

Case No. SP-04067

Applicant: D.R. Horton, Inc.

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

ORDER AFFIRMING PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 05-202 (A), approving with conditions a detailed site plan, No. SP-04067, showing 192 single-family residences, detached and attached, and 19,800 square feet of commercial retail and office space on property known as Balk Hill, described as 125.4 acres of land in the M-X-T Zone, located 2,500 feet northwest of the intersection of Campus Way North and Lottsford Road, Mitchellville, is hereby:

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

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

1. 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.
 - 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.
2. Side and rear architectural elevations shall be provided for the retail buildings. The retail buildings shall be 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.
 4. Prior to approval 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.
 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.
 6. At least 80 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.
 7. No two identical facades may be located next to or across from one another.

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.
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.
10. Prior to certificate approval of DSP-04067, TCPII/82/05 shall be revised as follows:
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. Provide the Reforestation Inspection and Planting Narrative and 5-Year Management Plan for Re/Afforestation information.

17. Provide the profiles on the plan for each retaining wall.
18. Replace the Edge Management notes on sheet 15 with the notes currently in use.
19. 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.
20. After these revisions have been made to the plan, the qualified professional who prepared the plan shall sign and date it.
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.
22. 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.
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.
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.
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.
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.

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."

Ordered this 18th day of July, 2006, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Exum, Harrington, Hendershot and Peters

Opposed: Council Member Dean

Abstained:

Absent: Council Member Knotts

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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council