

A M E N D E D   R E S O L U T I O N

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

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

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

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

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

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

\*Denotes Amendment

Underlining indicates new language

[Brackets} indicate deleted language

2. **Development Data Summary**

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

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

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

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

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

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

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

#### **Required Findings in the M-X-T Zone**

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

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

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

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

**and incentive to the developer to achieve excellence in physical, social, and economic planning.**

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

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

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

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

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

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

are as follows:

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

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

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

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

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

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

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

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

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

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

The Detailed Site Plan “meets the above requirement by providing for a development with a mixture of residential units, commercial retail and office, and an open space system that is

interconnected with a grid street pattern. The village development pattern creates dynamic, functional relationships among individual uses within a distinctive visual character and identity. The applicant proposes to provide a high-quality development of continuing quality and stability.”

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

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

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

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

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

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

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

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

15. The Detailed Site Plan is in conformance with signage regulations of Part 12 of the Zoning Ordinance. Gateway entrance signage is provided at the entrance to the subdivision consisting of a low brick wall, brick columns and wrought iron fence. Metal letters will be mounted to a recessed brick panel on the corner brick columns indicating the initials RP for Regency Park. Signage for the retail will be located above doorways of individual tenants as shown on the architectural elevations. The applicant should indicate the type, size and style of lettering to be provided on the architectural elevations.

16. **Zoning Map Amendment A-9956-C:** The Conceptual Site Plan is in general conformance to Zoning Map Amendment A-9956-C. The following conditions warrant discussion:

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

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

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

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

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

The community building is to be located on the second floor of one of the three retail buildings located at the traffic circle on Saint Joseph's Drive and consist of approximately 3,300 square feet of space. The space has been designed to accommodate theatrical productions with the provision of a collapsible stage with approximately 48 moveable seats, suitable for theatrical productions. The facility will also have the ability

to be used for other functions when it is not in use for theatrical productions. The facility will also include a warming kitchen, large screen television, internet connections, room dividers and a storage area.

17. **Conceptual Site Plan, CSP-03001:** The Detailed Site Plan is in general conformance to the Conceptual Site Plan. For information regarding transportation issues, see Finding 19 below. For information regarding environmental issues, see Finding 20 below.
18. **Preliminary Plan, 4-03094:** The Detailed Site Plan is in general conformance with the Preliminary Plan. The following conditions warrant discussion:

6. **At the appropriate state of development, the applicant, his heirs, successors, and/or assignees shall provide the following:**
  - c. **Provide standard sidewalks along both sides of all other internal roads, per the concurrence with DPW&T.**

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

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

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

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

See Finding 21 below for information regarding this condition.

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

As mentioned above, the community building is to be located on the second floor of one of the three retail buildings located at the traffic circle on Saint Joseph's Drive and consist of approximately 3,300 square feet of space. The retail/office buildings are designed to have pedestrian connections between the buildings to be able to access the parking to the rear of the



buildings. The pedestrian connections will also serve as access to the retail space from the future office development on Parcels 1 and 2.

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

See discussion under Finding 16 above.

#### **Referrals**

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

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

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

A-9956:

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

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

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

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

Condition 5: Caps development of the property. The development proposed under this site plan

is estimated to generate 158 AM and 188 PM peak-hour vehicle trips. This is well within the overall trip cap indicated by this condition.

CSP-03001:

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

4-03094:

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

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

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

Access and circulation within the area of plan is acceptable.

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

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

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

\*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

## **Background**

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

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

## **Site Description**

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

## **Summary Of Prior Environmental Conditions Of Approval**

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

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

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

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

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

There are a total of 69 specimen trees that have been located at the overall site. There is a note on sheet 1 below the Significant Tree Table that states: "□ Indicates specimen trees that are currently being saved, and whose final disposition will be determined during a future phase of development." The square symbol in front of the note is in the table beside the applicable trees. Thirty-four specimen trees have this symbol beside them in the table. This note on the plan does not sufficiently address this condition because specific details, including a narrative about the proposed specimen tree treatments has not been provided. Remove this note below the table on sheet 1 and show the future disposition of all trees in the table as either removed or saved. Replace the third sentence in the note on sheet 15 to address Condition #8 so the third sentence reads: "All specimen trees 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." Sheet 15 has a root pruning detail; however, none of the specimen trees have been shown in the table or on the plan as having this treatment used as a preservation measure. The TCPII must graphically show each specimen tree within 100 feet of the limits of disturbance (LOD) and each tree's critical root zone in relation to the LOD and provide the critical root zone detail on the plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Environmental Review**

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

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

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

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

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

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

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

The standard TCPII notes need several revisions. Standard note #5 has an extra phrase at the end

that should be removed. Optional note #6 is incorrectly shown as #5 and should be renumbered accordingly. Below Optional note #6 is a phrase that should be removed from the plan. Optional note #7 has a phrase at the end of it that is not part of the language in this note. Revise optional note #7 to contain the correct language.

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

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

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

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

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

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

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

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

- a. In the worksheet provide an additional 0.01 acres of woodland conservation to eliminate a shortage in the site's requirement. Adjust the gross acreage in the worksheet for this portion of the development. Show the accurate acreage in the worksheet for this phase of the development. Use a phased worksheet because the site will be developed in more than one phase.

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

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

- c. The current TCPII shows the 65-dBA (Ldn) noise contour in relation to Campus Way



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

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

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

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

The reconnaissance study divided the subject parcel into five areas, A through E. Ruins and remains of agricultural outbuildings, most dating to the 20<sup>th</sup> century, were identified in the walkover of the property. Area A included main historic house complex, including the L-shaped foundation of the main residence, with bricks dating the structure to the early- to mid-19<sup>th</sup> century. Remains of two 22<sup>th</sup>-century structures were identified in Area B, and disturbed remains of three 20<sup>th</sup>-century structures were found in Area D. There were no structural remains in Areas C or E.

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

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

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

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

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[Brackets] indicate deleted language

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Comment:** Based on the Transportation Planning Section's comments above, it is clear that the

required transportation improvements relate harmoniously to the design of the residential and commercial components shown on the plan and therefore fulfill the remand order in this respect.

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

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

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

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

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

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

Source: Prince George's County Public Schools

The 192 single-family dwelling units will produce 46 elementary school students, 12 middle school students and 23 high school students. The Prince George's County Public Schools make the final assignment for specific schools. The Lake Arbor Elementary School has 835 students in the 2005-2006 school year and operates at 107% of capacity. If the 46 students generated by Balk Hill were to be assigned to that school it would operate at 113% of capacity. The 12 middle school students would attend Ernest Just Middle School, which has an expected enrollment of 1,111 in 2006, 112% of capacity. The 12 additional students would result in the school operating at 113% of capacity. Flowers High school is operating at 115% of capacity in 2006 and the 23 students generated by the Balk Hill development would change the operating capacity to 121%.

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

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

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

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

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

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

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

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

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

- 21. As required by Section 27-258(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.**

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NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP11/82/05) and further \*[APPROVED Detailed Site Plan, Balk Hill for the above-described land, subject to the following conditions:] REAPPROVED the Detailed Site Plan DSP-04067 in accordance with the Order of Remand subject to the following conditions:

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

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



Use a phased worksheet because the site will be developed in more than one phase.

11. Put the pattern on sheet 13 for the future access road behind Lot 24 of Block O, and add it to the legend on sheets 13 and 14 with a corresponding symbol.
12. Standard note #5 has an extra phrase at the end that should be removed. Optional note #6 is incorrectly shown as #5 and should be renumbered accordingly. Below Optional note #6 is a phrase to a sentence that should be removed. Optional note #7 has a phrase at the end of it that is not part of the language in this note. Revise optional note #7 to contain the correct language.
13. On sheet 14 regarding Preservation Area A, indicate the amount of acreage in this woodland conservation area to the closest one-hundredth of an acre.
14. Reflect on the plan and the table the actual disposition of Specimen tree #200 shown on sheet 11 as being saved with a specimen tree sign symbol on the plan; however, in the table the tree is shown to be removed. Show the disposition of Specimen tree #226 so that the two points of reference do not conflict. Remove the specimen tree sign symbol from the plan in relation to specimen tree #261.
15. Provide the Reforestation Inspection and Planting Narrative and 5-Year Management Plan for Re/Afforestation information.
16. Provide the profiles on the plan for each retaining wall.
17. Replace the Edge Management notes on sheet 15 with the notes currently in use.
18. Add the following note to the TCPII: The reforestation and associated fencing shall be installed prior to the issuance of building permits for Lots 16-20 of Block O. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area and the associated fencing in relation to each lot (Lots 16-20 of Block O), with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
19. After these revisions have been made to the plan, have the qualified professional who prepared the plan sign and date it.
20. The reforestation and associated fencing shall be installed prior to the issuance of building permits for Lots 16-20 of Block O. A certification prepared by a qualified professional may be used to provide verification that the reforestation has been completed. It must include, at a minimum, photos of the reforestation area and the associated fencing in relation to each lot (Lots 16-20 of Block O), with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
21. Prior to certificate approval of DSP-04067, TCPII/82/05 shall be revised to locate the unmitigated 65-dBA (Ldn) noise contour on sheet 12 in relation to Campus Way North.

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

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

\* \* \* \* \*

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

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

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:RG:bjs