be appropriate for the Departure to be considered by the Planning Board at the time of its review and approval of the Detailed Site Plan.

The Planning Board is authorized to consider and approve Departures from Design Standards in accord with the procedures and requirements as set forth in Part 3, Division 5 of the Zoning Ordinance. Therein, Section 27-239.01 sets forth the procedures and criteria for the approval of a Departure from Design Standards. The required findings for an approval of a Departure from Design Standards are set forth in Section 27-239.01(b)(7). That section provides as follows:

- (A) In order for the Planning Board to grant the departure, it shall make the following findings:**
 - (I) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The purposes of the Zoning Ordinance are set forth in Section 27-102(a). An analysis of each of those purposes follows:

- (a) The purposes of the Zoning Ordinance are:**
 - (1) To protect and promote the health, safety, morals comfort, convenience, and welfare of the present and future inhabitants of the County;**

The revised parking proposal will provide 1.4 parking spaces per apartment unit. Given the evidence which has been submitted in support of that proposal, as part of the Detailed Site Plan, it is clear that 1.4 spaces per unit will provide more than sufficient parking for the proposed multifamily development. Granting this minimal Departure from the dimensions of parking spaces will assist in providing the requisite number of spaces. Accordingly, granting the Departure will in fact protect the health, safety, morals, comfort, convenience and welfare of present and future inhabitants of the County. In addition, as will be discussed infra, spaces which are dimensioned at 9 feet x 18 feet will be more than sufficient in size to park cars. This too will contribute to health, safety and welfare.

- (2) To implement the General Plan, Areas Master Plans and Functional Master Plans.**

The 1990 Largo-Lottsford Master Plan and Sectional Map Amendment recommended Employment land uses for the property and Land Use Alternatives. However, subsequent to the adoption of the Largo-Lottsford Master Plan, the District Council, in 2002 rezoned the property to the M-X-T Zone (ZMA A-9965-C). Subsequent thereto, the Planning Board approved Conceptual Site Plan 03001, and more recently a revision to that Conceptual Site Plan, CSP-03001-01, to allow the specific uses being proposed for the property, including multifamily residential development. Further, the Plan Prince George's 2035 General Plan places the

property in the Established Communities Area. The vision for the Established Communities Area is to accommodate context-sensitive infill and low to medium density development. The property was the subject of Preliminary Subdivision Plan 4-18024. Within that Preliminary Plan approval, the Planning Board found that the development proposal for Parcel 1 and Parcel 2, including the multifamily residential uses proposed to be constructed on Parcel 1, were in conformance with the recommendations of both the Master Plan and the General Plan.

(3) To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;

Development of the property with multifamily residential units is subject to a trip cap established by condition of the District Council in the approval of ZMA A-9965-C. The development being proposed has been found to be within that trip cap and therefore adequate transportation facilities will be provided. Public safety services are also adequate and school adequacy is determined based upon payment of a school facility surcharge. Water and sewer is available to the subject property.

(4) To guide orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry and business;

The development being proposed is in strict conformance with the approval of CSP-03001-01 and Preliminary Plan 4-18024.

(5) To provide adequate light, air, and privacy.

The Detailed Site Plan which has been filed seeking approval of the multifamily residential units provides for a layout which ensures adequate spacing between buildings and thus will provide adequate light, air and privacy.

(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development.

The proposed layout of the multifamily buildings provides for adequate space between buildings. Buffers will be provided in accord with the Landscape Manual and Green Area will be provided on site thus ensuring no adverse impact on adjoining development.

(7) To protect the County from fire, flood, panic, and other dangers;

This purpose is inapplicable.

(8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;

The proposed multifamily development has been described in detail in the Detailed Site Plan. This project will be functional and will incorporate high architectural standards. It will provide sound and sanitary housing for residents of Prince George's County within a healthy living environment. While rents will be market rate, the units will be affordable to County residents.

- (9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

The units themselves will provide housing for residents and workers in the County. The construction of the project will encourage economic development as it will provide jobs for the construction industry. The project as completed will enhance the tax base.

- (10) To prevent the overcrowding of land;**

The original proposed density was approved for 284 multifamily dwelling units pursuant to the Conceptual Site Plan. A smaller number of units (268) will actually be constructed thus preventing any overcrowding of land.

- (11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

As noted above, the development being proposed will be well within the trip cap established by the District Council for the development of the Balk Hill project. Transportation adequacy was also found at the time of the approval of the Preliminary Subdivision Plan in 2019.

- (12) To insure the social and economic stability of all parts of the County;**

This project will provide attractive and functional housing opportunities for residents of the County. This will contribute to the social and economic stability of the County in general.

- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

Development of the property includes an approved Stormwater management plan as well as a Tree Conservation Plan and Natural Resources Inventory. All of these will encourage appropriate preservation of natural resources.

- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

Adequate green area is being proposed within the project. In addition, recreational amenities are being proposed for residents of the multifamily units.

- (15) To protect and conserve agricultural industry and natural resources.**

This provision is inapplicable.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;**

As has been described above, pursuant to the provisions of Section 27-558 of the Zoning Ordinance, normally the dimensions of non parallel parking spaces are required to be 9.5 feet x 19 feet. The applicant is requesting to reduce the size of the spaces to 9 feet x 18 feet. The effect of this reduction is to allow the applicant to provide more parking spaces to assist in achieving an overall parking space ratio of 1.4 spaces for each multifamily dwelling unit. The applicant submits there are specific circumstances which bear upon this request. It should be noted that the Conceptual Site Plan revision (CSP-03001-01) which was approved in 2019 for the property authorized 284 multifamily units. The applicant initially filed its Detailed Site Plan proposing to provide 1.2 parking spaces per unit. The applicant believed at that time and continues to believe that 1.2 spaces per unit is sufficient to provide for the parking needs of this development. However, staff felt it was necessary to provide a greater parking ratio. Part of the applicant's response to staff's concerns has occasioned the request to reduce parking space sizes to 9 feet x 18 feet. This is indeed the minimum departure necessary in order to assist in achieving the ratio of 1.4 spaces per unit.

It should be noted that virtually every jurisdiction within reasonable proximity of Prince George's County allows perpendicular/non parallel parking spaces to be provided at dimensions which are not as onerous as those in Prince George's County. The following jurisdictions are noted:

- A. Montgomery County Zoning Ordinance, Section 5-E-2.22(b) provides for perpendicular spaces to be dimensioned at 8.5 feet x 18 feet
- B. The Frederick County Zoning Ordinance, Section 1-19-6.220 allows for perpendicular parking spaces to be dimensioned at 9 feet x 18 feet
- C. The Charles County Zoning Ordinance, Section 297-336(A) allows for perpendicular parking spaces to be dimensioned at 9 feet x 18 feet
- D. The Calvert County Zoning Ordinance, Section 6-3.01.C allows for perpendicular parking spaces to be dimensioned at 9 feet x 18 feet;
- E. The St. Mary's County Zoning Ordinance, at Section 64.7 allows for perpendicular parking spaces to be dimensioned at 9 feet x 18 feet;
- F. The Anne Arundel County Zoning Ordinance, at Section 17-6-602 allows for standard perpendicular parking spaces to be dimensioned at 9 feet x 16 feet

The applicant's proposal to provide parking spaces dimensioned at 9 feet x 18 feet is consistent with all of the surrounding Maryland jurisdictions and as such certainly represents the minimum departure necessary in this instance. Further, allowing this departure will afford the applicant the opportunity to address the specific circumstances which present themselves in this instance. The M-X-T Zone is unique in that parking is to be determined by the Planning Board based upon a review of the parking deemed to be necessary as part of the approval of a detailed site plan. In this instance, while the applicant feels that 1.2 spaces per unit are satisfactory, staff has requested a greater ratio. Allowing this Departure assists the applicant in achieving a higher parking space ratio per unit.

- (iii) **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**


There are circumstances which are unique to this site and which bear upon this departure request. As noted above, the recent Conceptual Site Plan revision (CSP-03001-01) authorized the development of 284 multifamily units on the property. When the Preliminary Subdivision Plan was approved, the multifamily parcel was designated as proposed Parcel 11. That 7.2 acre site is the subject of DSP-04067-09. The Preliminary Subdivision Plan (4-18024) contemplated the development and construction of 284 multifamily units on the property. Again, parking in the M-X-T Zone is based upon what is deemed appropriate by the Planning Board at the time of approval of the Detailed Site Plan. In this instance, the applicant felt that 1.2 parking spaces per unit were more than sufficient and submitted an analysis is prepared by a recognized transportation planner justifying this ratio. Staff has requested a higher ratio and in order to achieve that higher ratio, the applicant is employing several means, including the reduction of units. In addition to reducing units and adding more spaces, the applicant is also proposing to reduce the size of the parking spaces to 9 feet x 18 feet as is prevalent in most other neighboring Maryland jurisdictions. The applicant submits these are in fact circumstances which are unique to this site, especially given its M-X-T zoning classification and recent plan approvals.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

This is a minimal departure request which is being proposed by the applicant. The applicant submits it is not perceptible to the naked eye to discern the difference between a space which is 9.5 feet x 19 feet and a space which is 9 feet x 18 feet. The size of the spaces look the same. In addition, as has been noted above, the applicant is proposing to delete units from the site. As can be seen from a review of the site plan filed with DSP-04067-09, there is adequate spacing between buildings. In addition, there is substantial landscaping within the project. Finally, the architecture being proposed is of the highest quality. The net effect is to produce a proposed development which is visually and functionally attractive. Since all environmental regulations are being observed as set forth in approved plans including the Natural Resources Inventory, Tree Conservation Plan and Concept Stormwater Management Plan, there will be no adverse impact on the environmental quality or function of the site. Given these facts, the applicant submits this standard is also met and satisfied.

CONCLUSION

In view of the above, the applicant respectfully submits that all articulated standards for the grant of this Departure from Design Standards are met and satisfied. Given this fact, the applicant requests that the Departure to allow spaces to be provided with dimensions of 9 feet x 18 feet should be approved.



Edward C. Gibbs, Jr., Esquire
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
egibbs@gibbshaller.com
Attorney for the Applicant



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

January 30, 2020

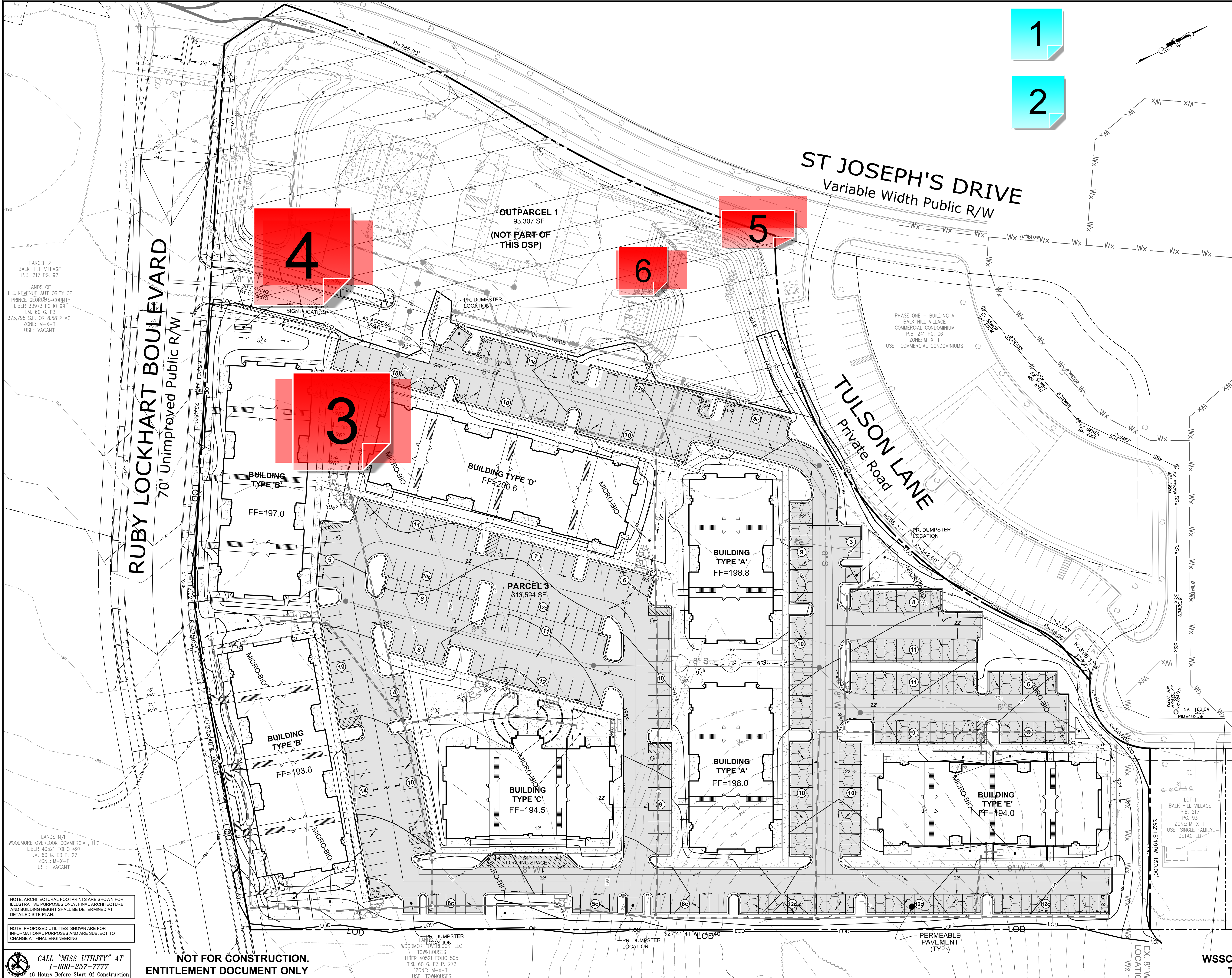
MEMORANDUM

TO: Jeremy Hurlbutt, Urban Design Section

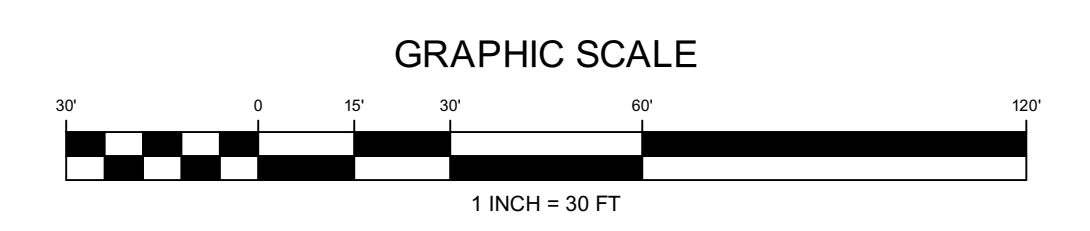
FROM: Tempi Chaney, Permit Review Section

SUBJECT: Woodmore Commons, DSP-04067-09

1. The dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.
2. Parking space sizes should be provided on the site plan for both standard and handicap parking spaces either in the parking schedule or a typical parking space shown on the plan.
3. The sign detail sheet should include the square footage of the proposed sign or at least the maximum sign square footage that would be permitted.



- LEGEND:
- EX. BOUNDARY LINE
 - EX. LOT LINE
 - EX. BLDG
 - EX. SIDEWALK
 - EX. PARKING STRIPING
 - EX. 10' CONTOUR LINE
 - EX. 2' CONTOUR LINE
 - EX. TREES
 - EX. WATER
 - EX. SEWER
 - EX. STORM DRAIN
 - EX. WETLAND
 - EX. WETLAND BUFFER
 - EX. STREAM
 - EX. FLOODPLAIN
 - EX. PRIMARY MGMT AREA
 - EX. FLOODPLAIN BRL
 - EX. EPHEMERAL STREAM
 - UNMITIGATED 65 DB LINE
 - PR. R.O.W.
 - PR. LOT LINE
 - PR. BLDG
 - PR. SIDEWALK
 - PR. PARKING STRIPING
 - PR. CURB
 - STEEP SLOPES (15% & GREATER)
 - PR. SEWER
 - PR. WATER
 - PR. STORM DRAIN
 - PR. PUE
 - PR. EASEMENT
 - EX. ESMT
 - PR. 10' CONTOUR LINE
 - EX. 2' CONTOUR LINE
 - REQUIRED LOT DEPTH
 - PR. LOD



THIS BLOCK IS FOR OFFICIAL USE ONLY

QR label certifies that this plan meets conditions of final approval by the Planning Board, its designee or the District Council.

M-NCPPC APPROVAL

PROJECT NAME: WOODMORE APARTMENTS

PROJECT NUMBER: DSP-04069-09

For Conditions of Approval see Site Plan Cover Sheet or Approval Sheet. Revision numbers must be included in the Project Number.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NO. 32490 EXPIRATION DATE: 6/6/20

8/16/19



NOT FOR CONSTRUCTION. ENTITLEMENT DOCUMENT ONLY

Applicant:
Scott Shinskie
Saint Joseph Apartments, LLC
c/o Varsity Investment Group
7829 NORFOLK AVE
BETHESDA, MD 20814
PHONE: 301-654-3330

WOODMORE APARTMENTS

PT. PARCEL 1 PLAT No. 217092
L. 33973 F. 00099
ELECTION DISTRICT No. 13
UPPER MARLBORO, PRINCE GEORGE'S COUNTY, MARYLAND

RODGERS CONSULTING

1101 Mercantile Lane, Suite 280, Largo, Maryland 20774
Ph: 301.948.4700 Fax: 301.948.6256 www.rodgers.com

BY	DATE
BASE DATA	CADD
DESIGNED	
DRAWN	
REVIEWED	
RODGERS CONTACT: Philip R. Hughes III	
RELEASE FOR	
BY	DATE

DETAILED SITE PLAN

SCALE: 1" = 30'

JOB No. 1209A

DATE: 8/15/18

SP-1

SHEET No. 10 OF 12

1 - 1 - WSSC Plan Review Comments

Created by: Mary Mapes
On: 01/31/2020 11:33 AM

WSSC Plan Review Comments
DSP-04067-09 - Woodmore Apartments

----- 0 Replies -----

2 - 2 - WSSC Standard Comments for All Plans

Created by: Mary Mapes
On: 01/31/2020 11:34 AM

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:
 - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
 - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
 - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
 - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
 - f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
 - g. Upon completion of the site construction, utilities that are found to be located within WSSC's rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
4. Unless otherwise noted: ALL extensions of WSSC's system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSC's Permit Services Section at (301-206-8650) or visit our website at <https://www.wsscwater.com/business--construction/developmentconstruction-services.html> for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services Section at (301) 206-4003.

----- 0 Replies -----

3 - Design Comments for water and sewer

Created by: Jonathan Madagu
On: 02/05/2020 10:33 AM

- 1). Existing and/or proposed water mains and service connections are not shown on the plan. Water and sewer lines as well as proposed connections need to be included on the plan.
- 2). Add the proposed pipeline alignments with water and sewer house connections to the plan. Additionally, if easements are required, their limits and locations must be shown. See WSSC 2017 Pipeline Design Manual Part Three, Section 2; easements and Construction Strips.
- 3). Show and label easement limits on plan for all existing and proposed water and sewer mains.
- 4). Revise the plan to realign any water pipeline that conflicts with large storm drains, culverts, deep side ditches, etc. Maintain the required horizontal clearances from other utilities, retaining walls, sediment traps, street lights, paving, etc. See WSSC 2017 Pipeline Design Manual Part Three, Section 3; Pipeline Crossings and Clearances.
- 5). There is a 16- inch diameter water main located near this property. WSSC records indicate that the pipe material is Ductile Iron (DI), Prior to submittal of Phase 2 System Integrity review, it is the applicant's responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.
- 6). Water pipelines 12-inch and smaller must have the greater of: a minimum of 15 feet horizontal separation from any building or dwelling or a 1:1 slope from the bottom of the foundation of the existing or proposed building to the bottom edge of the pipeline trench.
- 7). Water pipelines larger than 12-inch, including PCCP mains, must have a minimum of 25 feet horizontal separation from any building or dwelling. The building must also be outside the WSSC existing or proposed easement.
- 8). Condominiums or Cooperative Ownership Properties -that abut a public water main, are constructed as "row style" townhomes (one-unit bottom to top) and utilize a 13D or 13R type fire sprinkler system may be served with individual WSSC Water Service Connection outfitted with and outside meter or curb valve. See WSSC 2019 Plumbing & Fuel Gas Code 111.2.1.8
- 9). Condominiums in Prince George's County. Pursuant to State law, condominium or cooperative ownership projects in Prince George's County (or conversions to condominium or cooperative ownership) may not be served by a master meter. Each unit must have a separate meter, account and shutoff valve in accordance with the WSSC 2019 Plumbing and Fuel Gas Code. See WSSC 2019 Development Service Code 702.5.1
- 11). **METERING - Multi-Unit Buildings**
In accordance with State law, the Commission shall require individual metering of residential units within a multi-unit condominium or cooperative ownership property located in Prince George's County. For all other multi-unit properties, WSSC shall allow either "Master Metering" or individual unit metering. Where individual metering is optioned, design and installation shall meet the provisions set forth in Sections 111.5.8.2 and 111.5.8.3 Where required solely by the owner, unit (private) water meters shall be furnished, installed, and maintained by the property owner. WSSC 2019 Plumbing & Fuel Gas Code 111.5.8
- 12). **METERING - Mixed-Use Buildings.**
Where both residential and commercial units in the same building are served by single water service connection or multiple service connections forming into a single system on property, a minimum of two meters shall be installed, as set forth below, to allow for the separate registering or computations of residential unit and commercial unit water consumptions at the building. For mixed-use properties located in Prince George's County, each residential unit must be metered separately. See 2019 Plumbing & Fuel Gas Code 111.5.8.1
- 13). **Conversion to condominium.** In accordance with State Law, where a property use is being converted to condominium or cooperative ownership of residential units, plumbing modifications shall be permitted, inspected, and approved, prior to the conversion, to individually meter each

unit with a WSSC furnished meter and individual water/sewer account. Refer to sections 111.5.8.2 and 111.5.8.3 for details. See WSSC 2019 Plumbing & Fuel Gas Code 111.5.1.1.1

14). The WSSC 2019 Plumbing & Fuel Gas Code has been adopted and is effective March 1, 2019.

The minimum size new water service connection for Group R-3 occupancies shall be 1.5 inches. Water service connections that are already buried may be utilized provided they are deemed adequate to serve the greater demand of either the total proposed fixture load or the fire sprinkler system. See WSSC 2019 WSSC Plumbing & Fuel Gas Code 111.1.1.1

15). Realign sewer service connection(s) to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance. See WSSC 2017 Pipeline Design Manual Part Three, Section 3; Pipeline Crossings and Clearances.

16). Water loop may be required to provide a second feed for system outage. This will be determined with WSSC Hydraulic Planning Analysis.

----- 0 Replies -----

4 - EASEMENTS

Created by: Jonathan Madagu
On: 02/05/2020 11:32 AM

1). WSSC easements must be free and clear of other utilities, including storm drain systems, ESD devices, gas, electric, telephone, CATV, etc., with the exception of allowed crossings designed in accordance with the WSSC 2017 Pipeline Design Manual. Landscaping and Hardscaping are also not allowed without approval. Under certain conditions (and by special request) the items listed above may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement and/or Hold Harmless Agreement between WSSC and the developer.

2). Private Street & Alley Easement Requirements. Service mains proposed for this project are located in roadways that are or may be private. Private water and sewer mains are preferred in private streets and alleys. If the applicant desires public water and sewer mains in these private streets and alleys, then the following criteria must be met: All separation requirements in the WSSC 2017 Pipeline Design Manual (PDM) must be met. A 10 foot Public Utility Easements (PUE) shall be provided on both sides of the private street -and/or alley or space within the private street will be provided to assure PDM separations are met and limiting utility crossings of the WSSC water and sewer lines. Blanket easements for other utilities (gas, electric, telephone, CATV, fiber optic, etc.) within the private street and/or alley parcel will not be allowed. The HOA documents shall not provide for a blanket easement across and under a private street and/or alley parcel. Dry utilities are to be located in the PUE or as described above. No dry utilities are to be placed within the WSSC easement for public water and sewer except to cross perpendicular to the public water and sewer mains. The storm drain system located in a private street and/or alley containing public water and sewer mains shall also be public and maintained by the County.

3). WSSCs minimum easement width for a normal (14-inch diameter or less) pipeline (water or sewer at normal depth) is 20-feet. When both water and sewer (normal diameter and depth) are installed in the same easement, the minimum width is 30-feet. Installation of deep or large water/sewer will require additional easement width.

4). The minimum horizontal clearance from a building to the outside diameter of a WSSC pipeline is 15-feet. The minimum spacing between adjacent buildings with both water and sewer lines

between them must be 40-feet. In some cases where connections, fire hydrants, or deep water/sewer lines are involved, additional easement width is required.

5). Balconies or other building appurtenances must not encroach within WSSC easements. Water/Sewer pipeline alignment should maintain a minimum 5-foot horizontal clearance from storm-drain pipeline/structures and other utilities. Review of plan submitted does not meet these requirements.

6). Design of proposed [water and/or gravity sewer] main(s) through M-NCPPC forested property must minimize construction clearing impact and maximize tree preservation. Design must meet objectives of both M-NCPPC and WSSC. For 8-inch size mains: construction requires a minimum 40-foot easement/permit and additional 15-foot construction strip. For larger and/or deeper pipeline, additional easement/permit widths will be required depending on size and depth.

7). Acquisition of off-site easements from other property owners will be required for the proposed (water/sewer) extension(s). The Applicant is responsible for obtaining the easements. Delineate and show the proposed off-site easement limits on plan. See WSSC Design Manual C-2.1

----- 0 Replies -----

5 - ENVIRONMENTAL

Created by: Jonathan Madagu
On: 02/05/2020 11:41 AM

1). An Environmental Site Assessment report will be required for the proposed site.

2). Wetlands permit will be required for any construction within nontidal wetland areas. See WSSC 2017 Pipeline Design Manual Part Three, Section 23

3). Pipeline stream crossing. Follow general guidelines for stream crossing cases presented in WSSC 2017 Pipeline Design Manual Part Three, Section 9

4). WSSC facilities/structures cannot be located with a public utility easement (PUE) however WSSC pipelines may cross over a PUE. Revise the plan to relocate any pipeline, valve, fire hydrant, meter vault and any other WSSC facilities/structures outside of the PUE.

5). Any grading change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC right-of-way requires advance approval by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street right-of-way requires WSSC approval directly on the original GEP prior to approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation or abandonment of existing WSSC facilities) is done at the sole expense of the applicant/builder/developer. Contact WSSC Relocations Unit at (301) 206-8672 for review procedures and fee requirements. See WSSC 2017 Pipeline Design Manual, Part Three, Section 5 & Section 11.

7). Show and label all existing nearby water and/or sewer service connections that may be impacted by the proposed development.

----- 0 Replies -----

6 - HYDRAULICS COMMENTS GENERAL

Created by: Jonathan Madagu
On: 02/06/2020 09:54 AM

- 1). Submit a hydraulic planning analysis package for review.
- 2). A 100-foot long non-CIP sized water main extending to the property line will be required, connecting to the existing water main located Rubby Lockhart Blvd, contract no.2004-3869D. Additional public mains will be required within the site.
- 3). A200-foot long non-CIP sized sewer, extending to the property line, will] be required, connecting to the existing sewer main located on Tulson Lane, contract no.2003-3668D. Additional public mains will be required within the site.
- 4). The sewer main alignment should be revised to avoid deep and/or shallow sewer.
- 5). Projects in Service Category W-4 and/or S-4 can have complete Hydraulic Planning Analysis performed however the design plans cannot be approved until the property is designated W-3 and/or S-3.
- 6). To determine the current Service Category or request a change, contact the Department of Permitting, Inspection and Enforcement 301-636-2060.

----- 0 Replies -----

301-952-3972

April 14, 2020

MEMORANDUM

TO: Andrew Bishop, Senior Planner, Urban Design Section, Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division *DAG*

FROM: Chidy Umeozulu, Planner Coordinator, Neighborhood Revitalization Section, Community Planning Division *CU*

SUBJECT: **DSP-04067-09, Woodmore Common**

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Detailed Site Plan for property outside of an overlay zone.

Location: Northeast quadrant of the intersection of Ruby Lockhart Boulevard and St. Joseph's Drive

Size: 9.34

Existing Uses: Unimproved and wooded

Proposal: 284 dwelling units in seven 4-story multifamily buildings, a 4,000 square foot clubhouse and surface parking

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in the Established Communities. The vision for the Established Communities is context sensitive infill and low- to medium-density development.

Master Plan: The 1990 Approved Largo-Lottsford Master Plan recommends Employment/Land Use Alternatives land use on the property. Land Use Alternatives classification is where residential development would need to be carefully incorporated into the overall development pattern.

Planning Area: 73

Community: Enterprise

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

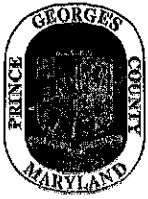
SMA/Zoning: The 2002 Approved ZMA A-9956C rezoned the subject property from the Planned Industrial Park (I-3) Zone to the M-X-T Zone.

ADDITIONAL INFORMATION

None

c: Long-range Agenda Notebook

Fred Stachura, Supervisor, Neighborhood Revitalization Section, Community Planning Division



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Fire/EMS Department

Office of the Fire Marshal



February 5, 2020

Andrew Bishop, Senior Planner
Urban Design
The Maryland-National Capital Park and Planning Commission
Development Review Division
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Mr. Bishop:

The Office of the Fire Marshal of the Prince George's County Fire and EMS Department has reviewed the referral for DSP-04067-09, Woodmore Commons. We have the following comments:

- 1) The Fire Department Connections (FDC's) are not shown. Hydrants are shown but it is not clear that a hydrant will be provided within 200' of any FDC which must be located on the front, address side of the building and be visible from the fire hydrant and the street. Hydrants should be 40' from structures served.
- 2) There appear to be dead-ends greater than 150' near the 'Type E' building on the DSP (page 10 of 12 of the PDF).
- 3) The parallel parking space detail on the "Notes and Details" sheet shows the width of the roadway as varies. Please ensure any roadway required for fire access retains 22' of clear width where parking has been provided.

Please let me know if you have any questions regarding these comments.

Sincerely,

James V. Reilly
Contract Project Coordinator III


JVR/jvr

6820 Webster Street
Landover Hills, Maryland 20784

April 13, 2020

MEMORANDUM

TO: Andrew Bishop, Urban Design Section, Development Review Division

VIA: Bryan Barnett-Woods,
Supervisor, Transportation Planning Section, Countywide Planning Division 

FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division

SUBJECT: Detailed Site Plan Review for Pedestrian and Bicyclist Transportation Master Plan Compliance

The following detailed site plan (DSP) was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* (MPOT) and the 1990 *Approved Master Plan for Largo-Lottsford, Planning Area 73* to provide the appropriate pedestrian and bicyclist transportation recommendations.

Detailed Site Plan Number: DSP-04067-09

Development Case Name: Woodmore Commons

Type of Master Plan Bikeway or Trail

Private R.O.W.	<u> </u>	Public Use Trail Easement	<u> </u>
County R.O.W.	<u> X </u>	Nature Trails	<u> </u>
SHA R.O.W.	<u> </u>	M-NCPPC – Parks	<u> </u>
HOA	<u> </u>	Bicycle Parking	<u> X </u>
Sidewalks	<u> X </u>	Trail Access	<u> </u>
Add'l Connections	<u> X </u>	Bike Signage Fee	<u> </u>

Detailed Site Plan Background	
Building Square Footage (non-residential)	n/a
Number of Units (residential)	284
Abutting Roadways	St. Josephs Drive, Ruby Lockhart Blvd, Tulson Lane
Abutting or Nearby Master Plan Roadways	n/a
Abutting or Nearby Master Plan Trails	n/a
Proposed Use(s)	Multifamily residential
Zoning	M-X-T
Centers and/or Corridors	n/a
Prior Approvals on Subject Site	A-9956, CSP-03001, 4-03094, DSP-04067, CSP-03001-01

Previous Conditions of Approval

Approved 4-03094 included the following conditions related to pedestrian and bicycle transportation applicable to the subject application:

6. At the appropriate state of development, the applicant, his heirs, successors, and/or assignees shall provide the following:
 - b. Provide wide sidewalks (six to eight feet wide) along both sides of St. Josephs Drive, per the concurrence of DPW&T.
 - c. Provide standard sidewalks along both sides of all other internal roads, per the concurrence of DPW&T.
 - d. Additional pedestrian amenities and safety measures are encouraged, including benches, curb extensions, well-marked or contrasting crosswalks, raised crosswalks, and pedestrian-scale lighting. These features shall be addressed at the time of Detailed Site Plan.

Comment: St. Josephs Drive is developed with sidewalk along both sides the of the roadway, per Condition 6b. Sidewalk is shown throughout the subject site and meets the intent of Condition 6c. Staff recommend a pedestrian connection to the existing sidewalk along Tulson Lane, as well as crosswalks throughout the site and at the intersection with Ruby Lockhart Blvd, creating a direct connection from Ruby Lockhart Blvd to Tulson Lane to satisfy the intent of Condition 6d.

Approved 4-18024 included the following conditions related to pedestrian and bicyclist transportation applicable to the subject application:

3. Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that indicates the location, limits, and details of all pedestrian and bicycle facilities and illustrates how their interconnectivity and connectivity to adjacent properties encourages walkability and reduced automobile use.
4. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73*, the applicant shall provide the following:
 - b. Sidewalks, a minimum five feet in width, along one side of all internal access easements, not including service access areas.
 - c. A standard five-foot-wide sidewalk and a designated bicycle lane along each side of Ruby Lockhart Boulevard, unless modified with written documentation by Prince George's County Department of Permitting, Inspections and Enforcement/Department of Public Works and Transportation.

Comment: An exhibit showing the pedestrian connections was included in the subject application. Staff recommend the submitted plans be revised to reflect the approved design of Ruby Lockhart Blvd, per the Department of Public Works and Transportation (DPW&T) to fully satisfy Condition 3. This design includes an on-street bicycle lane and does not include on-street parking as depicted in the submitted plans. The proposed internal sidewalk is shown to be five-foot wide and along both sides, which satisfy Condition 4b. Ruby Lockhart Blvd has been permitted for construction and will include five-foot wide sidewalk and bike lanes along both sides of the roadway, satisfying Condition 4c above.

Review of Proposed On-Site Improvements

The subject application proposes five-foot sidewalk along both sides of the internal roadway. Staff recommend an additional pedestrian connection to the adjacent sidewalk along Tulson Lane. These improvements create a convenient pedestrian system that meet the findings pursuant to Sec. 27-546(d)(7). While this detailed site plan does not explicitly include residential and nonresidential uses, it is a component of a larger conceptual site plan that includes multiple uses. The comprehensive sidewalk network proposed, with the additional connection, will help facilitate the reduction of automobile use pursuant to Sec. 27-542(d)(4) and the purpose of the M-X-T Zone.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to residential communities to the east as well as a commercial shopping center and church to the north, and a second church to the south. There is a sidewalk along St. Josephs Drive that circuitously connects the subject site to the neighborhood to the east. There is also a planned sidewalk along Ruby Lockhart Blvd that would connect the subject site to the areas to the north and south.

Review of Master Plan of Transportation Compliance

There are no master plan trail facilities that impact the subject site. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Comment: The submitted plans and the approved roadway design for Ruby Lockhart Blvd meet the intent of the policies above by including sidewalk along both sides of the internal and external roadways of the subject site and a designated bike lane along Ruby Lockhart Blvd. The submitted plans also include standard crosswalks crossing the drive aisles internal to the subject site and crossing the entrance to the subject site at Ruby Lockhart Boulevard. Staff recommend that a continental style crosswalk be provided crossing the site entrance at its intersection with Ruby Lockhart Boulevard and an additional standard crosswalk crossing the access road at the intersection southwest of the proposed clubhouse, connecting the club house with the future commercial development. Bicycle parking is an important component of a bicycle-friendly roadway and the submitted plans also include a bicycle rack detail for a wave-style bicycle rack. Staff recommend that the wave-style bicycle rack be replaced with the inverted-U style rack, this rack style provide two-points of contact for bicycles, which is better for supporting the bicycle and securing it.

Review of Area Master Plan Compliance:

The 1990 *Approved Master Plan for Largo-Lottsford, Planning Area 73* includes the following recommendation related to pedestrian and bicyclist transportation (p.112):

1. A system of trails and walks for pedestrians, bicyclists and equestrians should be developed to connect neighborhoods, recreation areas, commercial areas, employment areas and mass transit facilities.

Comment: Staff recommend a pedestrian connection from Ruby Lockhart Blvd. to the adjacent community to the east, creating additional connections to recreational and commercial areas within the vicinity of the subject site. This connection should include a sidewalk connecting to Tulson Lane and crosswalks throughout the subject site.

Recommended Conditions of Approval:

1. Prior to certification, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - A. Bike lanes along Ruby Lockhart Blvd, in compliance with the approved plans per the Department of Public Works and Transportation (DPW&T).
 - B. A standard sidewalk connecting to Tulson Lane.
 - C. A continental style crosswalk crossing the subject site's entrance at Ruby Lockhart Blvd. unless modified by the Department of Permits, Inspections, and Enforcement
 - D. A standard crosswalk crossing the access road to connect the club house to the future commercial development at the intersection southwest of the clubhouse.
 - E. Inverted-U style bicycle racks to replace the proposed wave-style bicycle racks



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

February 20, 2020

MEMORANDUM

TO: Andrew Bishop, Urban Design Section, Development Review Division

VIA: Howard Berger, Supervisor, Historic Preservation Section, Countywide Planning Division *BB*

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JTS*
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS*

SUBJECT: DSP-04067-09 Woodmore Commons

The subject property comprises 9.34 acres located at the northeast quadrant of the intersection of MD 202 (Landover Road) and St. Joseph's Drive in Kentland, Maryland. The subject application proposes 284 dwelling units in seven 4-story, multi-family buildings, a 4,000 square-foot clubhouse, and surface parking. The subject property is Zoned M-X-T.

A Phase I archeological survey was conducted on the subject property in 2005. The subject property was once part of the Rose Mount plantation, home of Governor Joseph Kent, members of his family, and his enslaved laborers. No archeological sites were identified, and no further work was required on this portion of the development. The subject property does not contain and is not adjacent to any designated Prince George's County Historic Sites or resources. The Historic Preservation Section recommends approval of DSP-04067-09, Woodmore Commons, without conditions.



Countywide Planning Division
Transportation Planning Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

301-952-3680

April 13, 2020

MEMORANDUM

TO: Andrew Bishop, Urban Design Review Section, Development Review Division

FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: **DSP-04067-09 and DDS-669: Woodmore Commons**

Proposal

The applicant proposes the development of 268 multifamily residences as part of a mixed-use development.

Background

This detailed site plan (DSP) is preceded by the original DSP-04067 and several revisions; all prior detailed site plans relate to the development of the adjacent Balk Hill Village, which includes 393 residences and 20,000 square-feet of specialty commercial space. This site is subject to conditions on all prior plans including Zoning Map Amendment A-9956-C, Conceptual Site Plan (CSP)-03001-01, and Preliminary Plan of Subdivision (PPS) 4-18024.

The site plan is required to address issues related to architecture, building siting, and relationships between the development and any open space. The site plan is also required to address general detailed site plan requirements such as access and circulation. Also, parking within the M-X-T Zone must be analyzed consistent with Section 27-574 of the Zoning Ordinance.

The transportation-related findings are limited to the circumstance in which at least six years have elapsed since a finding of adequacy was made, which is a requirement of the M-X-T Zone within Part 10 of the Zoning Ordinance. In this case, the most recent finding regarding transportation adequacy was made in September 2019 in connection with PPS 4-18024, and so further traffic-related analyses are not required.

The departure from design standards (DDS) seek to reduce the size of the standard parking space employed on the site. This is necessitated by the applicant needing to add parking to the site while also maximizing the development yield of the site. The departure request will be analyzed against the required findings for granting such a departure.

Review Comments

The table below summarizes trip generation in each peak hour that will be used in reviewing conformance with the trip cap for the site:

Trip Generation Summary: DSP-04067-09: Woodmore Commons								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Existing Development: Balk Hill Village								
Residential – Detached plus Manor Residences	333	Units	50	200	250	197	103	300
Residential – Attached	60	Units	8	34	42	31	17	48
Specialty Retail/Live-Work	20,000	square feet	0	0	0	26	26	52
Total Trips Existing: Balk Hill Village			58	234	292	254	146	400
Proposed Development: DSP-04067-09								
Multifamily Residences	268	units	27	112	139	105	56	161
Trip Cap – 4-18024					448			547
Total Existing Plus Proposed					431			561
Trip Cap – A-9956					1013			1058

As evidenced above, the use proposed is within the PPS trip cap. Also, the proposed use plus existing uses within Balk Hill Village are within the zoning trip cap.

Regarding parking, Section 27-574 of the Zoning Ordinance provides a methodology for determining parking requirements in the M-X-T Zone. The applicant has submitted a parking analysis. The following are the major points highlighted in the parking analysis:

1. The methodology in Section 27-574 requires that parking be computed for each use in accordance with Section 27-568. Using the parking schedule, it is shown that the uses would require 610 parking spaces. Given that the site does not provide a mix of uses at this time, there is no opportunity for shared parking, and consequently this is the base requirement per Section 27-574.
2. The plan provides 376 parking spaces to serve the proposed 268 residential units.
3. The applicant has provided extensive data from the *Parking Generation Manual* (Institute of Transportation Engineers) and also cited the applicant's own experience at other similar properties as a means of justifying the large reduction in parking spaces. While 610 parking spaces would result in 2.28 parking spaces per residential units, the proposal by the applicant is much lower. The following table shows the parking ratio for this site plan versus other recently approved projects in Prince George's County; the current project is shown in bold near the bottom of the table. It is noted that many sites in the table are near Metrorail stations or major public transportation lines. The parking analysis does state that Prince George's County's The Bus Route 28 does pass by this site on a loop route to and from the Largo Metro Station. However, that service is hourly service on weekdays.

Comparison of Parking Ratios for Multifamily and Mixed-Use Projects: DSP-04067-09: Woodmore Commons			
Name of Project	Units: residences or 1,000 square feet (KSF)	Residential Parking Spaces Provided (per site plan)	Parking Ratio*
Tapestry at Largo Station (Largo Park DSP)	318 residences 89 KSF ret/off	469	1.47
Allure Apollo and Aspire Apollo (Town Center at Camp Springs DSP)	797 residences	1,195	1.50
3350 at Alterra (Belcrest Plaza DSP)	283 residences 1.47 KSF office	304	1.07
Artisan DSP (within Gateway Arts plan)	84 residences	120	1.43
Brentwood DSP (within Gateway Arts plan)	147 residences	192	1.31
Ascend Apollo DSP (within Largo Town Center plan)	846 residences	1,170	1.38
Kiplinger Phase I DSP (near Prince George's Plaza)	352 residences	416	1.18
Proposed Woodmore Commons	268 residences	376	1.40
210 Maryland Park DSP (not yet constructed)	178 residences	155	0.87
Commons at Addison Road (approved on 4/9/2020)	193 residences 11 KSF retail	138	0.71
* The parking ratio is the number of parking spaces provided divided by number of residential units.			

4. The applicant has also done an analysis of the entire site covered by PPS 4-18024, including uses and parking that could be included on future site plans. The applicant concludes that in the future the overall Woodmore Crossing site will have adequate parking. This analysis is not endorsed by this review for several reasons:
 - A. The parking and land uses on any future site plans are highly speculative. There is no evidence of what will be included on future site plans, when they will be filed, or if they will be approved.
 - B. The analysis has made heavy use of the *Parking Generation Manual* (Institute of Transportation Engineers) and cites a base requirement per Section 27-574 using data from the *Parking Generation Manual*. The transportation staff does not endorse the use of the *Parking Generation Manual* as a regulating document

With the proximity of an adjacent residential area, parking reductions should be consistent with the needs of future residents of the site under review but must also consider that parking and loading needs of adjacent residential areas will not be infringed upon.

While this is a finding for granting a parking departure and is not a requirement for reducing parking within the M-X-T Zone, it is believed that sufficient separation exists between the site and the adjacent neighborhood that parking will not be an issue.

Ruby Lockhart Boulevard is a master plan commercial/industrial roadway with a proposed width of 70 feet. The current right-of-way is adequate, and no additional dedication is required from this plan.

Access and circulation are acceptable.

Prior Approvals

Zoning Map Amendment (ZMA) A-9956-C was approved by the District Council and was later amended by the District Council on February 26, 2018 (Zoning Ordinance No. 2-2018). The District Council approved the ZMA with five traffic-related conditions which are applicable to the review of this DSP and warrant discussion, as follows:

- 1. The following improvements shall be funded by the Applicant, with the timing to be determined at the time of preliminary plan of subdivision:**
 - a. The construction of Campus Way as an arterial facility within the limits of the subject property.**
 - b. The construction of St. Joseph's Drive as a collector facility within the limits of the subject property.**

These facilities have been constructed.

- 2. The Applicant shall provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the Applicant shall provide a second eastbound left turn lane along MD 202 at the McCormick Drive/St. Joseph's Drive intersection. These improvements shall be either directly provided by the Applicant, or shall be funded by the Applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis to be determined at the time of preliminary plan of subdivision.**

This was reiterated at the time of PPS 4-03094 and was addressed through conditions on that plan; the needed improvements have been constructed.

- 3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:**
 - a. Campus Way, an arterial facility with a right-of-way of 120 feet.**
 - b. St. Joseph's Drive, a collector facility with a right-of-way of 80 feet.**
 - c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph's Drive.**

This was confirmed during review of PPS 4-03094 and PPS 4-18024; all required rights-of-way have been dedicated.

- 4. The Applicant shall study the planned Campus Way/St. Joseph's Drive intersection and the possible need for traffic controls at that location at the time of preliminary plan of subdivision.**

This condition was enforceable at the time of PPS 4-03094, and this intersection was studied further at that time.

- 5. The development of the subject property shall be limited to the prior approved 393 residences plus additional permitted uses under the M-X-T Zone which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.**

This trip cap was reviewed in the Trip Generation Summary table, and it is determined that the development proposed is consistent with the zoning trip cap.

Conceptual Site Plan (CSP)-03001 was approved by the Planning Board on September 11, 2003 (PGCPB No. 03-176). The Planning Board approved the CSP with one traffic-related condition which is applicable to the review of this DSP and warrants discussion, as follows:

- 3. If determined to be desirable and needed at the time of preliminary plan, the preliminary plan shall reflect an extension of Ruby Lockhart Boulevard beyond Saint Joseph's Drive to the west property line as a 70-foot right-of-way.**

This was done at the time of PPS 4-03094 and is reflected on all succeeding plans. It is noted that the revised CSP-03001-01 contained no new traffic-related conditions.

Finally, PPS 4-18024 was approved by the Planning Board on September 26, 2019 (PGCPB Resolution No. 19-109). The Planning Board approved the PPS with three traffic-related conditions which are applicable to the review of this DSP and warrant discussion, as follows:

- 2. Prior to acceptance of the detailed site plan, the applicant shall provide a cross section for the service road segment of the access easement.**

This cross section was provided, reviewed, and determined to be acceptable.

- 5. Total development within the subject property shall be limited to uses, which generate no more than 448 AM and 547 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

This trip cap was reviewed in the Trip Generation Summary table, and it is determined that the development proposed is consistent with the PPS trip cap.

6. The final plats shall reflect a denial of access along the entire frontage of MD 202 and along the site's frontage of St. Josephs Drive between MD 202 and Ruby Lockhart Boulevard.

These subject plan does not have MD 202 frontage nor does it have St. Josephs Drive frontage. This condition will be enforced with the plats associated with subsequent plans.

Departure from Design Standards

The applicant seeks to reduce the size of the standard parking space employed on the site. This is necessitated by the applicant needing to add parking to the site while also maximizing the development yield of the site. The departure request will be analyzed against the required findings for granting such a departure.

This departure is being requested and reviewed pursuant to Section 27-139-01(b)(7)(A). There are four criteria that must be met for this variation to be approved. The criteria, with discussion, are noted below:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The applicant has reviewed the departure against the purposes of the subtitle and believes that this criterion is met. In particular the applicant notes that the departure is being done to assist in providing the requisite number of spaces for the development project. In seeking this departure, the applicant notes that other aspects of the proposal are consistent with the various purposes of the subtitle.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

Subtitle 27 requires the dimensions of non-parallel parking spaces to be 9.5 feet by 19 feet, and the departure requests a reduction to 9 feet by 18 feet. It is noted that the staff has supported similar departures, and that this reduced size is similar to the requirements in adjacent jurisdictions. Furthermore, this departure has been sought with staff consent as a means of achieving an adequate number of parking spaces on the site.

(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949; and

The unique circumstances involve the consideration that the applicant continues to believe that supplying 1.2 parking spaces per residence is "more than sufficient" while staff believes that more parking is required and believes that 1.4 parking spaces per residence is supportable. The fact that a property has entitlement for 284 residences and cannot achieve that entitlement by reconfiguring or providing parking in a structure is not unique; many developers "settle" for something that is less than initially desired.

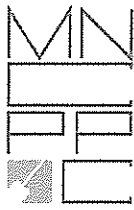
(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.;

The Transportation staff does not believe that the smaller size of the parking spaces will be perceptible from the surrounding neighborhood, and it will improve the functionality of the site by enabling the provision of much-needed parking for future residents of this site.

By virtue of positive findings for each of the criteria for variation approval, the Transportation Planning Section determine that a departure from design standards for the size of the standard parking space within the development is supportable.

Conclusion

From the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Department of Parks and Recreation


6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: February 25, 2020

TO: Jeremy Hurlbutt
Urban Design Section

Via: Helen Asan, Acting Land Acquisition Supervisor
Park Planning and Development Division 
Department of Parks and Recreation

FROM: Paul Sun, Land Acquisition Specialist 
Park Planning and Development Division

SUBJECT: **DSP 04067-09 – Woodmore Commons**

The staff of the Department of Parks and Recreation (DPR) has reviewed the subject Preliminary Plan of Subdivision application. Our review considered the recommendations from: the Formula 2040 Functional Master Plan for Parks and Recreation, the previously approved Conceptual Site Plan CSP-03001-01, and Preliminary Plan of Subdivision (PPS) 4-18025 as they pertain to public parks and recreation.

The project area consists of 9.34 acres of land zoned M-X-T, and located on the northeast side of Landover Road (MD 202). The current plans are for the development of 284 multi-family units in seven four story multi-family buildings. In October of 2019, the Planning Board approved PPS 4-18025, (PGCPB Resolution No. 19-109) with the provision of on-site private recreational facilities to meet the requirements of the Subdivision Ordinance.

The applicant has submitted plans indicating that the on-site recreational facilities will include 1,000 sq. ft. party room, 750 sq. ft. fitness room, and an exterior activity patio. As per condition #11 of PGCPB Resolution No. 19-109, the on-site recreational facilities shall be evaluated by the Urban Design Section of the Development Review Division (DRD).

Countywide Planning Division
Environmental Planning Section

301-952-3650

March 3, 2020

MEMORANDUM

TO: Andrew Bishop, Senior Planner, Urban Design Section, DRD

VIA: Megan Reiser, Acting Supervisor, Environmental Planning Section, CWPD *MKR*

FROM: Marc Juba, Planner Coordinator, Environmental Planning Section, CWPD *MKR for MWJ*

SUBJECT: **Woodmore Commons; DSP-04067-09 and TCP2-082-05-05**

The Environmental Planning Section has reviewed Detailed Site Plan DSP-04067-09 and the Type 2 Tree Conservation Plan, TCP2-082-05-05, for the above referenced property and recommends approval subject to the conditions noted at the end of this memorandum.

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan or Natural Resource Inventory#	Authority	Status	Action Date	Resolution Number
A-9956	N/A	District Council	Approved	3/27/2018	N/A
CSP-03001	TCPI/019/03	Planning Director	Approved	9/11/2003	03-176
4-03094	TCPI/019/03-01	Planning Board	Approved	2/19/2004	04-33
DSP-04067	TCPII/082/05	District Council	Approved	07/18/2006	N/A
DSP-04067-01	N/A	N/A	Withdrawn	8/21/2006	N/A
DSP-04067-02	N/A	Planning Director	Approved	10/2/26/2008	N/A
DSP-04067-03	TCPII/082/05-01	Planning Board	Approved	4/25/2013	13-29
DSP-04067-04	N/A	Planning Director	Approved	6/25/2009	N/A

DSP-04067-05	N/A	Planning Board	Approved	11/4/2010	10-121
DSP-04067-07	TCP11/082/05-01	Planning Board	Approved	6/29/2017	17-93
CSP-03001-01	TCP1-019-03-02	District Council	Approved	10/15/2019	N/A
4-18024	TCP1-019-03-03	Planning Board	Approved	9/26/2019	19-109
N/A	TCPII/82/05-02	Staff	Approved	12/10/2014	N/A
N/A	TCPII/82/05-03	Staff	Approved	7/1/2016	N/A
N/A	TCPII/82/05-04	Staff	Approved	11/9/2018	N/A
DSP-04067-09	TCP2-082-05-05	Planning Board	Pending	Pending	Pending

Proposed Activity

The proposal is to construct 284 dwelling units in seven 4-story multifamily buildings, which include a 4,000 square foot clubhouse, surface parking, and associated stormwater management. The development is proposed on Parcels 1 and 2 of the Balk Hill Village Subdivision.

Grandfathering

The project is subject to the current regulations of Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) and Subtitle 27 (Zoning Ordinance) that came into effect on September 1, 2010 because the application has a preliminary plan approved after September 2010.

Review of Previously Approved Conditions

No environmental conditions of A-9956, CSP-03001-01, or 4-18024 apply to the current application.

Environmental Review

Existing Conditions/Natural Resources Inventory

An approved Natural Resources Inventory was submitted with the review package, NRI-151-2018, which was approved on November 13, 2018. The NRI shows no streams, wetlands, or floodplain are found to occur on the 17.2-acres included in Parcels 1 and 2 that are the subject of this application.

The Forest Stand Delineation (FSD) indicates the presence of one forest stand totaling 14.90 acres and no specimen trees. No revisions are required for conformance to the NRI.

Woodland Conservation

The property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance (WCO) because there are approved Tree Conservation Plans for the overall Woodmore Commons property; TCP1-019-03-03 and TCP2-082-05-04. A revision to the TCP2 has been submitted with this application.

The TCP worksheet was broken down into four phases. However, the plan does not delineate where the phase line is between Phases 3 and 4. The gross tract area for Phase 3 is inconsistent with the acreage of this DSP application. The phasing on the TCP2 must be clearly be shown and the gross tract acreage must be revised to be consistent with that of the DSP.

According to the worksheet submitted the woodland conservation threshold (WCT) for the overall 117.89-acre property is 15 percent of the net tract area or 17.32 acres, which is consistent with previous approvals. The current application proposes to clear all of the remaining woodland within Parcels 1 and 2 (Phases 3 and 4) and to meet the 8.45-acre requirement generated by this clearing entirely in fee-in-lieu. As previously stated, this plan is not grandfathered from the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the environmental technical manual. Per 25-122(c) payment of fee-in-lieu is the lowest priority for meeting a woodland conservation requirement. In addition, per 25-122(d)(8), fee-in-lieu may be used to meet the conservation requirements after all other options are exhausted. The woodland conservation requirement generated by the clearing for this DSP must be met through on-site attenuation or at an off-site woodland conservation bank.

The TCP2 plan requires additional technical corrections to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance (WCO). These revisions are specified in the recommended conditions below.

Stormwater Management

An approved Storm Water Management (SWM) Concept plan (45273-2018) was submitted with the subject application that is consistent with the TCP2 and DSP. According to the approval, the private system will utilize micro-bioretenention and permeable pavement, and has been approved by the Department of Permits, Inspections and Enforcement (DPIE).

Soils

The predominant soils found to occur on-site, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Marr-Dodon Complex (5-15% slopes) and Collington-Wist Complex (2-5% slopes). According to available information, unsafe soils containing Marlboro clay or Christiana complexes are not mapped on-site.

No further action is needed as it relates to this application. A soils report may be required by the Prince George's County Department of Permits, Inspections and Enforcement (DPIE) at time of permit.

Summary of Recommended Conditions

The Environmental Planning Section recommends approval of Detailed Site Plan (DSP-04067-09) and Type 2 Tree Conservation Plan (TCP2-082-05-05) subject to the following conditions:

1. Prior to certification of the detailed site plan, the TCP2 shall be revised as follows:
 - a. Type-in all previous TCP2 approval information in the TCP2 approval block.
 - b. Revise the TCP2 so that the phasing boundary is consistent with the DSP. Revise the LOD to highlight the grading associated with implementing this DSP. Update the site statistics tables and the woodland conservation worksheet accordingly to reflect each of the new phases.
 - c. Remove all proposed fee-in-lieu from Phases 3 and 4. Indicate that all remaining woodland conservation required will be met on-site or through off-site mitigation on the worksheet and TCP1 plan.

If you have any questions concerning these comments, please contact me at 301-952-3650 or by e-mail at marc.juba@ppd.mncppc.org.

Additional Back-up

For

DSP-04067-09 & DDS-669

Woodmore Commons

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2010 Legislative Session

Bill No. CB-95-2010

Chapter No. 78

Proposed and Presented by Council Member Harrison

Introduced by Council Member Harrison

Co-Sponsors _____

Date of Introduction September 28, 2010

BILL

1 AN ACT concerning

2 The Issuance of Special Obligation Tax Increment Financing Bonds

3 for the Woodmore Towne Centre at Glenarden Development District

4 For the purpose of providing that special obligation tax increment financing bonds may be issued
 5 under the provisions of this Act, Sections 12-201 through 12-213 of the Economic Development
 6 Article of the Annotated Code of Maryland, as amended (the "Tax Increment Financing Act"),
 7 CR-85-2009 of the County Council of Prince George's County, Maryland (the "Formation
 8 Resolution", and CR-98-2010 (the "TIF Criteria Resolution") in the aggregate principal amount
 9 of Seventeen Million Dollars (\$17,000,000) in order for the County to acquire, finance or
 10 reimburse the public infrastructure improvements as more particularly described herein; making
 11 certain findings and determinations, among others, concerning the public benefit and purpose of
 12 such bonds; providing that such bonds authorized to be issued hereby shall be payable solely
 13 from real property taxes deposited in the Tax Increment Fund (as defined in the Formation
 14 Resolution) and that the bonds shall not constitute a general obligation debt of the County or a
 15 pledge of the County's full faith and credit or taxing power other than the taxes representing the
 16 levy on the Tax Increment (as defined in the Formation Resolution); providing for a proposed
 17 agreement between the County and Petrie/ELG Inglewood, LLC, a Maryland limited liability
 18 company or its assigns (the "Developer") and any other governmental entity, if necessary, prior
 19 to the issuance and delivery of the bonds in the form of a TIF proposal consistent with the
 20 requirements of this Act and the County TIF Criteria Resolution as well as other conditions for
 21 the issuance of the bonds and the acquisition, financing, or reimbursing and construction of the

1 public infrastructure improvements); authorizing the County Executive of the County to specify,
 2 prescribe, determine, provide for and approve certain details, forms, documents or procedures in
 3 connection with such bonds issued hereunder and any other matters necessary or desirable in
 4 connection with the authorization, issuance, delivery and payment of such bonds consistent with
 5 the provisions of this Act; authorizing the County Executive to take certain actions, to execute
 6 documents and make certain commitments on behalf of the County in connection with the
 7 issuance and delivery of such bonds consistent with the provisions of this Act; authorizing the
 8 execution and delivery of such bonds and such other documents as may be necessary and
 9 desirable to effectuate the financing of the infrastructure improvements and the issuance and
 10 delivery of such bonds; and generally providing for, and determining various matters in
 11 connection with, the issuance, delivery and payment of such bonds.

12 WHEREAS, the Formation Resolution designated the "Woodmore Towne Centre at
 13 Glenarden Development District" and established a special fund designated the "Woodmore
 14 Towne Centre at Glenarden Development District Tax Increment Fund;" and

15 WHEREAS, by its Resolution number R-78-2010, the City Council of the City of
 16 Glenarden approved the designation Woodmore Towne Centre at Glenarden Development
 17 District (the "City Approval"); and

18 WHEREAS, the Developer, the owner of the real property in the Woodmore Towne Centre
 19 at Glenarden Development District, plans to develop retail, commercial, office, hotel and
 20 residential facilities (the "Development") and to construct and install the public infrastructure
 21 improvements in the Woodmore Towne Centre at Glenarden Development District described in
 22 Exhibit A attached hereto and made a part hereof (the "Infrastructure") to serve the
 23 Development; and

24 WHEREAS, the County has the power under the Tax Increment Financing Act to pay for
 25 the County's acquisition, financing or reimbursement of the Infrastructure from the Developer
 26 through the issuance and delivery to the Developer of such bonds in compliance with the TIF
 27 Criteria Resolution; and

28 WHEREAS, the bonds will be issued and secured pursuant to the provisions of the Tax
 29 Increment Financing Act and the Formation Resolution; and

30 WHEREAS, to the extent that the taxes representing the levy on the Tax Increment in any
 31 given fiscal year of the County exceed the debt service payable on the bonds in any such fiscal

1 year, as well as any other payment required to be satisfied by the Tax Increment, such excess
2 will be paid over at the end of each such fiscal year to the County for deposit in its general fund
3 in such amounts and for such uses as set forth herein; and

4 WHEREAS, development of retail, commercial, office, hotel and residential facilities will
5 further economic development within the County and thus meet the public purposes
6 contemplated by the Tax Increment Financing Act and the Formation Resolution; and

7 WHEREAS, prior to the bonds being issued or sold, Petrie/ELG Inglewood, LLC, a
8 Maryland limited liability company or its assigns, County Executive and Bond Counsel shall
9 certify that the provisions of CR-98-2010 have been complied with and that the Minority
10 Business Enterprise ("MBE") Plan has been approved by the Compliance Manager; and

11 WHEREAS, prior to the issuance and sale of the bonds, the County Council must review
12 the TIF proposal and certifications and approve the same by Resolution; now therefore,

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, as follows:

15 A. The words and terms used in this Act that are defined in the Tax Increment Financing Act
16 or the Formation Resolution shall have the meanings indicated in the Tax Increment Financing
17 Act and the Formation Resolution, as the case may be, unless the context clearly requires a
18 contrary meaning.

19 B. It is hereby found and determined that the issuance of the Bonds (defined below) and the
20 delivery of the Bonds to the Developer for the purpose of acquiring, financing or reimbursing the
21 Infrastructure, accomplish the public purposes of the Tax Increment Financing Act and the
22 Formation Resolution.

23 C. It is recognized that the total costs of Infrastructure shown as to be acquired, financed or
24 reimbursed by the County with the issuance of the Bonds are estimated and that the specific
25 items to be acquired, financed or reimbursed and the amount of such acquisition, financing or
26 reimbursement shall be as further specified in documentation approved by the County Council at
27 the time of the issuance of the related Bonds.

28 D. In accordance with Section 12-204(b)(2)(i) of the Tax Increment Financing Act, it is hereby
29 found that the County Council has complied with the provisions of Sections 12-203 and 12-
30 208(c) and (d) of the Tax Increment Financing Act by designating the Woodmore Towne Centre
31 at Glenarden Development District, receiving a certification of the Supervisor of Assessments,

1 | pledging the division of property taxes, and receiving the City Approval.

2 | E. Pursuant to the provisions of the Formation Resolution and in accordance with the Tax
3 | Increment Financing Act, so long as the Bonds remain outstanding, the County shall deposit into
4 | the Tax Increment Fund all real property taxes received by the County for any Tax Year after the
5 | effective date of the Formation Resolution equal to that portion of the taxes payable to the
6 | County representing the levy on the Tax Increment that would normally be paid to the County.
7 | Monies in the Tax Increment Fund are pledged to the payment of the Bonds and County
8 | administrative expenses related to the Development District. The balance remaining in the Tax
9 | Increment Fund at the end of any fiscal year of the County after such payments shall be
10 | transferred to the general fund of the County.

11 | F. The bonds may be issued in the aggregate principal amount of Seventeen Million Dollars
12 | (\$17,000,000) and shall bear interest at a maximum interest rate of seven percent (7%) per
13 | annum (the "Bonds"). The Bonds shall be issued as a single instrument in denomination equal to
14 | the aggregate principal amount of the Bonds issued. The Bonds shall be delivered by the County
15 | to the Developer in consideration of the Developer's construction and transfer, as applicable, of
16 | the Infrastructure to the County. The Bonds, as well as County administrative expenses related
17 | to the Development District, will be payable solely from the amounts levied and deposited in the
18 | Tax Increment Fund. The Bonds are a special obligation of the County to be issued in
19 | accordance with the TIF Criteria Resolution and do not constitute a general obligation debt of the
20 | County or a pledge of the County's full faith and credit or taxing power except for the taxes
21 | representing the levy on the Tax Increment as set forth in the Formation Resolution.

22 | G. The Bonds shall be executed in the name of the County and on its behalf by the County
23 | Executive, by manual or facsimile signature, the corporate seal of the County or a facsimile
24 | thereof shall be impressed or otherwise reproduced thereon and attested by the Clerk of the
25 | County Council or the Chief Administrative Officer by manual or facsimile signature. The TIF
26 | proposal and, where applicable, all other documents as the County Executive deems necessary to
27 | effectuate the issuance and delivery of the Bonds, shall be executed in the name of the County
28 | and on its behalf by the County Executive by manual signature, and the corporate seal of the
29 | County or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by
30 | the Clerk of the County Council or the Chief Administrative Officer by manual signature. If any
31 | officer whose signature or countersignature or a facsimile of whose signature or countersignature

1 appears on the Bonds or on any of the aforesaid documents ceases to be such officer before the
 2 delivery of the Bonds or any of the other aforesaid documents, such signature or
 3 countersignature or such facsimile shall nevertheless be valid and sufficient for all purposes, the
 4 same as if such officer had remained in office until delivery. The County Executive, the Chief
 5 Administrative Officer, the Director of Finance, the Clerk of the County Council and other
 6 officials of the County are hereby authorized and empowered to do all such acts and things and
 7 execute such documents and certificates as the County Executive may determine to be necessary
 8 to carry out and comply with the provisions of this Act, subject to the limitations set forth in the
 9 Tax Increment Financing Act and this Act. Prior to the issuance of the Bonds as required by the
 10 County TIF Criteria Resolution, the Developer, County Executive, and bond counsel to the
 11 County shall certify to the County Council that the provisions of the County's TIF Criteria
 12 Resolution have been complied with and that the MBE Plan has been approved by the
 13 Compliance Manager in conformance with the MBE Plan Guidelines promulgated by the
 14 Compliance Manager.

15 H. Subject to the provisions of this Act, the County Executive by executive order:

- 16 (1) shall specify that the Bonds shall be issued in the principal amount of Seventeen
 17 Million Dollars (\$17,000,000) and further specify the rate of interest on the Bonds;
- 18 (2) shall specify the manner and terms of the delivery of the Bonds to the Developer;
- 19 (3) shall specify the form and terms of the Bonds;
- 20 (4) shall prescribe the date, maturity or maturities (within the limits prescribed in the Tax
 21 Increment Financing Act), and the time and place or places of payment of the Bonds, and the
 22 terms and conditions and details under which the Bonds may be called for redemption prior to
 23 their stated maturities;
- 24 (5) may appoint bond counsel and a financial advisor;
- 25 (6) shall approve the form and contents of the TIF Proposal and such other documents to
 26 which the County is a party and which may be necessary to effectuate the issuance and delivery
 27 of the Bonds and the acquisition, financing or reimbursement of the Infrastructure;
- 28 (7) shall determine the time of execution, issuance and delivery of the Bonds and prescribe
 29 any and all other details of the Bonds;
- 30 (8) shall provide for the direct or indirect payment of all costs, fees and expenses incurred
 31 by or on behalf of the County in connection with the issuance and delivery of the Bonds and the

1 acquisition of the Infrastructure, including (without limitation) costs of printing (if any) and
2 issuing the Bonds, the funding of reserves, legal expenses (including the fees of bond counsel)
3 and compensation to any person performing services by or on behalf of the County in connection
4 therewith; and

5 (9) shall do any and all things necessary, proper or expedient in connection with the
6 issuance and delivery of the Bonds and the acquisition, financing or reimbursement of the
7 Infrastructure in order to accomplish the legislative policy of the Tax Increment Financing Act
8 and the public purposes of this Act, subject to the limitations set forth in the Tax Increment
9 Financing Act and any limitations prescribed by this Act.

10 This delegation of authority to the County Executive is subject to his discretion and to the
11 extent he does not exercise such discretion pursuant to the provisions of this Act, neither such
12 officer nor the County shall be subject to any liability.

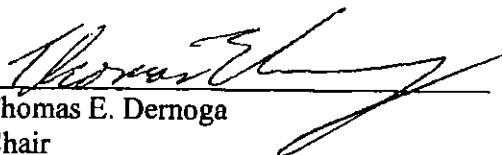
13 SECTION 2. BE IT FURTHER ENACTED, that the Bonds and the construction costs of
14 the Infrastructure for which said Bonds are authorized and issued are not deemed to be
15 construction, monetary contributions or procurement for purposes of Subtitle 10A of the Prince
16 George's County Code and the Infrastructure funded in whole or part by said Bonds are
17 specifically exempted from the provisions of Subtitle 10A, provided, however, that Section 10A-
18 121 and Sections 2-247 through 2-253.05, of the Prince George's County Code shall apply.

19 SECTION 3. BE IT FURTHER ENACTED, that the provisions of this Act are severable,
20 and if any provision, sentence, clause, section or part hereof is held or determined to be illegal,
21 invalid or unconstitutional or inapplicable to any person or circumstances, such illegality,
22 invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining
23 provisions, sentences, clauses, sections or parts of this Act or their application to other persons or
24 circumstances. It is hereby declared to be the legislative intent that this Act would have been
25 passed if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause,
26 section or part had not been included herein, and as if the person or circumstances to which this
27 Act or any part hereof are inapplicable had been specifically exempted herefrom.
28

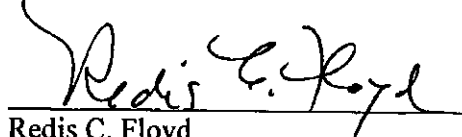
1 SECTION 4. BE IT FURTHER ENACTED, that this Act shall take effect 45 days from the
2 date it becomes law.

Adopted this 26th day of October, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 
Thomas E. Dernoga
Chair

ATTEST:


Redis C. Floyd
Clerk of the Council

APPROVED:

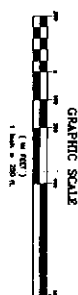
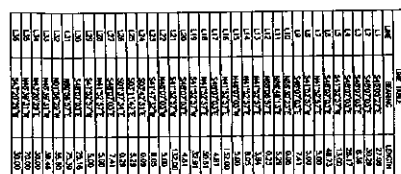
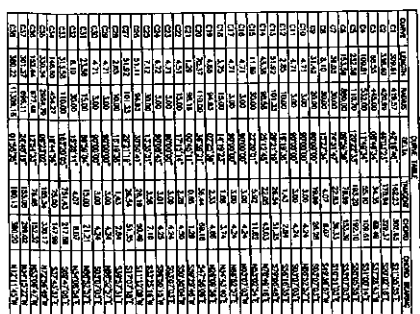
DATE: _____

BY: _____
JACK B. JOHNSON
County Executive

Exhibit A available in hard copy only.

THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER
HIS APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS
PRESENTATION TO HIM, THIS BILL BECAME LAW ON 11/29/2010.

TO BECOME EFFECTIVE ON 1/14/2011.

[illegible]

**OUTLINE OF PROJECTED TIF EXPENSES
WOODMORE TOWNE CENTRE
2-Oct-09**

<u>Item</u>	<u>Projected Cost</u>	
Land Dedication for Public Improvements	\$4,170,982 *1	/
Public Improvements for St. Joseph's Drive	\$1,770,501	
Public Improvements for Ruby Lockhart Blvd.	\$9,319,078	
Public Improvements for Campus Way North	\$1,845,008	
Public Improvements for Evarts Street	\$2,094,765	
Public Improvements for Maryland Route 202	\$5,734,654	
Public Improvements for Park Site	\$1,146,931	
Public Water / Sewer Outside Rights-of-Way	\$1,687,404	
Soft Costs	<u>\$4,719,668</u> *2	
TOTAL	\$32,488,991	

NOTES

*1 - 29.34 acres at \$142,160.25 per acre, which is Developer's actual cost.

*2 - Estimated as 20% of all other Items, minus land.

Prince George's County Council Agenda Item Summary

Meeting Date:	10/26/2010
Reference No.:	CB-095-2010
Draft No.:	2
Proposer(s):	Harrison
Sponsor(s):	Harrison
Item Title:	An Act concerning the issuance the Issuance of Special Obligation Tax Increment Financing Bonds for Woodmore Towne Centre Development District for the purpose of providing that special obligation tax increment financing bonds may be issued under the provisions of this Act, Sections 12-201 through 12-213 of the Economic Development Article of the Annotated Code of Maryland, as amended (the "Tax Increment Financing Act"), and CR-85-2009 of the County Council of Prince George's County, Maryland (the "Formation Resolution") in an aggregate principal amount of Seventeen Million Dollars (\$17,000,000)

Drafter:	Legal Staff
Resource Personnel:	Rodney Streeter, Chief of Staff

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	11/29/2010 US
Committee Referral:		Effective Date:	1/14/2011
Committee Action:	10/20/2010 - NR		
Date Introduced:	9/28/2010		
Public Hearing:	10/26/2010 - 10:00 AM		
Council Action (1)	10/26/2010 - ENACTED		
Council Votes:	MB:A, WC:AB, SHD:A, TD:AB, CE:-, AH:A, TK:A, EO:-, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 10/20/2010

COMMITTEE VOTE: No Recommendation 5-0 (In Favor: Council Members Exum, Harrison, Campos, Dean and Turner)

This bill will authorize the issuance of special obligation tax increment financing (TIF) bonds in an amount of Seventeen Million Dollars (\$17,000,000) to finance certain infrastructure (include but not limited to parking facilities, road improvements and stormwater management) relating to Woodmore Towne Centre at Glenarden Development District. Approximately 5,400 new jobs are expected to be created when the entire project is built out. Currently, 970 jobs have been created, with county residents holding 73% of the jobs.

The County established the "Woodmore Town Center at Glenarden Development District pursuant to the Tax Incremental Financing Act with the adoption of CR-85-2009. The issuance of the special obligation TIF bonds shall

have an interest rate of seven percent (7%) per annum for 30 years. The TIF is related to County property taxes only and does not involve Glenarden's property taxes.

The Financial Consultant recommended that the legislation be amended to incorporate the criteria set forth in CR-98-2010.

The Developer estimated a 3% inflation rate and expect to utilized 30.8% of the TIF revenue over the 30 year period, \$42,800,308 is the Debt Service Costs (\$41,895,548 to developer) and \$96,181,728 to the County from the TIF portion of property taxes reflecting the 30.8% the TIF revenues for the developer's debt service and other TIF related cost and 69.2% of the TIF revenues for the County.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

10/26/2010 - CB-95-2010 was amended on the floor prior to enactment; (DR-2) was enacted.

CODE INDEX TOPICS:

INCLUSION FILES:

I-CB-95-2010 Attachment A.pdf

33973 099

THE TRANSFER DESCRIBED HEREIN
IS EXEMPT FROM TRANSFER AND
RECORDATION TAXES PURSUANT TO
ANNOTATED CODE OF MARYLAND
TAX-PROPERTY ARTICLE §12-108(a)(1)(iv) AND
§13-207(a)(1)

PRINCE GEORGE'S COUNTY
SEP 20 2012

SEP 20 2012

RECORDATION TAX PAID
TRANSFER TAX PAID

THIS DEED

Made as of the 20th day of June, 2012, by and between D.R. Horton, Inc., a
Delaware corporation, Grantor, and The Revenue Authority of Prince George's County, a body
corporate and politic, Grantee:

WITNESSETH, that in consideration of the sum of ZERO Dollars and other good and
valuable consideration, the receipt of which is hereby acknowledged, the said Grantor does grant
and convey unto the said Grantee, as Sole Owner, in fee simple, all that piece or parcel of ground
situate, lying and being in Prince George's County, State of Maryland being described as follows,
to wit:

Part of Parcel 1 and Parcel 2 as shown on the plat of subdivision entitled "Balk
Hill Village, Plat One" and as further described in Schedules A-1 and A-2 and
Schedules B and C attached hereto and incorporated by reference herein.

Parcel 1 Tax ID No. 3841756
Parcel 2 Tax ID No. 3841764

Being part of the same property described in Liber 17026 at Folio 146.

TOGETHER with the buildings and improvements thereupon, erected, made, or being;
and all and every, the rights, alleys, ways, waters, privileges, appurtenances, advantages, to the
same belonging or in anywise appertaining.

Clerk of the
Circuit Court

2012 SEP 20 PM 2:00
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TWO TO ONE \$
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TO HAVE and to hold the property hereby conveyed and particularly the aforesaid rent payable out of the property and the reversion thereto, unto the Grantee, its successors and assigns, forever, in fee simple.

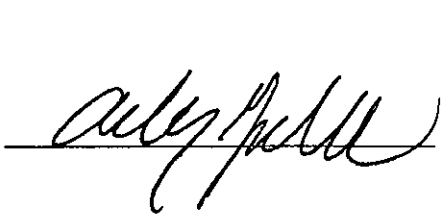
AND the said Grantor covenants that it will warrant specially the property hereby conveyed; and that it will execute such further assurances of said land as may be requisite.

BY execution of the within Deed, the Grantor certifies under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any Mortgage or Deed of Trust outstanding, is the sum total of \$0.00.

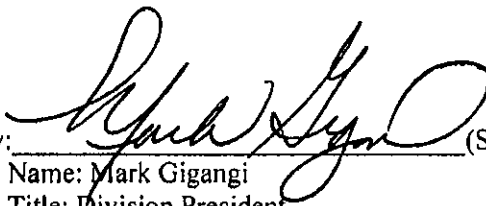
IN WITNESS whereof, D.R. Horton, Inc., has caused this Deed to be executed on its behalf by its duly authorized Division President.

WITNESS/ATTEST:

D.R. HORTON, INC.,
a Delaware corporation



By:



(SEAL)

Name: Mark Gigangi
Title: Division President

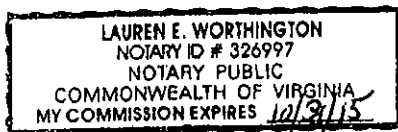
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STATE OF Virginia
COUNTY OF Fairfax

On this 20th day of June, 2012, before me, the undersigned officer, personally appeared Mark Giganti the Vice President of D.R. Horton, Inc., a Delaware corporation, and that he, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Notary Seal]



Lauren E. Worthington
Notary Public

My Commission expires 10/31/15

THIS IS TO CERTIFY that this Deed was prepared by or under the supervision of William M. Shipp, Esquire, an attorney duly admitted to practice before the Court of Appeals of Maryland.

William M. Shipp
William M. Shipp

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**DESCRIPTION OF
THE REVENUE AUTHORITY PART OF PARCEL 1
BALK HILL VILLAGE**

**KENT (13TH) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND**

BEING a parcel of land located in the Kent (13th) Election District, acquired by D.R. Horton, Inc., by a deed dated March 11, 2003 and recorded among the Land Records of Prince George's County, Maryland, in Liber. 17026 at Folio 146, and also being a portion of Parcel 1 as shown on a plat of subdivision entitled "Balk Hill Village, Plat One" as recorded among the said land records in plat book 217 at plat number 92, said parcel of land being more particularly described as follows:

BEGINNING at a point on the southeasterly right of way line of Tulson Lane the beginning of the South 62°18'19" East 150.00 foot line common to lot 1 as shown on a plat of subdivision entitled "Balk Hill Village, Plat Two" as recorded among the said land records in plat book 217 at plat number 93 and Parcel 1 as shown on said "Plat Two"; thence binding on said common line

- 1) South 62°18'19" East, 150.00 feet; thence binding on the South 17°41'41" West, 745.40 foot parcel line of said Parcel 1
- 2) South 27°41'41" West, 745.40 feet to intersect the northerly right of way line of Ruby Lockhart Boulevard as shown on said "Plat One"; thence binding on said right of way line
- 3) North 72°38'48" West, 212.27 feet to a point of curvature; thence
- 4) 112.92 feet with the arc of a curve deflecting to the right with a radius of 475.00 feet and a chord bearing and distance of North 65°50'11" West, 112.66 feet; thence
- 5) North 59°01'33" West, 412.64 feet to a truncation line located at the northeast corner of the intersection of Saint Joseph's Drive and Ruby Lockhart Boulevard as shown on said "Plat One"; thence binding on said truncation line
- 6) North 05°52'53" West, 59.55 feet to a point of curvature on the southeasterly right of way line of said Saint Josephs Drive; thence binding on said right of way line
- 7) 200.91 feet with the arc of a curve deflecting to the right with a radius of 785.00 feet and a chord bearing and distance of North 53°25'31" East, 200.36 feet to a point of reverse curvature; thence
- 8) 250.14 feet with the arc of a curve deflecting to the left with a radius of 865.00 feet and a chord bearing and distance of North 52°28'22" East, 249.27 feet to a point of curvature; thence departing said southeasterly right of way line of said Saint Josephs Drive so as to cross and include a portion of said Parcel 1
- 9) 413.95 feet with the arc of a curve deflecting to the left with a radius of 342.00 feet and a chord bearing and distance of North 84°14'57" East, 389.14 feet to a point of reverse curvature; thence

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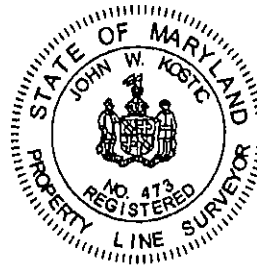
SCHEDULE "A-1"

- 10) 27.03 feet with the arc of a curve deflecting to the right with a radius of 66.00 feet and a chord bearing and distance of North 61°18'32" East, 26.85 feet; thence
- 11) North 78°08'32" East, 37.62 feet to intersect the cul-de-sac bubble right of way line at the southerly intersection of Grovehurst Lane and Tulson Lane as shown on said "Plat Two" at a point of curvature; thence binding on said right of way line
- 12) 84.69 feet with the arc of a curve deflecting to the left with a radius of 50.00 feet and a chord bearing and distance of North 76°13'05" East, 74.92 feet to the **POINT OF BEGINNING**. Containing 406,832 square feet or 9.3396 acres of land as shown on Schedule "B" attached hereto.

To the best of my professional knowledge, information and belief, the information described herein is correct and is based on records provided.

John W. Kostic
Property Line Surveyor
MD Reg. No. 473
Loiederman Soltesz Associates, Inc.
License expires: January 6, 2013

Date



**DESCRIPTION OF
THE REVENUE AUTHORITY PARCEL 2
BALK HILL VILLAGE**

**KENT (13TH) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND**

BEING a parcel of land located in the Kent (13th) Election District, acquired by D.R. Horton, Inc., by a deed dated March 11, 2003 and recorded among the Land Records of Prince George's County, Maryland, in Liber 17026 at Folio 146, and also all of Parcel 2 as shown on a plat of subdivision entitled "Balk Hill Village, Plat One" as recorded among the said land records in plat book 217 at plat number 92, said parcel of land being more particularly described as follows:

BEGINNING at a point on the southerly right of way line of Ruby Lockhart Boulevard at the beginning of the South 42°52'18" West 825.69 foot line common to Parcel 2 and the lands now or formerly owned by Ludlow King III as shown on said "Plat One"; thence departing said right of way line and binding on said common line

- 1) South 42°52'18" West, 825.69 feet to a point on the northeastern right-of-way line of Maryland Route 202; thence binding on said right-of-way line as shown on State Roads Commission Right-of-Way Plat Number 34598 for the following two (2) courses,
- 2) North 54°23'30" West, 309.94 feet to a point of curvature; thence,
- 3) 112.29 feet with the arc of a curve deflecting to the left with a radius of 2,964.79 feet and a chord bearing and distance of North 55°28'36" West, 112.28 feet to a truncation line located at the northeast corner of the intersection of Saint Josephs Drive and said Maryland Route 202; thence binding on said truncation line
- 4) North 24°00'24" West, 50.32 feet to intersect the southeasterly right of way line of Saint Josephs Drive; thence binding on said right of way line
- 5) North 42°54'44" East, 731.53 feet to a truncation line located at the southeast corner of the intersection of Saint Josephs Drive and said Ruby Lockhart Boulevard; thence binding on said truncation line
- 6) North 75°54'27" East, 44.33 feet to the said southerly right of way line of Ruby Lockhart Boulevard; thence binding on said right of way line
- 7) South 59°01'33" East, 449.80 feet to the **POINT OF BEGINNING**. Containing 373,795 square feet or 8.5812 acres of land as shown on Schedule "C" attached hereto.

To the best of my professional knowledge, information and belief, the information described herein is correct and is based on records provided

John W. Kostic
Property Line Surveyor
MD Reg. No. 473
Loiederman Soltesz Associates, Inc.
License expires: January 6, 2013

Date



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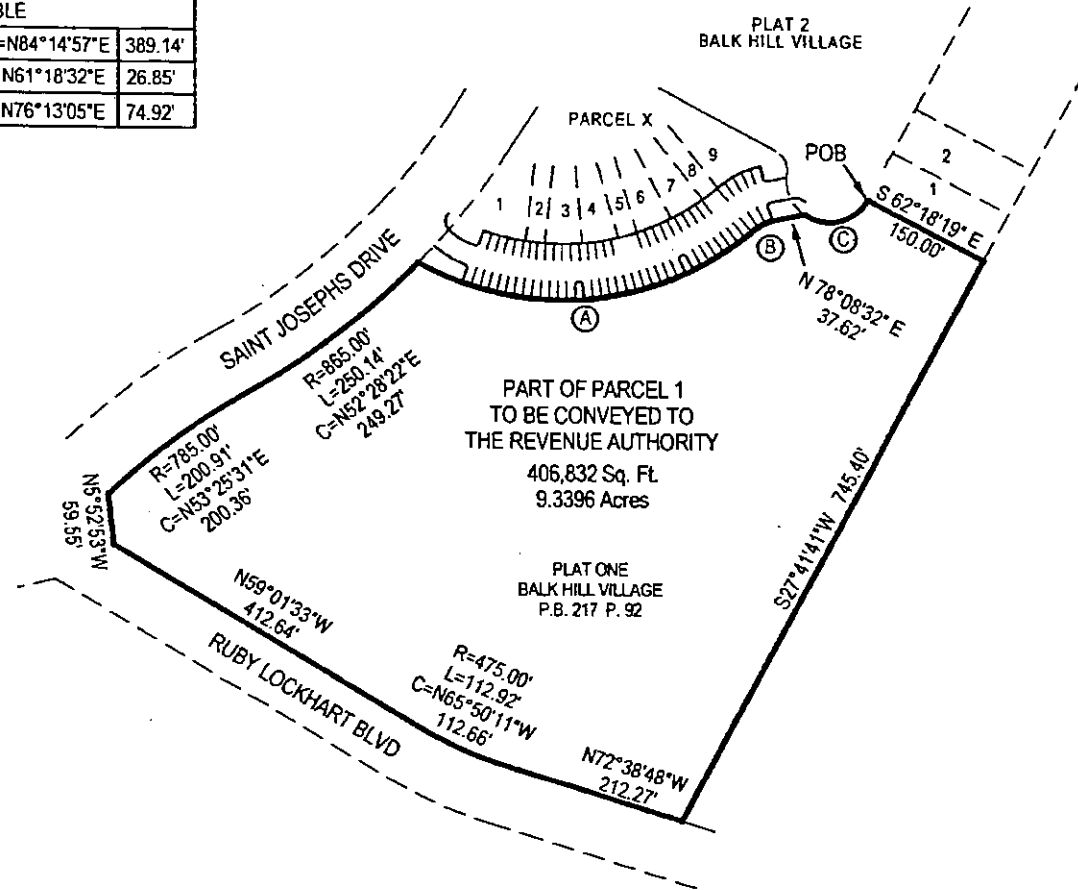
PG CIRCUIT COURT (Land Records) [MSA CE 64-34464] MMB 33973, p. 0104. Printed 06/19/2013. Online 09/25/2012.

PG CIRCUIT COURT (Land Records) JMSA-CE-61-2467JMMB-20073-P-0106-Printed 06/10/2013-Online 06/25/2013

SCHEDULE " B "

CURVE TABLE			
A	R=342.00'	L=413.95'	C=N84°14'57"E 389.14'
B	R=66.00'	L=27.03'	C=N61°18'32"E 26.85'
C	R=50.00'	L=84.69'	C=N76°13'05"E 74.92'

SCALE: 1" = 200'
WSSC DATUM



Loiederman
Soltesz Associates, Inc.

LANHAM OFFICE

4300 Forbes Boulevard, Suite 230 Lanham, MD 20706 1.301.794.7555 1.301.794.7656

Engineering Planning Surveying Environmental Sciences

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THE LICENSEE BELOW WAS IN RESPONSIBLE CHARGE OF THE PREPARATION OF THIS METES AND BOUNDS DESCRIPTION AND THE SURVEY WORK REFLECTED IN IT, ALL COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN COMAR TITLE 09, SUBTITLE 13, CHAPTER 06, REGULATION .12 OF THE MINIMUM PRACTICE FOR LAND SURVEYORS.

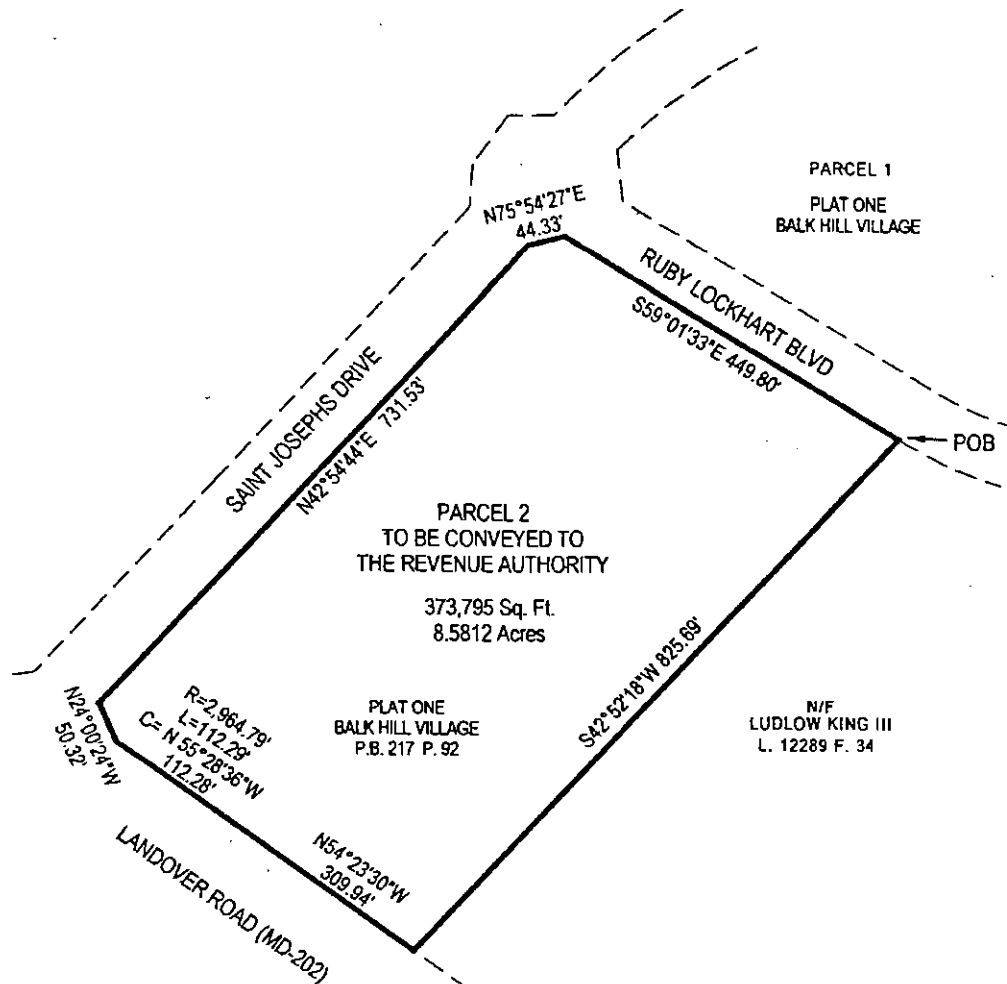
JOHN W. KOSTIC
PROPERTY LINE SURVEYOR
MD REG. NO. 473
LICENSE EXPIRES: 1-6-2013

DATE

S:\01400500\SURVEY\Sketches\Parcel 1.dgn Scale=200.0000 ft/in. User=jkostic PLTdrv=PDF_Black-White_BQ.plt Pentbl=TEXT_SUB.TBL 5/1/2012 10:16:59 AM

SCHEDULE "C"

33973 106



SCALE: 1" = 200'
WSSC DATUM



Loiederman
Soltesz Associates, Inc.

LANHAM OFFICE

4300 Forbes Boulevard, Suite 230 Lanham, MD 20706 t.301.794.7555 f.301.794.7656

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☐ **Baltimore City**

☒ County: Prince George's

33973 107

Information Provided is for the use of the Clerks Office, State Department of
Assesments and Taxation and County Finance Office Only.
(Type or Print in Black Ink Only - All Copies Must be Legible)

1 Type(s)		<input type="checkbox"/> Check Box if Addendum Intake Form is Attached.													
of Instruments		<input checked="" type="checkbox"/> Deed		<input type="checkbox"/> Mortgage		<input type="checkbox"/> Other		<input type="checkbox"/> Other							
		<input type="checkbox"/> Deed of Trust		<input type="checkbox"/> Lease											
2 Conveyance Type Check Box		<input type="checkbox"/> Improved Sale Arms-Length [1]		<input type="checkbox"/> Unimproved Sale Arms-Length [2]		<input type="checkbox"/> Multiple Accounts Arms-Length [3]		<input type="checkbox"/> Not an Arms-Length Sale [9]							
3 Tax Exemptions (if applicable) Cite or Explain Authority		Recordation		<input checked="" type="checkbox"/> Exempt											
		State Transfer		<input checked="" type="checkbox"/> Exempt											
		County Transfer		<input checked="" type="checkbox"/> Exempt											
4 Consideration and Tax Calculations		Consideration Amount						Finance Office Use Only							
		Purchase Price/Consideration \$						Transfer and Recordation Tax Consideration							
		Any New Mortgage \$						Transfer Tax Consideration \$							
		Balance of Existing Mortgage \$						X () % = \$							
		Other: \$						Less Exemption Amount \$							
								Total Transfer Tax = \$							
		Other: \$						Recordation Tax Consideration \$							
		Full Cash Value \$						X () per \$500 = \$							
5 Fees		Amount of Fees						Doc. 1		Doc. 2		Agent:			
		Recording Charge \$						20.00		\$					
		Surcharge \$						40.00		\$		Tax Bill:			
		State Recordation Tax \$								\$					
		State Transfer Tax \$								\$		C.B. Credit:			
		County Transfer Tax \$								\$					
		Other \$								\$		Ag Tax/Other:			
		Other \$								\$					
		6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(a)(3)(i).		District		Property Tax ID No. (1)		Grantor Liber/Folio		Map		Parcel No.		Var. LOG	
				13		3841756 & 3841764		17026/146		0060				[] (5)	
Subdivision Name						Lot (3a)		Block (3b)		Sec/AR(3c)		Plat Ref. Sq.Ft./Acreage (4)			
Parcel 1 and 2												217092			
Location/Address of Property Being Conveyed (2)															
St Josephs Drive, Bowie, MD 20721															
Other Property Identifiers (if applicable)										Water Meter Account No.					
Residential <input checked="" type="checkbox"/> or Non-Residential <input type="checkbox"/> Fee Simple <input checked="" type="checkbox"/> or Ground Rent <input type="checkbox"/> Amount:															
Partial Conveyance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Description/Amt. of Sq Ft/Acreage Transferred:															
If Partial Conveyance, List Improvements Conveyed:															
7 Transferred From		Doc. 1-Grantor(s) Name(s)						Doc. 2-Grantor(s) Name(s)							
		D.R. Horton, Inc.													
		Doc.1-Owner(s) of Record, if Different from Grantor(s)						Doc.2-Owner(s) of Record, if Different from Grantor(s)							
8 Transferred To		Doc. 1-Grantee(s) Name(s)						Doc. 2-Grantee(s) Name(s)							
		The Revenue Authority of Prince George's County													
		New Owner's (Grantee) Mailing Address													
9 Other Names to Be Indexed		1300 Mercantile Lane, Suite 108, Largo, MD 20774													
		Doc. 1-Additional Names to be Indexed (Optional)						Doc. 2-Additional Names to be Indexed (Optional)							
10 Contact/Mail Information		Instrument Submitted By or Contact Person								<input checked="" type="checkbox"/> Return to Contact Person					
		Name: Mark G. Levin, Esquire								<input type="checkbox"/> Hold for Pickup					
		Firm: O'Malley, Miles, Nylen & Gilmore, P.A.								<input type="checkbox"/> Return Address Provided					
		Address: 11785 Beltsville Drive, 10th Floor Calverton, MD 20705 Phone: (301) 572-7900													
11 Space Reserved for County Validation		IMPORTANT: BOTH THE ORIGINAL DEED AND PHOTOCOPY MUST ACCOMPANY EACH TRANSFER													
		Assessment Information		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Will the property being conveyed be the grantee's principal residence?									
				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Does the transfer include personal property? If yes, identify:									
				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Was the property surveyed? If yes, attach copy of survey (if recorded, no copy required.).									
		Assessment Use Only - Do Not Write Below This Line													
		<input type="checkbox"/> Terminal Verification		<input type="checkbox"/> Agricultural Verification		<input type="checkbox"/> Whole		<input type="checkbox"/> Part		<input type="checkbox"/> Tran Process Verification					
		Transfer Number		Date Received		Deed Reference:		Assigned Property No.:							
		Year		20		20		Goo		Map		Sub		Block	
		Land						Zoning		Grid		Plat		Lot	
		Buildings						Use		Parcel		Section		Occ Cd	
Total						Town Cd		Ex St		Ex Cd					
REMARKS:															

Balk Hill Time Line (20 acres)

Presented before the Revenue Authority

December 17, 2019

1996

- The Planning Board established a 202 Corridor Study Committee in 1996 made up of St. Joseph's Church, Lake Arbor, Fox Lake, Largo Civic Associations and the Kettering Civic Federation, all the property owners in the Route 202 corridor along with several other interested parties.
- The purpose of the Committee was to recommend how the 600 acres in the Route 202 corridor should be developed

1997

- 202 Corridor Study Group issued its report on the development of this area and the type of development that would be supported and that it would not support. It would support projects such as, high tech training centers, performing arts center, conference center, office complex; and would not support projects such as, strip malls, garden apartments, etc
- Rocky Gorge Development had received approval in 1994 to get the Woodview Corporate Park rezoned from the I-3 zone to allow for the residential development of Woodview Village which began in 1997.

2002

- Around 2002 Rocky Gorge Development applied to rezone what is now Balk Hill Village from the I-3 zone to the MXT zone. The Balk Hill rezoning application was denied by Park and Planning because of the glut of residential development in this corridor and there was not enough of the above mentioned commercial development as recommended in the 202 Corridor Study Group report.
- In order to be allowed to build Balk Hill, Rocky Gorge Development in April 2002 proffered 20 acres (Parcels 1 and 2) to the County for the Revenue Authority to use exclusively for the purpose of attracting

commercial/employment development in the 202 corridor area so that Rocky Gorge Development could meet its commercial development obligations.

- On April 22, 2002, the Zoning Hearing Examiner approved the 20 acre proffer and issued ZMA A-9956 approval. ZMA A-9956 states in under DETERMINATIONS: "...A rezoning to allow residential land use in the middle of the employment area will essentially divide the area in two. It will eliminate the community of employment land use and development character for this area." The Planning Board was opposed to residential ever happening on these 20 acres.
- On July 23, 2002 The District Council voted initial approval to amend the Zoning Map of Applicant Rocky Gorge Homes (Balk Hill) case no.: A-9956-C, Zoning ordinance no. 16-2002 to permit rezoning of the subject property from the I-3 Zone to the M-X-T Zone. The amendment was signed by County Council Chair Peter A. Shapiro with 14 conditions with an effective date of October 1, 2002. The language in Condition 10 stated:

"An Advisory Planning Committee, consisting of the applicant (D.R. Horton, Inc., who purchased the property in question from Rocky Gorge Development) and representatives from St. Joseph's Parrish and the Lake Arbor, Fox Lake, Largo and Kettering Civic Associations shall be established to advise the Revenue Authority, a community development corporation, or another nonprofit entity about the development, use, and disposition of the 20 acre employment parcel."

All of the designated community organizations listed in Condition 10 is nonprofits

2003

- PP 4-03094 filed 09/03/03 states that these 20 acres cannot be conveyed to a private entity. The Applicant shall submit documentation on the structure of the Advisory Planning Committee and how it will function to advise the Revenue Authority on the development of Parcels 1 and 2 pursuant to Condition 10 of the Zoning Map Amendment A-9956-C.

2005

- 7/21/2005 Attorney Vernell Arrington, Arrington, of the Law Firm of Camp & Watson, LLC, representing D. R. Horton (the applicant) sent a letter to the Park and Planning Division to advise that the Advisory Group had been organized with the organizations listed earlier in addition to a representative from D. R. Horton, Inc.
- 2005 DSP -04067 refers to A-9956-C and the 20 acres employment site. It also spells out the role and responsibility of the Advisory Group. In its amended resolution, this DSP states: “Prior to submittal of the above-mentioned detail site plan application, the applicant (whether public or private) shall obtain advice from the Advisory Planning Committee about the use and design of the property and reduce that advice to writing and file it with site plan application”

2012

- The Revenue Authority for a sum of ZERO dollars acquired the 20 acres, consisting of Parcel 1 and 2 without notifying or involving the Advisory Planning Committee

2015

- The Revenue Authority solicited a request for a RFQ in 2015 to develop a Balk Hill Restaurant Park Development. Petrie Richardson Ventures, LLC was selected and paid an Exclusive Rights Option Fee of \$10K.

2017

- The Revenue Authority’s Attorney William Shipp requested a hearing on A-9956-C before the ZHE to delete Condition 10 the Advisory Planning Group and amend Conditions 5 to reduce the square footage for office and retail. It was stated by Attorney Shipp that “The Revenue Authority has determined it does not desire or intend to develop Parcels 1 and 2....The Revenue Authority has negotiated a contract to sell Parcels 1 and 2 to Petrie Richardson Ventures... will be developed with multifamily residential units (258 Rentals)...”

- At the above hearing most of the community members who testified believed that Petrie Richardson Ventures was the owner of the property in question and did not know it was a contract purchaser.
- Since the Revenue Authority did not want to develop the 20 acres it could have conveyed the 20 acres to the nonprofit referenced in A-9956-C.
- On June 14 and July 21, 2017 the ZHE decisions modified Condition 5 to allow for additional permitted uses under MXT (residential with limited employment/commercial development) and Condition 10 was changed to soliciting comments as opposed to having an advisory role as it was intended in A-9956-C.
- The above record was left opened and on August 3, 2017 the Revenue Authority's General Counsel said the RFQ for which Petrie Richardson Ventures, LLC had originally applied was not published in the Washington Post as initially suggested. Rather, the RFQ was published on the Revenue Authority's website. Publication in this manner is compliant with Revenue Authority's Procurement Policy. (This is not compliant and is in violation of Sec. 21A-305 and Chapter VIII (C).) There were subsequent negotiations with Petrie Richardson Ventures, LLC, the lone respondent to the RFQ and through further negotiations with the Revenue Authority the property was to be sold to Petrie Richardson Ventures, LLC, without the specification of a restaurant park.
- I have been told that there was a second bidder on the RFQ by Mr. LaRae Benton, LJB Enterprises. He indicated he had met with both Donnie James and Peter Shapiro. He was told by them that the RFP was withdrawn and would not be awarded.
- Petrie Richardson Ventures, LLC is waiting to file for their DSP which will consummate their needed zoning.
- Since the Revenue Authority has violated its procurement policy and the intent of A-9956-C by not contacting the Advisory Planning Committee before entering into a contract with Petrie Richardson Ventures, LLC, on the development, use, and disposition of the 20 acre employment parcel.” and

on its own procurement policy, this project should be stopped/cancelled to allow for the development envisioned in the 202 Corridor Study.

Finally, the County Government has already begun locating to the Largo area, e.g, the Wayne K Curry Administration Building on Mercantile Lane. This major relocation should create a need for office space.

Filename: Time Line-Balk Hill 3R.docx
Directory: /Users/jameshunt/Library/Containers/com.microsoft.Word/Data/Documents
Template: /Users/jameshunt/Library/Group Containers/UBF8T346G9.Office/User Content.localized/Templates.localized/Normal.dotm
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Subject:
Author: Patriarch
Keywords:
Comments:
Creation Date: 5/6/20 6:52:00 AM
Change Number: 2
Last Saved On: 5/6/20 6:52:00 AM
Last Saved By: James Hunt
Total Editing Time: 1 Minute
Last Printed On: 5/6/20 6:52:00 AM
As of Last Complete Printing
Number of Pages: 5
Number of Words: 1,247
Number of Characters: 6,430 (approx.)



CIVIC ASSOCIATION
12138 Central Avenue, Suite 305
Mitchellville, Maryland 20721-1932

December 2, 2019

Mr. Calvin Brown
Chairman, Board of Directors
Revenue Authority of Prince George's County
1300 Mercantile Lane, Suite 108
Largo, Maryland 20774

Dear Mr. Brown:

RE: Condition 10 of Zoning Ordinance No. 16-2002

We would like to meet with the Revenue Authority Board of Directors to determine if we can prevent the sale of the 20 acres at Balk Hill (hereinafter "the land") that the Revenue Authority acquired from D.R. Horton in 2012. Since time is of the essence based on pending Planning Board action, we request to meet as soon as possible.

Condition 10 of Zoning Ordinance No. 16-2002, signed by the Chairman of the County Council, Peter A. Shapiro, who is now the Executive Director of the Revenue Authority, states: "An Advisory Planning Committee, consisting of the Applicant (Rocky Gorge Homes/ D.R. Horton) and representatives from St. Joseph's Parish, and the Lake Arbor, Largo, and Kettering Civic Associations, and the Foxlake HOA shall be established to advise the Revenue Authority, a community development corporation, or another nonprofit entity about the development, use, and disposition of the 20-acre employment parcel." The Advisory Planning Committee was organized by Attorney Vernal Arrington, Law Office of Arrington, Camp & Watson, LLC., on July 21, 2005. We believe that the proposed disposition of the land violates the above Condition 10 requirement and that the Revenue Authority's abdicated its role to serve as the repository for the land until *the referenced Advisory Planning Committee and D.R. Horton, the developer, met to* determine the type of development, use, and disposition of the 20-acre employment parcel.

At the September 26, 2019 Planning Board hearing, we shared that the land being considered (20 acres) in the Woodmore Commons, Case: 4-18024 was acquired by the Revenue Authority, as a result of a deed executed on June 20, 2012, for a zero dollar payment from the developer D.R. Horton, and the property is not currently owned by Balk Hill Ventures, LLC., the applicant. The Revenue Authority's ownership was attested to by Attorney William M. Shipp in his response dated March 20, 2018, to Ms. Redis C. Floyd, Clerk of the Council regarding Case No. A-9956-C, Zoning Ordinance

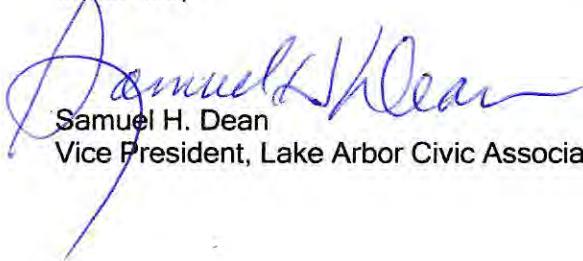
No. 2-2018, Amendment of Conditions, in which he states: "on behalf of my client, the Revenue Authority of Prince George's County, Applicant in Case No. A-9956-C (Amendment of Conditions), I hereby accept the conditions of the zoning approval as relates to Condition 5 and 10 as set forth in Zoning Ordinance No. 2-2018 enacted on February 26, 2018 and as referenced in your Notice of Decision of March 9, 2018." Does Attorney Shipp have the legal authority to represent and bind the Revenue Authority contractually? Does he also have the authority to execute the deed for the Revenue Authority in the transfer of the 20 acres for the zero sum payment? It appears that no authorizing official from the Revenue Authority signed off on any of the documents previously mentioned. Although the Revenue Authority acquired the 20 acres for zero sum payment and consummated a zero dollar transfer without the knowledge of the Advisory Planning Committee, we believe that the Revenue Authority plans to sale the land at a profit.

To reiterate, the Revenue Authority acquired the land (20 acres at a zero sum payment) in question in violation of Case No.: A-9956-C, Applicant: Rocky Gorge Homes (Balk Hill),. As the repository of the 20 acres the Revenue Authority was required to schedule a meeting with the Applicant and the named organizations that make up the Advisory Planning Committee to decide on the disposition of the 20 acres. Instead Attorney Shipp representing the Revenue Authority acquired the 20 acres on June 20, 2012 through a deed for a zero dollar payment in violation of the Revenue Authority's fiduciary responsibility to the Advisory Planning Committee as stated in Condition 10.

We trust that when we meet that we can correct what we consider to be a travesty for our communities that rely upon the good faith of our elected official and government agencies to protect the welfare of the residents of Prince George's County.

Thank you for your consideration in this matter.

In service,



Samuel H. Dean
Vice President, Lake Arbor Civic Association

OFFICE OF THE ZONING HEARING EXAMINER
FOR PRINCE GEORGE'S COUNTY

BALK HILL

Case No. A-9956-C

A hearing in the above-entitled matter was held on
July 21, 2017, at the Prince George's County Office of
Zoning, County Administration Building, Room 2174, Upper
Marlboro, Maryland 20772 before:

Maurene McNeil
Hearing Examiner

A P P E A R A N C E S

On Behalf of Revenue Authority:

William Shipp, Esq.

On Behalf of Petrie Richardson Ventures, LLC:

Edward Gibbs, Esq.

On Behalf of Fox Lake HOA:

Macy Nelson, Esq.

On Behalf of People's Zoning:

Stan Brown

* * * * *

	<u>Page</u>
Testimony of Chris Duffy	22; 71; 112
Testimony of Debra Spencer	43
Testimony of Bishop Campbell	55
Testimony of Steven Varga	92
Testimony of Anthony Stevenson	130
Testimony of Charles Renninger	156
Testimony of Sigrid Samuel	186
Testimony of Mark Ferguson	189
Testimony of Terry Richardson	213

* * * * *

<u>Exhibits</u>	<u>Marked</u>
Exhibit No. 21	6
Exhibit No. 22	6
Exhibit No. 23	7
Exhibit No. 24	8
Exhibit No. 25	13
Exhibit No. 26A & B	21
Exhibit No. 27	23
Exhibit No. 28	29
Exhibit No. 29	47
Exhibit No. 30	55
Exhibit No. 31	93
Exhibit No. 32	95
Exhibit No. 33	112
Exhibit No. 34	113
Exhibit No. 35	115
Exhibit No. 36A-C	116
Exhibit No. 37	117

CONTINUED

<u>Exhibits</u>	<u>Marked</u>
Exhibit No. 38	120
Exhibit No. 39	121
Exhibit No. 40	123
Exhibit No. 41	124
Exhibit No. 42	176
Exhibit No. 43	177
Exhibit No. 44	177
Exhibit No. 45	189
Exhibit No. 46	195
Exhibit No. 47	221
Exhibit No. 48	221
Exhibit No. 49	222

P R O C E E D I N G S

1
2 MS. MCNEIL: Okay. Good morning, everyone. I'm
3 Maurene McNeil, I'll be the Hearing Examiner today. It's
4 July 21st, 2017. We're here on the case of A-9956-C,
5 Applicant Balk Hill Village, although I think the Applicant
6 may have changed a little, and Counsel will tell me. And
7 it's a request to amend Condition 5, and delete Condition 10
8 of Zoning Ordinance No. 16-2002 that was imposed by the
9 District Council in its rezoning of the subject property.
10 And if Counsel would identify themselves for the record.

11 MR. SHIPP: Thank you, Madam Examiner, for the
12 record, William Shipp with O'Malley, Miles, Nylen and
13 Gilmore on behalf of the Revenue Authority.

14 MR. GIBBS: Good morning, Edward Gibbs with law
15 offices in Largo here representing the contract purchaser of
16 Parcels 1 and 2, Petrie Richardson Ventures, LLC.

17 MR. NELSON: Good morning, Macy Nelson on behalf
18 of the Fox Lake Homeowners. Good morning, Macy Nelson on
19 behalf of Fox Lake Homeowners Association, protestants to
20 the applicant, parties to the agreement.

21 MR. BROWN: Stan Brown, People's Zoning Counsel.

22 MS. MCNEIL: Okay. Are you ready to begin?

23 MR. GIBBS: We are. I think before -- Mr. Shipp
24 is going to preliminarily make some statements, but I think
25 we do have a little clean up. We have -- I have, I filed

1 Renninger.

2 MR. RENNINGER: Thank you.

3 MS. SAMUEL: Sigrid Samuel, Lake Arbor Civic
4 Association, Vice-President, and Arbor View Homeowners
5 Association Board members.

6 MS. MCNEIL: Sigrid Samuel, do you swear or affirm
7 under the penalties of perjury that the testimony you shall
8 give will be the truth and nothing but the truth?

9 MS. SAMUEL: Yes.

10 MS. MCNEIL: And you spoke before I was ready.
11 So, you're the President of?

12 MS. SAMUEL: Vice-President of the Lake Arbor
13 Civic Association --

14 MS. MCNEIL: Okay.

15 MS. SAMUEL: -- and Board member of Arbor View
16 Homeowners Association.

17 MS. MCNEIL: All right. What do you want to tell
18 me about this application?

19 MS. SAMUEL: As far as the application, in our
20 meetings, and with our group, we do not have a problem with
21 five, that's a mixed use area, and we would be a part of,
22 and be active in anything that would be built there, as
23 citizens, and getting information out to our community. Ten
24 is where I have the problem, because I feel as a civic group
25 and a community we should be involved and have input in

1 what's being done around us. And as a civic association
2 member for years it's very important to us to try to get
3 information out to our community, because information
4 doesn't filter out that well to communities about what's
5 going on in surrounding areas. So, we like to be informed,
6 we try to inform our community as to what's going on, so we
7 want to keep that open to where we can get community input,
8 and information to them, that's so important and, to us, so
9 we would like to keep all the doors open to have input.

10 MS. MCNEIL: Questions?

11 MR. GIBBS: So, you want a voice in the process,
12 is that correct?

13 MS. SAMUEL: Correct.

14 MR. GIBBS: Okay. Thank you. No further comment,
15 no further questions.

16 MR. NELSON: No questions.

17 MR. BROWN: No questions.

18 MS. MCNEIL: That's it.

19 MR. BROWN: Thank you.

20 MS. MCNEIL: Thank you.

21 MS. SAMUEL: Thank you.

22 MR. GIBBS: Thank you, Ms. Samuel, always good to
23 see you. See you next time.

24 MS. SAMUEL: Yes.

25 MS. MCNEIL: So --

C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Prince George's County Office of the Zoning Hearing Examiner in the matter of:

BALK HILL

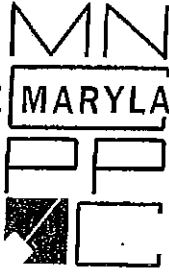
Case No. A-9956-C

By:

Paula Underwood

Paula Underwood, Transcriber

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

June 25, 2019

REC'D JUN 28 2019

Balk Hill Ventures
1919 West Street
Annapolis, MD 21035

Re: Notification of Planning Board Action on
Conceptual Site Plan CSP-03001-01
Balk Hill Village

Dear Applicant:

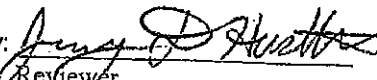
This is to advise you that, on **June 20, 2019**, the above-referenced Conceptual Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-280, the Planning Board's decision will become final 30 calendar days after the date of the final notice **June 25, 2019** of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the County Council, at the above address.

Very truly yours,
James R. Hunt, Chief
Development Review Division

By: 
Reviewer

Attachment: PGCPB Resolution No. 19-71

cc: Redis C. Floyd, Clerk of the County Council
Persons of Record



PGCPB No. 19-71

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

File No. CSP-03001-01

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on May 30, 2019, regarding Conceptual Site Plan CSP-03001-01 for Balk Hill Village, the Planning Board finds:

1. **Request:** The subject application proposes a conceptual site plan (CSP) amendment for Balk Hill Centre to revise the uses on Parcels 1 and 2 to reduce the commercial square footage to 65,000 to 100,000 square feet and add 284 multifamily dwelling units.
2. **Development Data Summary:**

Zone(s) Use(s)	APPROVED M-X-T	APPROVED M-X-T
	Commercial; Single-family detached and attached residential	Single-family detached and attached, and multifamily residential; Commercial/Retail
Acreage	125.4	125.4
Total Gross Floor Area (GFA) (sq. ft.)	1,549,480	1,365,000–1,700,000
Commercial GFA	349,480	65,000–100,000
Residential GFA	1,200,000	1,300,000–1,600,000
Dwelling Units Total	393	677
Single-Family Detached	283	283
Triplex & Quadplex	60	60
Manor Homes	50	50
Multifamily	0	284



Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed:	0.40 FAR
Residential Optional Method:	1.00 FAR
Total FAR Permitted:	1.40 FAR*
Total FAR Proposed:	0.25–0.31 FAR

Note: *Additional density is allowed in accordance with Section 27-545(b)(4) of the Zoning Ordinance, Optional method of development, for providing 20 or more dwelling units.

14. As required by Section 27-276(b)(4) for approval of a CSP, the regulated environmental features on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations, as the area of the CSP affected by this amendment does not contain any regulated environmental features.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1 019-03-02, and further APPROVED Conceptual Site Plan CSP-03001-01 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
 - a.  Revise the site plan to show potential pedestrian access to the adjacent M-X-T-zoned property to the east, approximately 460 feet south of the right-of-way for Ruby Lockhart Boulevard (to correspond to a driveway between Parcels 1 and 3 as shown on Detailed Site Plan DSP-18024 for Woodmore Overlook Commercial). 
 - b. Remove all access easements shown on Sheets 5-9.
 - c. Remove the project title "Woodmore Commons" from the coversheet and provide the correct project name of "Balk Hill Centre" in accordance with the filed application.
 - d. Revise Note 12 on the overall conceptual site plan, site data table, to state commercial uses of 60,000 square feet-100,000 square feet.
 - e. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) The TCP1 approval block shall be filled-in with all previous approval information. The original plan was approved with Conceptual Site Plan CSP-03001, the -01 revision with Preliminary Plan of Subdivision 4-03094, and the current -02 revision for Conceptual Site Plan CSP-03001-01.
 - (2) The existing treeline shall be revised to match approved Natural Resource Inventory NRI-151-2018.
 - (3) A phase line shall be added to the plan to clearly differentiate between Phases 1 and 2.
 - (4) The limits of disturbance shall be shown on the plan.
 - (5) A revision bubble shall be added to the Bohler Engineering information block.

- (6) The label for the site statistics table shall be revised to "Phase 2 site statistics."
- (7) The TCP approval block containing original approval signatures shall be crossed-out.
- (8) All proposed stormwater management features shall be labeled on the plan.
- (9) The general information table on the plan shall be revised to remove the yes/no labels for Planning Area, General Plan Tier, Traffic Analysis Zone (COG), and Traffic Analysis Zone (PG), and to enter the corrected information for each category.
- (10) The TCP1 notes shall be revised, as follows:
 - (a) Note 1 shall be revised to refer to the current Conceptual Site Plan, CSP-03001-01, as the associate plan upon which the TCP1 is based.
 - (b) Note 7 regarding the tier and zone shall be revised to match the standard note language found in the Environmental Technical Manual.
- (11) The woodland conservation worksheet shall be revised match the worksheet shown on the most recently approved TCP2 for the overall site (TCP2-082-05-04). The worksheet shall be further revised to provide a separate phase for Parcels 1 and 2.

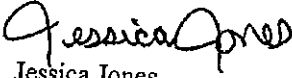
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, May 30, 2019, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 20th day of June 2019.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:JH:gh

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date 6/11/19



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

PGCPB No. 19-109

File No. 4-18024

RESOLUTION

WHEREAS, Revenue Authority of Prince George's County is the owner of a 17.92-acre parcel of land known as Part of Parcel 1, recorded in Prince George's County Land Records, in Liber 33973 folio 99 and Parcel 2, Balk Hill Village recorded in Plat Book PM 217-92, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented (M-X-T); and

WHEREAS, on June 21, 2019, Balk Hill Ventures, LLC filed an application for approval of a Preliminary Plan of Subdivision for nine parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18024 for Woodmore Commons was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 26, 2019, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on September 26, 2019, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-019-03-03, and further APPROVED Preliminary Plan of Subdivision 4-18024 for nine parcels with the following conditions:

1. Prior to signature approval of this preliminary plan of subdivision, the following revisions shall be made to the plan:
 - a. Revise General Note 1 to provide the correct recording reference for Part of Parcel 1.
 - b. Revise and consolidate the cross sections provided on the plans to show the following:
 - (1) All cross sections shall include a sidewalk and green space abutting the drive aisles.
 - (2) Consolidate the cross sections for 'C' through 'F', to provide a consistent cross section for the loop road showing a 22-24-foot-wide drive aisle with a sidewalk on one side that is a minimum of five feet in width, and contiguous green space.

Exhibit "B"

- (3) Revise the cross sections and preliminary plan of subdivision so that the easements shown are inclusive of the vehicular and pedestrian circulation.
 - c. The general notes shall be revised to include a reference to SDCP Case No. 45273-2018.
 2. Prior to acceptance of the detailed site plan, the applicant shall provide a cross section for the service road segment of the access easement.
 3. Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that indicates the location, limits, and details of all pedestrian and bicycle facilities and illustrates how their interconnectivity and connectivity to adjacent properties encourages walkability and reduced automobile use.
 4. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73*, the applicant shall provide the following:
 - a. An eight-foot-wide shared-use sidepath or wide sidewalk along the site's entire frontage of MD 202, unless modified with written documentation by Maryland State Highway Administration.
 - b. Sidewalks, a minimum five feet in width, along one side of all internal access easements, not including service access areas.
 - c. A standard five-foot-wide sidewalk and a designated bicycle lane along each side of Ruby Lockhart Boulevard, unless modified with written documentation by Prince George's County Department of Permitting, Inspections and Enforcement/Department of Public Works and Transportation.
 5. Total development within the subject property shall be limited to uses which generate no more than 721 AM and 658 PM peak-hour vehicle trips, which shall be further limited in accordance with the overall Balk Hill development approved with 4-03094. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
 6. The final plats shall reflect a denial of access along the entire frontage of MD 202, and along the site's frontage of St. Josephs Drive between MD 202 and Ruby Lockhart Boulevard.
 7. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. The existing tree line shall be revised to match approved Natural Resources Inventory NRI-151-2018.

- b. All proposed stormwater management features shall be labeled on the plan.
 - c. The values in the Site Statistics table shall be revised to be consistent with the corresponding values in the woodland conservation worksheet for Phase 3.
 - d. Revise tree conservation plan Note#7 to correctly indicate that the site is in Environmental Strategy Area 2 (formerly the Developing Tier) rather than the Developed Tier.
 - e. The woodland conservation worksheet shall be revised as follows:
 - (1) Deduct the Phase 3 amount of "woodland on the net tract for this phase" from the Phase 1 value.
 - (2) Deduct the Phase 3 amount of "woodland cleared on net tract for this phase" from the Phase 1 value.
 - (3) Remove all proposed fee-in-lieu from Phase 3 and indicate that it is either going to be met on-site, or through off-site mitigation on the worksheet and TCP1 plan.
8. Prior to signature approval of the preliminary plan of subdivision (PPS) and Type 1 tree conservation plan (TCP1), an approved stormwater management concept plan and approval letter shall be submitted that are consistent with the limits of Phase 3 of the TCP1 and the PPS.
9. Substantial revision to the uses on the subject property that affect Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval of any permits.
10. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Dedicate the public right-of-way of Saint Josephs Drive, in accordance with the approved preliminary plan of subdivision.
 - b. A draft Declaration of Restrictive Covenants and/or easement, per Section 24-128(b)(9) of the Subdivision Regulations, over the approved shared access for the subject property, shall be submitted to the Maryland-National Capital Park and Planning Commission for review and approval. The limits of the shared access shall be reflected on the final plat, consistent with the approved preliminary plan of subdivision and detailed site plan. Prior to recordation of the final plat, the Declaration of Restrictive Covenants and/or easement shall be recorded in Prince George's County Land Records, and the Liber/folio of the document shall be indicated on the final plat with the limits of the shared access.

- c. The final plat shall carry a note that vehicular access is authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
 - d. Grant 10-foot-wide public utility easements along the public rights-of-way of MD 202, Saint Josephs Drive, Tulson Lane, and Ruby Lockhart Boulevard.
11. The applicant shall provide private recreational facilities within the residential development parcel. The private recreational facilities shall be evaluated by the Urban Design Review Section of the Development Review Division, for adequacy and proper siting during the review of the detailed site plan.
 12. All on-site private recreational facilities shall be designed in accordance with the Parks and Recreation Facilities Guidelines.
 13. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site, for approval prior to submission of final plats. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the liber folio indicated on the final plat, prior to recordation.
 14. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on-site, prior to issuance of building permits.
 15. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located in the northeast quadrant of the intersection of MD 202 (Landover Road) and Saint Josephs Drive. This preliminary plan of subdivision (PPS) includes Part of Parcel 1, recorded in Prince George's County Land Records in Liber 33973 folio 99 and Parcel 2, Balk Hill Village recorded in Plat Book PM 217-92.

The subject property is 17.92 acres and is zoned Mixed Use-Transportation Oriented (M-X-T). The application includes nine parcels for the development of 88,000 square feet of commercial and office development, and 284 multifamily dwelling units. The site is currently vacant.

The subject PPS includes two parcels on the north and seven parcels on the south side of Ruby Lockhart Boulevard. Vehicular access from Ruby Lockhart Boulevard to the north and south is to be consolidated to one access driveway, and easements provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations, to avoid potentially hazardous or dangerous traffic situations. The request for the use of access easement is discussed further in this resolution.

3. **Setting**—The property is located on Tax Map 60, in Grid E-3, and is in Planning Area 73. The 17.92-acre site consists of two existing parcels (Part of Parcel 1 and Parcel 2), which are unimproved and located on the north side of MD 202 (Landover Road), on both sides of Ruby Lockhart Boulevard, and on the east side of Saint Josephs Drive.

To the west of Part of Parcel 1 is Saint Josephs Drive and property beyond zoned M-X-T and developed with commercial uses. The property north of Parcel 1 is zoned M-X-T and developed with office uses. To the west of Parcel 2 is Saint Josephs Drive with a church in the Rural Residential Zone beyond. To the east of both parcels is vacant land zoned M-X-T. Parcel 2 is bound by Landover Road to the south.

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Use(s)	Vacant	Residential/Commercial/Office
Acreage	17.92	17.92
Gross Floor Area (sq. ft.)	0	88,000
Dwelling Units	0	284
Parcels	2	9
Outparcels	0	0
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on July 12, 2019.

5. **Previous Approvals**—The subject site has a Zoning Map Amendment A-9956-C (123.20 acres) which rezoned the property from Planned Industrial/Employment Park (I-3) to M-X-T, and was originally approved by the District Council on July 23, 2002, with 14 conditions. Subsequently, the District Council approved a request to amend Conditions 5 and 10 on February 26, 2018. The majority of the conditions have been addressed through previous approvals and existing development on the property. The following conditions are pertinent to the current application and warrant discussion:

5. **The development of the subject property shall be limited to the prior approved 393 residences plus additional permitted uses under the M-X-T Zone which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.**

This condition caps the peak-hour trips for the property at 1,013 AM peak-hour trips and 1,058 PM peak-hour trips. The development of this project, together with other properties covered by A-9956-C, are within the trip cap, which is further discussed in the Transportation findings.

10. **Prior to the acceptance of a detailed site plan for development of the twenty (20) acres (Parcels 1 and 2), the Applicant shall provide written confirmation that it has held a community meeting with stakeholders which shall include an invitation to at least representatives from St. Joseph's parish and Balk Hill Homeowners association.**

The applicant will be required to provide documentation of the required notice prior to acceptance of a detailed site plan (DSP) for the subject property.

The property is a part of Conceptual Site Plan CSP-03001 that covers 125.4 acres of a larger mixed-use development, approved by the Prince George's County Planning Board on September 11, 2003. Subsequent to the approval of CSP-03001, a PPS (4-03094) for 125.4 acres was approved by the Planning Board (PGCPB Resolution No. 04-33) in 2004, and DSP-04067 was approved in 2006, for 125.4 acres. In those prior approvals, the subject site was identified as property to be conveyed to the Revenue Authority of Prince George's County and no development was proposed for these two parcels. After the District Council's approval of the revised conditions attached to A-9956-C, the applicant filed CSP-03001-01 for development of 65,000 to 100,000 square feet of commercial space, and 284 multifamily dwelling units on the subject site. CSP-03001-01 was approved on May 30, 2019 (PGCPB Resolution No. 19-71), with one condition, which is not relevant to this PPS. The District Council received an appeal of this CSP and has scheduled a public hearing on the application for September 23, 2019. This PPS (4-18024), which is a portion of the larger property approved with PPS 4-03094, will supersede that approval for Parcels 1 and 2. Any substantial modification made by the District Council to CSP-03001-01 may impact the ability to move forward with the development proposed as part of this PPS, and may require the approval of a new PPS.

6. **Community Planning—The Plan Prince George's 2035 Approved General Plan (Plan 2035) locates the subject site in the Established Communities area. The vision for the Established Communities area is to accommodate context-sensitive infill and low- to medium-density development.**

The 1990 *Approved Master Plan Amendment and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* (Largo-Lottsford Master Plan and SMA) recommends employment land uses on the subject property and Land Use Alternatives on a small portion of the

property. The Land Use Alternatives classification is identified as where residential development would need to be carefully incorporated into the overall development pattern.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application is not required to conform to the employment land use recommendation of the master plan because the District Council approved ZMA A-9965-C, which changed the zoning from the I-3 Zone to the M-X-T Zone, in 2002. Subsequently, the Planning Board approved CSP-03001 to allow residential, retail, and commercial development.

7. **Stormwater Management**—The site has an unapproved Storm Water Management (SWM) Concept Plan (No. 56766-2018) that is currently under review with Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). However, it is noted that the site area and limits of disturbance for this SWM concept are inconsistent with that of the TCP1. Specifically, it appears that the multifamily development and associated parking and circulation located on Parcel 11 is missing from the SWM concept plan. The SWM concept plan must be revised and expanded to include the same site area and site improvements as reflected on Phase 3 of the TCP1. A condition of approval requires the revision and approval of the SWM concept plan, prior to signature approval of the PPS and TCP1.

At the September 26, 2019 Planning Board hearing, the applicant stated that there is a pending SWM concept plan (45273-2018) for the Phase 3 residential component, which will be submitted in lieu of a revision and expansion to SMW Concept Plan No. 56766-2018. Both SWM Concept Plan numbers shall be reflected on the PPS.

Development must be in conformance with an approved plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.

8. **Parks and Recreation**—The PPS was reviewed and evaluated for conformance with the requirements and regulations of the Largo-Lottsford Master Plan and SMA, the *Formula 2040 Functional Master Plan for Parks, Recreation and Open Space*, the Subdivision Regulations, and CSP-03001-01, as they pertain to public parks and recreation.

The subject property is not adjacent to any existing Maryland-National Capital Park and Planning Commission (M-NCPPC) owned parkland. The current PPS approval calls for subdividing the two parcels into nine, with Parcel 11 to be used for residential development, and the remaining parcels to be used for commercial and office uses.

Based on the information provided, the plans indicate that the residential parcel (Parcel 11) is 7.2 acres in size, and will be developed with 284 multifamily residential units. Section 24-134 of the Subdivision Regulations requires mandatory dedication of parkland on all residential subdivisions. The mandatory dedication requirement for this development is approximately 1.08 acres. However, mandatory dedication of parkland is not recommended due the size, shape, and utility of the land to be dedicated.

It is determined that, per Section 24-135(b) of the Subdivision Regulations, the mandatory dedication requirements can be met by the provision of on-site private recreational facilities. The on-site recreation facilities package for the residential development shall be reviewed and approved at time of the applicable DSP for residential portion of the project.

The provision of on-site private recreational facilities will address the recreational needs of the future residents of this development.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Largo-Lottsford Master Plan and SMA, in order to implement planned trails, bikeways, and pedestrian improvements. The submitted subdivision includes nine parcels with commercial, office, and multifamily residential uses. Because the site is not within a designated center or corridor, it is not subject to Section 24-124.01 (Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors) of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2."

The subject site is located in the M-X-T Zone. Section 27-542(a) of the Zoning Ordinance lists the purposes of the M-X-T Zone. The following statements are related to pedestrian and bicycle transportation:

Sec. 27-542. - Purposes.

- (a) The purposes of the M-X-T Zone are:
- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential commercial, recreational, open space, employment, and institutional uses;
 - (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;

The sidewalk and trail network built to support this development will be reviewed in detail at the time of DSP. Prior to the acceptance of a DSP, an exhibit shall be provided that indicates how the pedestrian and bicycle facilities will contribute to creating a walkable community that encourages pedestrian activity and reduces automobile use.

One master plan trail impacts the subject site. A shared-use sidepath is recommended along MD 202 (Landover Road). The MPOT describes a sidepath as an off-road bidirectional multiuse facility adjacent to major roads.

This facility has not yet been implemented along the frontage of the subject site. While the right-of-way along MD 202 has been fully dedicated, the applicant will be required to build the MD 202 sidepath as part of their frontage improvements, unless modified with written documentation from the Maryland State Highway Administration (SHA).

The complete streets section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Sidewalks shall be provided along all road frontages, consistent with these policies. Sidewalk access is also required from the public rights-of-way to all building entrances. The sidewalk network within the site will be evaluated in more detail at the time of DSP. Bicycle parking is appropriate at the commercial, office, and multifamily buildings. The location and amount of bicycle parking can be determined at the time of DSP.

The submitted plans include cross sections of access easements for the internal drives. Each cross section includes a sidewalk section ranging from 5 feet wide (easement cross sections D, F, and G) to 13 feet wide (easement cross section B). The easements will contribute to a comprehensive walking and bicycling network within the site. The pedestrian and safety amenities will be further reviewed at the time of DSP.

The MPOT also includes a policy regarding trail connectivity in new development:

POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

The submitted plans indicate a pedestrian and bicyclist connection to the east of the subject site.

There are multiple prior approvals that cover the subject site. Basic Plan A-9956-C includes the following pedestrian recommendation:

- 9. **All public sidewalks shall comply with applicable ADA standards and be free of above ground utilities and street trees.**

All sidewalks internal to and fronting on the subject site will be reviewed for Americans with Disabilities Act (ADA) standards at the time of DSP.

There are currently 5- to 6-foot-wide sidewalks along the subject site's frontage on Saint Josephs Drive. An 8-foot-wide sidewalk is required, unless modified with written documentation by DPIE.

CSP-03001-01 included the following condition of approval related to pedestrian and bicycle transportation.

1. **Prior to certificate approval of the conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:**
 - a. **Revise the site plan to show potential pedestrian access to the adjacent M-X-T-zoned property to the east, approximately 460 feet south of the right-of-way for Ruby Lockhart Boulevard (to correspond to a driveway between Parcels 1 and 3 as shown on Detailed Site Plan DSP-18024 for Woodmore Overlook Commercial).**

The basic plan for Woodmore Overlook included a condition that bicycle lanes and an eight-foot-wide sidewalk be provided along Ruby Lockhart Boulevard. This would be the same improvements as was constructed at Woodmore Town Center. However, it is noted that the road classification changes from a Major Collector to an Industrial Road east of Saint Josephs Drive, and the right-of-way is reduced by 20 feet. An April 25, 2019 email from the DPIE Associate Director, Mary Giles, explained that the County is going to require parallel parking along one side of the road, inroad bicycle lanes along both sides, two travel lanes, and standard five-foot wide sidewalks along both sides of Ruby Lockhart Boulevard.

At a separate meeting on the evening of April 25, 2019, Mary Giles confirmed that these are improvements that DPIE recommends and will be required along Ruby Lockhart Boulevard for both the Woodmore Overlook and Balk Hill developments.

The subject site's frontage along Ruby Lockhart Boulevard shall include a standard five-foot-wide sidewalk and a designated bicycle lane.

10. **Transportation**—This PPS is within an area of a previously approved PPS (4-03094) for Balk Hill. Balk Hill was approved for the development of 393 dwelling units and 348,480 square feet of commercial development. The land area for Balk Hill outside the boundaries of the subject PPS has been developed. The overall trip cap was established at the time of zoning (ZMA A-9956-C), with a total trip cap for the site of 1,015 trips during the AM peak-hour and 1,058 trips during the PM peak-hour. The development within this PPS 4-18024 includes a mix of uses which will not exceed the trips analyzed in the previous PPS, or the overall trip established by A-9956-C.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds; (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The table below summarizes trip generation in each peak-hour that will be used in reviewing conformance with the trip cap for the site:

Trip Generation Summary: 4-18024: Woodmore Commons								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Existing Development (Balk Hill)								
Residential -- Detached plus Manor Residences	333	units	50	200	250	197	103	300
Residential -- Attached	60	units	8	34	42	31	17	48
Specialty Retail/Office	20,000	square feet	0	0	0	26	26	52
Total Trips Existing			58	234	292	254	146	400
Proposed Development for 4-18024								
Multifamily Residences	284	units	29	119	148	111	59	170
Option 1: Retail Plus Office								
Medical Office	30,000	square feet	69	17	86	36	78	114
Retail	50,000	square feet	110	67	177	165	178	343
Less Pass-By (40 percent per Guidelines)			-44	-27	-71	-66	-71	-137
Net Trips for Retail			66	40	106	99	107	206
Option 2: Retail Only								
Retail	80,000	square feet	119	73	192	231	250	481
Less Pass-By (40 percent per Guidelines)			-48	-29	-77	-92	-100	-192
Net Trips for Retail			71	44	115	139	150	289
Both Options 1 and 2: Super Gas Station and Convenience Store								
Super Gas Station and Convenience Store	8,000 16	square feet pumps	225	224	449	183	184	367
Less Pass-By (76 percent)			-171	-170	-341	-139	-140	-279
Net Trips for Super Gas Station/Store			84	84	168	44	44	88
Total Proposed Trips for 4-18024/Option 1			194	254	448	279	243	522
Total Proposed Trips for 4-18024/Option 2			184	247	431	294	253	547
Proposed Trips for 4-18024					448			547
Total Existing Plus Proposed for Woodmore Commons					740			947
Trip Cap -- A-9956-C					1013			1058

The applicant provided a trip generation memorandum as a part of the submittal, and the numbers in the table above differ slightly from that submittal. The retail space in the submittal was analyzed using the 9th Edition of *Trip Generation* (Institute of Transportation Engineers), and in the table above, the 10th Edition of the same publication was used. The differences do not alter the conclusion that the plan is consistent with the trip cap established by the rezoning.

This site was the subject of PPS 4-03094; this plan does not contain an explicit trip cap condition. In the process of reviewing this plan against that underlying PPS, it was noted that the adequacy determination was consistent with the trip cap in the ZMA. The resolution attempted to show that the development proposed was consistent with the zoning trip cap with a table (page 14 of PGCPB Resolution No. 04-33). For this reason, and because the uses have not substantially changed since the prior PPS was reviewed in 2003, this PPS does not require a new traffic study; only the provided trip generation report is required as a means of substantiating compliance with prior trip caps.

Master Plan Roadways

Ruby Lockhart Boulevard is a master plan commercial/industrial roadway with a width of 70 feet. The current right-of-way is adequate, and no additional dedication is required from this plan. MD 202 is a master plan expressway with a variable right-of-way. The current right-of-way is adequate, and no additional dedication is required from this plan.

Saint Josephs Drive is a master plan collector roadway with a width of 80 feet. The current right-of-way is adequate. While no additional dedication was required, the plan shows additional dedication along Saint Josephs Drive, as requested by the County.

Prior Approvals

Prior application A-9956-C, contains transportation-related conditions. There are no additional conditions from the prior PPS 4-03094 that need to be carried forward on this plan. The status of the transportation-related conditions from A-9956-C are described below:

1. The following improvements shall be funded by the Applicant, with the timing to be determined at the time of preliminary plan of subdivision:
 - a. The construction of Campus Way as an arterial facility within the limits of the subject property.
 - b. The construction of St. Joseph's Drive as a collector facility within the limits of the subject property.

These facilities have been constructed.

2. The Applicant shall provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally,

the Applicant shall provide a second eastbound left turn lane along MD 202 at the McCormick Drive/St. Joseph's Drive intersection. These improvements shall be either directly provided by the Applicant, or shall be funded by the Applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis to be determined at the time of preliminary plan of subdivision.

This was reiterated at the time of PPS 4-03094 and was addressed through conditions on that plan; the needed improvements have been constructed.

3. **Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:**
- a. **Campus Way, an arterial facility with a right-of-way of 120 feet.**
 - b. **St. Joseph's Drive, a collector facility with a right-of-way of 80 feet.**
 - c. **A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph's Drive.**

This was confirmed during review of PPS 4-03094; all required rights-of-way have been dedicated.

4. **The Applicant shall study the planned Campus Way/St. Joseph's Drive intersection and the possible need for traffic controls at that location at the time of preliminary plan of subdivision.**

This condition was enforceable at the time of PPS 4-03094, and this intersection was studied further at that time.

5. **The development of the subject property shall be limited to 20,000 square feet of retail space, 328,480 square feet of general office space, and 393 residences, or other permitted uses which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.**

On March 27, 2018, the District Council enacted a Final Conditional Zoning Approval which amended Conditions 5 and 10. Condition 5 was amended as follows:

The development of the subject property shall be limited to the prior approved 393 residences plus additional permitted uses under the M-X-T Zone which generate no more than 1,013 AM and 1,058 PM peak-hour vehicle trips.

This trip cap was reviewed in the Trip Generation Summary table, and it is determined that the development proposed is consistent with the zoning trip cap.

Prior application CSP-03001, contained one transportation-related condition. The status of the transportation-related condition is described below:

3. **If determined to be desirable and needed at the time of preliminary plan, the preliminary plan shall reflect an extension of Ruby Lockhart Boulevard beyond Saint Joseph's Drive to the west property line as a 70-foot right-of-way.**

This was done at the time of PPS 4-03094 and is reflected on this plan.

Vehicular Access and Easements—All parcels within the subdivision have frontage on a public right-of-way. Shared vehicular access to the public street and throughout the site is to be provided by easements authorized pursuant to Section 24-128(b)(9), to avoid potentially hazardous or dangerous traffic situations. No public or private streets are provided within the subdivision. There are two development pods included with this PPS, one north and one south of Ruby Lockhart Boulevard.

The development south of Ruby Lockhart Boulevard includes Parcels 3-9. There are three types of easements needed to form a cohesive pattern of circulation for the development. The first is a boulevard type treatment from the site access with Ruby Lockhart Boulevard, extending southward into the site; the second is a loop road that provides access and circulation to all the parcels within the south development pod; and the third is a service type access easement, which provides a connection to the rears of the anticipated development on Parcels 6 and 7, along the easternmost property line that connects to the boulevard. These easements shall provide a defined and consistent circulation pattern for vehicular and pedestrian traffic into and throughout the site. The CSP-03001-01 Planning Board Resolution (No. 19-71) contains the following finding regarding the expectations for the development of the access easements:

The internal driveways into the site should reflect a boulevard type of treatment in keeping with the mixed-use development proposed and the zoning of the site as M-X-T. A cross-section exhibit of the driveways has been provided on the plan but does not adequately portray how the driveways will incorporate urban, pedestrian oriented amenities such as sidewalks, street trees, and landscaping in keeping with a mixed-use zone site. This exhibit will need to be updated and shown on the PPS in order to adequately evaluate the spatial relationships associated with the driveways, surrounding parcels proposed and any associated access easements.

The cross section provided and labeled "Access Easement 'A' Section" is appropriate for the boulevard treatment, which provides the only entry to the southern commercial development pod. The easement shall, however, be revised to clearly delineate the length of the easement at the time of DSP.

The loop road begins at the end of the boulevard easement and loops around the site and connects back to the boulevard. This easement section shall be designed to provide continuous sidewalks a minimum of five feet wide along at least one side of the travel lanes, with a contiguous green space, clearly defining the area of the continuous access easements for vehicular and pedestrian flow through the site.

A cross section for the access, which services the rears of Parcels 6 and 7, has not been provided. It is anticipated that this easement will be for service vehicles, and a cross section for this area of the access easement shall be provided at the time of acceptance of the DSP. Prior to certificate approval for the DSP, for Parcels 7 and 9, the length of this easement shall be determined.

The development north of Ruby Lockhart Boulevard includes Parcels 10 and 11. The access easement cross section to Parcels 10 and 11 is shown in "Access Easement 'G' Section." This is an appropriate cross section for this access easement. All other access easement cross sections shall be deleted from the PPS.

Access and circulation on the site are acceptable. All easements provided shall include both the vehicular and pedestrian travel areas. The exact location and details of all easements will be further refined at the time of DSP, when buildings are proposed. All easements shall be shown on the final plat of subdivision. The easements approved pursuant to Section 24-128(b)(9) are supported for the following reasons:

- MD 202 is a master plan expressway facility, and SHA is unwilling to grant driveway access to serve this site. The denial of access from MD 202 is approved.
- Saint Josephs Drive between MD 202 and Ruby Lockhart Boulevard is a busy facility. The applicant states, that individual driveways onto this section of Saint Josephs Drive would present a safety issue. The use of the easement to serve Parcels 3-9 is appropriate.
- The use of the easement from Ruby Lockhart Boulevard to serve Parcels 10 and 11 is appropriate due to safety concerns. Separate driveways to serve Parcels 10 and 11 would result in many driveways within a short spacing along Ruby Lockhart Boulevard.
- It is noted that Parcel 10 will also be served by a driveway from Saint Josephs Drive; this section of Saint Josephs Drive is not as heavily travelled as the section south of its intersection with Ruby Lockhart Boulevard, and the safety concern is not as pronounced along this section.

Access is shall be denied along MD 202 and along Saint Josephs Drive between MD 202 and Ruby Lockhart Boulevard.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision as required, in accordance with Section 24-124.

11. **Schools**—This PPS has been reviewed for its impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations, and Council Resolution CR-23-2003. The results are as follows:

Impact on Affected Public School Clusters
Multifamily Units

Affected School Clusters #	Elementary School Cluster #4	Middle School Cluster #4	High School Cluster #4
Dwelling Units	284	284	284
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	34	15	21
Actual Enrollment in 2018	10,847	5,049	7,716
Total Enrollment	10,812	5,052	7,738
State Rated Capacity	13,348	5,374	8,998
Percent Capacity	81%	94%	86%

County Council Bill CB-31-2003 allows for the establishment of a school facilities surcharge with an annual adjustment for inflation. The current school facilities surcharge amount is \$16,698, to be paid at the time of issuance of each building permit.

The commercial portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewer, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated August 19, 2019 (Saunders Hancock to Turnquest), incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS includes 284 multifamily dwelling units, and 88,000 square feet of commercial and office development in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on public rights-of-way Ruby Lockhart Boulevard, which bisects the development, Saint Josephs Drive to the west, MD 202 to the south, and Tulson Lane to the north. The required PUEs are delineated on the PPS.

15. **Historic**—The subject property was surveyed for archeological resources in 2005, and no sites were identified. No additional archeological investigations are required. This plan will not impact any historic sites, resources, or known archeological sites.
16. **Environmental**—This project is not grandfathered with respect to the environmental regulations contained in Subtitle 24 that came into effect on September 1, 2010, because the application is for a new PPS. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual.

2014 Plan Prince George's 2035 Approved General Plan

The site is located within the Environmental Strategy Area (ESA) 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035.

Largo-Lottsford Approved Master Plan and Adopted Section Map Amendment (July 1990)

In the Largo-Lottsford Master Plan and SMA, the Environmental Envelope section contains goals, objectives, and guidelines. The following guideline has been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

19. **Tree save areas shall be established to act as noise or visual buffers along major transportation corridors and between conflicting land use zones, tree save areas (and the canopy dripline) shall be adequately protected during the grading and construction phase of the plan. This includes fencing, flagging or bonding if necessary.**

The site is situated at the intersection of MD 202 (Landover Road) and Saint Josephs Drive, which are major transportation corridors into the surrounding community. Although no woodland preservation or retention of existing woodlands are proposed with this application, this project will be subject to buffering and screening requirements as referenced in the 2010 *Prince George's County Landscape Manual* (Landscape Manual) at the time of DSP review.

Countywide Green Infrastructure Plan

The 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017), in May 2017. According to the approved Green Infrastructure Plan, the property is entirely mapped as an evaluation area within the designated network of the plan. This area corresponds with the existing woodland on the site. There are no regulated environmental features mapped on-site, which are typically associated with regulated areas within the green infrastructure

network. The green infrastructure elements mapped on the subject site correspond with existing woodland that will be impacted. The site is subject to the WCO as well as the current SWM requirements and meets the zoning requirements and the intent of the growth pattern established in the general plan.

Natural Resources Inventory/Existing Conditions

An approved Natural Resources Inventory (NRI) was submitted with the review package, NRI-151-2018, which was approved on November 13, 2018. The NRI shows that no streams, wetlands, or floodplain are found to occur on the 17.2 acres that are the focus of this application. It is noted that the total site acreage on the NRI did not include the acreage of the dedication along Saint Josephs Drive, which has been included in this PPS for a total of 17.92 acres.

The forest stand delineation indicates the presence of one forest stand totaling 14.90 acres and no specimen trees. No revisions are required for conformance to the NRI.

Woodland Conservation

The site is subject to the provisions of the WCO because there are approved tree conservation plans for the property; TCP1-019-03 and Type 2 Tree Conservation Plan TCP2-082-05. A revision to the TCP1 has been submitted with this application.

The TCP worksheet has been broken down into three phases based on the most recently approved TCP2-082-05-04 because this plan has been used for permitting purposes and is more accurate as conditioned by CSP-03001-01. The worksheet has removed Parcels 1 and 2 from previously approved Phase 1 and placed them into Phase 3. However, the worksheet did not deduct the 14.90 acres of woodlands from the "woodland on the net tract for this phase" value, or from the "woodland cleared on net tract for this phase" value from Phase 1 when it was transferred to Phase 3, as required. The worksheet must be revised accordingly. The woodland conservation threshold for the overall 117.89-acre property is 15 percent of the net tract area, or 17.32 acres. The approved plan will clear all of the remaining woodland within Parcels 1 and 2, and to meet the requirement generated by this clearing, 7.97 acres entirely, with fee-in-lieu payments. As previously stated, this plan is not grandfathered from the provisions of the WCO and the environmental technical manual. Per Section 25-122(c), payment of fee-in-lieu is the lowest priority for meeting a woodland conservation requirement. In addition, per Section 25-122(d)(8), fee-in-lieu may be used to meet the conservation requirements after all other options are exhausted, and if the total conservation requirement is one acre or less. Fee-in-lieu may be provided for meeting conservation requirements that total one acre or larger if the project generating the requirement is located in the Developed Tier. This site is within BSA 2 (formerly the Developing Tier) with a total conservation requirement in excess of one acre; therefore, it is not eligible for fee-in-lieu. All fee-in-lieu must be removed from the worksheet and the worksheet must be amended to show the requirements being met through off-site or on-site attenuation, in accordance with the code.

The TCP1 plan requires additional technical corrections to be in conformance with the WCO, which are included as conditions of approval of this application.

17. **Urban Design**—Conformance with the following Zoning Ordinance regulations is required for the site development at the time of the required DSP review including, but not limited to, the following:

- Section 27-544 regarding regulations in the M-X-T Zone;
- Section 27-547(b) regarding the Table of Uses for the M-X-T Zone;
- Section 27-548 regarding regulations in the M-X-T Zone;
- Part 11, Off-street Parking and Loading; and,
- Part 12, Signs

Section 27-548(g) of the Zoning Ordinance reads, as follows:

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

All parcels will have frontage on Saint Josephs Drive, MD 202, or Ruby Lockhart Boulevard. Access will be from Ruby Lockhart or Saint Josephs Drive, in conformance with this requirement.

Conformance with the 2010 Prince George's County Landscape Manual

In accordance with Section 27-544(a) of the Zoning Ordinance, the development is subject to the Landscape Manual. Specifically, this property is subject to the requirements of Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the applicable landscaping requirements will be determined at time of DSP review.

Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development project that proposes more than 5,000 square feet of gross floor area or disturbance, and requires a grading permit. The subject site is zoned M-X-T and is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. For a property of 17.92 acres, the required tree canopy coverage would be 1.79 acres. Compliance with this requirement will be further evaluated at the time of DSP.

Other Design Issues

The approved CSP-03001-01 shows a gateway feature at the corner of Saint Josephs Drive and MD 202. The lot layout shows two rectangular parcels (3 and 5) in this corner that may need to be adjusted to accommodate future development that will meet the goals of the M-X-T Zone for outward oriented development, and to allow for the anchoring of a design feature that will act as a gateway to one of Prince George's County's Downtowns. Conformance with CSP-03001-01 will be further evaluated at time of DSP.

The PPS shall note or show the potential pedestrian access to the adjacent M-X-T-zoned property to the east, approximately 460 feet south of the right-of-way for Ruby Lockhart Boulevard (to correspond to a driveway between Parcels 1 and 3, as shown on DSP-18024 for Woodmore Overlook Commercial). Again, connectivity issues will be further evaluated at time of DSP.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *


This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, September 26, 2019, in Upper Marlboro, Maryland.

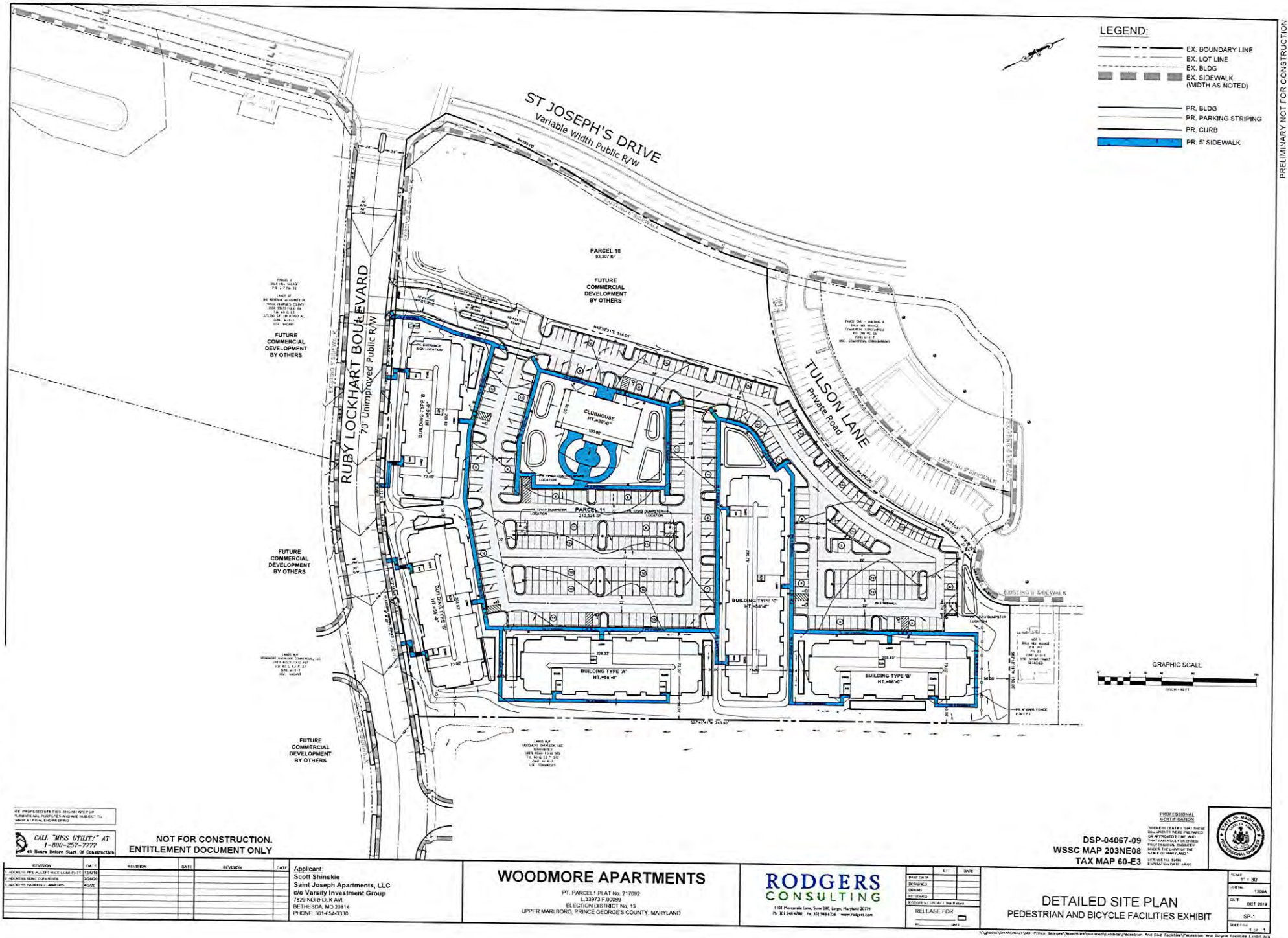
Adopted by the Prince George's County Planning Board this 17th day of October 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:AT:gh

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPFG Legal Department
Date 10/9/19



CALL "MISS UTILITY" AT
1-800-257-7777
48 Hours Before Start of Construction

NOT FOR CONSTRUCTION.
ENTITLEMENT DOCUMENT ONLY

REVISION	DATE	REVISION	DATE	REVISION	DATE
1. CORRECTED PER ALL CITY AND COUNTY REQUIREMENTS	02/17/20				
2. ADJUSTED SIGN, CURB, AND SIDEWALK	03/02/20				
3. ADJUSTED PARKING PLACEMENT	03/02/20				

Applicant:
Scott Shinskie
Saint Joseph Apartments, LLC
c/o Varisty Investment Group
7825 NORFOLK AVE
BETHESDA, MD 20814
PHONE: 301-454-3330

WOODMORE APARTMENTS
PT. PARCEL 1 PLAT No. 217092
L.33973-00099
ELECTION DISTRICT No. 13
UPPER MARLBORO, PRINCE GEORGE'S COUNTY, MARYLAND

RODGERS CONSULTING
1101 Maryland Lane, Suite 200, Largo, Maryland 21074
Ph: 410-468-6100 Fax: 410-468-6256 www.rodgers.com

NO.	DATE
1	02/17/20
2	03/02/20
3	03/02/20

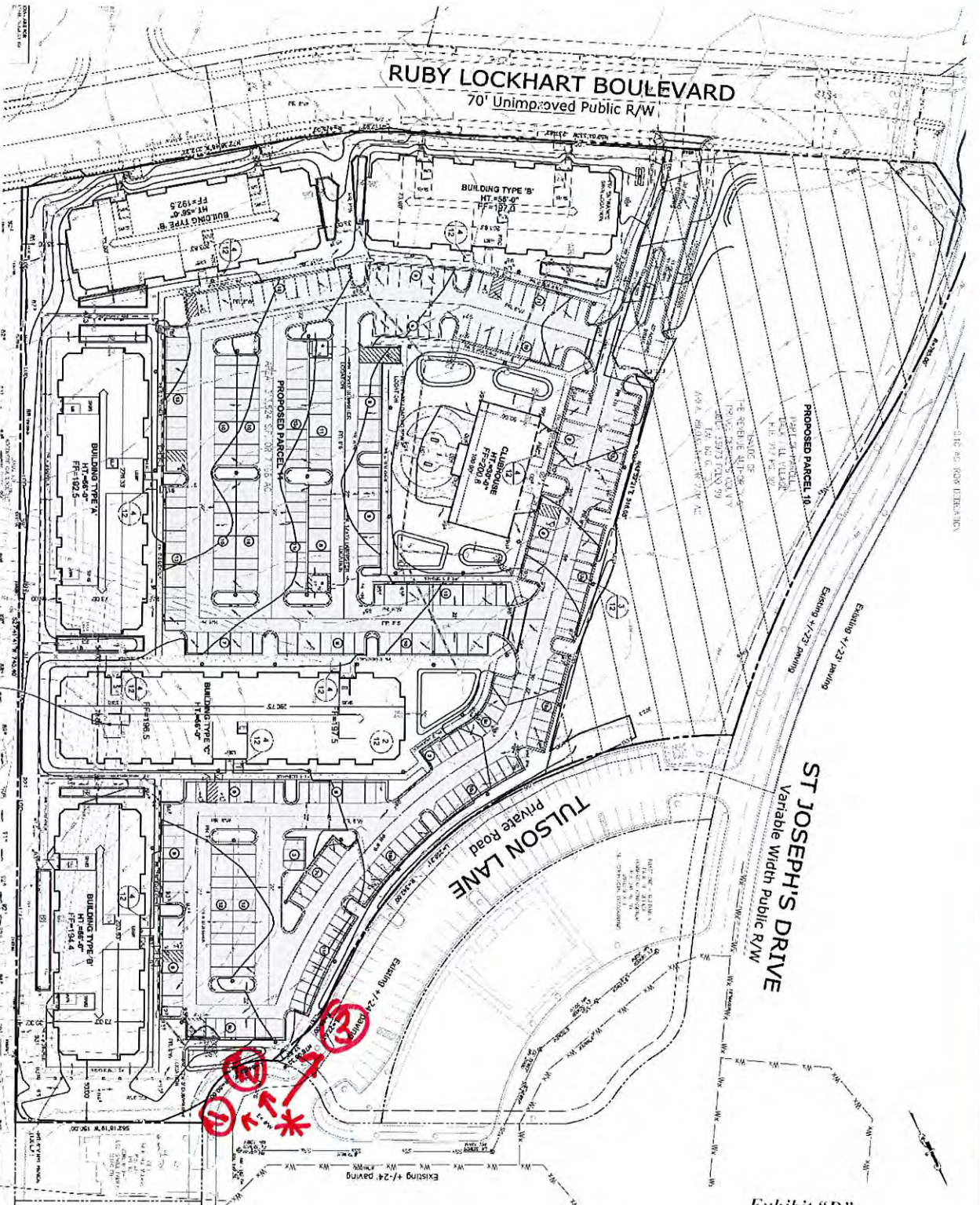
DSP-04067-09
WSSC MAP 203NE08
TAX MAP 60-E3

DETAILED SITE PLAN
PEDESTRIAN AND BICYCLE FACILITIES EXHIBIT



SCALE	1" = 30'
CITY	02/17/20
DATE	02/17/20
SHEET	1 OF 1

SITE PLAN



* Location Photos Taken From











**ARRINGTON, CAMP
& WATSON, LLC.**

ATTORNEYS AT LAW

Vernell B. Arrington+
Marva Jo Camp +
Abigale Bruce-Watson +
+Admitted in Maryland
~Admitted in Washington, D.C.

4500 Forbes Boulevard
Suite 410
Lanham, MD 20706

Vernell B. Arrington
Telephone: (301) 731-0005
Fax: (301) 731-3255
E-mail: vbarrington@verizon.net

July 21, 2005

Gary Wagner
Development Review Division
The Maryland-National Capital Park
and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Re: DSP-04067, Balk Hill Village

Dear Gary:

This letter is being submitted pursuant to Condition 23 of the Preliminary Plan (4-03094), Balk Hill Village regarding the Advisory Planning Committee.

As you are aware, an Advisory Committee has been organized and is made up of the following members:

Richard W. Day, Jr.
Adrienne W. Francis
Phil Lee
John Leeke
Charles L. Renninger
David L. Taylor

Lake Arbor Civic Association
Foxlake Homeowners Association
Kettering Civic Federation
St. Joseph's Catholic Church
Largo Civic Association
D. R. Horton

I have attached documentation from the various organizations as to the appointment of their respective representatives.

The Committee was established pursuant to Condition 10 of Zoning Map Amendment A-9956-C to advise the Revenue Authority about the development, use and disposition of Parcels 1 and 2 of



"The New Face of Development"



Civic Association

12138 Central Avenue
Suite 504
Mitchellville, MD 20721-1932

Mrs. Arrington,

This letter is to serve as notice that Richard W. Day, Jr. is designated as the representative for the Lake Arbor Civic Association to the Advisory Planning Committee for Balk Hill Village.

Sincerely,

Richard W. Day, Jr.
President, Lake Arbor Civic Association



January 11, 2005

Revenue Authority of Prince George's County
c/o Ms. Vernell Arrington, Esquire
1300 Mercantile Lane
Suite 108
Largo, MD 20774

RE: Balk Hill Advisory Committee

Dear: Ms. Arrington:

Please be advised that the Foxlake Homeowner Association Board of Directors has chosen Adrienne W. Francis, a resident of the Foxlake community, to serve as the Foxlake representative on the Balk Hill Advisory Planning Committee.

Please forward any information relating to this project to:

Adrienne W. Francis
2014 Foxmeadow Way
Mitchellville, MD 20721
Email: awfandassociates@aol.com

If you need further information please feel free to contact me in my office at either wwest@cmsserv.com or 703-642-3246 ext. 209. On behalf of the Foxlake HOA Board of Directors we thank you for keeping our community involved with future developments.

Sincerely,

Wendy West, ARM®, AMS®
Community Manager

CC: Adrienne W. Francis
Foxlake HOA Board

EXECUTIVE BOARD

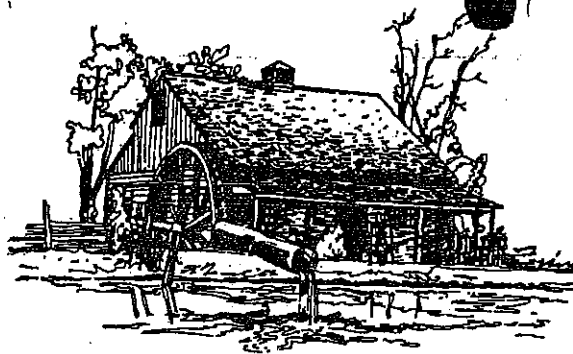
Phil Lee
President

Gaston Finney
Vice-President

Deborah Spencer
Secretary

Tammy Myrick
Treasurer

Mae Myers
Correspondence Secretary



KETTERING CIVIC FEDERATION

P.O. Box 4056, UPPER MARLBORO MD 20775

Telephone: (301) 218-0258

BOARD MEMBERS

David Bosworth

Verenda Butler

Terrance Holmes

Barbara Malhotra

Phyllis Pryor

Margaret Russell

Robert Sizemore

Arthur Turner

Betty Wise

Ms. Angela D. Alsobrooks
Executive Director
Revenue Authority of
Prince George's County

June 5, 2004

Dear Ms. Alsobrooks,

This letter is to inform the Revenue Authority of Prince George's County that the community of Kettering will be represented by the President of The Kettering Civic Federation.

Please accept this letter as our official endorsement and authorization for the sitting President Mr. Phil Lee, to serve in this capacity. Should Mr. Lee vacate the position of President of The Federation, this authority will be transferred to his successor. In the event Mr. Lee can not be present or respond to your office for any reason, he will appoint Ms. Deborah Spencer (Secretary of The Federation) to act on his behalf with full authority and consent of our Board. Should the President and the Secretary not be available, you will be notified by the Vice President of The Federation as to who will serve in their (the President or Secretary) absence.

This protocol will be in effect from this date June 6, 2005, until such time as the Board deems it necessary to change it.

Sincerely,

Phil Lee, President,
Board of Directors
Kettering Civic Federation

Cc: Ms. Vernell B. Arrington
Mr. Richard Day
Mrs. Adrienne Francis



THE LARGO

CIVIC ASSOCIATION, INC.

P. O. BOX ~~716~~ ⁶²⁶⁷ • UPPER MARLBORO, MARYLAND ~~20772~~ ²⁰⁷⁹²

June 16, 2004

Ms. Vennell B. Arrington
Attorney-at-Law
P. O. Box 4233
Largo, MD 20775

RE: Bulk Hill Village

Dear Ms. Arrington:

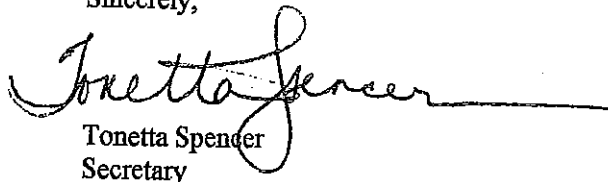
Preliminary Plan 4-03094 for Bulk Hill Village designates two parcels for commercial development. Parcel 1 (8.9 acres) is located at the northeast corner of the proposed St. Josephs Drive/Ruby Lockhart Boulevard intersection; Parcel 2 (8.6 acres) is located on the southeast corner of that same intersection, extending down to Landover Road.

Condition 10 of the District Council's decision approving Zoning Map Amendment A-9956-C for the subject property reads:

An Advisory Planning Committee, consisting of the Applicant and representative from St. Josephs Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations, shall be established to advise the Revenue Authority, a community development corporations, or another nonprofit entity about the development, use and disposition of the 20-acre employment parcel.

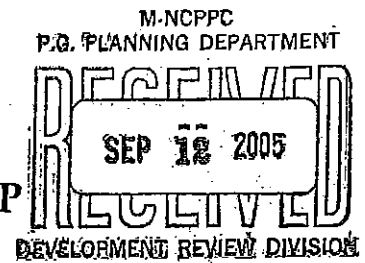
This is to advise you that at a regularly schedule meeting of the Largo Civic Association held on June 16, 2004, Charles L. Renninger was designated as the representative for the Largo Civic Association on the Advisory Planning Committee.

Sincerely,


Tonetta Spencer
Secretary



**ARRINGTON, CAMP
& WATSON, LLC.**
ATTORNEYS AT LAW



Vernell B. Arrington+~
Marva Jo Camp +~
Abigale Bruce-Watson +
+Admitted in Maryland
~Admitted in Washington, D.C.

4500 Forbes Boulevard
Suite 410
Lanham, MD 20706

Vernell B. Arrington
Telephone: (301) 731-0005
Fax: (301) 731-3255
E-mail: vbarrington@verizon.net

September 7, 2005

Gary Wagner
Development Review Division
The Maryland-National Capital Park
and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Re: Balk Hill Village Advisory Planning Committee

Dear Gary:

The Balk Hill Village Advisory Planning Committee met on September 6, 2005 and elected the following officers:

Chairperson

Adrienne W. Francis
Foxlake Homeowners Association

Vice Chairman

Richard W. Day, Jr.
Lake Arbor Civic Association

Secretary

John Leeke
St. Joseph's Catholic Church

Treasurer

Charles L. Renninger
Largo Civic Association

The Committee will hold monthly meeting on the Second Tuesday of each month for the remaining of this year and will look at revising for 2006 it necessary.



"The New Face of Development"



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

March 9, 2018

RE: A-9956-C The Revenue Authority of Prince George's County/DR Horton,
Inc./Balk Hill Village (Amendment of Conditions)
The Revenue Authority of Prince George's County/DR Horton,
Inc./Balk Hill Village, Applicant

**NOTICE OF 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 a copy of Zoning Ordinance No. 2 - 2018 setting forth the action taken by the District Council in this case on February 26, 2018.

CERTIFICATE OF SERVICE

This is to certify that on March 9, 2018, this notice and attached Council order were mailed, postage prepaid, to all persons of record.

Redis C. Floyd
Clerk of the Council

Case No.: A-9956-C
(Amendment of Conditions)

Applicant: The Revenue Authority of
Prince George's County

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

ZONING ORDINANCE NO. 2 - 2018

AN ORDINANCE to amend Conditions 5 and 10 of Zoning Ordinance 16-2002, which conditionally rezoned 123.2 acres of land, located 1,460 feet northwest of the intersection of Campus Way North and Lottsford Road (Largo), in the I-3 (Planned Industrial/Employment Park) Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone.¹

IT IS HEREBY ORDERED, that the Applicant's (The Revenue Authority of Prince George's County)² request to amend Conditions 5 and 10 of Zoning Ordinance 16-2002, is hereby APPROVED/GRANTED.

WHEREAS, on July 23, 2002, the District Council conditionally approved Zoning Map Amendment 9956 (A-9956-C), subject to the following conditions:

1. The following improvements shall be funded by the Applicant, with the timing to be determined at the time of preliminary plan of subdivision:
 - a. The construction of Campus Way as an arterial facility within the limits of the subject property.

¹ Rocky Gorge Homes (Balk Hill) was the Applicant that obtained conditional rezoning of the 123.2 acres of land in Zoning Ordinance 16-2002. ZHE Exhibit 6.

² DR Horton, Inc. and Balk Hill are not applicants to this request. ZHE Exhibit 1.

- b. The construction of St. Joseph's Drive as a collector facility within the limits of the subject property.
2. The Applicant shall provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the Applicant shall provide a second eastbound left turn lane along MD 202 at the McCormick Drive/St. Joseph's Drive intersection. These improvements shall be either directly provided by the Applicant, or shall be funded by the Applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis to be determined at the time of preliminary plan of subdivision.
3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:
 - a. Campus Way, an arterial facility with a right-of-way of 120 feet.
 - b. St. Joseph's Drive, a collector facility with a right-of-way of 80 feet.
 - c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph's Drive.
4. The Applicant shall study the planned Campus Way/St. Joseph's Drive intersection and the possible need for traffic controls at that location at the time of preliminary plan of subdivision.
5. The development of the subject property shall be limited to 20,000 square feet of retail space, 328,480 square feet of general office space, and 393 residences, or other permitted uses which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.
6. No more than 119 of the single-family dwelling units shall be attached units.

7. The Conceptual Site Plan shall include a tree stand delineation plan. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as a buffer between the subject property and adjacent land.
8. At the time of Conceptual Site Plan, TCPI/05/97 shall be revised as required if areas along St. Joseph's Drive and Campus Way North are not proposed for woodland reforestation or preservation.
9. All public sidewalks shall comply with applicable ADA standards and be free of above ground utilities and street trees.
10. An Advisory Planning Committee, consisting of the Applicant and representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations, shall be established to advise the Revenue Authority, a community development corporation, or another nonprofit entity about the development, use, and disposition of the 20-acre employment parcel.
11. The Applicant shall work with the Fox Lake and Ridgewood communities in restoring the entranceway hardscape and landscape at a cost not to exceed \$35,000.
12. The open area designated on the Basic Plan as the Balk Hill Circle shall include an amphitheater or other suitable facility that may be used for outdoor cultural activities.
13. The community building shall be designed with an area suitable for community theatrical productions.
14. No building permits shall be issued for Balk Hill Village until the percent of capacity at all affected school clusters is less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council (if required) to construct

or secure funding for construction of all or part of a school to advance capacity. ZHE Exhibit 6.

WHEREAS, in June 2012, The Revenue Authority of Prince George's County acquired the subject property from D. R. Horton, Inc., and recorded the deed among the land records of Prince George's County, Maryland at Liber 33975 at Folio 099; and

WHEREAS, in September 2016, The Revenue Authority of Prince George's County agreed to sell, transfer and convey Parcel 1 and Parcel 2 (\pm 20 acres of the 123.2 acres of land rezoned in 2002) to Petrie Richardson Ventures, LLC;³ and

WHEREAS, in April 2017, The Revenue Authority of Prince George's County proposed, in writing, to amend Conditions 5 and 10, of Zoning Ordinance 16-2002, as follows:

- Proposed Condition 5⁴ -- "The development of the subject property shall be limited to the prior approved 393 residences plus additional permitted uses under the M-X-T Zone which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips."
- Proposed Condition 10 -- "Prior to acceptance of a detailed site plan for development of the 20 acre parcel (Parcels 1 and 2), the Applicant shall provide written confirmation that it has held [a] community meeting with stakeholders which shall include an invitation to at least representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations."

³ Petrie Richardson Ventures, LLC, is the contract purchaser of the Parcels 1 and 2 (\pm 20 acres of the 123.2 acres of land rezoned in 2002), which is the subject of this amendment.

⁴ Proposed Condition 5 is not intended to impair approved residential development that has prior site plan and subdivision approvals.

WHEREAS, on June 14 and July 21, 2017, the Zoning Hearing Examiner held evidentiary hearings to consider the Applicant's request to amend Conditions 5 and 10 of Zoning Ordinance 16-2002, which was opposed by Fox Lake Homeowner's Association, et al.;⁵

WHEREAS, on October 27, 2017, the Zoning Hearing Examiner recommended approval of the Applicant's request to amend Condition 5 but not Condition 10; and

WHEREAS, on November 2, 2017, Fox Lake Homeowner's Association, et al., filed exceptions to the Examiner's recommendations; and

WHEREAS, on November 13, 2017, Petrie Richardson Ventures, LLC (the contract purchaser), filed exceptions to the Examiner's recommendations; and

WHEREAS, on January 22, 2018,⁶ the District Council held oral argument; and

WHEREAS, having reviewed the record, the District Council finds that the request to amend Conditions 5 and 10⁷ of Zoning Ordinance 16-2002, should be approved/granted; and

WHEREAS, as a basis for this final decision, the District Council will adopt the findings and conclusions of the Examiner to amend Condition 5 and it will also adopt in part the reasons advanced by the Applicant and contract purchaser to amend Condition 10.

⁵ Fox Lake Homeowner's Association, et al., is represented by G. Macy Nelson, Esquire.

⁶ Fox Lake Homeowner's Association, et al., formally withdrew exceptions to the Examiner's recommendations prior to oral argument on January 22, 2018.

⁷ Proposed Condition 10 has been modified by the District Council. Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations were stricken and replaced with Balk Hill Home Owners Association.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland--Washington Regional District in Prince George's County, Maryland, remains amended, in accordance with Zoning Ordinance 16-2002, subject to amendment of Conditions 5 and 10 herein.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, and shall become final and effective if the Applicant timely accepts, in writing, the following conditions:⁸

1. The following improvements shall be funded by the Applicant, with the timing to be determined at the time of preliminary plan of subdivision:
 - a. The construction of Campus Way as an arterial facility within the limits of the subject property.
 - b. The construction of St. Joseph's Drive as a collector facility within the limits of the subject property.
2. The Applicant shall provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the Applicant shall provide a second eastbound left turn lane along MD 202 at the McCormick Drive/St. Joseph's Drive intersection. These improvements shall be either directly provided by the Applicant, or shall be funded by the Applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis to be determined at the time of preliminary plan of subdivision.

⁸ Conditions 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, and 14 of Zoning Ordinance 16-2002 are not amended, revised or modified. Said conditions are restated herein because the initial rezoning of the 123.2 acres of land is (and remain) subject to those conditions.

3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:
 - a. Campus Way, an arterial facility with a right-of-way of 120 feet.
 - b. St. Joseph's Drive, a collector facility with a right-of-way of 80 feet.
 - c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph's Drive.
4. The Applicant shall study the planned Campus Way/St. Joseph's Drive intersection and the possible need for traffic controls at that location at the time of preliminary plan of subdivision.
5. The development of the subject property shall be limited to the prior approved 393 residences plus additional permitted uses under the M-X-T Zone which generate no more than 1,013 AM and 1,058 PM peak-hour vehicle trips.
6. No more than 119 of the single-family dwelling units shall be attached units.
7. The Conceptual Site Plan shall include a tree stand delineation plan. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as a buffer between the subject property and adjacent land.
8. At the time of Conceptual Site Plan, TCPI/05/97 shall be revised as required if areas along St. Joseph's Drive and Campus Way North are not proposed for woodland reforestation or preservation.
9. All public sidewalks shall comply with applicable ADA standards and be free of above ground utilities and street trees.
10. Prior to the acceptance of a detailed site plan for development of the 20 acres (Parcels 1 and 2), the Applicant shall provide written confirmation that it has held a community meeting with

stakeholders which shall include an invitation to at least representatives from St. Joseph's Parish and Balk Hill Home Owners Association.

11. The Applicant shall work with the Fox Lake and Ridgewood communities in restoring the entranceway hardscape and landscape at a cost not to exceed \$35,000.
12. The open area designated on the Basic Plan as the Balk Hill Circle shall include an amphitheater or other suitable facility that may be used for outdoor cultural activities.
13. The community building shall be designed with an area suitable for community theatrical productions.
14. No building permits shall be issued for Balk Hill Village until the percent of capacity at all affected school clusters is less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council (if required) to construct or secure funding for construction of all or part of a school to advance capacity.

SECTION 3. Use of the subject property shall be subject to all requirements in the applicable zones and conditions referenced above. Failure to comply with any stated condition herein shall constitute a zoning violation, and shall constitute sufficient grounds for the District Council to annul the rezoning approved in Zoning Ordinance 16-2002; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

A-9956-C
(Amendment of Conditions)

ENACTED this 26th day of February, 2018, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras,
Toles and Turner.

Opposed:

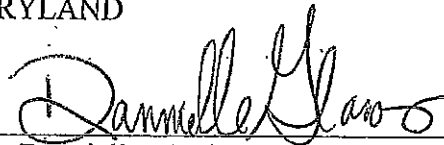
Abstained:

Absent:

Vote: 9-0.

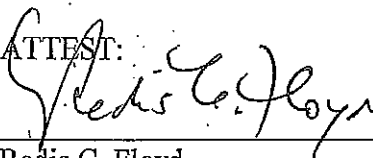
COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By:



Dannielle M. Glaros, Chair

ATTEST:



Redis C. Floyd
Clerk of the Council

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

EDWARD C. GIBBS, JR.
THOMAS H. HALLER
JUSTIN S. KORENBLATT

(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

May 5, 2020

The Honorable Elizabeth M. Hewlett
Chair
M-NCPPC Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: DSP-04067-09 and DDS-669/Woodmore Commons

Dear Chair Hewlett:

I represent Balk Hill Ventures LLC, the applicant in the referenced cases. Woodmore Commons will consist of development on what is now two platted parcels, Parcel 1 and Parcel 2. DSP-04067-09 will be developed on part of Parcel 1. We have reviewed the staff report which has been published in this case. We appreciate the staff's recommendation of approval. However, we request that Condition B(1)(b) be deleted. We have attached a copy of our proposed revised Conditions with Condition B(1)(b) shown as deleted. There are several reasons for our request to delete Condition B(1)(b). These are as follows:

1. The Condition requests a sidewalk connection from the Woodmore Apartments to the sidewalk within Tulson Lane. The only sidewalk which exists on Tulson Lane is located at the cul-de-sac of Tulson Lane which abuts single family detached residences within the Balk Hill community. This is not an area where we have proposed sidewalks on our Detailed Site Plan. Also, the connection would have to be made immediately adjacent to the single family detached home located at 2101 Tulson Lane and owned by James and Ritchlyn Dantzler. We have worked with Mr. and Mrs. Dantzler to adjust the location of the multifamily building closest to their home and to provide extensive landscaping and fencing in order to buffer their property. To require a sidewalk connection between Tulson Lane and the parking lot serving the multifamily building nearest to their home would only frustrate efforts to provide a buffer between our development and the Dantzler home. It would also encourage unnecessary pedestrian traffic next to their home.

2. There is a grade difference of approximately four to four and ½ feet in the only location where the sidewalk connection could be made. This would require installation of a set of stairs which

The Honorable Elizabeth M. Hewlett
May 5, 2020
Page 2

would prohibit bicycle use and which also is not conducive to safe pedestrian circulation. Additional lighting would be required as well. This lighting could create intrusion for both the multifamily dwelling units and the single family home of Mr. and Mrs. Dantzler.

3. There is a little used parking lot behind commercial townhouse style units along Tulson Lane in the vicinity of the requested sidewalk connection. The proposed sidewalk connection would also encourage parking in this lot.

4. The applicant, Balk Hill Ventures, has been involved in the Woodmore Commons project for a considerable period of time. As contract purchaser, Balk Hill Ventures filed a request to amend conditions originally attached to the rezoning which was approved in April of 2018. Thereafter, my client filed a Conceptual Site Plan revision (CSP-03001-01) and a new Preliminary Subdivision Plan (4-18024). At no time during the processing of any of those applications was a request made or a condition imposed which would require a sidewalk connection at the location now being requested by staff. To the contrary, when CSP-03001-01 was being considered, the staff had requested a vehicular connection between Parcel 2 (the second phase of Woodmore Commons which is located on the south side of Ruby Lockhart Boulevard) and the Woodmore Overlook commercial development to the east. A determination was made that a vehicular connection could not be achieved. Therefore, when CSP-03001-01 was approved by the Planning Board, Condition 1(a) as set forth in Planning Board Resolution PGCPB No. 19-71, required the applicant to "show a potential pedestrian access to the adjacent M-X-T zoned property to the east" (Woodmore Overlook) at a location approximately 460 feet south of the right-of-way for Ruby Lockhart Boulevard. An excerpt from this Planning Board Resolution is attached as Exhibit "A". This condition clearly applies only to Parcel 2 (not the subject property) and proposes a potential pedestrian connection between two exclusively commercial developments. Again, no request was ever made for a pedestrian connection between the multifamily component to be constructed on Parcel 1 and the adjoining Balk Hill single family detached community.

5. Preliminary Subdivision Plan 4-18024 (Resolution PGCPB No. 19-109) included a number of conditions. Condition 3 attached to that approval required the applicant, prior to acceptance of a Detailed Site Plan, to provide an exhibit which indicates "the location, limits and details of all pedestrian and bicycle facilities and illustrates how their interconnectivity and connectivity to adjacent properties encourages walkability and reduced automobile use". A copy of this Resolution is marked Exhibit "B" and attached. An extensive discussion of the Purposes of the M-X-T Zone appears on pages 8-10. This discussion includes

The Honorable Elizabeth M. Hewlett
May 5, 2020
Page 3

references to pedestrian and bicycle connections along St. Joseph's Drive and Ruby Lockhart Boulevard as well as the proposed pedestrian and bicycle connection between Parcel 2 and Woodmore Overlook to the east (see Policy 9 discussion on page 9 of the Resolution). However, nowhere in this discussion is there a reference to a pedestrian connection to Tulson Lane.

The required pedestrian and bicycle exhibit was filed as part of this Detailed Site Plan and a copy is attached as Exhibit "C". Exhibit "C" shows an extensive sidewalk system connecting all parts of the multifamily development. Further, five different sidewalk connections to Ruby Lockhart Boulevard are also proposed. An extensive sidewalk and bike system exists along Ruby Lockhart Boulevard and connecting to St. Joseph's Drive. The applicant submits that this extensive pedestrian and bicycle system more than satisfies Condition 3 of the Preliminary Subdivision Plan.


Attached as Exhibit "D" is a copy of the Site Plan and three (3) photographs depicting the grade difference and the surrounding uses.

Simply put, it is the applicant's position there is no safety or convenience issue which is addressed by providing a grade separated sidewalk connection in the location of the Tulson Lane cul-de-sac. For this reason, we request that Condition B(1)(b) be deleted.

We appreciate the Planning Board's consideration of this request. We will participate in the Planning Board's hearing of this matter on May 7, 2020. Thank you.

Very truly yours,

GIBBS AND HALLER



Edward C. Gibbs, Jr.

Enclosures

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LAW OFFICES
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May 5, 2020

The Honorable Elizabeth M. Hewlett
Chair
M-NCPPC Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: DSP-04067-09 and DDS-669/Woodmore Commons

Dear Chair Hewlett:

Attached please find a number of exhibits which the applicant in the referenced cases may introduce before the Planning Board during its hearing on May 7, 2020.

Very truly yours,

GIBBS AND HALLER


Edward C. Gibbs, Jr.

Enclosures

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May 5, 2020

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Enclosures

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v. Appellant

WOODMORE OVERLOOK
COMMERCIAL, LLC., et al.,

**APPELLANT’S MOTION FOR AN EMERGENCY EX PARTE TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD
NOT BE ISSUED**

- 1) On or about September 21, 2017, the Woodmore Overlook Commercial, LCC Appellee filed an application for approval of a Preliminary Plan of Subdivision (PPS) 4-16019, fraudulently using the name, likeness and several engineering documents belonging to the Appellant and his Woodmore Manor, LLC company, among others, without consent from Mr. Benton. See

1 Exhibit A. *See* 17 U.S.C. Section 101 et seq.; Maryland Code (MD Code), Criminal Law,
2 Section § 7-101 et seq.; and MD Code, Criminal Law, Section § 8-301 et seq.; *Calvert*
3 *County Planning Comm'n v. Howlin Realty Mgmt., Inc.*, 364 Md. 301, 325, 772 A.2d 1209
4 (2001).

- 5 2) On or about December 11, 2017, the Woodmore Overlook, LCC Appellee filed an
6 application for approval of a Detailed Site Plan (DSP) - 16025, fraudulently using the name,
7 likeness, and several engineering documents belonging to the Appellant and his Woodmore
8 Manor, LLC company, among others, without consent from Mr. Benton. *See* Exhibit B. *See*
9 17 U.S.C. Section 101 et seq.; Maryland Code (MD Code), Criminal Law, Section § 7-101 et
10 seq.; and MD Code, Criminal Law, Section § 8-301 et seq.; *Calvert County Planning*
11 *Comm'n v. Howlin Realty Mgmt., Inc.*, 364 Md. 301, 325, 772 A.2d 1209 (2001).
- 12 3) On or about February 20, 2018, the M-NCPPC Appellee was fraudulently induced to use
13 several engineering documents belonging to the Appellant and his Woodmore Manor, LLC
14 company, among others, without consent from Mr. Benton, to approve PPS 4-16019, for the
15 Woodmore Overlook Appellee's residential development. *See* Exhibit C. *See* 17 U.S.C.
16 Section 101 et seq.; Maryland Code (MD Code), Criminal Law, Section § 7-101 et seq.; and
17 MD Code, Criminal Law, Section § 8-301 et seq.; *Calvert County Planning Comm'n v.*
18 *Howlin Realty Mgmt., Inc.*, 364 Md. 301, 325, 772 A.2d 1209 (2001).
- 19 4) On or about April 5, 2018, the M-NCPPC Appellee was fraudulently induced to use several
20 engineering documents belonging to the Appellant and his Woodmore Manor, LLC company,
21 among others, without consent from Mr. Benton, to approve DSP-16025, for the Woodmore
22 Overlook Appellee's residential development. *See* Exhibit D. *See* 17 U.S.C. Section 101 et
23 seq.; Maryland Code (MD Code), Criminal Law, Section § 7-101 et seq.; and MD Code,
24 Criminal Law, Section § 8-301 et seq.; *Calvert County Planning Comm'n v. Howlin Realty*
25 *Mgmt., Inc.*, 364 Md. 301, 325, 772 A.2d 1209 (2001).
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28

- 1 5) On or about December 18, 2018, the Woodmore Overlook Commercial, LCC Appellee filed
2 an application for approval of a Preliminary Plan of Subdivision (PPS) 4-18007, fraudulently
3 using the name, likeness and several engineering documents belonging to the Appellant and
4 his Woodmore Manor, LLC company, among others, without consent from Mr. Benton. See
5 Exhibit E. See 17 U.S.C. Section 101 et seq.; Maryland Code (MD Code), Criminal Law,
6 Section § 7-101 et seq.; and MD Code, Criminal Law, Section § 8-301 et seq.; *Calvert*
7 *County Planning Comm'n v. Howlin Realty Mgmt., Inc.*, 364 Md. 301, 325, 772 A.2d 1209
8 (2001).
- 9 6) On or about March 7, 2019, the Appellant testified on the record before the M-NCPPC
10 Planning Board that neither the Woodmore Overlook nor the M-NCPPC Appellees had
11 obtained, and neither did anyone ask for, his consent to use the engineering documents of him
12 and his Woodmore Manor company to approve PPS 4-16019, DSP-16025, PPS 4-18007, and
13 neither DSP-18024, which constituted both THEFT and CONVERSION under Maryland
14 law. See 17 U.S.C. Section 101 et seq.; Maryland Code (MD Code), Criminal Law, Section §
15 7-101 et seq.; and MD Code, Criminal Law, Section § 8-301 et seq.; *Calvert County Planning*
16 *Comm'n v. Howlin Realty Mgmt., Inc.*, 364 Md. 301, 325, 772 A.2d 1209 (2001).
- 17 7) Regardless of the documented testimony given by the Appellant, on or about April 2, 2019,
18 the M-NCPPC Appellee was fraudulently induced to use several engineering documents
19 belonging to the Appellant and his Woodmore Manor, LLC company, among others, without
20 consent from Mr. Benton, to approve PPS 4-18007, for the Woodmore Overlook Appellee's
21 residential development. See Exhibit F. See 17 U.S.C. Section 101 et seq.; Maryland Code
22 (MD Code), Criminal Law, Section § 7-101 et seq.; and MD Code, Criminal Law, Section §
23 8-301 et seq.; *Calvert County Planning Comm'n v. Howlin Realty Mgmt., Inc.*, 364 Md. 301,
24 325, 772 A.2d 1209 (2001).
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- 1 8) On or about April 30, 2019, the Appellant properly appealed the M-NCPPC Appellee's
2 approval of PPS 4-18007 to the Circuit Court of Prince George's County for judicial review.
3 See Exhibit G.
- 4 9) On or about July 11, 2019, the M-NCPPC Appellee properly transferred the record of PPS 4-
5 18007 for Woodmore Overlook Commercial, to include Prince George's County Planning
6 Board (PGCPB) Resolution No. 19-32 over to the Circuit Court of Prince George's County
7 for judicial review. See Exhibit H.
- 8 10) Willfully ignoring the material fact that both PPS 4-18007 and PGCPB Resolution No. 19-32
9 for Woodmore Overlook was currently under Judicial Review by the Circuit Court of Prince
10 George's County, the Woodmore Overlook Commercial Appellee submitted a *Request for*
11 *Consideration of Preliminary Plan of Subdivision 4-18007*. See Exhibit I.
- 12 11) On or about November 21, 2019, M-NCPPC Lead Counsel, Attorney Debra Borden correctly
13 informed the Woodmore Overlook Commercial Appellee that their *Request for Consideration*
14 *of Preliminary Plan of Subdivision 4-18007* couldn't be heard by the M-NCPPC Planning
15 Board because the record of PPS 4-18007 was currently under judicial review by the Circuit
16 Court of Prince George's County.
- 17 12) On or about December 19, 2019, the Appellant further appealed both PPS 4-18007 and
18 PGCPB Resolution No. 19-32 for Woodmore Overlook Commercial to the Honorable Court
19 of Special Appeals for Maryland (COSA). To date, the records of both PPS 4-18007 and
20 PGCPB Resolution No. 19-32 for Woodmore Overlook Commercial are still currently before
21 the Honorable Court of Special Appeals for Maryland pending proper adjudication. See
22 Exhibit J.
- 23 13) On or about December 23, 2019, the Appellant further informed the M-NCPPC Appellee that
24 they DID NOT have his consent to use the engineering documents of him and his companies
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1 to their benefit and neither the benefit of others, i.e. the Woodmore Overlook Appellees. See
2 Exhibit K.

3 14) On or about March 4, 2020, the record of both PPS 4-18007 and PGCPB Resolution No. 19-
4 32 for Woodmore Overlook Commercial was formally transferred from the lower Circuit
5 Court over to this Honorable Court. See Exhibit L.

6 15) On or about March 10, 2020, the Honorable Court of Special Appeals, issued a
7 SCHEDULING ORDER to all parties promptly informing us of a hearing date of December
8 2020. See Exhibit M.

9 16) On or about March 18, 2020, Attorney Debra Borden, Deputy General Counsel for the M-
10 NCPPC Appellee formally acknowledge receipt of the Honorable Court of Special Appeals,
11 issued a SCHEDULING ORDER of a hearing date of December 2020. See Exhibit N.

12 17) Despite willfully knowing that the record of both PPS 4-18007 and PGCPB Resolution No.
13 19-32 for Woodmore Overlook Commercial was formally pending before this Honorable
14 Court, on or about April 16, 2020, the M-NCPPC Appellee erroneously opened the record of
15 PPS 4-18007, held a public hearing, and APPROVED changes and/or amendments to both
16 the record of PPS 4-18007 and PGCPB Resolution No. 19-32, in bad faith, against the best
17 interest of justice.
18

19
20 The grounds for this motion are set forth in the attached memorandum which is adopted and
21 incorporated herein by reference.

22 Respectfully submitted,

23 

24 **LARAY J. BENTON**
25 1731 Stourbridge Court
26 Mitchellville, MD 20721

Date: 5/6/2020

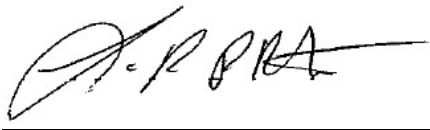
1 **CERTIFICATE OF SERVICE**

2 UNDER THE PENALTY OF PERJURY, I LaRay J. Benton certify that on or about May 6,
3 2020, I have hand delivered a copy of the foregoing motion to the Clerk of Circuit Court, and mailed a
4 copy of this motion to the following parties:

5 JEFFREY L. HARDING
6 Sasscer, Clagett & Bucher
7 Attorney for the Appellants
8 5407 Water Street, Suite 101
Upper Marlboro, Maryland

9 DEBRA S. BORDEN
10 MARYLAND-NATIONAL PARK AND PLANNING COMMISSION
County Administration Building
11 14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

12 **Respectfully submitted,**

13 
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15 **Date: 5/06/2020**

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THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

October 4, 2002

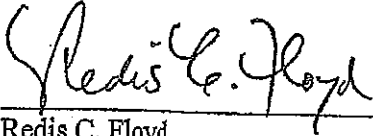
RE: A 9956 Rocky Gorge Homes (Balk Hill)

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 July 23, 2002.

CERTIFICATE OF SERVICE

This is to certify that on October 4, 2002 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.


Redis C. Floyd
Clerk of the Council

(10/97)

County Administration Building - Upper Marlboro, Maryland 20772

Case No.: A-9956-C

Applicant: Rocky Gorge Homes
(Balk Hill)

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the Applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application A-9956-C, to rezone the subject property from the I-3 Zone to the M-X-T Zone, attached conditions; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the Applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

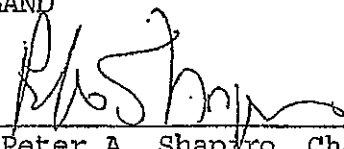
SECTION 1. Final conditional zoning approval of Application A-9956-C is hereby granted. The Applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, are hereby incorporated into this

amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective on October 1, 2002, the date of receipt of the Applicant's acceptance of the conditions imposed.

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, Chair.

ATTEST:


Redis C. Floyd, Clerk

Case No.: A-9956-C

Applicant: Rocky Gorge Homes
(Balk Hill)

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

ZONING ORDINANCE NO. 16 - 2002

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

WHEREAS, Application A-9956-C was filed for property described
as approximately 123.2 acres of land in the I-3 Zone, located 1,460
feet northwest of the intersection of Campus Way North and
Lottsford Road, Largo, to rezone the property to the
M-X-T Zone; and

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

WHEREAS, the application was reviewed by the Technical Staff
which filed recommendations with the District Council; and

/ WHEREAS, a public hearing was held before the Zoning Hearing
Examiner, who filed recommendations which the District Council has
~~considered; and~~

WHEREAS, the District Council has determined, after consideration of the entire record, that the subject property should be rezoned to the M-X-T Zone; and

WHEREAS, in order to protect adjacent properties and the surrounding neighborhood, this rezoning 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 of fact and conclusions of law 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 A-9956-C from the I-3 Zone to the M-X-T Zone.

SECTION 2. Application A-9956 is approved subject to the following conditions:

1. The following improvements shall be funded by the Applicant, with the timing to be determined at the time of preliminary plan of subdivision:
 - a. The construction of Campus Way as an arterial facility within the limits of the subject property.
 - b. The construction of St. Joseph's Drive as a collector ~~facility within the limits of the subject property.~~
2. The Applicant shall provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the Applicant shall provide a second

eastbound left turn lane along MD 202 at the McCormick Drive/St. Joseph's Drive intersection. These improvements shall be either directly provided by the Applicant, or shall be funded by the Applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis to be determined at the time of preliminary plan of subdivision.

3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:

- a. Campus Way, an arterial facility with a right-of-way of 120 feet.
- b. St. Joseph's Drive, a collector facility with a right-of-way of 80 feet.
- c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph's Drive.

4. The Applicant shall study the planned Campus Way/St. Joseph's Drive intersection and the possible need for traffic controls at that location at the time of preliminary plan of subdivision.

5. The development of the subject property shall be limited to 20,000 square feet of retail space, 328,480 square feet of general office space, and 393 residences, or other permitted uses which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.

6. No more than 119 of the single-family dwelling units shall be attached units.

7. The Conceptual Site Plan shall include a tree stand delineation plan. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as a buffer between the subject property and adjacent land.

8. ~~At the time of Conceptual Site Plan, TCPI/05/97 shall be revised as required if areas along St. Joseph's Drive and Campus Way North are not proposed for woodland reforestation or preservation.~~

9. All public sidewalks shall comply with applicable ADA standards and be free of above ground utilities and street trees.
10. An Advisory Planning Committee, consisting of the Applicant and representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations, shall be established to advise the Revenue Authority, a community development corporation, or another nonprofit entity about the development, use, and disposition of the 20-acre employment parcel.
11. The Applicant shall work with the Fox Lake and Ridgewood communities in restoring the entranceway hardscape and landscape at a cost not to exceed \$35,000.
12. The open area designated on the Basic Plan as the Balk Hill Circle shall include an amphitheater or other suitable facility that may be used for outdoor cultural activities.
13. The community building shall be designed with an area suitable for community theatrical productions.
14. No building permits shall be issued for Balk Hill Village until the percent of capacity at all affected school clusters is less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council (if required) to construct or secure funding for construction of all or part of a school to advance capacity.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, but the rezoning shall not be effective until the Applicant accepts in writing the conditions attached to the rezoning.

Enacted this 23rd day of July, 2002, for initial approval, by the following vote:

In Favor: Council Members Shapiro, Dernoga, Hendershot, Knotts,

Rusell, Scott, and Wilson

Opposed: Council Member Bailey


Abstained:

Absent: Council Member Estepp

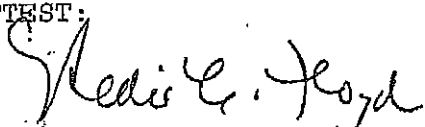
Vote: 7-1

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, Chair

ATTEST:


Redis C. Floyd, Acting Clerk

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and:

- A. APPROVE Departure from Design Standards DDS-669, to allow the standard parking spaces to be 9 feet wide by 18 feet long.
- B. APPROVE Detailed Site Plan DSP-04067-09 and TCPII-082-05-05 for Woodmore Commons, subject to the following conditions:
 1. Prior to certification of the detailed site plan (DSP), the following revisions shall be made to the plans:
 - a. Show bike lanes along Ruby Lockhart Boulevard, in compliance with the approved plans per the Prince George's County Department of Public Works and Transportation.
 - ~~b. Provide a standard sidewalk connecting the sidewalks around the multifamily buildings to the sidewalk within Tulson Lane.~~
 - ~~e.b.~~ Provide a continental style crosswalk crossing the subject site's entrance at Ruby Lockhart Boulevard, unless modified by the Prince George's County Department of Permits, Inspections and Enforcement.
 - ~~d.c.~~ Provide a standard crosswalk crossing the access road at the intersection southwest of the clubhouse.
 - ~~e.d.~~ Provide inverted-U style bicycle racks to replace the proposed wave-style bicycle racks.
 - ~~f.e.~~ Include landscaping at its base of the freestanding sign to provide for seasonal interest.
 - ~~g.f.~~ Provide a list of cost estimates, a floorplan, and a spreadsheet, in accordance with the values of the proposed private recreational facilities proposed with the DSP, in accordance with the Prince George's County *Parks and Recreation Facilities Guidelines*.
 - ~~h.g.~~ Provide a General Note showing the proposed and allowed floor area ratio relative to all development within the total area of the conceptual site plan.
 - ~~i.h.~~ Provide the appropriate landscape treatment between the parking lot and Tulson Lane, in conformance with Section 4.3-1 of the 2010 *Prince George's County Landscape Manual*.
 - ~~j.i.~~ Provide enclosures for the dumpster facilities constructed with materials to compliment the proposed buildings, such as masonry or composite-wood, or screen these facilities with the appropriate amount of landscaping, in conformance with Section 4.4 of the 2010 *Prince George's County Landscape*

Manual.

2. Prior to certification of the detailed site plan, the Type II tree conservation plan (TCPII) shall be revised, as follows:
 - a. Type in all previous TCPII approval information in the TCPII approval block.
 - b. Revise the TCPII so that the phasing boundary is consistent with the detailed site plan (DSP). Revise the limits of disturbance to highlight the grading associated with implementing this DSP. Update the site statistics tables and the woodland conservation worksheet accordingly to reflect each of the new phases.
 - c. Remove all proposed fee-in-lieu from Phases 3 and 4. Indicate that all remaining woodland conservation required will be met on-site or through off-site mitigation on the worksheet and TCPI plan.
3. Prior to issuance of the final certificate of occupancy for the fourth multifamily building, all on-site recreational facilities and amenities shall be completed and verified by the Maryland-National Capital Park and Planning Commission.

Exhibit 1

Notice of Final Decision approving the Request to Amend Zoning Conditions of ZMA A-9956



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 11, 2018

REC'D APR 16 2018

**RE: A-9956-C The Revenue Authority of Prince George's County/DR Horton,
Inc./Balk Hill Village (Amendment of Conditions)
The Revenue Authority of Prince George's County/DR Horton,
Inc./Balk Hill Village, Applicant**

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 a copy of Zoning Ordinance No. 2 - 2018 setting forth the action taken by the District Council in this case on February 26, 2018.

CERTIFICATE OF SERVICE

This is to certify that on April 11, 2018, this notice and attached Council order were mailed, postage prepaid, to all persons of record.


Redis C. Floyd
Clerk of the Council

County Administration Building – Upper Marlboro, Maryland 20772

Case No.: A-9956-C
(Amendment of Conditions)

Applicant: The Revenue Authority of
Prince George's County

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate Applicant's acceptance of conditional rezoning to amend Conditions 5 and 10, previously approved in Zoning Ordinance 16-2002, which conditionally rezoned 123.2 acres of land, located 1,460 feet northwest of the intersection of Campus Way North and Lottsford Road (Largo), in the I-3 (Planned Industrial/Employment Park) Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone.

WHEREAS, the District Council in enacting Zoning Ordinance 2-2018, approved the Applicant's request to amend Conditions 5 and 10 of Zoning Ordinance 16-2002; and

WHEREAS, the District Council, pursuant to its decision in Zoning Ordinance 2-2018, deems it appropriate to accept Applicant's consent to Conditions 5 and 10, as amended, in Zoning Ordinance 2-2018; and approve final conditional zoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Zoning Ordinance 2-2018, is hereby granted. Applicant's written acceptance of Conditions 5 and 10, as amended, in Zoning Ordinance 2-2018, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.


A-9956-C
(Amendment of Conditions)

SECTION 2. Use of the subject property, as conditionally reclassified, shall be subject to all requirements in the applicable zones and to the requirements in the conditions referenced above. Failure to comply with any stated condition shall constitute a zoning violation, and shall constitute sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

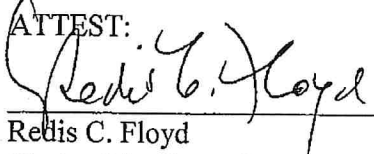
SECTION 3. This Ordinance is effective March 27, 2018, the date of receipt of the Applicant's acceptance of Conditions 5 and 10, as amended, in Zoning Ordinance 2-2018.

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:


Dannielle M. Glaros, Chair

ATTEST:


Redis C. Floyd
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

March 9, 2018

DISTRICT COUNCIL PRELIMINARY NOTICE OF CONDITIONAL ZONING APPROVAL

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, a copy of Zoning Ordinance No. 2 - 2018 granting preliminary conditional zoning approval of A-9956-C The Revenue Authority of Prince George's County/DR Horton, Inc./Balk Hill Village (Amendment of Conditions), is attached.

In compliance with the provisions of Section 27-157(b) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on June 7, 2018.

CERTIFICATE OF SERVICE

This is to certify that on March 9, 2018 this notice and attached Order were mailed, postage prepaid, to the attorney/correspondent and applicant(s). Notice of final approval will be sent to all persons of record.

A handwritten signature in black ink, reading "Redis C. Floyd". The signature is written in a cursive style with a large, stylized "R" and "F".

Redis C. Floyd
Clerk of the Council

County Administration Building – Upper Marlboro, Maryland 20772



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

March 9, 2018

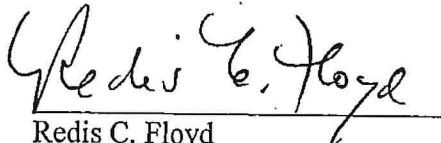
RE: A-9956-C The Revenue Authority of Prince George's County/DR Horton,
Inc./Balk Hill Village (Amendment of Conditions)
The Revenue Authority of Prince George's County/DR Horton,
Inc./Balk Hill Village, Applicant

NOTICE OF 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 a copy of Zoning Ordinance No. 2 - 2018 setting forth the action taken by the District Council in this case on February 26, 2018.

CERTIFICATE OF SERVICE

This is to certify that on March 9, 2018, this notice and attached Council order were mailed, postage prepaid, to all persons of record.


Redis C. Floyd
Clerk of the Council

County Administration Building – Upper Marlboro, Maryland 20772

Case No.: A-9956-C
(Amendment of Conditions)

Applicant: The Revenue Authority of
Prince George's County

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

ZONING ORDINANCE NO. 2 - 2018

AN ORDINANCE to amend Conditions 5 and 10 of Zoning Ordinance 16-2002, which conditionally rezoned 123.2 acres of land, located 1,460 feet northwest of the intersection of Campus Way North and Lottsford Road (Largo), in the I-3 (Planned Industrial/Employment Park) Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone.¹

IT IS HEREBY ORDERED, that the Applicant's (The Revenue Authority of Prince George's County)² request to amend Conditions 5 and 10 of Zoning Ordinance 16-2002, is hereby APPROVED/GRANTED.

WHEREAS, on July 23, 2002, the District Council conditionally approved Zoning Map Amendment 9956 (A-9956-C), subject to the following conditions:

1. The following improvements shall be funded by the Applicant, with the timing to be determined at the time of preliminary plan of subdivision:
 - a. The construction of Campus Way as an arterial facility within the limits of the subject property.

¹ Rocky Gorge Homes (Balk Hill) was the Applicant that obtained conditional rezoning of the 123.2 acres of land in Zoning Ordinance 16-2002. ZHE Exhibit 6.

² DR Horton, Inc. and Balk Hill are not applicants to this request. ZHE Exhibit 1.

A-9956-C
(Amendment of Conditions)

- b. The construction of St. Joseph's Drive as a collector facility within the limits of the subject property.
2. The Applicant shall provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the Applicant shall provide a second eastbound left turn lane along MD 202 at the McCormick Drive/St. Joseph's Drive intersection. These improvements shall be either directly provided by the Applicant, or shall be funded by the Applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis to be determined at the time of preliminary plan of subdivision.
3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:
 - a. Campus Way, an arterial facility with a right-of-way of 120 feet.
 - b. St. Joseph's Drive, a collector facility with a right-of-way of 80 feet.
 - c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph's Drive.
4. The Applicant shall study the planned Campus Way/St. Joseph's Drive intersection and the possible need for traffic controls at that location at the time of preliminary plan of subdivision.
5. The development of the subject property shall be limited to 20,000 square feet of retail space, 328,480 square feet of general office space, and 393 residences, or other permitted uses which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.
6. No more than 119 of the single-family dwelling units shall be attached units.

A-9956-C
(Amendment of Conditions)

7. The Conceptual Site Plan shall include a tree stand delineation plan. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as a buffer between the subject property and adjacent land.
8. At the time of Conceptual Site Plan, TCPI/05/97 shall be revised as required if areas along St. Joseph's Drive and Campus Way North are not proposed for woodland reforestation or preservation.
9. All public sidewalks shall comply with applicable ADA standards and be free of above ground utilities and street trees.
10. An Advisory Planning Committee, consisting of the Applicant and representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations, shall be established to advise the Revenue Authority, a community development corporation, or another nonprofit entity about the development, use, and disposition of the 20-acre employment parcel.
11. The Applicant shall work with the Fox Lake and Ridgewood communities in restoring the entranceway hardscape and landscape at a cost not to exceed \$35,000.
12. The open area designated on the Basic Plan as the Balk Hill Circle shall include an amphitheater or other suitable facility that may be used for outdoor cultural activities.
13. The community building shall be designed with an area suitable for community theatrical productions.
14. No building permits shall be issued for Balk Hill Village until the percent of capacity at all affected school clusters is less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council (if required) to construct

or secure funding for construction of all or part of a school to advance capacity. ZHE Exhibit 6.

WHEREAS, in June 2012, The Revenue Authority of Prince George's County acquired the subject property from D. R. Horton, Inc., and recorded the deed among the land records of Prince George's County, Maryland at Liber 33975 at Folio 099; and

WHEREAS, in September 2016, The Revenue Authority of Prince George's County agreed to sell, transfer and convey Parcel 1 and Parcel 2 (\pm 20 acres of the 123.2 acres of land rezoned in 2002) to Petrie Richardson Ventures, LLC;³ and

WHEREAS, in April 2017, The Revenue Authority of Prince George's County proposed, in writing, to amend Conditions 5 and 10, of Zoning Ordinance 16-2002, as follows:

- Proposed Condition 5⁴ – “The development of the subject property shall be limited to the prior approved 393 residences plus additional permitted uses under the M-X-T Zone which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.”
- Proposed Condition 10 – “Prior to acceptance of a detailed site plan for development of the 20 acre parcel (Parcels 1 and 2), the Applicant shall provide written confirmation that it has held [a] community meeting with stakeholders which shall include an invitation to at least representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations.”

³ Petrie Richardson Ventures, LLC, is the contract purchaser of the Parcels 1 and 2 (\pm 20 acres of the 123.2 acres of land rezoned in 2002), which is the subject of this amendment.

⁴ Proposed Condition 5 is not intended to impair approved residential development that has prior site plan and subdivision approvals.

WHEREAS, on June 14 and July 21, 2017, the Zoning Hearing Examiner held evidentiary hearings to consider the Applicant's request to amend Conditions 5 and 10 of Zoning Ordinance 16-2002, which was opposed by Fox Lake Homeowner's Association, et al.;⁵

WHEREAS, on October 27, 2017, the Zoning Hearing Examiner recommended approval of the Applicant's request to amend Condition 5 but not Condition 10; and

WHEREAS, on November 2, 2017, Fox Lake Homeowner's Association, et al., filed exceptions to the Examiner's recommendations; and

WHEREAS, on November 13, 2017, Petrie Richardson Ventures, LLC (the contract purchaser), filed exceptions to the Examiner's recommendations; and

WHEREAS, on January 22, 2018,⁶ the District Council held oral argument; and

WHEREAS, having reviewed the record, the District Council finds that the request to amend Conditions 5 and 10⁷ of Zoning Ordinance 16-2002, should be approved/granted; and

WHEREAS, as a basis for this final decision, the District Council will adopt the findings and conclusions of the Examiner to amend Condition 5 and it will also adopt in part the reasons advanced by the Applicant and contract purchaser to amend Condition 10.

⁵ Fox Lake Homeowner's Association, et al., is represented by G. Macy Nelson, Esquire.

⁶ Fox Lake Homeowner's Association, et al., formally withdrew exceptions to the Examiner's recommendations prior to oral argument on January 22, 2018.

⁷ Proposed Condition 10 has been modified by the District Council. Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations were stricken and replaced with Balk Hill Home Owners Association.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland–Washington Regional District in Prince George’s County, Maryland, remains amended, in accordance with Zoning Ordinance 16-2002, subject to amendment of Conditions 5 and 10 herein.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment, and shall become final and effective if the Applicant timely accepts, in writing, the following conditions:⁸

1. The following improvements shall be funded by the Applicant, with the timing to be determined at the time of preliminary plan of subdivision:
 - a. The construction of Campus Way as an arterial facility within the limits of the subject property.
 - b. The construction of St. Joseph’s Drive as a collector facility within the limits of the subject property.
2. The Applicant shall provide an additional eastbound through lane along MD 202 through the I-95 interchange, and additional eastbound and westbound through lanes along MD 202 between the I-95 interchange and Lottsford Road. Additionally, the Applicant shall provide a second eastbound left turn lane along MD 202 at the McCormick Drive/St. Joseph’s Drive intersection. These improvements shall be either directly provided by the Applicant, or shall be funded by the Applicant by payment of a fee, not to exceed \$1.24 million (in 2002 dollars) to be paid on a pro-rata basis to be determined at the time of preliminary plan of subdivision.

⁸ Conditions 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, and 14 of Zoning Ordinance 16-2002 are not amended, revised or modified. Said conditions are restated herein because the initial rezoning of the 123.2 acres of land is (and remain) subject to those conditions.

A-9956-C
(Amendment of Conditions)

3. Future submitted plans shall demonstrate provision of adequate right-of-way for the following facilities:
 - a. Campus Way, an arterial facility with a right-of-way of 120 feet.
 - b. St. Joseph's Drive, a collector facility with a right-of-way of 80 feet.
 - c. A concept for future ramps to and from the west via Ruby Lockhart Boulevard between MD 202 and St. Joseph's Drive.
4. The Applicant shall study the planned Campus Way/St. Joseph's Drive intersection and the possible need for traffic controls at that location at the time of preliminary plan of subdivision.
5. The development of the subject property shall be limited to the prior approved 393 residences plus additional permitted uses under the M-X-T Zone which generate no more than 1,013 AM and 1,058 PM peak hour vehicle trips.
6. No more than 119 of the single-family dwelling units shall be attached units.
7. The Conceptual Site Plan shall include a tree stand delineation plan. Where possible, major stands of trees shall be preserved, especially along streams and where they serve as a buffer between the subject property and adjacent land.
8. At the time of Conceptual Site Plan, TCPI/05/97 shall be revised as required if areas along St. Joseph's Drive and Campus Way North are not proposed for woodland reforestation or preservation.
9. All public sidewalks shall comply with applicable ADA standards and be free of above ground utilities and street trees.
10. Prior to the acceptance of a detailed site plan for development of the 20 acres (Parcels 1 and 2), the Applicant shall provide written confirmation that it has held a community meeting with

A-9956-C
(Amendment of Conditions)

stakeholders which shall include an invitation to at least representatives from St. Joseph's Parish and Balk Hill Home Owners Association.

11. The Applicant shall work with the Fox Lake and Ridgewood communities in restoring the entranceway hardscape and landscape at a cost not to exceed \$35,000.
12. The open area designated on the Basic Plan as the Balk Hill Circle shall include an amphitheater or other suitable facility that may be used for outdoor cultural activities.
13. The community building shall be designed with an area suitable for community theatrical productions.
14. No building permits shall be issued for Balk Hill Village until the percent of capacity at all affected school clusters is less than or equal to 105 percent or three years have elapsed since the time of the approval of the preliminary plan of subdivision; or pursuant to the terms of an executed school facilities agreement where the subdivision applicant, to avoid a waiting period, agrees with the County Executive and County Council (if required) to construct or secure funding for construction of all or part of a school to advance capacity.

SECTION 3. Use of the subject property shall be subject to all requirements in the applicable zones and conditions referenced above. Failure to comply with any stated condition herein shall constitute a zoning violation, and shall constitute sufficient grounds for the District Council to annul the rezoning approved in Zoning Ordinance 16-2002; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

A-9956-C
(Amendment of Conditions)

ENACTED this 26th day of February, 2018, by the following vote:

In Favor: Council Members Davis, Franklin, Glaros, Harrison, Lehman, Patterson, Taveras,
Toles and Turner.

Opposed:


Abstained:

Absent:

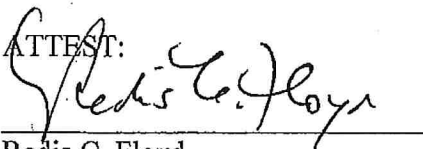
Vote: 9-0.

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:


Dannielle M. Glaros, Chair

ATTEST:



Redis C. Floyd
Clerk of the Council

Exhibit 2

Email Threads Evidencing Compliance with Condition 10

Edward C. Gibbs, Jr.

From: Samuel H. Dean <unique41@verizon.net>
Sent: Saturday, November 16, 2019 5:28 PM
To: Edward C. Gibbs, Jr.; 'Anzidei, Chris'; 'DeRon Johnson'
Cc: 'Charles L. Renninger'; dspencer@zipmailing.com; 'Sigrid Samuel'; 'Chris Duffy'
Subject: RE: Woodmore Commons

I plan to attend
Samuel dean

From: Edward C. Gibbs, Jr. [mailto:egibbs@gibbshaller.com]
Sent: Tuesday, November 12, 2019 1:22 PM
To: Anzidei, Chris; 'DeRon Johnson'; Samuel H. Dean
Cc: 'Charles L. Renninger'; dspencer@zipmailing.com; 'Sigrid Samuel'; 'Chris Duffy'
Subject: RE: Woodmore Commons

All,

Good afternoon. I would like to confirm we will have a meeting for St. Joseph's Church and all interested civic association representatives on Nov. 18th at 7:00 pm. The meeting will take place at The Marriott Residence Inn, 1330 Caraway Ct., Largo. We have reserved a meeting room in the hotel. We will discuss in particular the Detailed Site Plan we have filed for pre acceptance review with Park and Planning (DSPO-04067-09). Please let me know if you will be able to attend. Thank you.

Ed Gibbs

Edward C. Gibbs, Jr.
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
Phone: (301) 306-0033
Fax: (301) 306-0037
egibbs@gibbshaller.com

From: Samuel H. Dean <unique41@verizon.net>
Sent: Friday, November 01, 2019 2:29 PM
To: Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>; 'DeRon Johnson' <dmjohn73@gmail.com>
Cc: 'Anzidei, Chris' <AnzideiC@adw.org>; 'Charles L. Renninger' <clr1220@yahoo.com>; dspencer@zipmailing.com; 'Sigrid Samuel' <sigsam1@verizon.net>; unique41@verizon.com; 'Chris Duffy' <cd@petrierichardson.com>
Subject: RE: Woodmore Commons
Importance: High

Ed

This is a followup to my earlier email. Either date (18 or 22nd) will work for me.
Sam

From: Edward C. Gibbs, Jr. [mailto:egibbs@gibbshaller.com]
Sent: Thursday, October 31, 2019 10:30 PM
To: Samuel H. Dean; 'DeRon Johnson'

Cc: 'Anzidei, Chris'; 'Charles L. Renninger'; dspencer@zipmailing.com; 'Sigrid Samuel'; unique41@verizon.com; 'Chris Duffy'

Subject: Re: Woodmore Commons

Sam,

I agree with you. That is why we have convened meetings which include everyone on the CSP and the Preliminary Plan. We will suggest a meeting with all interested associations on either Nov. 18, 22 or 22. However, we will still be meeting with Balk Hill Village on Nov. 4th. That being said, Balk Hill Village will also be invited to the later meeting. I hope to have a date and a location to suggest for the broader meeting either tomorrow or Monday.

Ed

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Samuel H. Dean" <unique41@verizon.net>

Date: 10/28/19 3:51 PM (GMT-05:00)

To: "Edward C. Gibbs, Jr." <egibbs@gibbshaller.com>, 'DeRon Johnson' <dmjohn73@gmail.com>

Cc: "'Anzidei, Chris'" <AnzideiC@adw.org>, "Charles L. Renninger" <clr1220@yahoo.com>, dspencer@zipmailing.com, 'Sigrid Samuel' <sigsaml@verizon.net>, unique41@verizon.com, 'Chris Duffy' <cd@petrierichardson.com>

Subject: RE: Woodmore Commons

Ed:

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Samuel Dean

Vice President, Lake Arbor Civic Association

From: Edward C. Gibbs, Jr. [<mailto:egibbs@gibbshaller.com>]

Sent: Monday, October 28, 2019 2:53 PM

To: Samuel H. Dean; 'DeRon Johnson'

Cc: 'Anzidei, Chris'; 'Charles L. Renninger'; dspencer@zipmailing.com; 'Sigrid Samuel'; unique41@verizon.com; 'Chris Duffy'

Subject: RE: Woodmore Commons

Please allow me to clarify.

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In addition, at one of the earlier Planning Board meetings representatives of Balk Hill Village Association indicated they had not been contacted. In order to address this issue Chris Duffy promised the Planning Board he would have a separate meeting with Balk Hill Village. Chris has been trying to schedule this meeting for some time but calendars have not worked out. Chris Duffy has been in contact with representatives from Balk Hill Village. Mr. Johnson has offered that Chris can come to the regular Balk Hill Village meeting on November 4th. He plans to do this. The Nov. 4th meeting is a separate meeting from the meeting with representatives from the various associations to satisfy the Zoning Condition.

I suggested October 29 and 31 as well as Nov. 4 and 5 as possible dates for the meeting of all interested civic associations. Again this is different from the regular Balk Hill Village meeting on Nov. 4th. I have been advised that Bishop Campbell is available Oct. 31 but he is not available during the week of Nov. 4th. So it looks as though that meeting will have to take place the week of Nov. 11th. I am going to confer with Chris Duffy and propose two dates for the week of Nov. 11th. We will include in that invitation a new larger venue.

Ed

Edward C. Gibbs, Jr.
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
Phone: (301) 306-0033
Fax: (301) 306-0037
egibbs@gibbshaller.com

From: Samuel H. Dean <unique41@verizon.net>
Sent: Monday, October 28, 2019 2:05 PM
To: 'DeRon Johnson' <dmjohn73@gmail.com>; Edward C. Gibbs, Jr. <egibbs@gibbshaller.com>
Cc: 'Anzidei, Chris' <AnzideiC@adw.org>; 'Charles L. Renninger' <clr1220@yahoo.com>; dspencer@zipmailing.com;
'Sigrid Samuel' <sigsam1@verizon.net>; unique41@verizon.com; 'Chris Duffy' <cd@petrierichardson.com>
Subject: RE: Woodmore Commons
Importance: High

DeRon
I can do the 11/4 meeting. Please confirm for me.
Samuel Dean

From: DeRon Johnson [<mailto:dmjohn73@gmail.com>]
Sent: Monday, October 28, 2019 11:33 AM
To: Edward C. Gibbs, Jr.
Cc: Anzidei, Chris; Charles L. Renninger; dspencer@zipmailing.com; Sigrid Samuel; unique41@verizon.com; Chris Duffy; Samuel H. Dean
Subject: Re: Woodmore Commons

Good Morning Mr. Gibbs,

A Sunday message to confirm having a meeting in a few days is not a realistic option for most residents to ensure maximum participation on such a short suspense. A better option would be the November 4 or 5th dates. Nov 4th would work best for Balk Hill Village (BHV) as its our scheduled meeting date. Also, this would line up with our town hall meeting scheduled with Mr. Duffy at 6:30 PM on Nov 4th, that we can change to 7PM.

The last time we met at the Woodmore Towne Center conference room, the space proved to be inadequate at accommodating all the community representatives. As an alternative, BHV can host the meeting in our community space that has tables and chairs for at least 50. We can provide a projector for any slides you may have to show and a microphone.

If the 4th works well for everyone, please let me know so that we can adjust accordingly.

Cheers,

DeRon Johnson,
President
Balk Hill Village HOA

On Mon, Oct 28, 2019 at 8:45 AM Edward C. Gibbs, Jr. <egibbs@gibbshaller.com> wrote:
Sounds good, Chris.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Anzidei, Chris" <AnzideiC@adw.org>
Date: 10/28/19 8:33 AM (GMT-05:00)
To: "Edward C. Gibbs, Jr." <egibbs@gibbshaller.com>, "Charles L. Renninger" <clr1220@yahoo.com>, dmjohn73@gmail.com, dspencer@zipmailing.com, Sigrid Samuel <sigsam1@verizon.net>, unique41@verizon.com
Subject: RE: Woodmore Commons

Ed:

Thanks for your message. I'm checking with the parish and hope to get back to you today.

From: Edward C. Gibbs, Jr. [<mailto:egibbs@gibbshaller.com>]
Sent: Sunday, October 27, 2019 1:38 PM
To: Charles L. Renninger <clr1220@yahoo.com>; Anzidei, Chris <AnzideiC@adw.org>; dmjohn73@gmail.com; dspencer@zipmailing.com; Sigrid Samuel <sigsam1@verizon.net>; unique41@verizon.com
Subject: Re: Woodmore Commons

Thanks, Chuck.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

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To: Chris Anzidei <anzideic@adw.org>, dmjohn73@gmail.com, dspencer@zipmailing.com, Sigrid Samuel <sigsam1@verizon.net>, unique41@verizon.com, "Edward C. Gibbs, Jr." <egibbs@gibbshaller.com>
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Sent from my Verizon, Samsung Galaxy smartphone

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Sent: Friday, November 01, 2019 8:30 AM
To: Edward C. Gibbs, Jr.; 'DeRon Johnson'
Cc: 'Anzidei, Chris'; 'Charles L. Renninger'; dspencer@zipmailing.com; 'Sigrid Samuel'; unique41@verizon.com; 'Chris Duffy'
Subject: Re: Woodmore Commons

Ed
Thanks for your response. I may be at the Balk Hill meeting on Monday.
Sam

Sent from my Verizon, Samsung Galaxy smartphone

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From: "Edward C. Gibbs, Jr." <egibbs@gibbshaller.com>
Date: 10/31/19 10:29 PM (GMT-05:00)
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Exhibit 3

Letter from Attorney
William M. Shipp to Prince
George's County District
Council Accepting Amended
Conditions to Zoning Ordinance
No. 2-2018 on behalf of the
Revenue Authority

O'Malley, Miles, Nylen & Gilmore, P.A.

Attorneys & Counselors at Law

11785 Beltsville Drive, 10th Floor
Calverton, MD 20705
www.omng.com
(301) 572-7900 • (301) 572-6655 (f)

Peter F. O'Malley
(1939-2011)

John R. Miles
(1935-2017)

Edward W. Nylen
(1922-2010)

John D. Gilmore, Jr.
(1921-1999)

William M. Shipp
Nancy L. Slepicka
Nathaniel A. Forman

Matthew D. Osnos
Lynn Loughlin Skerpon
Eddie L. Pounds

Lawrence N. Taub
Kate P. Pruitt

Leonard L. Lucchi
Stephanie P. Anderson

March 20, 2018

Ms. Redis C. Floyd
Clerk of the Council
County Administration Building
14741 Gov. Oden Bowie Drive
Upper Marlboro, MD 20772


Re: Case No. A-9956-C
Zoning Ordinance No. 2-2018
Amendment of Conditions

Dear Ms. Floyd:

On behalf of my client, The Revenue Authority of Prince George's County, Applicant in Case No. A-9956-C (Amendment of Conditions), I hereby accept the conditions of zoning approval as relates to Conditions 5 and 10 as set forth in Zoning Ordinance No. 2-2018 enacted on February 26, 2018 and as refenced in your Notice of Decision of March 9, 2018.

Please issue a Final Order of Approval consistent with the Notice.

Sincerely,



William M. Shipp
Attorney for Applicant

Exhibit 4

Deed Conveying Balk Hill Parcels 1 and 2 from D.R. Horton to the Revenue Authority

33973 099

THE TRANSFER DESCRIBED HEREIN
IS EXEMPT FROM TRANSFER AND
RECORDATION TAXES PURSUANT TO
ANNOTATED CODE OF MARYLAND
TAX-PROPERTY ARTICLE §12-108(a)(1)(iv) AND
§13-207(a)(1)

PRINCE GEORGE'S COUNTY
SEP 20 2012

SEP 20 2012

RECORDATION TAX PAID
TRANSFER TAX PAID

THIS DEED

Made as of the 20th day of June, 2012, by and between D.R. Horton, Inc., a
Delaware corporation, Grantor, and The Revenue Authority of Prince George's County, a body
corporate and politic, Grantee:

WITNESSETH, that in consideration of the sum of ZERO Dollars and other good and
valuable consideration, the receipt of which is hereby acknowledged, the said Grantor does grant
and convey unto the said Grantee, as Sole Owner, in fee simple, all that piece or parcel of ground
situate, lying and being in Prince George's County, State of Maryland being described as follows,
to wit:

Part of Parcel 1 and Parcel 2 as shown on the plat of subdivision entitled "Balk
Hill Village, Plat One" and as further described in Schedules A-1 and A-2 and
Schedules B and C attached hereto and incorporated by reference herein.

Parcel 1 Tax ID No. 3841756
Parcel 2 Tax ID No. 3841764

Being part of the same property described in Liber 17026 at Folio 146.

TOGETHER with the buildings and improvements thereupon, erected, made, or being;
and all and every, the rights, alleys, ways, waters, privileges, appurtenances, advantages, to the
same belonging or in anywise appertaining.

40.00
20.00
60.00
101.00
RECORDING FEE
40.00
20.00
60.00
101.00
REG. FEE
40.00
20.00
60.00
101.00
SEP 20, 2012

Clerk of the
Circuit Court
2012 SEP 20 PM 2:00
PR GEU CO IND #69

33973 100

TO HAVE and to hold the property hereby conveyed and particularly the aforesaid rent payable out of the property and the reversion thereto, unto the Grantee, its successors and assigns, forever, in fee simple.

AND the said Grantor covenants that it will warrant specially the property hereby conveyed; and that it will execute such further assurances of said land as may be requisite.

BY execution of the within Deed, the Grantor certifies under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any Mortgage or Deed of Trust outstanding, is the sum total of \$0.00.

IN WITNESS whereof, D.R. Horton, Inc., has caused this Deed to be executed on its behalf by its duly authorized Division President.

WITNESS/ATTEST:

D.R. HORTON, INC.,
a Delaware corporation



By:  (SEAL)
Name: Mark Gigangi
Title: Division President

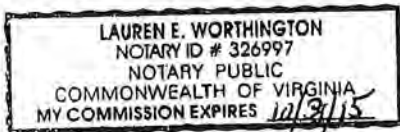
33973 101

STATE OF Virginia
COUNTY OF Fairfax

On this 20th day of June, 2012, before me, the undersigned officer, personally appeared Mark Giganti the Vice President of D.R. Horton, Inc., a Delaware corporation, and that he, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Notary Seal]



Lauren E. Worthington
Notary Public

My Commission expires 10/31/15

THIS IS TO CERTIFY that this Deed was prepared by or under the supervision of William M. Shipp, Esquire, an attorney duly admitted to practice before the Court of Appeals of Maryland.

William M. Shipp
William M. Shipp

F:\Clients\D\D. R. Horton, Inc\Other\Deed.Balk Hill.doc

AFTER RECORDING RETURN TO:
O'MALLEY, MILES, NYLEN
& GILMORE, P.A.
P.O. Box 689
Greenbelt, MD 20768

Exhibit 5

Evidence of Payment for Advertising Balk Hill RFQ in Urban Land Institute Publication

Amount: \$695.00 Sequence Number: 6692180958
 Account: 3930633612 Capture Date: 11/07/2014
 Bank Number: 05200163 Check Number: 41353

41353
7-163570 MD
41353

REVENUE AUTHORITY '12-00
OF PRINCE GEORGE'S COUNTY
 OPERATING ACCOUNT
 1300 MERCANTILE LN., STE. 108, LARGO, MD 20774
 PH. (301)772-2080 EXT 1214 FAX (301)925-8450

Bank of America
 ACH R/T 052001633

****Six Hundred Ninety Five and 00/100 Dollars****

DATE 10/30/2014 AMOUNT \$695.00

PAY TO THE ORDER OF: Urban Land Institute
 4909 Cordell Ave. 2nd Floor
 Bethesda, MD 20814

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

01 41353 052001633 003930633612

A-5365-39
 20141107
 1933049661
 357 BOS-418355

>011000138<
 CR PAYEE ACCT
 LACK END GTD
 BANK OF AMERICA

Electronic Endorsements:

Date	Sequence	Bank #	Endrs Type	TRN	RRC	Bank Name
11/07/2014	000599001070456	11000138	Rtn Loc/BOFD	Y		BANK OF AMERICA NA
11/07/2014	006692180958	111012822	Col Bank	N		BANK OF AMERICA NA

Revenue Authority of Prince Georges County
Expanded General Ledger - General Ledger Report - Year End-KJ
From 7/1/2014 Through 12/31/2014

GL Code	GL Title	Name	Document Date	Doc Num...	Description	Debit	Credit
78050	Advertising			1781494	Opening Balance	0.00	
78050	Advertising	Urban Land Insitute	10/6/2014	1781494	Misc Advertising (Balk Hill Project) ✓	695.00	
	Advertising	Urban Land Insitute	12/5/2014	1798231	Misc Advertising (Bowie State)	695.00	
	Advertising	Washington Post Media	7/16/2014	40019458...	Job Posting ad# 0011821763	450.00	
	Advertising	Washington Post Media	9/14/2014	40019705...	Adver for Donny James dates 9/14,9/2...	2,061.48	
	Advertising	Washington Post Media	10/2/2014	40019764...	Advertising for Vehicles	384.24	
	Advertising	Washington Post Media	10/16/2014	40019830...	Advertising for Vehicles	315.16	
	Advertising	Washington Post Media	10/16/2014	40019830...	Advertising for Vehicles	271.20	
	Advertising	Washington Post Media	10/23/2014	40019859...	Advertising for Vehicles	340.28	
	Advertising	Washington Post Media	10/30/2014	40019889...	Advertising For Vehicles	290.04	
	Advertising	Washington Post Media	11/6/2014	40019926...	Monthly charges and service dates 11/...	239.80	
	Advertising	Washington Post Media	11/13/2014	40019954...	Monthly charges and service dates 11/...	271.20	
	Advertising	Washington Post Media	12/4/2014	40020047...	Classified Advertising for vehicles	390.52	
	Advertising	Post Commnity Media, LLC	7/17/2014	11133460...	Speed Camera Legal	720.04	
	Advertising	Post Commnity Media, LLC	8/28/2014	11134197...	Public Notice for Woodberry Street	36.00	
	Advertising	Post Commnity Media, LLC	11/13/2014	11134239...	Pub Notice For Residential Parking	36.00	
	Advertising	Post Commnity Media, LLC	10/9/2014	11134725...	Pub Notice 10/2/14 ad# 0011347252	34.00	
	Advertising	Post Commnity Media, LLC	11/20/2014	11135423...	Pub Notice for Quigley Place	36.00	
	Advertising	Post Commnity Media, LLC	12/4/2014	11135586...	Pub notice for Briarwood Drive and Kia...	40.00	
	Advertising	Post Commnity Media, LLC	12/4/2014	11135627...	Speed Camera ad	816.05	
	Advertising	Post Commnity Media, LLC	12/4/2014	11135680...	Public Notice for Dub Drive run dates ...	38.00	
	Advertising		7/31/2014	Purchase ...	JobTarget Controller	249.00	
	Advertising		7/31/2014		Linkedin RP assistant	395.00	
Transaction Total						8,804.01	0.00
Report Opening/Current Balance						0.00	0.00
Report Transaction Totals						8,804.01	0.00
Report Current Balances						8,804.01	0.00
Report Difference						8,804.01	

MIP ADVANCE Learn more

Accounting

Accounting Setup

Basic Transactions

Accounts Payable

Accounts Receivable

Budgeting

Encumbrances

Fixed Assets

Purchasing

Sales Order Entry

Session Manager

Report Manager

Charting

+ Administration

+ Payroll

+ Requisitions

Help and Support

Vendor Information

Vendor ID:

ULI

Urban Land Institute

Vendor Transactions

Lookup From:

AACT

Document

Number
(Optional):

A/P Account

(Optional):

Date From:

7/1/2014

Date To:

12/31/2014

Display

Clear

Print

	Document Number	Document Date	Due Date	Document Description	Original Amount	Outstanding Balance				
+	1722092	7/1/2014	7/31/2014	Membership Renewal For Donny James	215.00	0.00				
-	1781494	10/6/2014	11/5/2014	Misc Advertising (Bak Hill Project)	695.00	0.00				
		Transaction Type	Session ID	Document Number	Applied Amount	Document Date	Document Description	Status	EFT Status	Payment
		+	API	SMapi10/20/14	695.00	10/6/2014	Misc Advertising (Bak Hill Project)			
		+	APS	SMasp10/23/14	695.00	10/30/2014	System Generated Check/Voucher	CL		Check
-	1798231	12/5/2014	12/4/2014	Misc Advertising (Bowie State)	695.00	0.00				
		Transaction Type	Session ID	Document Number	Applied Amount	Document Date	Document Description	Status	EFT Status	Payment Type
		+	API	SMapi12/15/14	695.00	12/5/2014	Misc Advertising (Bowie State)			
		+	APS	SMads12/17/14	695.00	12/17/2014	System Generated Check/Vouch	CL		Check

Total Selected
Transactions:

1,605.00

0.00

Close

Help

Accounts Pay...

Post Transact...

General Ledger...

Report

ULI | Vendor Bal...

For Help, press F1



Urban Land Institute

Urban Land Institute - LB Advertising
PO Box 418355
Boston, MA 02241-8355

Email: customerservice@uli.org
1-800-321-5011 or 1-410-626-7500

Customer #: 0007699970

Prince George's County Revenue Authority
1300 Mercantile Ln Ste 108
Largo, MD 20774-5330

Invoice

Invoice # : 1798231
Invoice Date: 11/04/2014

Description	Product Code	Quantity	Price	Discount	Amount
Miscellaneous Advertising	MISCADV	1	\$695.00	\$0.00	\$695.00

Notes:
ULI online marketplace
RFP Posting
Run: 90 days
Placed by: Kevin Ford
Jan/Feb
Rate: \$695

This invoice must be paid in full within 30 days of the invoice date. Questions can be directed to customerservice@uli.org or by calling +1-800-321-5011 or +1-410-626-7500.

Invoice Total	\$695.00
Taxes	\$0.00
Amount Paid	\$0.00
PLEASE PAY	\$695.00

PLEASE DETACH AND REMIT WITH YOUR PAYMENT

Customer #: 0007699970

Prince George's County Revenue Authority
1300 Mercantile Ln Ste 108
Largo, MD 20774-5330

Select Payment Method	
<input type="checkbox"/>	Check Enclosed
Card Provider _____	Exp Date ____/____
Card # _____	
Card Holder's Name _____	
Card Holder's Signature _____	

Remit Payment To: **Urban Land Institute - LB Advertising**
PO Box 418355, Boston, MA 02241-8355

Total Due: **\$695.00**

Amt Remitted : _____

Exhibit 6

Evidence of Email Communications Resulting in Posting of Balk Hill RFQ on the Revenue Authority's Website

Benjamin, Tracy M.

Subject: FW: Balk Hill Restaurant Park Development RFQ

From: Lu, Peter <plu@co.pg.md.us>
Sent: Monday, October 20, 2014 2:33 PM
To: James, Donny R. <DRJames@co.pg.md.us>
Subject: RE: Balk Hill Restaurant Park Development RFQ

It's up there

From: James, Donny R.
Sent: Monday, October 20, 2014 2:15 PM
To: Lu, Peter
Subject: RE: Balk Hill Restaurant Park Development RFQ
Importance: High

Thanks because we need to get that document up on the site as soon as possible.

Thank you very much.

From: Lu, Peter
Sent: Monday, October 20, 2014 2:06 PM
To: James, Donny R.
Subject: RE: Balk Hill Restaurant Park Development RFQ

I'll be up there shortly

From: James, Donny R.
Sent: Monday, October 20, 2014 2:05 PM
To: Lu, Peter
Subject: FW: Balk Hill Restaurant Park Development RFQ
Importance: High

Peter,

We need to get this solicitation up on the Revenue Authority's website.

I just got off the phone from Kevin Ford and he stated he provided you with the write up and all the additional information you needed.

Could you please advise if this particular RFP has been placed on the Revenue Authority's website? I have to let Peter Shapiro know because he's inquiring.

Thanks

From: Ford, Kevin M.
Sent: Friday, October 10, 2014 11:37 AM
To: James, Donny R.
Subject: Balk Hill Restaurant Park Development RFQ

Request For Qualifications

Master Developer Real Estate

RFQ #15-1-108-BH

The Revenue Authority of Prince George's County is seeking proposals from qualified firms to serve as a Master Developer for the proposed development of a restaurant park located adjacent to Woodmore Town Center. Interested firms may pick up a copy of the RFQ from the Revenue Authority of Prince George's County, at 1300 Mercantile Lane, Suite 108, Largo, Maryland 20774 or by downloading the PDF below.

Industry Briefing: November 19, 2014 (10-11:00am)

(1801 McCormick Drive, 1st Floor Conference Room, Largo, MD 20774

Proposal Closing Date: January 7, 2014

The Revenue Authority of Prince George's County reserves the right to accept any or all proposals, or to waive any informality in the proposals.

Kevin M. Ford, Jr.
Project Assistant
Revenue Authority of Prince George's County
1300 Mercantile Lane, Suite 108
Largo, MD 20774
Office: (301) 772-2060 x1008
Fax: (301) 925-9450
kmford@co.pg.md.us

Exhibit 7

Chapter 1 Section I(D) of the Revenue Authority's Procurement Procedures

REVENUE AUTHORITY FOR PRINCE GEORGE'S COUNTY

PROCUREMENT OPERATING PROCEDURES

Chapter I

I. GENERAL PROVISIONS

(A) Authority to Adopt

The Contracting Officer has authority under the Statement of Procurement Policy adopted by the Authority on August 2, 1999, to issue operating procedures to implement the Procurement Policy.

(B) Purpose and Policies

The underlying purposes and policies of these Operating Procedures are to:

1. Provide for the fair and equitable treatment of all persons or firms involved in the Authority's various procurement activities;
2. Assure that supplies and services are procured efficiently, effectively, and at the most favorable prices available to the Authority;
3. Promote competition in contracting; and
4. Provide safeguards for maintaining the integrity of the procurement system.

(C) Effect of Contracts in Contravention of Operating Procedures

1. The Authority may not enter into, modify or suspend a contract except in accordance with the provisions of these Operating Procedures.
2. The Authority shall not be bound by any contract entered into in contravention of these Operating Procedures unless the Contracting Officer determines that:
 - a. All parties have acted in good faith; and
 - b. Ratification would not undermine the purposes and policies under Paragraph B of this Chapter I; and
 - c. The violation was insignificant or otherwise not

substantive in nature.

(D) Applicability

These Operating Procedures apply to all contracts for the procurement of supplies and services entered into by the Authority after the date these Operating Procedures are approved by the Authority. These Operating Procedures shall apply to every expenditure of funds by the Authority for public purchasing, irrespective of the source of funds, including contracts which do not involve an obligation of funds (such as concession contracts); however, nothing in these Operating Procedures shall prevent the Authority from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with the law.

(E) Definitions

Contract means all written types of agreements, grants and orders for the purchase, lease or disposal of supplies, services, construction insurance or any other item, including any written modification of, or supplement to, a contract.

Contractor means any business or person having a written contract with the Authority.

Contracting Officer refers to the person to whom the Authority delegates, by resolution, procurement authority for the Authority and when used herein, shall also refer to his or her designee.

County means Prince George's County, Maryland.

Days refers to calendar days, unless otherwise specified.

Invitation for Bids refers to all documents whether attached or incorporated by reference, utilized for soliciting bids in accordance with Chapter VIII of these Operating Procedures.

Minority Business Enterprise (MBE) means any business enterprise (1) which is a least fifty-one percent (51%) owned by one or more minority individuals; or in the case of any publicly-owned corporation, at least fifty-one percent (51%) of the stock of which is owned by one or more minority individuals, and (2) whose general management and daily business affairs and essential productive operation are controlled by one or more minority individuals, and (3) which has been certified by the Minority Business Opportunities Commission as a Minority Business Enterprise.

Minority Business Opportunities Commission (MBOC) means the Commission established under Section 2-450 of the County Code.

Minority Individuals are those who have been subjected to prejudice or cultural bias because of their identity as a member of a group in terms of race, color, ethnic origin, or gender, without regard to their individual capabilities. Minority individuals are limited to members of the following groups: African Americans (Black Americans), Asian Americans, Hispanic Americans, and Females.

Procurement includes contracts for services, as well as the purchase, lease or rental of supplies and equipment.

Request for Proposals refers to all documents, whether attached or incorporated by reference, utilized for soliciting proposals in accordance with Chapter IX of these Operating Procedures.

Specification means a clear and accurate description of the functional characteristics, or the nature of a supply, service, or construction item to be procured. It may include a statement of any of the user's requirements and may provide for inspection, testing or preparation of a supply, service or construction item before procurement.

(F) Public Access to Procurement Information

Procurement information shall be a matter of public record to the extent provided for in Title 10, Part III, of the Annotated Code of Maryland and shall be available to the public as provided in that statute, except that information which is submitted under confidentiality during the course of procurement.



THE PRINCE GEORGE'S COUNTY GOVERNMENT OFFICE OF LAW

February 10, 2020

Samuel H. Dean
Vice President
Lake Arbor Civic Association
12138 Central Avenue, Suite 305
Mitchellville, Maryland 20721-1932

RE: Balk Hill Property Development

Dear Mr. Dean:

The Board of Directors (the "Board") of the Revenue Authority of Prince George's County (the "Revenue Authority") has requested that the Office of Law address the concerns of the Lake Arbor Civic Association (the "Association") regarding development of the Balk Hill Property (the "Property"). Those concerns were shared in your letter dated December 2, 2019 to Board Chairman Calvin Brown (the "Letter") and during the December 17, 2019 meeting of the Board (the "Board Meeting"). The following addresses each of those concerns as we understand them.

Condition 10 of Zoning Ordinance No. 16-2002

In the Letter and at the Board Meeting, the Association communicated its belief that "the proposed disposition of the land violates the Condition 10 requirement and that the Revenue Authority's [sic] abdicated its role to serve as the repository for the land until the referenced Advisory Planning Committee and D.R. Horton, the developer, met to determine the type of development, use, and disposition of the 20-acre employment parcel." For the following reasons, the Office of Law respectfully disagrees that disposition of the Balk Hill property violates Condition 10 and the Revenue Authority abdicated its role as repository for the land.

The Letter cites Condition 10 of Zoning Ordinance No. 16-2002 (the "ZMA") as stating:

An Advisory Planning Committee, consisting of the Applicant and representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations, shall be established to advise the Revenue Authority, a community development corporation, or another nonprofit entity about the development, use, and disposition of the 20-acre employment parcel.

However, Condition 10 no longer contains the foregoing language as an application for its amendment was submitted and approved. Specifically, the Revenue Authority entered a contract with Petrie Richardson Ventures, LLC ("Purchaser") for the sale of the Balk Hill

1301 McCormick Drive, Suite 4100, Largo, Maryland 20774
(301) 952-5225 FAX (301) 952-3071

Property, which sale is conditioned upon Purchaser obtaining certain zoning approvals. At the request of the Purchaser and as a condition to consummation of the sale, in April 2017 the Revenue Authority applied for an amendment of Condition 10 requesting that it read as follows:

Prior to acceptance of a detailed site plan for development of the 20 acre parcel (Parcels 1 and 2), the Applicant shall provide written confirmation that it has held a community meeting with stakeholders which shall include an invitation to at least representatives from St. Joseph's Parish and the Lake Arbor, Fox Lake, Largo, and Kettering Civic Associations.¹

After hearings before the Zoning Hearing Examiner and arguments before the District Council, on April 11, 2018 the District Council issued its Notice of Final Decision Approving the Request to Amend Zoning Conditions of ZMA A-9956 (the "Notice"). (Ex. 1).² Rather than amending Condition 10 as requested by the Revenue Authority, the Notice provided that the District Council amended Condition 10 to read as follows:

Prior to the acceptance of a detailed site plan for development of the 20 acres (Parcels 1 and 2), the Applicant shall provide written confirmation that it has held a community meeting with stakeholders which shall include an invitation to at least representatives from St. Joseph's Parish and Balk Hill Home Owners Association.

The amendment required Balk Hill Ventures, LLC (the "Developer"), as the applicant of the detailed site plan for the Property, to hold meetings with stake holders and provide written confirmation of doing so. While the Notice imposed no obligations on the Revenue Authority, the Revenue Authority has encouraged the Developer to make every effort to meet with and take under advisement the concerns and requests of not only St. Joseph's Parish and Balk Hill Home Owners Association, but also the other civic associations that were identified in the revision to Condition 10 submitted by the Revenue Authority but removed from Condition 10 by the District Council. Email threads evidencing that the Developer sent the requisite invitations and held meetings to comply with Condition 10 are attached. (Ex. 2). Accordingly, it is the opinion of the Office of Law that Condition 10, as revised by the District Council, has been met.

Legal Authority to Bind the Revenue Authority

The Association inquired as to whether Attorney William M. Shipp has legal authority to represent and bind the Revenue Authority contractually. Attorney Shipp has authority to represent the Revenue Authority in zoning matters by virtue of a contractual agreement signed by the Executive Director of the Revenue Authority and Attorney Shipp. However, Attorney Shipp does not have authority to bind the Revenue Authority contractually. To our knowledge, he has made no attempts to do so.

In support of your suggestion that Attorney Shipp bound the Revenue Authority without

¹ Parcels 1 and 2 comprise the subject Balk Hill Property, which is currently owned by the Revenue Authority.

² Section 5 of the Notice contains the entire procedural history of entitlement approvals for the Balk Hill property.

authorization, you quoted Attorney Shipp's written communication to the District Council that "on behalf of my client, the Revenue Authority of Prince George's County, Applicant in Case No. A-9956-C (Amendment of Conditions), I hereby accept the conditions of the zoning approval as relates to Condition 5 and 10 as set forth in Zoning Ordinance No. 2-2018 enacted on February 26, 2018 and as referenced in your Notice of Decision of March 9, 2018." (Ex. 3). This statement of acceptance on the Revenue Authority's behalf does not bind the Revenue Authority contractually. Rather, pursuant to County Code § 27-157(b)(5), it is a requisite to the District Council's approval of a zoning amendment. As zoning counsel to the Revenue Authority, Attorney Shipp appropriately accepted the Conditions on the Revenue Authority's behalf.

The Letter also inquired as to whether Attorney Shipp has "legal authority to execute a deed for the Revenue Authority in the transfer of the 20 acres for the zero sum payment." Attorney Shipp has no authority to execute deeds on the Revenue Authority's behalf. Moreover, the deed to transfer the Property to the Developer will not be executed until and unless all contingencies identified in the Purchase and Sale Agreement between the Revenue Authority and the Developer have been met, which conditions include the grant of all entitlements sought by the Developer. To the extent the Association's inquiry arises from execution of the deed that transferred the Property from D.R. Horton to the Revenue Authority, that deed was signed by an officer of D.R. Horton as the grantor. (Ex. 4). Attorney Shipp's signature appears on that deed as the attorney under whose supervision the deed was prepared on behalf of D.R. Horton. *Id.* Such signature is legally permissive and a common practice of Maryland attorneys and their clients.

Balk Hill Restaurant Park Development Request for Qualifications

At the Meeting, LaRay Benton alleged that the Revenue Authority gave no public notice of its Balk Hill Restaurant Park Development Request for Qualifications (the "RFQ"). Public notice of the RFQ was in fact given. The RFQ was advertised in Urban Land Institute, a flagship real estate development publication for 90 days between the months of October 2014 and January 2015. Evidence of payment for this publication is attached. (Ex. 5). The RFQ was also posted publicly on the Revenue Authority's website on October 20, 2014. Evidence of the email communications resulting in said posting is also attached. (Ex. 6). As the RFQ will not result in the expenditure of Revenue Authority funds and solicited a real estate developer rather than supplies or services, it was not subject to the public notice procedures set forth in Chapter 1 Section I(D) of the Revenue Authority's Procurement Procedures, which is also attached hereto. (Ex. 7). Nevertheless, giving such public notice is consistent with said Procurement Procedures and, particularly with respect to the ad placed in Urban Land Institute, designed to attract developers nationwide.

Also with respect to the RFQ, Mr. LaRay Benton stated at the Board Meeting that the Developer was not the sole person/entity that responded to the RFQ because he himself also submitted a response. Unfortunately, the Revenue Authority has no record of receiving any responses other than that of the Developer. As Mr. Benton did not share with the Board the date he submitted his response, how it was submitted, who received it or whether there was any

acknowledgment thereto, the Office of Law has insufficient information to verify its submittal.

Proposed Development of the Balk Hill Property

Finally, the Association shared that it was previously informed, and expected, that development of the Property would include a ChikFila fast food restaurant, Aldi grocery store and a performing arts center. The Revenue Authority was not made aware of such information and, since it will not develop the Property itself, is unable to resolve this issue on the Association's behalf.

In conclusion, we hope the foregoing responses adequately address the issues raised by the Association. The Revenue Authority will continue to encourage the Developer to be inclusive and transparent in its development of the Property and to make the best interest of the community a priority in its decision making. Per your request, a copy of the Purchase and Sale Agreement between the Revenue Authority and the Developer is attached. (Ex. 8).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tracy M. Benjamin", with a long horizontal line extending to the right.

Tracy M. Benjamin
Principal Associate County Attorney

cc: Calvin Brown
Peter A. Shapiro
Rhonda L. Weaver