

Case No.: CSP-03001-01
Balk Hill Centre

Applicant: Balk Hill Ventures

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

ORDER OF APPROVAL WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that application Conceptual Site Plan 03001-01 (CSP-03001-01), an amendment to the previously approved conceptual site plan 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, be and the same is hereby conditionally APPROVED.

A. Board's Resolution

On June 20, 2019, Planning Board approved the application, to amend previously approved Conceptual Site Plan for the subject property, by adoption of Resolution No. 19-71 (PGCPB No. 19-71). The Board's decision was served on all persons of record on June 25, 2019. Notification of Board's Action, 6/25/2019.

B. Appeal

Most Reverend Roy E. Campbell, Jr., Auxiliary Bishop of St. Joseph's Church, filed an appeal of the Board's decision on July 19, 2019. The appeal was served upon all persons of record by Christopher M. Anzidei, Esquire, Deputy General Counsel, Archdiocese of Washington. Appeal, 7/19/2019. The appeal is timely and authorized by law. Most Reverend Roy E. Campbell, Jr., Auxiliary Bishop of Washington, Bishop of Saint Joseph Catholic Church, 2020 St. Joseph's Drive, Largo, MD, 20774, was a person of record before the Planning Board. Persons of Record List, 6/20/2019. St. Joseph's Church is directly across St. Joseph's Drive from Parcels 1 and 2 of

the property that is the subject of this application. Applicant's Response to Appeal, 9/19/2019, Md. Code, Ann., Land Use Article, § 25-212 (2012, 2018 Supp.) (A person may make a request for the review of a decision of the Planning Board if the person is aggrieved and appeared at the hearing before the Planning Board in person, by an attorney, or in writing). PGCC § 27-280(a) (within 30 days of the Board's decision in a conceptual site plan, the decision may be appealed to the District Council upon petition by any person of record). An adjoining, confronting or nearby property owner is deemed, *prima facie*, to be specially damaged and, therefore, a person aggrieved. *Bryniarski v. Montgomery County Board of Appeals*, 247 Md. 137, 145, 230 A.2d 289, 294 (1967). The County Code defines adjoining as abutting, touching and sharing a common point or line. PGCC § 27-107.01(a)(1). Adjacent is defined as nearby, but not necessarily "abutting," "adjoining," or "contiguous." PGCC § 27-107.01(a)(4).

St. Joseph's Church does not oppose the proposed development in CSP-03001-01. Instead, St. Joseph's Church requests a condition requiring an inter-parcel connection between the proposed development and an adjacent development recently approved in Detailed Site Plan (DSP) 18024 (Woodmore Overlook Commercial). In Woodmore Overlook, Planning Board approved that application subject to, in part, Condition 1.g., which stated:

Revise the site plan to show a bicycle and pedestrian access between Parcels 1 and 3 as constructed to the western property line with no retaining wall at the end, *if determined to be feasible in conjunction with adjacent property owner*. PGCPB No. 19-72, p. 28 (Emphasis added).

Woodmore Overlook appealed Condition 1.g. to the District Council on grounds that it was not feasible to comply with Condition 1.g. Woodmore's Appeal, 7/19/2019. The District Council agreed that it was not feasible for the applicant to comply with Condition 1.g. because, after review of the record from Planning Board, both property owners had *already* made the determination that the connection was not feasible. Notice of Final Decision (DSP-18024), 9/24/2019, (5/30/2019,

Tr.), (9/9/2019, Tr.).

Because the record supports that an inter-parcel connection is not feasible, St. Joseph's request is denied.

CSP-03001-01 and Type 1 Tree Conservation Plan TCP1-019-03-02, are approved 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 65,000 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 to 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.

Ordered this 15th day of October, 2019, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Member Franklin.

Vote: 10-0.

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: _____
Todd M. Turner, Chair

ATTEST:

Donna J. Brown
Acting Clerk of the Council