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File No. DSP-04067/03

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

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-I-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 TCPH-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 TCPH-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-I, 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 24-128Ib)(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, TCPII/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, TCPH/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 TCPII. 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 TCPII 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 (TCPIL-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 TCPII 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 TCPII 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 TCPII.
- 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.

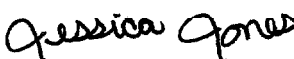
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner 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-NCPD Legal Department
Date 5/21/13