

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 11, 2002, regarding Specific Design Plan SDP-8716/02 for Boniwood, Section 6, the Planning Board finds:

1. The Boniwood Subdivision is located on the south side of Thrift Road at Boniwood Turn. Section Six is located on the east side of Boniwood Turn East. Section Six is approximately 18.5 acres of land developed with 126 single-family attached (townhouse) homes. The original Comprehensive Design Plan CDP-8306 set the requirements for the construction of recreational facilities for the Boniwood Development (Sections One-Six). Mandatory dedication of park land was fulfilled by dedication of 104 $\frac{1}{2}$ acres of land to The Maryland-National Capital Park and Planning Commission. A Recreational Facilities Agreement (RFA) addressing provision of private recreational facilities for Sections Five and Six, dated October 11, 1988, was recorded in liber 7139, folio 161.
2. The applicant is requesting this revision because the Boniwood Homeowners Association (HOA) requested the developer not to build the final phase of the recreational facilities. The HOA is opposed to the development of additional recreational facilities and prefers that the applicant provide the cost of construction of the facilities to the HOA so that these funds could be used to repair and maintain the existing facilities within the Boniwood development.
3. In a letter dated December 21, 2001, Douglas Harris, President of Oaklawn Builders, Inc., to The Maryland-National Capital Park and Planning Commission, the applicant requested the following changes:

■At the request of the Boniwood Homeowners Association, we hereby propose to eliminate the following recreational facilities:

- One Tot Lot
- One Picnic Area
- One Open Play Area
- One Pre-teen Lot
- One Bridge

■All landscaping and associated paths on the eastside of the flood plain in section 6 (Please see the mark up on the enclosed plan.)

■Our proposal is to give the Boniwood Homeowners Association cash-in-lieu of building these facilities•

In a letter dated February 8, 2002, Douglas Harris, President of Oaklawn Builders, Inc., to Susan Lareuse, The Maryland-National Capital Park and Planning Commission, the applicant further defined the request as follows:

■As per your request, the following figures represent the savings to Oaklawn Builders Inc., by eliminating the following facilities in Boniwood Subdivision:

- One Tot Lot
- One Picnic Area
- One Open Play Area
- One Pre-teen Lot

■Which Totals \$30,887.00 (see proposal from Sports Systems)

■One Bridge	\$5,900.00
■One Bike path.	\$1,500.00
■All Landscaping	\$2,200.00
■Total Amount Being:	\$40,487.00"

4. In letter dated March 13, 2002, Lonnie Stilley, President of the Boniwood Homeowners Association, Inc., to Susan Lareuse, provided the following information for the record:

■Based on the letter from Oaklawn Builders stating the costs for building the proposed Recreation Area in Section Six, Boniwood Homeowners Association, Inc., is most agreeable in receiving the funds in lieu of building the Recreation Area. A vote was taken at our annual meeting and the homeowners of Boniwood are all in agreement with this decision. The funds can be used to make much needed improvements in common areas already in existence. We are most appreciative of your cooperation and consideration in this matter.•

Comment: The staff supports the applicant's request to delete the recreational facilities within Section Six. The HOA has stated they are concerned about the location of the facilities within an isolated wooded area for safety reasons. There is no other reasonable location on site to relocate the facilities. The currently developed recreational facilities are sufficient in quantity to serve the residents of the Boniwood Subdivision.

The HOA also submitted evidence of the needed repairs to the existing recreational facilities. Photographs submitted to the staff indicate poor drainage conditions, loss of surfacing, needed repairs to some of the facilities, and replacement of other facilities. The HOA has indicated that they will use the funds to repair, replace, and solve drainage issues.

5. It is appropriate for the Planning Board to adopt a condition that requires the applicant to revise the RFA in order to delete the recreational facilities in Section Six of Boniwood. The Maryland-National Capital Park and Planning Commission holds a surety bond on the recreational facilities which was submitted to the Department of Parks and Recreation in October 1995 in the amount of \$107,330.00. This surety bond is the financial guarantee that the recreational facilities will be built. Before the bond can be released, the RFA must be revised. Therefore, the staff recommends that the Planning Board adopt a condition that the RFA be amended prior to release of the bond. In addition, the funds should be transferred to the HOA prior to release of the surety bond.
6. This revision to the Specific Design Plan (SDP) will have no impact on the original finding of conformance to the Comprehensive Design Plan.
7. This revision to the Specific Design Plan will have no impact on the previous finding of the original SDP that it will be adequately served within a reasonable period of time with existing programmed public facilities, either shown in the Comprehensive Design Plan or provided as part of the development.
8. This revision to the SDP will have no impact on landscaping for the remaining subject property, which is in conformance with the requirements of the *Landscape Manual*.
9. This revision to the SDP will have no impact on the previous finding that the Specific Design Plan will have no impact on provisions for draining surface water to prevent adverse effects on the subject property or any adjacent property.

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 Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to the release of the surety bond (No. 935160), the applicant shall:
 - a. Submit evidence in the form of a notarized letter from the Boniwood Homeowners Association, Inc., stating that they have received the amount of \$40,487.00.
 - b. Amend the Recreational Facilities Agreement.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court 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 Eley, seconded by Commissioner Scott, with Commissioners Eley, Scott, Lowe, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 4, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of April 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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