

RESOLUTION

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 December 4, 2008, regarding Specific Design Plan SDP-0609 for Balmoral, Phase 2, the Planning Board finds:

1. **Request:** The subject specific design plan is for approval of 160 single-family detached houses in the second phase of the Balmoral Subdivision.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-S	R-S
Use(s)	Vacant	Single-family detached
Acreage	194.77	194.77
Lots	163	160
Parcels	21	21

ARCHITECTURAL MODEL DATA

Single-Family Detached Models

Model	Base Finished Square Footage
Bethany	2,837 (two-car garage)
Belle Aire	2,735 (two-car garage)
Doral	3,496 (two-car garage)
Eagleton	3,204 (two-car garage)
Hawthorne II	3,319 (two-car garage)
Keystone	3,276 (two-car garage)
Montana	2,595 (two-car garage)
Nottingham II	2,936 (two-car garage)
Potomac II	4,160 (two-car garage)
Raleigh II	2,994 (two-car garage)
Westmoreland	2,949 (two-car garage)
Williamsburg II	4,078 (two-car garage)

Lot Size

Square footage	Number of Lots	Percentage
5,000–9,999	131	82%
10,000–12,000	13	8%
12,001–15,000	12	8%
Larger than 15,000	4	3%
Total:	160	100%

3. **Location:** The site is located on the west side of US 301, approximately 900 feet south of its intersection with Village Lane, in Planning Area 79 and Council District 6.
4. **Surrounding Uses:** The property is bounded to the north by R-S-zoned land (known as the Beech Tree development) currently under construction; to the west by vacant R-E-zoned property; to the south by vacant R-A- and R-80-zoned land; and to the east by the right-of-way of US 301.
5. **Previous Approvals:** The site has been the subject of several previous approvals. On June 10, 2002, the Prince George’s County District Council approved Zoning Map Amendment A-9952 and the accompanying basic plan for the subject site (Zoning Ordinance No. 8-2002) for approximately 210.79 acres of land known as the Buck Property with 37 conditions, specific land use types, and quantities applicable to the R-S Zone. On April 26, 2004, the District Council approved Comprehensive Design Plan CDP-0302 for the Buck Property, consisting of approximately 210.79 gross acres and proposed to be developed with 357 single-family dwelling units. On January 29, 2004, the Planning Board approved Preliminary Plan of Subdivision 4-03100 (PGCPB No. 04-21) with 27 conditions. On July 28, 2005, the Planning Board approved the specific design plan for the first phase of Balmoral for 114 single-family detached houses with 12 conditions. The site has an approved Stormwater Management Concept Plan 33050-2006-01, which is valid through 2011.
6. **Design Features:** The 160 single-family detached dwelling units are the second phase of the Balmoral development. The site will be accessed through the main entrance off US 301 as approved and constructed pursuant to SDP-0413. A secondary access has been shown to connect to Presidential Golf Drive of the Beech Tree development to the north of the subject site. The proposed single-family detached houses are located in four separate clusters along both sides of two internal streets extending and branching out of the existing streets constructed in Phase I of Balmoral development. At the time of Phase I approval, a clubhouse with meeting rooms, fitness equipment and pool, entry features, and a variety of recreational facilities were approved by the Planning Board. The subject application includes only the siting of 160 single-family detached houses and the associated grading and landscaping. In addition, there are six stormwater management ponds contained in this application. The size of the proposed 160 lots varies from 6,255 square feet to 19,517 square feet.

Twelve architectural models have been provided with this SDP. The total base finished area of the models is between 2,595 and 4,160 square feet. The base finished area of the models in Phase I varies between 3,668 and 7,943 square feet. If the applicant wishes the models approved in Phase 2 to be used in Phase I or vice versa, an administrative revision will be required to authorize this. The models are of the traditional style of single-family detached houses that are popular in the Washington Metropolitan area. The twelve models all have two above-grade stories and all have a two-car garage as a standard feature. Building materials for the architecture include a combination of brick, stone, vinyl siding, asphalt shingles and standing-seam metal roofs, and a variety of styles and roof pitches. Since this is the second phase of the development, the main entrance along with the entrance feature along US 301 has been constructed in accordance with the approved Specific Design Plan SDP-0413. There is no signage included in this application.

7. **Recreational Facilities:** At the time of the approvals of Comprehensive Design Plan CDP-0302 and Preliminary Plan of Subdivision 4-03100, the applicant agreed to dedicate approximately 32 acres of parkland, construct a ten-foot-wide hiker/biker trail and equestrian trails along the Collington Branch, trail connectors to the neighborhoods, and to construct private recreational facilities on the site to fulfill requirements for land dedication and recreational facilities. Along with the CDP-0302 approval, a complete on-site recreational list was approved with specific completion deadlines prior to issuance of certain numbers of building permits, as follows:

Facility Location	Completion of Construction	
2 Picnic Areas	Community Building	Prior to release of 150th BP
1 Open Play Area	US 301 Buffer	Prior to release of 25th BP
4 Sitting Areas	1 @ Community Building	Prior to release of 150th BP
	1 @ US 301 Buffer	Prior to release of 25th BP
	1 @ Neighborhood "F"	Prior to release of 300th BP
	1 @ Neighborhood "D"	Prior to release of 300th BP
1 Tot Lot	Neighborhood "D"	Prior to release of 300th BP
1 Multiage Play Area	Community Building	Prior to release of 150th BP
Private Trails		In phase with development
Community Building (with meeting rooms and fitness equipment)		Prior to release of 150th BP

The above recreational facilities were reviewed and approved at the time of SDP-0413. According to the estimates provided by the applicant, total cost for provision of the above recreational facilities is estimated at approximately 2.2 million dollars. According to the current formula for calculating the dollar amount of the on-site recreational facilities, for the proposed development a total of \$280,000 worth of on-site recreational facilities is required. This development exceeds the on-site recreational facility obligation.

With the approval of the subject SDP, the total number of dwelling units for Balmoral will be 274, which are 26 units short of the 300 units authorized in the CDP-0302 approval. Since the above completion dates of the sitting areas in Neighborhoods D and F are conditioned at the issuance of the 300th building permit, the completion dates should be changed to the issuance of the 274th building permit. A condition has been proposed in the recommendation section to reflect the change of the total number of dwelling units for the Balmoral development.

8. **Zoning Ordinance No. 8-2002:** The District Council approved Zoning Map Amendment Application A-9952 with 37 conditions. The following conditions of approval attached to A-9952 are applicable to the review of this SDP.

- 7. The applicant shall provide adequate, private recreational facilities in lieu of mandatory dedication of parkland to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be constructed in accordance with the standards outlined in the Parks and Recreational Facilities Guidelines.**

At the subsequent approvals (CDP-0302 and 4-03100) for this development, a combination of parkland dedication and provision of stream valley trails and on-site private recreational facilities was agreed upon between the applicant and the District Council. See above Finding 7 for a detailed discussion on provision of the on-site recreational facilities.

- 11. Cul-de-sac should allow for, as a minimum, the turning movement for a standard WB-40 vehicle and a standard length fire engine. When considering the turning movement, it must be ensured that parking is provided on the outside edge or radius of said culs-de-sac [sic].**

There are nine culs-de-sac proposed for the second phase as shown on the SDP. All nine culs-de-sac are designed with the standard radius pursuant to primary residential street standards of the Department of Public Works and Transportation (DPW&T) because the internal streets including the culs-de-sac will be dedicated as public rights-of-way. The culs-de-sac have a 50-foot radius. The pavement section has a 40-foot radius. There is no parking allowed on the internal streets.

- 12. All improvements within the public right-of-way, as dedicated to the County, are to be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards, and the Americans with Disabilities Act.**
- 13. All storm drainage systems and storm drainage facilities to be in accordance with DPW&T's and the Department of Environmental Resources'[sic] requirements.**

This SDP complies with those two conditions.

- 25. Prior to approval of the Specific Design Plan by the Planning Board, a Stormwater Design Concept Plan shall be approved by the Prince George's County Department of Environmental Resources.**

The authority for approving stormwater management concept plans has been transferred to the Department of Public Works and Transportation (DPW&T). The applicant submitted an approved Stormwater Management Concept Plan 33050-2006-01, which is valid through 2011, with this application. As stated in a memorandum from DPW&T

(Abraham to Rashtian, August 4, 2008), the storm drain plan submitted with this SDP is consistent with the approved concept and Stormwater Management Plan.

33. All primary and secondary roads shall have standard sidewalks on at least one side.

The site plan shows a five-foot wide sidewalk on one side of all streets and is in conformance with this condition.

34. All primary and secondary roads shall be developed in accordance the 1999 American Association of State Highway and Transportation Officials Guidelines for the Development of Bicycle Facilities, where feasible.

The roads included in this SDP are designed as the extensions of the roads approved in the first phase of the Balmoral development. The roads in both phases are designed to meet the same standards as approved in Phase I. The SDP meets this requirement.

36. All HOA trails shall be six-feet wide and paved with asphalt.

The SDP meets this requirement.

37. The rear lot lines of parcels adjoining the proposed golf course north of the site shall be set back from the centerline of the golf hole a minimum of 175 feet.

Not enough information has been provided with this SDP. A condition has been proposed in the recommendation section to require the applicant to comply with this condition prior to certification.

9. **Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:

- a. The proposed 160 single-family dwelling units are part of a larger project known as Balmoral, which is the subject of numerous approvals. Therefore, the subject SDP is in general compliance with the requirements of the R-S Zone as stated in Sections 27-511, 512, 513 and 514 with regard to permitted use and other regulations such as general standards and minimum size of property.
- b. Section 27-528 of the Zoning Ordinance requires the following findings for approval of a specific design plan:
 - (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**
 - (1) **The plan conforms to the approved Comprehensive Design Plan and**

the applicable standards of the Landscape Manual.

As stated in Findings 10 and 14, the proposed specific design plan conforms to the approved comprehensive design plan and the applicable standards of the Landscape Manual.

- (2) The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.**

Findings for adequate public facilities including fire, rescue, police, and transportation were made in conjunction with the preliminary plan of subdivision. Per a review by the Transportation Planning Section (February 11, 2008, Burton to Rashtian), the subject SDP proposal is consistent with the previous transportation adequacy findings. The subject site will be adequately served within a reasonable period of time with nearby transportation facilities existing and planned to be completed in the near future.

Per a review by the Historic Preservation and Public Facilities Planning Section (April 7, 2005, Harrell to Wagner), at time of the first phase approval (SDP-0413), other existing or planned private and public facilities, which exist, are under construction, or for which construction funds are contained in the first six years of the adopted county Capital Improvement Program (CIP) (such as schools, recreation areas, water and sewage system, libraries and fire stations) will be adequate for the proposed development.

- (3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.**

The DPW&T has stated that the proposal is consistent with approved Stormwater Management Concept Approval 33050-2006-01, which will be valid through September 2011. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

- (4) The Plan is in conformance with an approved Tree Conservation Plan.**

As indicated in Finding 13 below, a Type II Tree Conservation Plan, TCPII/162/04-01, has been submitted with this SDP. TCPII/162/04-01 has been found to meet the requirement of the Woodland Conservation Ordinance according to the review by the Environmental Planning Section. The Environmental Planning Section recommended approval of the subject SDP and TCPII/162/04-01 subject to certain conditions that have been incorporated into the recommendation section of this report.

10. **Comprehensive Design Plan:** The District Council approved Comprehensive Design Plan CDP-0302 with 35 conditions on April 26, 2004. The specific design plan is in general conformance with the CDP. The following conditions of CDP-0302 that are applicable to the review of this SDP warrant discussion:

4. **Prior to the submittal of the Specific Design Plan, all specimen trees located within 50 feet of the limit of disturbance shall be surveyed and reevaluated for retention potential. The specimen tree shall be shown on the SDP at their surveyed locations along with their respective critical root zone.**

All specimen trees within 50 feet of the limit of disturbance and their critical root zones are shown on the Type II tree conservation plan.

11. **Prior to the approval of the Specific Design Plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered that are found to occur on the site shall be surveyed and accurately located according to DNR protocol. The SDP shall be designed to eliminate any impacts to specific habitats and/or populations. Prior to approval of the SDP, the forest stand delineation for the site shall be revised to show the location of the specific habitats and/or populations.**

The forest stand delineation (FSD) was revised as part of the preliminary plan approval to show the location of the plant species *Carex lacustris* (River bank sedge), a State of Maryland threatened species that was identified in the emergent wetlands at the western end of the property near Collington Branch. This condition was fulfilled at time of the first phase approval. No information related to the FSD is required for this SDP.

12. **Land to be dedicated to M-NCPPC for the master-planned Collington Branch Stream Valley Park shall include a 100-year floodplain and floodplain buffers as shown on attached Exhibit "A".**
13. **Recreational facilities on park property shall be designed and constructed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines.**
14. **Construction drawings for the recreational facilities on parkland shall be reviewed and approved by the Department of Parks and Recreation staff prior to SDP approval.**
15. **All trails shall be constructed to assure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.**

These four conditions have been fulfilled with the approval of Phase I of the Balmoral project.

- 16. The handicapped accessibility of all trails shall be determined during SDP review.**

According to the review of the trails planner, this condition has been fulfilled at time of approval of the first phase of the Balmoral project.

- 18. All additional accesses to the parkland from development pods, school and recreational facilities shall be at least 40 feet wide, or otherwise required.**

There are no additional accesses included.

- 19. All primary and secondary roads shall be standard sidewalks on at least one side.**

- 20. All primary and secondary roads shall be developed in accordance the 1999 American Association of State Highway and Transportation Officials Guidelines for the Development of Bicycle Facilities, where feasible.**

- 21. All HOA trails shall be six-feet wide and paved with asphalt.**

The SDP complies with these three conditions.

- 22. The most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors and fireplace chimneys, and these features shall form a reasonably balanced composition.**

Most of the models employ three standard architectural features on the side elevations; however, some do not. All architectural elevations should demonstrate compliance to this condition prior to certification of the specific design plan. Also, as additional assurance that the above condition is met, the condition should be carried forward as a condition of approval of the specific design plan.

- 23. The community center shall be provided with distinctive details, be equally attractive from all four sides, and incorporate a high-pitched roof, masonry exterior and facade articulation, unless alternative design treatments can be demonstrated to achieve the same high quality of design and appearance.**

The community center was included in the approval of the first phase of Balmoral. The community center has been designed to incorporate the above features and meets the intent of this condition.

- 24. At the time of the first Specific Design Plan for residential areas, the applicant shall submit and obtain Planning Board approval of a special purpose Specific Design Plan devoted to elements of streetscape including but not limited to street trees, entry monuments, signage, and special paving at important intersections. This SDP shall also address utilizing distinctive landscape treatments to emphasize important focal points, intersections, and trail heads.**

The Specific Design Plan SDP-0413 that was approved by the Planning Board in 2005 also acts as the special purpose specific design plan and includes details for the streetscaping, entry monuments, signage, and landscaping that meet the above condition. Additional landscaping consisting of ornamental and evergreen trees, shrubs and space for annual plantings should be provided on either side of the entrance to the community-building parcel and along the foundation of the community building.

- 25. The following recreational facilities (or equivalent) shall be provided and reviewed at the time of SDP review for each phase:**

Facility Location	Completion of Construction	
2 Picnic Areas	Community Building	Prior to release of 150th BP
1 Open Play Area	US 301 Buffer	Prior to release of 25th BP
4 Sitting Areas	1 @ Community Building	Prior to release of 150th BP
	1 @ US 301 Buffer	Prior to release of 25th BP
	1 @ Neighborhood "F"	Prior to release of 300th BP
	1 @ Neighborhood "D"	Prior to release of 300th BP
1 Tot Lot	Neighborhood "D"	Prior to release of 300th BP
1 Multiage Play Area	Community Building	Prior to release of 150th BP
Private Trails		In phase with development
Community Building (with meeting rooms and fitness equipment)		Prior to release of 150th BP

As discussed previously, due to the change in the number of the dwelling units proposed in this development, there are only 274 dwelling units included in the Balmoral development. The completion dates related to the 300th building permit should be changed to prior to the issuance of the 274th building permit.

- 26. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the *Park and Recreation Facilities Guidelines*) [sic] prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located.**

This condition will be carried forward as a condition of the specific design plan.

- 27. The applicant shall provide a usable 3.5-acre site for the community building. The cul-de-sac in Neighborhood "A" may have to be reduced in size or eliminated to ensure that a usable area is provided for the community building.**

A usable site was provided for the community building and associated recreational facilities with the approval of the first phase of the Balmoral development. This SDP includes only 160 single-family detached houses in the second phase of this development.

- 28. The area on the north side of the US 301 entrance road shall contain an open play area, designed and constructed in accordance with *Park and Recreational Facilities Guidelines* [sic].**

The open play area has been provided with SDP-0413.

- 29. The community building shall include an area for parking based on the number of spaces required by Part 11 of the Zoning Ordinance.**

This condition has been fulfilled by SDP-0413.

- 30. This open space area on either side of the main access road off of US 301 shall not be a manicured green grassy area, but shall contain native grasses, wildflowers and shrubs for an attractive rural appearance.**

This condition has been fulfilled by SDP-0413. The portion of the site included in this SDP is away from US 301.

- 31. The following design standards shall be added to the face of the CDP plan:**
- a. Variations to the lot development standards may be granted by the Planning Board or its designee at the time of Specific Design Plan in order to protect natural features or to accommodate infrastructure.**
 - b. All yards abutting a street shall be considered to be front yards. Only one yard shall be considered to be a rear yard, and it shall be opposite a front yard. All other yards are side yards.**
 - c. Covered open porches, steps, and stoops may extend up to eight feet beyond the front setback line. Paved walks may extend beyond the front setback line without any distance restrictions.**
 - d. Enclosed porches must be located fully behind all setback lines. Screening, latticework, jalousie windows and other nonweather-tight visual screens shall be considered as enclosure for this restriction.**
 - e. Eaves, bay windows, chimneys, and decorative features such as attached lamps, [sic] string courses, cornices, and brackets, may extend beyond all setback lines by up to two feet.**

- f. **Construction that shall be used in determining the lot coverage shall include principal buildings (including covered porches and decks), accessory buildings and driveways. Uncovered and unenclosed porches, decks, patios, paved walks and swimming pools shall not be counted toward maximum lot coverage. Uncovered and unenclosed porches, decks, and patios whose surface is within three feet of finished grade shall be set back at least two feet from side and rear lot lines. Uncovered and unenclosed porches, decks, and patios whose surface is greater than three feet above finished grade shall be located behind the setback lines.**
- g. **Building height shall be measured from the average grade along the elevation facing the street to the midpoint between the eave and the peak of sloped roofs.**
- h. **The maximum number of stories shall not include basements where the grade at the front elevation is less than five feet below the first floor elevation.**
- i. **Accessory buildings shall not be located in any yard adjacent to a street. Accessory buildings shall be located at least two feet from side or rear lot lines.**
- j. **Fences shall not be constructed in any front yards, or nearer to a street than a point six feet to the rear of the front-most house corners (not including open covered porches).**
- k.

Neighborhood	A, B, C, D	All	All
Lot Standard	Small	Medium	Large
Minimum Lot Size (square feet)	5,000	6,000	7,500
Minimum Lot Width at Street (feet)	25	25	25
Minimum Lot Width at Front Building Line (feet)	50	60	80
Front Yard Setback (feet)	20	20	20
Side Yard Setback (feet)	5	5	5
Rear Yard Setback (feet)	15	15	15
Maximum Building Height (feet)	35	35	35
Maximum Building Height (stories)	3	3	3
Maximum Lot Coverage (percent)	65	60	55

This condition will be carried forward as a condition of the specific design plan.

- 32. All lots adjacent to the Beech Tree golf course shall be a minimum of 7,500 square feet.**

The minimum lot size as shown on the site plan is 8,351 square feet for those lots adjacent to the Beech Tree golf course.

- 34. All flag lots shall be eliminated.**

There are no flag lots included in this SDP.

- 35. Whenever feasible, a tree save buffer shall be placed between lots, as approved by the staff of the Urban Design Section.**

No tree save buffer has been placed between lots in this SDP because the houses are very close to each other.

11. **Preliminary Plan of Subdivision:** The Planning Board approved Preliminary Plan of Subdivision 4-03100 (PGCPB No. 04-21) with 27 conditions on January 29, 2004. The specific design plan is in general conformance with the approved preliminary plan. Conditions of approval that warrant discussion are as follows:

- 2. The following note shall be placed on the final plat:**

- An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

At time of Preliminary Plan of Subdivision 4-03100 approval, the Historic Preservation and Public Facilities Planning Section found that the existing fire and rescue service is not sufficient to serve the proposed development because the existing fire engine service at Upper Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 3.46 minutes, which is outside the 3.25-minute travel time guideline. In order to alleviate the negative impact on fire and rescue services due to the inadequate service, this condition that requires an automatic fire suppression system be provided has been attached to the approval. This condition also will be carried forward to be a condition of approval for this SDP.

- 3. Development of this property shall be in conformance with the approved Stormwater Management Concept Plan, Concept 14105-2001-00, or any approved revisions thereto.**

The SDP complies with this condition. A Stormwater Management Concept Approval which was based on previously approved concept plan was submitted with this SDP.

- 15. At the time of submittal of the Specific Design Plan, an updated geotechnical report shall be submitted addressing the proposed grading and its affect on the 1.5 safety factor line. The existing and proposed 1.5 safety factor lines shall be clearly shown on the Specific Design Plan and on the TCPII. All proposed lots shall be located entirely outside of the 1.5 safety factor line.**

An updated geotechnical report was submitted with the SDP. Marlboro clay is discussed in detail in the environmental review section below.

- 16. Prior to the submittal of the Specific Design Plan, all specimen trees located within 50 feet of the limit of disturbance shall be surveyed and reevaluated for retention potential. Each specimen tree shall be shown on the SDP at its surveyed location along with its respective critical root zone.**

All specimen trees within 50 feet of the limit of disturbance and their critical root zones are shown on the Type II tree conservation plan.

- 20. A Type II Tree Conservation Plan shall be approved at time of Specific Design Plan.**

TCPII/162/04-01 has been submitted with this SDP. The Environmental Planning Section has recommended approval of TCPII/162/04-01 along with this SDP.

- 21. Prior to the Planning Board approval of the Specific Design Plan, all species identified by the Maryland Department of Natural Resources (DNR) Natural Heritage Program as rare, threatened or endangered that are found to occur on the site shall be surveyed and accurately located according to DNR protocol. The SDP shall be designed to eliminate any impacts to specific habitats and/or populations. Prior to approval of the SDP, the Forest Stand Delineation for the site shall be revised to show the location of the specific habitats and/or populations.**

See above finding for discussion. No information related to the FSD is required for this SDP because this requirement has been fulfilled by the previous approvals.

- 22. Prior to the submittal of the Specific Design Plan, each of the proposed PMA impacts shall be evaluated in an effort to further minimize the proposed PMA impacts. The SDP shall then be designed to further minimize proposed PMA impacts 1–12. The off-site sewer alignment is of particular concern because the alignment as currently shown impacts PMA areas**

previously protected during the approval of the Beech Tree development.

- 23. Prior to Planning Board approval of the Specific Design Plan for the areas of lots requiring off-site sewer, the applicant shall obtain written authorization from the owners of Beech Tree allowing the proposed off-site sewer alignment through that property. In the event written authorization cannot be obtained, an alternative sewer alignment will be required in order to provide sewer service for nearly one-half of the lots proposed by this application.**

The applicant and the developer of Beechtree held a series of discussions; however, no agreement for a sewer right-of-way could be reached. The applicant has proposed an alignment that is different from that shown on the Type I tree conservation plan and it results in different impacts to the primary management area (PMA) than were previously approved. The proposed new alignment is wholly within the subject property. The previously proposed alignment through the Beechtree property would have created 93,654 square feet of impacts to the PMA and would have crossed streams at four locations. The new proposed alignment would create 76,630 square feet of impacts to the PMA and includes no stream crossings. The alignment proposed with this application and shown on the revised Type II Tree Conservation Plan, TCPII/162/04-01 is the preferred alternative. Staff recommends that the Planning Board find that the revised design is in conformance with the preliminary plan approval because the PMA impacts have been reduced from those previously approved.

27. The following recreational facilities (or equivalent) shall be provided and reviewed at the time of SDP review for each phase:

Facility Location	Completion of Construction	
2 Picnic Areas	Community Building	Prior to release of 150th BP
1 Open Play Area	US 301 Buffer	Prior to release of 25th BP
4 Sitting Areas	1 @ Community Building	Prior to release of 150th BP
	1 @ US 301 Buffer	Prior to release of 25th BP
	1 @ Neighborhood "F"	Prior to release of 300th BP
	1 @ Neighborhood "D"	Prior to release of 300th BP
1 Tot Lot	Neighborhood "D"	Prior to release of 300th BP
1 Multiage Play Area	Community Building	Prior to release of 150th BP
Private Trails		In phase with development
Community Building (with meeting rooms and fitness equipment)		Prior to release of 150th BP

See previous findings for a detailed discussion of recreational facilities.

11. ***Prince George's County Landscape Manual:*** The proposal is subject to the requirements of Section 4.1 (Residential Requirements) of the Landscape Manual.

Section 4.1 (c) requires that single-family detached lots which are 9,500 square feet or larger but less than 20,000 square feet shall be planted with a minimum of two major shade trees and one ornamental or evergreen tree per lot. The DSP has 39 lots fitting into this category and the Landscape Plan should provide a minimum 78 shade trees, and 39 ornamental trees or evergreen trees.

Section 4.1 (d) requires that single-family detached lots which are smaller than 9,500 square feet shall be planted with a minimum of one major shade tree and one ornamental or evergreen tree per lot. The DSP has 121 lots fitting into this category and the Landscape Plan should provide a minimum 121 shade trees, and 121 ornamental trees or evergreen trees.

The Landscape Plan shows graphically the required number of plant materials for both Sections 4.1 (c) and (d). However, the required landscape schedules should be provided on the Landscape Plan prior to certification of this SDP. A condition has been proposed in the recommendation section of this report.

12. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on-site; and there is a previously approved Tree Conservation Plan, TCPI/30/03, which was approved in conjunction with the approval of CDP-0302. A revised Type I Tree Conservation Plan, TCPI/30/03-01, addressed the plan refinements associated with the Preliminary Plan of Subdivision 4-03100.
 - a. The detailed forest stand delineation (FSD) submitted with the Comprehensive Design Plan, CDP-0302, was found to generally address the requirements for an FSD. The FSD was revised as part of the preliminary plan approval to show the location of the plant species *Carex lacustris* (River bank sedge), a State of Maryland threatened plant species that was identified in the emergent wetlands at the western end of the property near Collington Branch. No further information is required with respect to the forest stand delineation for this SDP.
 - b. The Type II Tree Conservation Plan, TCPII/162/04-01, submitted with this application, has been reviewed by the Environmental Planning Section. The worksheet contains two phases. Phase I includes 116.98 acres and Phase II contains 93.75 acres for a total of 210.73 acres. The submitted TCPII includes the area for the entire site and fulfills previous conditions. TCPII/162/04-01 addresses the requirements of the Prince George's County Woodland Conservation Ordinance.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. The Community Planning Division (Carlson-Jameson to Rashtian, January 9, 2008) has stated that this application is consistent with the 2002 General Plan Development Pattern Policies for the Developing Tier and conforms to the 1993 Subregion VI Study Area Master Plan's principles and guidelines for land use, density, and location of land uses.
 - b. The Subdivision Section (Chellis to Rashtian, March 3, 2008) has indicated that the property is the subject of Preliminary Plan of Subdivision 4-03100, and listed the conditions of approval contained in the resolution. See above Finding 11 for a discussion of the conditions attached to the approval of 4-03100 that are applicable to the review of this SDP.
 - c. The Transportation Planning Section (Burton to Rashtian, February 11, 2008) has listed all the required transportation improvements as approved in previous plans for this property.

The transportation planner concludes that the subject development will be adequately served within a reasonable period of time if the subject SDP is approved with one recommended condition that requires a fee to be paid for each dwelling unit prior to issuance of each building permit. This condition has been included in the recommendation section of this report.

In a separate memorandum (Shaffer to Rashtian, January 17, 2008) on specific design plan review for master plan trail compliance, the Transportation Planning Section has provided a background review of trails-related requirements in the master plan and the previous approved plans for this property including the preliminary plan of subdivision. The Transportation Planning Section concludes that the relevant conditions have been either fulfilled at time of Phase I approval or been properly reflected on the submitted SDP.

- d. The Department of Public Works and Transportation (DPW&T) (Abraham to Rashtian, August 4, 2008) has provided standard conditions on issues such as right-of-way dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage systems and facilities in order to be in accordance with the requirements of DPW&T. The storm drain plan is in conformance with the approved concept and stormwater management plan. Those conditions will be enforced at time of issuance of access permit.
- e. The Environmental Planning Section (Stasz to Zhang, October 27, 2008) has provided a comprehensive review of the applicable conditions attached to the previous approvals for this project. The Environmental Planning Section recommends approval of this detailed site plan subject to one condition, which has been incorporated into the recommendation section of this report.
- f. The Historic Preservation and Public Facilities Planning Section (Stabler to Rashtian, December 21, 2007) has stated that a Phase I archeological survey was conducted on the subject property in August 2005. Three archeological sites were identified. According to the memorandum, the proposed archeological easement would be sufficient to protect site 18PR797 and a Phase II survey was not recommended. Therefore, no further archeological work is necessary on the Balmoral Phase II property.
- g. The Permit Section (Stone to Rashtian, December 27, 2007) has provided nine comments which have been addressed as necessary with revised plans and proposed conditions.
- h. The Town of Upper Marlboro offered no comments with regard to the proposed specific design plan.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27, including Section 27-528, 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 I Tree Conservation Plan (TCPI/162/04-01), and further APPROVED Specific Design Plan SDP-0609 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the specific design plan, the applicant shall:
 - a. Revise the building templates to show the base finished square footage for each proposed model.
 - b. Provide cut sheets of the recreational facilities within the sitting area to be constructed in Neighborhood F on the detail sheet.
 - c. Provide Sections 4.1 (c) and (d) landscape schedules on the Landscape Plan.
 - d. Demonstrate that the rear lot lines of lots adjoining the proposed golf course north of the site shall be set back from the centerline of the golf hole a minimum of 175 feet.
 - e. Include the design standards from CDP-0302 Condition 31 that are applicable to this development as site plan notes.
 - f. The most visible side elevations of dwelling units on corner lots or other lots whose side and rear elevations are highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors and fireplace chimneys and these features shall form a reasonably balance composition.
2. Prior to issuance of each building permit, the applicant and the applicant's heirs, successors or assignees, shall pay to Prince George's County a fee contribution to be applied to improvements along US 301 as follows:
 - A fee calculated as \$497.84 per residential DU X (the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at time of building permit application)/ (the FHWA Annual Highway Construction Cost Composite Index for 2nd quarter, 1989).
3. Prior to the issuance of any permits which impacts wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
4. Prior to issuance of the 274th building permit, the following recreational facilities as identified in the approval of CDP-0302 shall be completed:
 - a. Two sitting areas in Neighborhoods D and F.
 - b. One tot lot in Neighborhood D.

5. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the *Park and Recreation Facilities Guidelines*) prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located.
6. In order to alleviate the negative impact on fire and rescue services due to the inadequate service, an automatic fire suppression system shall be provided in all new buildings proposed in this development unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns and Parker voting in favor of the motion, and with Commissioners Cavitt and Clark absent at its regular meeting held on Thursday, December 4, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of January 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:HZ:bjs