

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND  
OFFICE OF THE ZONING HEARING EXAMINER**

**AMENDMENT OF BASIC PLAN A-9975/01**

**DECISION**

Application: Amendment of Basic Plan & Conditions  
Applicant: Locust Hill  
Opposition: N/A  
Hearing Date: November 7, 2018  
Hearing Examiner: Joyce B. Nichols  
Disposition: Approval with Conditions

**NATURE OF REQUEST**

- (1) A-9975/01 is a request to amend the Basic Plan for Locust Hill to increase the proportion of attached dwelling units, to add conventional townhouses, to revise the layout and to revise conditions of approval pursuant to §27-197(c) of the Zoning Ordinance, on approximately 505.81 acres of land, in the R-L (Residential Low Development) Zone, a Comprehensive Design Zone, located on the north and south sides of Oak Grove Road, west of Leeland Road and east of Church Road, approximately 1.2 miles west of US 301 (Robert Crain Highway), Upper Marlboro, Maryland.
- (2) Both the Technical Staff (Exhibit 30) and the Planning Board (Exhibit 37) recommended approval with conditions.
- (3) No one appeared in opposition to the instant Amendment request.
- (4) The record was kept open for several elevation plans, upon receipt of which the record was closed on February 1, 2019.

**FINDINGS OF FACT**

**Subject Property**

- (1) The subject property is located along both the north and the south sides of Oak Grove Road and Leeland Road. There are approximately 79.5 acres of land located along the north side of Oak Grove Road, abutting Church Road to the west and Popes Creek Branch and railroad tracks to the east. The remainder of the subject property, approximately 426.3 acres of land, is located on the south side of Oak Grove Road, extending south to abut the Rustic Ridge, Brock Hall Gardens and Brock Hall Manor subdivisions.

(2) The property is undeveloped and primarily wooded with the exception of some cleared farmland (~75 acres) on the portion of the site south of Oak Grove and Leeland Roads. There is frontage on and access from Oak Grove Road and future Leeland Road.

### **Neighborhood and Surrounding Uses**

(3) The neighborhood is as accepted in the original Basic Plan approval (A-9975) in 2006.

(4) To the west of the subject property are the St. Barnabas church properties in the R-A (Residential Agricultural), R-E (Residential Estate), and R-L Zones, which includes the Imagine Foundations at Leeland charter school. The St. Barnabas church properties amount in total to approximately 60 acres of land. Also, to the west of the subject property is the large Perrywood development, in the R-S (Residential Suburban Development) (1.6-2.6) Zone. Perrywood contains a mix of single-family detached dwellings and townhouses; the units proximate to the subject property are townhouses.

To the south of the subject property are single-family dwellings in the R-E and R-R (Rural Residential) Zones in the Rustic Ridge, Brock Hall Gardens, Brock Hall Manor, and Marlboro Manor subdivisions. These dwellings are separated from the development area on the subject property by the stream valley of an unnamed tributary of Collington Branch.

To the east of the subject property, beyond the main stem of Collington Branch, is the Beech- tree subdivision in the R-S (1.6-2.6) Zone. Beechtree also contains a mix of single-family detached dwellings and townhouses; the units most proximate to the subject property include townhouses on North Berwick Lane, and single-family detached dwellings on Fittleworth Terrace. Almost the entirety of the 31± acres of land of the subject property which lie beyond the Pope's Creek Branch railroad is in the floodplain of Collington Branch; the railroad forms the eastern boundary of the main body of the subject property. A small portion of the subject property's eastern boundary, north of Oak Grove/Leeland Roads, also abuts the proposed Willowbrook development in the R-S Zone, and which is owned by the Applicant.

To the north of the subject property is the large Oak Creek Club development in the R-L (1.01.5) and L-A-C (Local Activity Center) Zones. Oak Creek Club also contains a mix of single-family detached dwellings and townhouses; the units most proximate to the subject property are singlefamily detached dwellings on Dormansville Boulevard; M-NCPPC parkland and the stream valley of Black Branch separate the subject property from the single-family detached dwellings on the end of Turner Wootton Parkway.

### **Zoning History**

(5) On October 31, 2006, the final conditional zoning (A-9975-C, Zoning Ordinance No. 192006) was approved by the District Council to rezone the entire site from the R-A and R-E Zones to the R-L Zone. This resulted in an approved residential dwelling unit (DU) range of 475-581 DUs, subject to 18 Conditions and five (5) Considerations. The

surveyed Site Plan submitted with the instant Application states that the gross acreage is 505.81 acres, not 507 acres as shown in the original Basic Plan and makes an additional adjustment to the 100-year floodplain area.

(6) On January 4, 2017, Comprehensive Design Plan (CDP)-0506, with Type I Tree Conservation Plan TCPI-4-06, was approved by the Planning Board (PGCPB Resolution No. 06274), subject to 44 Conditions. This decision was affirmed by the District Council on April 19, 2007. This CDP was approved for 552 DUs, which included single-family detached and a maximum of 110 attached DUs on approximately 503.53 acres of land, which included 68.56 acres of land within the 100-year floodplain.

(7) On March 15, 2007, Preliminary Plan of Subdivision (PPS) 4-06075, with Type I Tree Conservation Plan TCPI-024-06-01, was approved by the Planning Board (PGCPB Resolution No. 7-28). The approval was for 554 lots and 24 parcels, subject to 26 conditions. In order to implement the increase in density (125 DUs) proposed with this Application, including a significant change to the layout, a new PPS will be required.

### **Applicants Request**

(8) The proposed Basic Plan Amendment is being requested to integrate the new provisions for Comprehensive Design Zones that were adopted by CB-91-2016, which increased the allowable proportion of attached dwellings from 20% to 35%.

Accordingly, the first amendment is to allow an increase in the proportion of attached dwelling units from a maximum of 20% to a range from a 10% minimum to a 35% maximum, and to increase the range of totals of dwelling units permitted at the subject property from between 475 and 581 units to between 471<sup>1</sup> and 706 units. This amendment is also associated with two amendments to the conditions of approval of the Basic Plan, addressing the trip cap and the tabulation of land use locations, types and quantities.

The second amendment is to add conventional townhouses to the unit mix. The approved Basic Plan did include a form of townhouse called a “carriage home;” these attached units, while meeting the statutory definition of a “Townhouse,” are proposed to have larger footprints, sit on larger lots, and be built in sticks of no more than four units. Carriage homes would remain as a proposed house type in the amended Basic Plan, but would be supplemented by more conventional townhouse units, compatible with the existing attached dwellings in the adjacent Perrywood, Oak Creek Club and Beechtree developments.

The third requested amendment addresses the layout of the Basic Plan Map. The new Plan reflects a revision to the alignment of Oak Grove/Leeland Roads, a relocation of the concentration of attached dwellings from along the north side of Oak Grove/Leeland Roads to the interior of the proposed development, an intent to allow the distribution of attached dwelling sites in some of the

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<sup>1</sup> The decrease in the lower end of the range is associated with the completion of a modern boundary survey, and the approval of a new, expanded delineation of the 100-year floodplain.

areas where single-family units would be located rather than proposing an absolute segregation of lot sizes and housing types and, deletion of a site which had been proposed for donation to a nonspecified church.

The fourth amendment is to revise certain conditions of approval of the Basic Plan. Two of the requested revisions were described above; the other two revisions address the addition of flexibility in the trail layout to accommodate environmental conditions.

The final amendment addresses the specification of sites for an improved public park.

### **LAW APPLICABLE**

(1) §27-197(c) of the Zoning Ordinance sets forth the procedures by which requests to amend an approved Basic Plan which does not involve a change in land area or an increase in land use density or intensity may be approved.

(2) Section 27-195(b) of the Zoning Ordinance sets forth the criteria which must be met prior to the approval of a request to amend an approved Basic Plan as follows:

b) **Criteria for approval.**

- (1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:
  - (A) The proposed Basic Plan shall either conform to:
    - (i) The specific recommendation of a General Plan map, Area Master Plan map; or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or
    - (ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.
  - (B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;
  - (C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;
  - (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;

(E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.

(2) Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

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(3) The Application must also be found to satisfy the general purposes of the Zoning Ordinance, §27-102(a), and the specific purposes of the R-L Zone, §27-514.08(a).

**CONCLUSIONS OF LAW**

(1) The instant Application satisfies the general Purposes of the Zoning Ordinance §27-102(a), as follows:

*(1) To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;*

The approval of the requested amendments to the Basic Plan at the subject property will allow for the planning and construction of a complementary mix of dwelling types which can better respond to the environmental constraints of the subject property and the views from the surrounding road network while providing sufficient development yield to allow the project to move forward. The approval will protect and promote the health and safety of the present and future inhabitants of the County by providing sufficient buffers from environmental hazards such as floodplain, and by protecting the future residents from noise from the railroad. The approval will protect the comfort and convenience of the surrounding neighbors by providing for a compatible mix of dwelling types, and by the provision of substantive natural buffers. The review process inherent in Comprehensive Design Zones provides for a higher level of both planning flexibility and public oversight to promote and protect the public health, safety and welfare.

*(2) To implement the General Plan, Area Master Plans, and Functional Master Plans;*

This Purpose is addressed in the Zoning Ordinance by the criterion for approval of Comprehensive Design Zones found in §27-195(b)(1)(A).

- (3) ***To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;***

As with the Purpose of implementing the General and Master Plans, this Purpose is largely replicated by the criteria for approval of Comprehensive Design Zones found in §27-195(b)(1)(C) and (D) addressing transportation facilities, police, fire, schools and water and sewerage. The harmony of the request for approval of amendments to the R-L Zone Basic Plan with this Purpose of the Zoning Ordinance was discussed at length in the testimony of the Applicant's transportation planning expert, Mr. Mike Lenhart, and has been discussed by Technical Staff in the Countywide Planning referral. (Exhibits 30 and 41)

- (4) ***To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;***

As noted in the discussion of the Purpose of protecting and promoting the public health and safety, above, the multi-stage public review process inherent in the Comprehensive Design Zones' regulations affords a higher level of guidance for the development at the property (and therefore for its contribution to the growth and development of the County as a whole). These principles are reflected in the approved Basic Plan, and the requested amendments will not affect the review process going forward. As such, the approval of the requested amendments to the R-L Zone Basic Plan at this property will continue to be in particularly close harmony with this Purpose of the Ordinance.

- (5) ***To provide adequate light, air, and privacy;***

The lot standards which will be established in the CDP will ensure the provision of adequate light, air and privacy for the proposed development, and the existence of substantive wooded natural buffers will ensure the provision of adequate light, air and privacy for its neighbors.

The additional standards and Design Guidelines for the approval of a CDP and Specific Design Plans (SDP) which are required by the regulations for Comprehensive Design Zones afford additional opportunities to ensure the provision of adequate light, air and privacy. These principles are reflected in the approved Basic Plan, and the requested amendments will not affect the adequacy of light, air or privacy. Thus, approval of the requested amendments will be in harmony with this Purpose.

- (6) ***To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;***

The approval of the R-L Zone at this property was initially found to promote the most beneficial relationships between land and buildings, because of its conformance with the land use recommendations of the Master Plan, and because of the environmental relationships inherent in the approved Basic Plan Map. The requested amendments to the Basic Plan Map will preserve

the buffers to regulated environmental features and between the subject property and the adjacent development, will preserve the scenic and historic character of existing Oak Grove and Leeland Roads, and will maintain the buffer area between the subject property's development area and the historic St. Barnabas Church property. Approval, of the requested amendments will be in harmony with this Purpose of the Zoning Ordinance.

**(7) *To protect the County from fire, flood, panic, and other dangers;***

The approval of the requested amendments will not affect the original approval of the R-L Zone at the subject property and its harmony with this Purpose of the Zoning Ordinance as they will not affect the requirements for the proposed development to conform with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the Floodplain regulations, Stormwater Management regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

**(8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;***

The approval of the requested amendments would be in harmony with this Purpose because it would allow for the development of additional housing styles and a broader range of affordability and will reinforce the suitable and healthy living environment which was reflected in the original Basic Plan approval.

**(9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;***

This Purpose is not strictly applicable to the approval of the requested amendments because Locust Hill is a wholly-residential development. The amendments, however, will allow for a greater number of developable units which will make the project more economically feasible, and would thereby augment the tax base of the County.

**(10) *To prevent the overcrowding of land;***

The approval of the requested amendments would be in harmony with this Purpose because the amended Plan will still require the property to be developed in conformance with regulations that are approved through a Comprehensive Design Plan to ensure the prevention of overcrowding, including height limits and setbacks.

**(11) *To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;***

The approval of the requested amendments would be in harmony with this Purpose because of several factors. The criterion of §27-195(b)(1)(C) assures the adequacy of local public

transportation facilities as a prerequisite to the approval of the Zone. Additionally, the approval of the proposed amendments would not affect the requirements for the property to be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements for multiple entrances to allow for continued access by emergency vehicles in the event of a local road blockage and the requirement for the realignment and improvement of an upgraded Oak Grove/Leeland Road.

***(12) To insure the social and economic stability of all parts of the County;***

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this Purpose. Beyond that, the approval of the requested amendments would promote the economic and social stability of the County by allowing for a range of housing styles and lot sizes to provide housing opportunities to contribute to the tax base, and by providing for a greater number and proportion of medium-density attached residences and will expand housing opportunities to a larger segment of the housing market.

***(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;***

The approval of the requested amendments will have minimal impact to the protections to the County's natural features which were inherent in the original approval of the R-L Zone. In fact, the additional flexibility afforded by the amendments to two of the conditions of approval will provide greater protection as they will afford flexibility to avoid and minimize environmental impacts in the construction of the trail network.

***(14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space;***

The approval of the requested amendments will have minimal impact to the open space network which was proposed in the original approval of the R-L Zone. The bulk of the open space, including the buffers to regulated environmental features and the buffer to St. Barnabas Church will retain the same configuration. In fact, the developed M-NCPPC park will have an improved situation in the amended Plan.

The final purpose,

***(15) To protect and conserve the agricultural industry and natural resources***



is not directly applicable to the subject property, except to the extent that the greater proportion of concentration of attached residential units and greater development yield minimize the pressure to develop the open lands where agriculture and the extraction of natural resources are practiced. §27102(a)

(2) The instant Application satisfies the Purposes of the R-L Zone, §27-514.08(a) as follows;

(1) ***Establish (in the public interest) a plan implementation Zone, in which (among other things):***

(A) ***Permissible residential density is dependent upon providing public benefit features and related density increment factors; and***

(B) ***The location of the Zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;***

This Purpose addresses the establishment of the R-L Zone as a Zone in which achievable density of a proposed development is related to the provision of public benefit features, and that the R-L Zone, like all Comprehensive Design Zones, is a plan implementation zone, such that the application of the zone to a tract of land must be in accordance with the adopted and approved General Plan, Master Plan, or Sector Plan.

While the proposed amendments request an increase in the top end of the permissible development density at the subject property, the range of densities which are proposed by the requested amendments to the Basic Plan are in keeping with – and are in fact substantially below – the densities reflected by the Master Plans’ land use recommendations. In necessary accordance with the existing regulations, the final density cap for the subject project will be determined by the subsequent CDP, which will stipulate the density increments permitted in return for provision of the public benefits which are proposed, such as the creation of open space, provision of recreational facilities, creation of a trails network and so forth.

The location of the R-L Zone with respect to the adopted and approved General Plan or Master Plan has been discussed at length in the foregoing text but is in any case moot to the approval of the requested amendments, as the R-L Zone has already been applied to the subject property.

(2) ***Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Sector Plans, or Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;***

This Purpose addresses the reason for the establishment of Comprehensive Design Zones and their function to enable the use of the various planning documents cited as criteria for judgment of individual development proposals. The discussion of the conformance of the proposed project with the two Plan Maps and the principles and guidelines of the two Master

Plans demonstrates that the approval of the subject Application would continue to be in conformance with this Purpose for the R-L Zone.

- (3) ***Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;***

This Purpose of the R-L Zone is to assure compatibility between the proposed land uses and the surrounding land uses, and the adequacy of public facilities so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District. The discussion of the compatibility of the proposed general land use types and the surrounding land uses in the foregoing text demonstrates that the Application is in conformance with this Purpose for the R-L Zone.

- (4) ***Encourage amenities and public facilities to be provided in conjunction with residential development;***

This Purpose encourages the provision of amenities and public facilities in conjunction with the residential development. By the establishment of the mechanism of density increments that are tied to public benefit features, and the close connection of all planning approvals with a finding of adequacy of public facilities, the intent of the Zone's Purposes are met. By its conformance with the requirements for adequacy of public facilities, and further by the provision of public benefit features (the extent of which will be determined at the time of the CDP, the subject Application is in harmony with this Purpose.

- (5) ***Encourage and stimulate balanced land development;***

This Purpose of the R-L Zone requires the regulations of the zone to encourage and stimulate "balanced land development". The development proposed by the subject Application will be balanced in its relationship to the surrounding development by its conformance with the Master Plan Maps and their principles and guidelines. The balance of its relationship to the surrounding physical environment will be demonstrated by the extensive natural corridors which will be provided pursuant to the regulations establishing stream buffers as well as the other numerous regulations which safeguard environmental quality in the development process.

- (6) ***Improve the overall quality and variety of residential environments in the Regional District;***

The Purpose of improving the overall quality and variety of residential environments is met by the signal feature of Comprehensive Design Zones generally that allows applicants to develop unique development regulations that are specific to the features and conditions of each particular tract. In this way, the application of a single zoning district does not result in a uniform array of dwelling types and lot sizes which often do not fit properly with the local natural environment, but rather allow a carefully tailored response to each site's own needs.

- (7) ***Encourage low-density residential development which provides for a variety of one-family dwelling types, including a large lot component, in a planned development;***

This Purpose of the R-L Zone is to encourage low-density residential development which provides for a variety of one-family dwelling types, including a large lot component, in a planned development. As this proposal will include a variety of single-family dwelling types, attached units as well as detached dwellings on a variety of lot sizes and types, this Application is in harmony with this Purpose. In fact, the proposed amendments will extend the variety of one-family dwelling types proposed, to add conventional townhouses to the “carriage home” townhouses already proposed.

- (8) ***Protect significant natural, cultural, historical, or environmental features and create substantial open space areas in concert with a unique living environment; and***

The Application is in harmony with this Purpose of the R-L Zone of protecting significant natural, cultural, historical, or environmental features and creating substantial open space areas because it will continue to protect and preserve the significant natural and environmental features in a large network of open space areas. The adjacent historical feature, the St. Barnabas Church and cemetery, will continue to be protected by the 65-acre buffer area provided for in the original approval.

- (9) ***Protect viewsheds and landscape/woodland buffers along the primary roadways and woodlands, open fields, and other natural amenities within the Zone.***

Finally, by preserving wooded buffers or parkland along a substantive portion of the realigned Oak Grove/Leeland Road, and by preserving a substantive portion of the historic alignment of Oak Grove/Leeland Road, the approval of the requested amendments will continue to be in harmony with this Purpose of the R-L Zone. §27-514.08(a)

- (3) The Locust Hill development is in conformance with the specific recommendations of the Master Plan Maps for both the 2006 Bowie Master Plan and the 2013 Subregion 6 Master Plan. Both Master Plans reflect the presence of the R-L Zone at the subject property, and neither Sectional Map Amendment proposed a change.

While the Text of the Bowie Master Plan does not specifically discuss the Locust Hill development, the Basic Plan, both originally and as proposed to be amended, conforms to the principles and guidelines described in it for land use, the number of dwelling units and the location of land uses. The planned residential development conforms to the Plan’s land use recommendation for, “Residential Low: Areas intended for suburban neighborhoods with singlefamily houses on lots ranging from 6,500 square feet to one acre in size and retirement or

planned residential development.”<sup>2</sup> It is noted that the implied density of the Master Plan’s land use recommendation is up to 6.70 dwelling units per acre; a maximum of 1.5 dwelling units per acre is proposed by the requested amendments.

The “Residential Low” land use recommendation in the 2006 Bowie Master Plan was an intensification of the “Large Lot/Alternative Low Density” recommendation of the previous 1991 Bowie-Collington-Mitchellville and Vicinity Master Plan which was associated with the application of the Euclidean R-A Zone (yielding a maximum of 0.5 units per acre) or the R-L at a maximum density of 1.5 dwelling units per acre.

The Plan text for the Developing Tier of the Bowie Plan’s Developing Pattern Element includes a Policy to, “improve site design to maximize the preservation of environmentally sensitive areas, encourage a diversity of housing types, provide a mix of land uses in appropriate locations, and reduce the cost of providing new roads and other public facilities.”<sup>3</sup> The proposed amendments to the Basic Plan would directly address that Policy by allowing flexibility to avoid or minimize environmental impacts in the trail design, and by adding housing types to the unit mix to create a greater diversity of housing types as well as units which are compatible with attached units in the surrounding planned developments. Addressing the preservation of environmentally sensitive areas, the Technical Staff of the Environmental Planning Section of the Countywide Planning Division found, “the environmental relationships proposed between the proposed low-density development pattern and the extensive environmentally sensitive features of the site demonstrate compatibility between the land use proposed, surrounding land uses, and promote the health safety and welfare of the residents of Prince George’s County.”<sup>4</sup>

The Plan Text of the Subregion 6 Master Plan does specifically reflect the existence of the Locust Hill development: “Another new CDZ, Locust Hill, is currently in the development approval process. Locust Hill is located on the northern border of the subregion on Leeland Road and is proposed for low-density development with a range of unit types and sizes.”<sup>5</sup>

Similarly to the Bowie Master Plan, the 2013 Subregion 6 Master Plan approved an intensification of the land use recommendation for the subject property. The 1993 Subregion 6 Master Plan had proposed “Estate” land use, which was associated with the application of the Euclidean R-E Zone or at a density range of 0.8 to 1.5 dwelling units per acre; the 2013 Plan’s “Residential Low” land use recommendation is defined as, “residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.”<sup>6</sup>

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<sup>2</sup> M-NCPPC, Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B (February), Appended Map “Land Use and Transportation South of US 50”

<sup>3</sup> Bowie Master Plan, p. 12

<sup>4</sup> Memorandum, Kim Finch to Taslima Alam, April 25, 2018; pp. 60-72 of 99 in the backup material to the Technical Staff Report

<sup>5</sup> M-NCPPC, Approved Subregion 6 Master Plan and Sectional Map Amendment (July, 2013), p. 178.

<sup>6</sup> Subregion 6 Master Plan, p. 40.

With respect to the densities, the Technical Staff of the Community Planning Division also found that, “the proposed Basic Plan Amendment conforms to the densities specified by the R-L Zone (1.5-1.5) and is in conformance with the Residential Low (3.5 du/ac.) Future Land Use Designation located in both the 2006 Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B and the Approved 2013 Subregion VI Master Plan and Sectional Map Amendment.”<sup>7</sup>

The proposed amendments, if approved, would be in keeping with the existing Basic Plan’s conformance to the Subregion 6 Master Plan’s strategy for the Developing Tier portion of the Development Pattern and Land Use Element to, “maintain low to moderate-density land uses except as part of mixed-use development and planned communities.”<sup>8</sup> The requested amendments will also help to implement the policy for the Suburban/Developing Tier Communities in the Living Areas and Community Character Element; that policy, “continue to build high-quality suburban development organized around a network of open space and community facilities with attention to site design,”<sup>9</sup> is supported by ten strategies, seven of which are applicable to Locust Hill:

***1. Develop a comprehensive trail/sidewalk system to connect the community.***

The proposed development will feature a trail system which interconnects with the masterplanned trail in the Collington Branch stream valley. The requested amendments will allow for greater flexibility to construct those trails while minimizing adverse impacts to regulated environmental features.

***3. Expand and enhance recreational activities and opportunities for youth particularly in older communities.***

The requested amendments include the addition of a potential site for a clubhouse, as well as a 10+-acre site for a developed park in addition to the large area of dedication for stream valley parkland.

***5. Ensure that all new development in the area is compatible with existing development in terms of architecture and scale.***

The requested amendments include the addition of an additional attached unit type which is comparable to and compatible with the attached dwellings in the surrounding Perrywood, Oak Hill Club and Beechtree planned developments. The amended development proposal will retain the 65-acre buffer between the development area and the St. Barnabas Church properties.

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<sup>7</sup> Memorandum, John Wooden to Taslima Alam April 17, 2018; pp. 44-46 of 99 in the backup material to the Technical Staff Report.

<sup>8</sup> Ibid., p. 58.

<sup>9</sup> Ibid., p. 179.

**8. *Design site features such as storm water management facilities during the development process so that they become amenities in the development.***

The proposed amendments will not affect the conformance of the existing Basic Plan to this Master Plan strategy.

**9. *Provide green edges (woods, and landscaping) in new developments to provide a buffer that blends naturally into surrounding wooded areas.***

The amended development proposal will continue to retain extensive areas of wooded open space to buffer the surrounding development, including several stream valleys and in the 65-acre St. Barnabas Church buffer.

**10. *Incorporate historic sites, vista, archeological resources, and cultural features into development design.***

The amended development proposal will retain the 65-acre buffer between the development area and the historic St. Barnabas Church properties, and will retain a substantial portion of the existing scenic Oak Grove/Leeland Road historic alignment as a trail.

**11. *Incorporate environmentally sensitive design and green building/energy efficiency techniques.***

The proposed amendments will not affect the conformance of the existing Basic Plan to this Master Plan strategy.

In summary, the requested amendments will continue or improve the existing Basic Plan's conformance with the land use recommendations and development guidelines of the Bowie and Subregion 6 Master Plans. §27-195(b)(1)(A)

- (4) The instant Application does not have a proposed retail commercial area. §27-195(b)(1)(B)
- (5) A-9975 was approved in 2006 with a maximum density of 465 to 581 dwelling units. The instant amendment request would increase the maximum density of 471 to 706 dwellings, a possible increase of 125 dwellings. The Applicant's Traffic Impact Analysis, July 19, 2018 (Exhibit 41) was prepared using the worst case scenario assuming that all dwellings were single family detached dwelling units which results in higher number of trips generated than using the proposed mix of detached and attached dwellings units. Using this worst case scenario, the trip cap for Locust Hill is 530 AM trips and 635 PM peak hour trips.

The results of the Traffic Impact Analysis under total traffic conditions show that all the intersections will operate adequately, provided that certain improvements are made. Along the

US 301 corridor, all of the intersections will be improved to adequate Levels of Service based on a combination of construction funds that are allocated in the current adopted Prince George's County Capital Improvement Program (CIP), as well as additional funding from the development community. In January 2007, the Planning Board approved a PPS for the subject property (406075). Pursuant to PGCPB Resolution No. 07-28, Condition 2, the subject property was required to pay \$1,550 per DU (indexed to 1989) as its share of the CIP-funded program. Staff is recommending that the amount be maintained for the current Application if it is ultimately approved.

Along the Leeland Road/Oak Grove Road corridor, the Applicant will be required to make improvements at the following intersections:

- Oak Grove Road and MD 193
- MD 202 and MD 193

Depending on the dwelling type, these 125 additional units could generate as many as 94 AM peak trips, 113 PM peak trips, and 1,125 daily trips. It must be noted that there is a similar Basic Plan Amendment application (A-9968-01, Willowbrook) that is currently going through the review process, where a similar expansion is being sought. In that case, the Applicant is seeking an increase of 313 DUs. If both Applications are approved, the net increase will be 3,942 daily trips along the Oak Grove Road/Leeland Road corridor.

The current Master Plans that govern the property recommend Oak Grove Road/Leeland Road to be upgraded to a major collector standard. Pursuant to the Transportation Review Guidelines, Part 1, this type of road can handle average daily traffic (ADT) of up to 39,460 vehicles, while maintaining level of service (LOS) D. Given the current ADT of approximately 6,000 vehicles along the Oak Grove Road/Leeland Road corridor, it is not likely that the increase in density on this site will be sufficient to lower the projected LOS that was anticipated in the Master Plans.

Based on the preceding findings, the Technical Staff and the Applicant's expert transportation planner, Mr. Mike Lenhart, agree that existing transportation facilities and those to be provided by the Applicant will be adequate to carry the anticipated traffic generated by the development, based on the maximum proposed density. Furthermore, the uses proposed will not generate traffic which would lower the LOS anticipated by the land use and circulation systems shown on the approved area Master Plan, in accordance with Section 27-195(b)(1)(C).

(6) The Technical Staff of the Special Projects Countywide Planning Section has found in their referral that the police, fire and rescue public facilities would be adequate for the uses proposed with the mitigation that was approved in Preliminary Plan 4-06075, and that the impact fees paid by the Applicant would fund the mitigation for any deficiency in school capacity which

might be found. They further found that the water and sewer category is sufficient evidence of the availability of planned water and sewerage systems.<sup>10</sup>

(7) The site of Locust Hill is surrounded on all sides by existing or approved single-family residential development in the R-E, R-R, R-L and R-S Zones. Beyond the inherent compatibility of comparably-dense single-family development, along most of the subject property's perimeter substantive stream valleys separate the proposed development envelope from the adjoining development. These relationships exist in the approved Basic Plan and are maintained or improved by the requested amendments.

The "carriage home" townhouses which were included in the original approval are proposed to be retained; these units, though larger than a conventional townhouse, are not found in the surrounding existing development. The requested amendments propose the addition of conventional townhouses-which are found in the surrounding existing development – to the unit mix.

The adjacent historic site of St. Barnabas Church and cemetery will continue to be protected by a 65-acre buffer area, as in the existing Basic Plan. The existing scenic alignment of Oak Grove/Leeland Roads will continue to be preserved as a trail to provide additional protection for the historic site.

A noise analysis shows that the amended Basic Plan will provide for sufficient separation from realigned Leeland Road and the Pope's Creek Branch Railroad to provide protection from noise impacts greater than the limit of prevailing regulatory practice of 65 dBA.

The amended Basic Plan will provide for the relocation of the concentration of attached dwellings away from the frontage of Oak Grove/Leeland Road and into the interior of the development. This will provide for a greater perceived compatibility with the existing pattern of locating single-family development along Oak Grove Road.

Taken together, the requested amendments provide for a greater level of compatibility between the land use/dwelling types in the proposed development and those in the surrounding development. §27-195(b)(1)(E)

(8) The anticipated construction schedule for the instant Application does not exceed 6 years. §27-195(b)(2)

(9) The instant Application does not include the V-M (Village Medium), V-L (Village Low) or L-A-C Zones. §27-195(b)(3) and (4)

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<sup>10</sup> Memorandum, Jay Manghalvede to Taslima Alam, August 9, 2018; pp. 73-75 of 99 in the backup material to the Technical Staff Report. (Exhibit 30)



## RECOMMENDATION

Approval of A-9975/01 subject to the following Conditions and Considerations:

- The Basic Plan shall be revised to show the following land use locations, types and quantities:

Total Area:	505.81 acres
Land in the 100-year floodplain:	69.21 acres
Adjusted Gross Area: (total area less half the floodplain (34.6 acres)	471.21 acres
Density Permitted under the R-L Zone:	1.0-1.5 dwellings (d.u.)/acre
Permitted Dwelling Unit Range:	471-706 d.u.

Approved Land Use Types and Quantities\*:

Approved Dwelling Unit Range:	471-706 d.u.
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Residential Single-Family Detached:

Minimum Range (65%)	306-459 d.u.
Maximum Range (90%)	424-635 d.u.

Residential Attached Dwellings

(attached dwellings shall not exceed 35 percent of the maximum density):	
Minimum Range (10%)	47-71 d.u.
Maximum Range (35%)	165-247 d.u.

Total Dwellings

Public Open Space (parkland and parks, a minimum of 10 acres shall be developable):	58 acres
Private Open Space Buffer:	65 acres

\*Maximum achievable density shall be determined at the time of Comprehensive Design Plan (CDP) not to exceed 706 d.u. (Note-single-family detached should include large lot units, with dimensions to be determined at the time of CDP)

- Development shall preserve the Patuxent River Primary Management Area (PMA) to the fullest extent possible. Impacts to the PMA shall be minimized by limiting the number of road crossings, by making all necessary road crossings perpendicular to the streams, and by using existing road crossings to the extent possible.

3. Alignment of the master planned collector roadway (MC-600) shall be evaluated in detail to determine the location that results in the preservation of the existing natural resources to the fullest extent possible.
4. Natural Resources Inventory (NRI), signed by appropriate staff, shall be submitted with the CDP. All subsequent plan submittals shall clearly show the PMA as shown on the signed NRI.
5. A protocol for surveying the locations of all rare, threatened and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources prior to the acceptance of the CDP and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any Application for Preliminary Plans.
6. The Woodland Conservation Threshold (WCT) shall be 25 percent. The WCT requirements shall be met on-site. The Type I Tree Conservation Plan required with the CDP Application shall focus on the creation of contiguous woodland. Priority areas for tree preservation shall be concentrated in areas within the framework of the approved Green Infrastructure Master Plan. No woodland conservation shall be provided on any residential lot.
7. Woodland cleared within the PMA's Preservation Area shall be mitigated on-site at a ratio of 1:1 for all impacts associated with development of the subject parcels. Woodland cleared within the PMA for the construction of the master planned roadway shall be mitigated in conformance with the standards of the Woodland Conservation Ordinance. This note shall also be placed on all Tree Conservation Plans.
8. A Marlboro Clay geotechnical report that identifies the location and elevation of the Marlboro Clay layer throughout the site shall be submitted as part of the CDP Application package.
9. A Phase I noise study shall be submitted with the Preliminary Plan Application package. The noise study should address the location of the 65 dBA Ldn noise contour related to the CSX Railroad tracks, and what mitigation measures, if any, will be required to reduce noise impacts to 65 dBA Ldn in outdoor activity areas.
10. If noise mitigation is required to reduce noise levels to below 65 dBA Ldn in outdoor activity areas, a Phase II noise study shall be submitted with the Preliminary Plan Application package. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn in outdoor activity areas and 45 dBA Ldn interior.
11. No residential lots shall be located within 150 feet of the centerline of the CSX Railroad tracks.

12. The Applicant and its heirs, successors, and/or assignees shall provide the following trail facilities.
  - a. Construct the portion of the 10-foot-wide Master Plan hiker-biker trail located on the subject property's portion of the Collington Branch Stream Valley. The 10 foot width of the Master Plan trail may be modified at appropriate locations to respond to environmental constraints. Trail alignments shall be determined by the Department of Parks and Recreation of the M-NCPPC. Appropriate feeder trail connections from the project to the Master Plan hiker-biker trail shall be determined at CDP.
  - b. Construct the 8-foot wide Master Plan hiker-biker trail (extension from Oak Creek development) along the Black Branch stream valley and 6-foot wide feeder trails to the development pods in Locust Hill. Trail alignments shall be determined by the Department of Parks and Recreation.
  - c. Construct a Class I Master Plan trail (or side path) along the subject property's entire frontage of both Oak Grove Road and Church Road. The location of the Class I Master Plan trail (or side path) will be located along or adjacent to the Oak Grove and Church Road rights-of-way, except where environmental constraints require otherwise. In the event that environmental constraints require a different alignment, the Master Plan trail shall be routed around said constraint to ensure a continuous connection.
  - d. The location of trail facilities shall be determined at the time of Preliminary Plan of Subdivision (PPS) review. Any realignment of trails and/or relocation of stream crossings required under this Condition, due to existing environmental constraints, shall be reviewed and approved by the Department of Parks and Recreation (DPR). Any structures required to ensure dry passage shall be reviewed and approved by DPR at time of Specific Design Plan (SDP).
13. In the event the Applicant elects to develop both Locust Hill and the adjacent Willowbrook communities with shared private recreational amenities, the Applicant shall submit for DPR's approval, prior to the time of CDP approval, appropriate covenants that shall be recorded in the County Land Records at the final plat for both the Locust Hill and Willowbrook properties. The covenants are to ensure that residents within both the Locust Hill and Willowbrooks communities will have equal access to membership in and use of open space and recreational facilities in both developments.
14. At the time of CDP and submissions, the Applicant or its heirs, successors, and/or assignees shall provide a traffic study that analyzes the following intersections:
  - US 301/MD 725

- US 301/Village Drive
  - US 301/Leeland Road
  - US 301/Trade Zone Avenue
  - Leeland Road/Safeway Access
  - Oak Grove Road/Church Road
  - Oak Grove Road/MD 193
  - MD 202/MD 193
  - Link of Leeland Road-Oak Road, between US 301 and MD 202
15. All stream and wetland mitigation for impacts to environmentally regulated site features shall be provided within the Collington Branch watershed, or, if mitigation sites cannot be found, within the Western Branch watershed, to the fullest extent possible, as determined by the permitting agency.
16. Prior to any ground disturbance or the approval of any grading permits, the Applicant shall ensure that all artifacts recovered from the archeological survey on the subject property are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, MD. Proof of disposition of the artifacts shall be provided to the Historic Preservation Section.
17. Prior to approval a PPS for that portion of the subject property that is believed to include a cemetery in the southern portion of Parcel 30, the Applicant shall perform archeological investigations of the site to include geophysical survey(s), such as ground-penetrating radar, electrical resistivity and/or magnetometer survey, or limited shovel testing, hand excavation, and selected shallow surface removal, to determine the possible existence of burials. If it is determined that burials are present, the Applicant shall avoid the area defined as containing burials.
18. If a determination is made at the time of CDP, based on the proposed total density, that the proposed dedication of public parkland and public recreational facilities are insufficient, additional on-site and/or off-site dedication of public parkland and/or public recreational facilities shall be provided to satisfactorily meet the recreational needs of this community.
19. At the time of CDP, the Applicant shall demonstrate the public benefit features above those previously required will be provided to justify the density proposed with this Application.
20. These Conditions of approval shall be printed on the face of the Basic Plan prior to approval and submitted to the Office of the Zoning Hearing Examiner for inclusion in the record.

21. The Basic Plan revised in accordance with these Conditions and Considerations shall be approved by the Zoning Hearing Examiner prior to CDP review.

### **Considerations**

1. A detailed analysis of parkland, Master Plan trails, internal trail networks, sidewalk networks and neighborhood connector trails should be completed at the time of review.
2. At the time of CDP review, specific acreage of parkland dedications shall be determined. Such dedication should include the Collington Branch and Black Branch stream valleys and 10 acres of developable land for active recreation as provided in the January 27, 2006, memo from the DPR. (A-9975, Exhibit 30(a))
3. At the time of CDP review the Applicant shall address its plan to grade a 10-acre developable portion of the dedicated parkland on the northeast corner of the property next to the Pennsylvania Railroad right-of-way to accommodate ball fields and a parking lot. The parkland shall have a direct frontage on proposed Oak Grove Road.
4. At the time of CDP review the Application shall provide adequate, private recreational facilities 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 Park and Recreation Facilities Guidelines.
5. The Applicant shall obtain approval from the Planning Board for any transfer of Locust Hill recreation facilities/funds to be used at the Willowbrook property at the time of CDP approval.
6. Single-family dwelling units shall have a range of lot sizes and lot standards to ensure a variety of housing types.
7. To ensure that the increase from 20 percent to 35 percent in single-family attached units will continue to provide a high-quality suburban development and will be in keeping with previous approvals and surrounding developments in terms of site design, lot size, dwelling units size, even “architecture and scale” (Master Plan page 179), at the next stages of the review process, such as at the time of the CDP, PPS, and SDP, the development proposal shall be carefully reviewed and attention should be given to the design of the project to ensure the site provides various lot sizes, house types, and architectural design that is compatible with surrounding land uses.

To support the residential low (R-L) zoning of the community, but also allow the flexibility requested by the Applicant, a varied housing stock is appropriate. The carriage home lot sizes shall be comparable to the CDP approved lot sizes, to be determined with the CDP. This will ensure a more integrated layout with single-family dwellings on varying lot

sizes, attached carriage homes on large lots, and townhouses, which will provide for a varied ownership interest that will support an integrated development. The increase in dwelling units and change in house types will require careful site planning to preserve the natural features of the site.

8. As the original Basic Plan required carriage homes, there shall be some percentage of carriage homes provided.
9. An alternative community or institutional use may be provided in lieu of the church site previously approved with A-9975-C.