

Quad Construction Corporation
6110 Executive Blvd, Suite 310 Rockville MD 20852 301-864-6500

September 30, 2020

VIA Electronic Mail
djbrown@co.pg.md.us
sherri.conner@ppd.mncppc.org

Ms. Donna J. Brown
Clerk of the County Council for Prince George's County
County Administration Building
14741 Gov. Oden Bowie Drive
Second Floor
Upper Marlboro, MD 20772

Ms. Sherri Connor
Supervisor, Subdivision and Zoning Section
Development Review Division
Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Fourth Floor
Upper Marlboro, MD 20772

RE: **Petition to Amend the Basic Plan for Forest Hills (A-9895)**
Amendment of approved Basic Plan (Sec. 27-197 (c))

Dear Donna and Sherri:

As the President of the owner/applicant, Quad Construction Corporation (the "Owner"), and pursuant to Section 27-197(c), I am submitting this formal request to amend Basic Plan A-9895.

Conditions 15 and 16 of Basic Plan A-9895 require that a trail be built on the Western Section of the property along the Western Branch. Since the approval of the Preliminary Plan, MNCPPC Department of Parks and Recreation ("DPR") trail systems have been built to the east of the property. A trail system on the Western Branch will not connect to any other trail systems. In meetings between the Applicant and DPR, DPR agreed for the Applicant to pay a fee in lieu to DPR in the amount of \$200,000.00. DPR will use those funds to connect portions of existing trails that are located east of the property and which will better serve the larger community because of the continuity of those trails.

Currently, conditions 15 and 16 state the following:

15. The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hills Community where possible. Feasibility and location of trail

connections will be determined during the consideration of the Comprehensive Design Plan.

16. The hiker/biker trail shall be constructed in conformance with DPR's Guidelines for Park and Recreational Facilities.

In an effort to be able to effectuate the agreement between the Owner/Applicant and DPR, we are kindly requesting that the Zoning Hearing Examiner and the District Council revise Conditions 15 and 16 of the Basic Plan to state:

15. Improvements of the trails systems to the east of the property shall be funded in part by the total payment of \$200,000 prorated a per building permit basis to DPR by the applicant, his heirs, successors and/or assignees.

16. The location of the trail improvements shall be solely at DPR's discretion.

The MNCPPC Planning Board has already approved to reconsider conditions in the Preliminary Plan for Forest Hills which correspond to these two Basic Plan conditions and this amendment to the Basic Plan, would allow the Planning Board to proceed forth.

Thank you in advance for your consideration of this request. In the event you have any questions or comments, please do not hesitate to contact me.

Respectfully submitted,

DocuSigned by:

2E7FB27380E54DF...

G. Sevag Balian
President

cc: Sherri Connor, Supervision, Subdivision Section via email

CERTIFICATE OF SERVICE

Since the subject Basic Plan is over ten (10) years old, MNCPPC no longer has a list of the parties of record.

PETITION #A **9895**

NO TOWN

AREA **169.12 Acre**
R-E/R-R TO R-L
PLANNING AREA **79**

THIS IS NOT AN
OFFICIAL ZONE MAP

1" = 1000'

R-E

PROPOSED

R-E

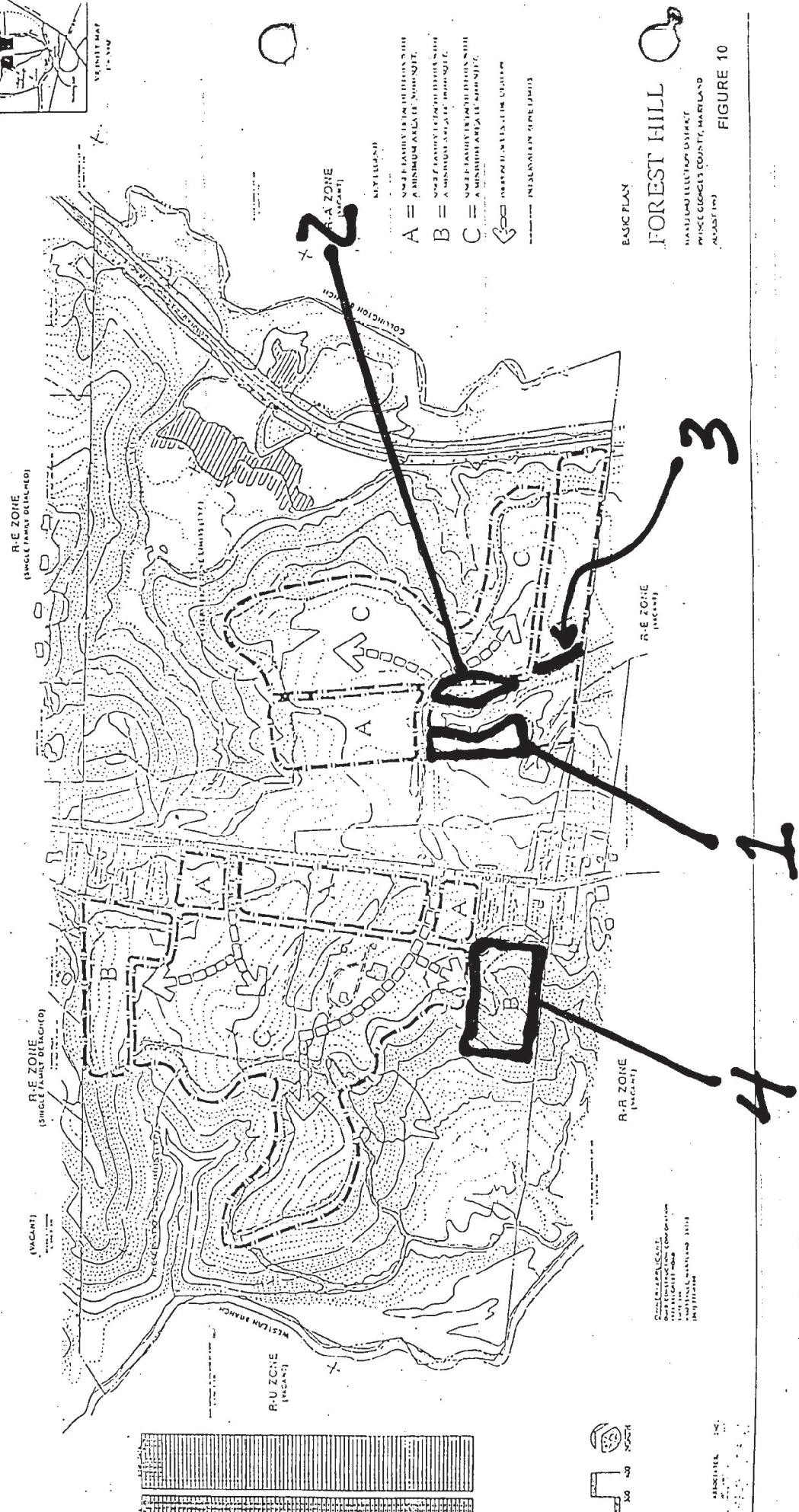
R-A

ZONING MAP: 205, 206SE
12R, 13L

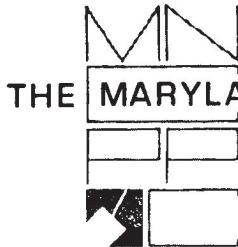
ADOPTED: 7-12-77

SCALE: 1" = 200'

TAX MAP: 92 E-2, 3F-2, 3



STAFF EXHIBIT "A"
DECEMBER 21, 1993



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TDD: (301) 952-3796

PGCPB No. 94-24

File No. A-9895

Prince George's County Zoning Map Amendment Application No. A-9895

Applicant: Quad Construction Corporation, Owner
John McDonough, Correspondent

Location: The subject property is located on both sides of Largo Road (MD 202), approximately 3,000 feet north of MD 725.

Request: R-E and R-R Zones to the R-L (1.0) Zone

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting on January 26, 1994, considered Zoning Map Amendment Application No. A-9895 pursuant to Article 28, Annotated Code of Maryland, and Section 27-191 of the Zoning Ordinance; and

WHEREAS, the applicant is requesting the rezoning from the R-E and R-R Zones to the R-L Zone for 169.15± acres; and

WHEREAS, the Technical Staff Report released December 21, 1993, recommended APPROVAL with conditions of said zoning request; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on January 26, 1994, the Prince George's County Planning Board agreed with the staff recommendation as revised at the hearing; and

WHEREAS, the Planning Board recommendation is based on the staff analysis and the following DETERMINATIONS:

- A. *The Adopted and Approved Subregion VI Master Plan recommends that "consideration be given to the use of the Comprehensive Design R-L Zone" for this and other properties along MD 202. The 1982 General Plan places the property in a staged future development category and recommends large-lot development. With conditions requiring large lots of 40,000 square feet in certain areas of the Basic Plan, the proposal is in conformance with the Master Plan.*
- B. *A total of 153 single-family detached dwelling units are planned for the site at buildout. This development will produce an estimated 115 AM peak hour trips (23 in and 92 out) and 137 PM peak hour trips (90 in and 47 out) with the development of the site.*

- C. The traffic generated by the proposed preliminary plan would impact the MD 202/MD 193 intersection and the MD 202/MD 725 intersection.
- D. No facilities in the study area are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. However, funds for engineering the widening of MD 202 from south of MD 193 to White House Road are fully programmed in the proposed FY 1994-99 Consolidated Transportation Program.
- E. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system. The MD 202/MD 193 intersection, when analyzed with total future traffic as developed using the *Guidelines*, was not found to be operating at LOS D or better.
- F. The Tuck Farm property (Preliminary Plat of Subdivision 4-88020, approved under PGCPB No. 88-237) was approved with conditions to contribute toward the widening of MD 202 from south of MD 193 to White House Road. The traffic study provided by the applicant indicates a willingness to participate in funding a fair share of the cost of these improvements.
- G. The SHA has committed to initiating construction of the widening of MD 202 from south of MD 193 to White House Road prior to May 26, 1998, upon receipt of \$1 million in funds from the County, and the DPW&T has guaranteed \$1 million in developer contributions to help fund the improvement.
- H. The MD 202/MD 193 intersection, when analyzed with the improvements identified in Finding G above and total future traffic as developed using the Guidelines, was found to be operating at LOS D or better.
- I. The *Adopted and Approved Subregion VI Master Plan* includes a recommendation that MD 202 be relocated in the area of the subject property southward, and that MD 202 Relocated (E-6) be constructed to function as an expressway facility. In support of this recommendation, the Master Plan endorses the recommendations of the *MD 202 Access Study* (March 1982) in the area of the subject property. These would include:

- a. Access to E-6 with a median break at or near the applicant's proposed south site entrance.
- b. No access to E-6 (i.e., no median break) at or near the applicant's proposed north site entrance. As a result, the proposed north site entrance would have access only to the existing MD 202 roadway.
- c. A service road on the east side of E-6 linking the subject property to the property immediately to the south. This function could be served by provision of a stub connection to the property immediately to the south in order to provide access from the neighboring property to E-6 via the applicant's south site entrance.
- J. The *Adopted and Approved Subregion VI Master Plan* recommends provision of sufficient right-of-way for an expressway facility along the E-6 alignment, and provision of a primary residential facility (60-foot right-of-way) along existing MD 202.
- K. Analysis of the recently-approved *Subregion VI Master Plan* indicates that under existing zoning all Master Plan facilities within the study area would operate acceptably. The proposed CDZ on the subject property would yield approximately the same amount of development that the existing R-E zoning would be expected to yield on the 169-acre tract.
- L. All other public facilities have been examined and found to be adequate to serve this proposal.
- M. The Plan is basically compatible with surrounding land uses. Several conditions are recommended to increase compatibility, including enlarging lots adjoining R-E zoned land to 40,000 square feet. Lots of 30,000 square feet are concentrated along MD 202 to maintain the existing character of this portion of Largo Road near Upper Marlboro. Smaller lots are interior to the site. Townhouses, which are permitted in the R-L Zone, are not proposed, maintaining the single-family character of the area.
- N. The applicant should work with the Police Department to determine if a Community Oriented Police Office is warranted within the proposed community.
- O. The applicant should employ the use of audible alarms, fencing and private security to prevent crimes during the construction phase of the project.

P. The applicant should consider establishing a Neighborhood Watch Program which could include mandatory membership for all residents.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to Article 28, of the Annotated Code of Maryland and Section 27-191 of the Zoning Ordinance for Prince George's County, Maryland, recommends to the County Council, sitting as the District Council for the Maryland-Washington Regional District in Prince George's County, Maryland, that Zoning Map Amendment Application No. A-9895 be APPROVED with the following land use types, quantities conditions and considerations:

Land Use Types and Quantities:

153 single-family detached dwelling units
Open space
Homeowner Recreation Facilities
Trails

Base Density	1.00 du/acre	150 dus
Density Requested	1.02 du/acre	153 dus
Density Increment		
Factor Needed	2 percent	3. dus
Maximum Density	1.02 du/acre	153 dus

Conditions:

1. Prior to the issuance of any building permits on the subject property, the widening of MD 202 to a four-lane divided highway from south of MD 193 to White House Road, as shown in the Secondary Development and Evaluation Program of the proposed FY 1994-99 Consolidated Transportation Program, shall be in place, under construction, or programmed with 100% construction funding in the next five years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program; or, in the event that a fair share contribution is made by the applicant and/or the applicant's heirs, successors, or assigns, 100% of the remaining construction funds will be committed in writing by the SHA, the DPW&T, or both agencies.
2. Access to the E-6 facility from the subject property shall be limited to a single location at or near the applicant's proposed south site entrance, as shown on the Basic Plan.
3. At the time of Comprehensive Design Plan submission, the applicant and/or the applicant's heirs, successors, or assigns shall show a

stub connection to the property immediately to the south (Robert L. Wurtz and Weeks Company, Liber 4620, Folio 929 on Tax Map 92, Grid F-3).

4. Only two lots shall be permitted in the area between existing and proposed MD 202. These lots shall be located in the southernmost area of this land.
5. The area marked "B" just south of the Thorn Hills subdivision in the northwest corner of the site, and the area marked "A" in the southeast corner of the site, east of the preservation zone, shall be reserved for lots with an approximate area of 40,000 square feet.
6. The applicant shall work with the Department of Parks and Recreation in creating a Type I Tree Conservation Plan to adequately allow for improvements (such as trails) in any forest preservation proposal.
7. The Basic Plan shall be revised to show the "building area envelopes" coincident with or outside the Preservation Zone, to the greatest extent possible.
8. The applicant shall prepare a geotechnical study of the Marlboro Clays on site, in accordance with Department of Environmental Resources Criteria, and submit it with the Comprehensive Design Plan. Special attention should be paid to locating headwalls of previously failed slopes; the approximate locations should be shown on the plan delimiting the 1.5 safety factor line.
9. A Stormwater Management Concept Plan shall be approved prior to the approval of the Comprehensive Design Plan.
10. As part of the submittal of the Comprehensive Design Plan, the applicant shall include a conceptual layout of water and sewerage service to and within the site and an analysis of the impact of the construction of these facilities. The applicant shall minimize the impact of construction.
11. The applicant shall obtain approval of the 100 year floodplain elevations from the Department of Environmental Resources, prior to preliminary plat approval.
12. Lots shall be adjusted to allow a structure to be placed outside of the noise zone [at least 395 feet from the centerline of proposed MD 202] or the applicant shall provide a noise impact study, including applicable mitigation measures, with the Comprehensive Design Plan.

13. The applicant shall dedicate 105± acres to the M-NCPPC as shown on Exhibit B (in file).
14. Land to be dedicated shall be subject to Conditions 1 through 7 of Exhibit C (in file).
15. The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hills Community where possible. Feasibility and location of trail connections will be determined during the consideration of the Comprehensive Design Plan.
16. The hiker/biker trail shall be constructed in conformance with DPR's *Guidelines for Park and Recreational Facilities*.
17. The "A" development pod east of realigned MD 202 and south of the proposed access road shall not include any land in the Preservation Zone. The area west of the Preservation Zone and east of realigned MD 202 shall not be included in any development pod (see area marked "1" on Staff Exhibit A). The area currently shown east of the Preservation Zone, just south of the proposed access road and just west of development Pod "C" may be incorporated into Pod "C" (see area marked "2"). South of Pod "C", the western boundary of development Pod "A" shall be the eastern boundary of the Preservation Zone (see area marked "3").
18. On the west side of MD 202, Pod "B" in the southwest portion of the property shall be eliminated. Pod "C" may be expanded to include the area of Pod "B" that is outside the Preservation Zone (see area marked "4" on Staff Exhibit "A").

Consideration:

1. The internal road in area "C" west of MD 202 shall be located at the edge of the development pod to create a view into the preservation area.

* * * * *

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 Brown, seconded by Commissioner Dabney, with Commissioners Brown, Dabney,

PGCPB No. 94-24
File No. A-9895
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Rhoads and McNeill voting in favor of the motion, and with Commissioner Boone absent, at its regular meeting held on Wednesday, January 26, 1994, in Riverdale, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of February 1994.

LeRoy J. Hedgepeth
Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

LJH:FJG:JD:lg

APPROVED AS TO LEGAL SUFFICIENCY
GARLAND M. STILLWELL
M-NOPPC LEGAL DEPT.
DATE: 2-2-94

DR-1

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session

1994

Resolution No. CR-54-

1994

Proposed by _____ District _____
Council

Introduced by Council Members Wineland and
Bell

Co-Sponsors

Date of Introduction May 24, 1994

RESOLUTION

A RESOLUTION concerning

The Subregion VI Study Area

Sectional Map Amendment

For the purpose of adopting a Sectional Map Amendment (or comprehensive rezoning) for the Subregion VI Study Area, which is the area generally bounded on the north by White House Road, Largo Road, Oak Grove Road, Leeland Road, US 301, and District Branch of the Patuxent River; on the east by the Patuxent River; on the south by the Charles County line; and on the west

by the Conrail line, the PEPCO power line right-of-way, Piscataway Creek, Woodyard Road, Pennsylvania Avenue, Ritchie Marlboro Road, Brooke Lane, and Brown Station Road, and which includes the municipalities of Upper Marlboro and Eagle Harbor, the communities of Marlboro, Mount Pleasant, Queensland, Marlton, and Rosaryville and rural areas known as Mt. Calvert-Nottingham, Croom-Naylor, Baden, Westwood, and Aquasco; and consists of Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B, the boundaries of which are described in the Zoning Ordinance.

WHEREAS, the County Council, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, adopted CR-66-1993 on September 28, 1993, pursuant to the provisions of Part 3, Division 4, of the Zoning Ordinance of Prince George's County, approving the Subregion VI Study Area Master Plan, and directing the Maryland-National Capital Park and Planning Commission to prepare and transmit to the District Council a proposed Sectional Map Amendment (SMA) for Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B; and

WHEREAS, the Prince George's County Planning Board subsequently prepared a comprehensive rezoning proposal or Sectional Map Amendment (SMA), for the Subregion VI Study Area, and transmitted it to the District Council on November 24, 1993 (PGCPB resolution 93-302) for consideration and adoption; and

WHEREAS, the District Council held a duly advertised public hearing on the Sectional Map Amendment on February 15, 1994,

and held a worksession on March 21, 1994, to consider the hearing testimony and the recommendations of the Planning Board; and

WHEREAS, during the worksession the District Council determined that several amendments should be advertised for public hearing in order to provide an opportunity for public comment and described those amendments in CR-28-1994; and

WHEREAS, the Prince George's County Planning Board considered CR-28-1994 on April 28, 1994; and

WHEREAS, the District Council held a duly advertised public hearing on the proposed amendments on May 2, 1994, and held a worksession on May 10, 1994 to consider the hearing testimony and the recommendations of the Planning Board; and

WHEREAS, the District Council, having reviewed supporting materials submitted as part of the Sectional Map Amendment proposal and examined the testimony presented in the two public hearings, finds that the accumulated record along with County plans and policies justifies the zoning changes within this Sectional Map Amendment; and

WHEREAS, the District Council, recognizes the importance of the comprehensive rezoning process as a legislative device for managing land development in accordance with the recommendations contained in the Approved Master Plan; and

WHEREAS, the Master Plan provides a framework for future development to enhance the character, quality, and livability of the area; and

WHEREAS, the Master Plan defines long-range land use and

development policies that should be utilized as a guide for subsequent zoning actions prior to the next comprehensive rezoning; and

WHEREAS, the principal objective of the SMA is protection of the health, safety and general welfare of the citizens of Prince George's County; and

WHEREAS, it is intent of the SMA to ensure that future development will be in accordance with the principles of orderly land use planning and staged development and, toward that end, the District Council found it necessary to change the zoning on properties which in its judgment were in conflict with the Master Plan's land use recommendations and policies; and

WHEREAS, the SMA process provides for a periodic comprehensive review of the zoning in an area, taking into account applicable County plans and policies, existing land use and zoning in the affected communities and surrounding planning areas, and pending zoning petitions; and

WHEREAS, the District Council has reviewed two Comprehensive Design Zone applications within this SMA and found the Basic Plans to be in general conformance with the recommendations of the Master Plan and its policies to encourage use of alternative development techniques for this area; and

WHEREAS, the District Council recognizes that its actions on the two Comprehensive Design Zone applications considered within this SMA become the basis on which the second phase,

i.e. Comprehensive Design Plan review, and the third phase, i.e. Specific Design Plan review, will be processed as a continuing development sequence; and

WHEREAS, the transmitted Sectional Map Amendment and CR-28-1994 proposed several zoning alternatives for a number of properties and indicated that a specific zoning category for those properties would be determined upon SMA adoption; and

WHEREAS, while the District Council generally supports the zoning changes in the November 1993 SMA document as transmitted by the Planning Board, it nevertheless wishes to incorporate certain amendments described herein.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, that the Sectional Map Amendment for the Subregion VI Study Area, as transmitted by the Prince George's County Planning Board on November 24, 1993, containing a zoning map at a scale of one inch equals 3,000 feet and an accompanying text identifying the zoning changes, is hereby adopted with amendments described below and generally shown on the attached locator maps.

Amendment 1. The 2.59-acre Hammett property (Parcel 10) situated on the east side of Brown Station Road, opposite Kaine Place is classified in the R-R Zone. (Previous zoning was R-E; the transmitted SMA recommended retention of the R-E Zone.)

Amendment 2. The 25+-acre Hammett property (part of Parcel

11) situated approximately one quarter mile east of Brown Station Road, east of the PEPCO transmission line and adjoining Western Branch is classified in the R-R Zone. (Previous zoning was R-E; the transmitted SMA recommended retention of the R-E Zone.)

Amendment 3. The 17.87+-acre Hammett property (part of Parcel A) situated east of the PEPCO transmission line and adjoining the PEPCO substation is classified in the R-R Zone. (Previous zoning was R-E; the transmitted SMA recommended retention of the R-E Zone.)

Amendment 4. The 22.09 acres on the north side of Old Marlboro Pike, east of Maple Shade Lane, and west of Brown Station Road, consisting of Lots 11-18 in the Dille Subdivision are classified in the R-80 Zone. (Previous zoning was R-R; the transmitted SMA recommended retention of the R-R Zone.)

Amendment 5. The 58.71-acre Rembold property situated east of US 301 between Old Crain Highway and the Marlboro Meadows Subdivision is retained in the O-S Zone. (The transmitted SMA recommended the R-E Zone.)

Amendment 6. The 1.0-acre Kelly property situated on the east side of the Marlboro Pike/Old Crain Highway intersection is retained in the C-O Zone. (The transmitted SMA recommended the O-S Zone.)

Amendment 7. The 11.2-acre Mitchell property at the end of Chevy Drive on the east side of US 301, north of Pennsylvania Avenue (MD 4), is classified in the C-M Zone.

(Previous zoning was O-S. The transmitted SMA recommended retention of the O-S Zone.)

Amendment 8. The northwesterly 0.4986 acres of the Mitchell property on the east side of Crain Highway (US 301) between MD 976-C and the Western Branch of the Patuxent River is classified in the C-S-C Zone. The remainder of the property is classified in the O-S Zone.

(Previous zoning was I-3. The transmitted SMA recommended the O-S Zone.)

Amendment 9. The 10.65 acres within the future Marlton Town Center, on the south side of Woodstock Drive East (extended), east of Grandhaven Avenue, being part of Parcel 103, is classified in the R-30 Zone. (Previous zoning was R-10. The transmitted SMA recommended the R-10 Zone.)

Amendment 10. The 3.34 acres within the future Marlton Town Center, on the south side of Woodstock Drive East, west of Grandhaven Avenue, being parcel 101, is classified in the R-30 Zone. (Previous zoning was R-R. The transmitted SMA recommended the R-R Zone.)

Amendment 11. The 89+-acre DeCesaris property on the east side of MD 202, just south of the Perrywood Development, and north of the Brock Hall Manor and Brock Hall Gardens subdivisions is classified in the R-R Zone. (Previous zoning was R-E. The transmitted SMA recommended the R-E Zone.)

Amendment 12. The 14.4 acres fronting the north side of Old Marlboro Pike between Ritchie Marlboro Road and the

Town of Upper Marlboro, being lot 31 and part of lots 37, 38, 42 and 43, within the A.O. Dille Farm Subdivision is classified in the C-M Zone. (Previous zoning was R-R. The transmitted SMA incorporated two alternatives for Council consideration, either the C-M Zone or retention of the R-R Zone.)

Amendment 13. The 15.7 acre Nicowski property situated in the southeastern quadrant of the MD 4/Woodyard Road (MD 223) intersection, is classified in the C-O Zone.

(Previous zoning was R-A. The transmitted SMA incorporated a range of alternative zones for Council consideration, including all residential zoning categories and the C-O Zone.)

Amendment 14. The 0.7 acre Dean property situated in the northeastern quadrant of the Woodyard Road (MD 223) /South Osborne Road intersection, is classified in the O-S Zone.

(Previous zoning was

R-A. The transmitted SMA incorporated a range of alternative zones for Council consideration, including all residential zoning categories and the C-O Zone.)

SECTION 2. BE IT FURTHER RESOLVED that pursuant to Section 27-226(f)(4) of the Zoning Ordinance, the District Council has examined the requirements of Section 27-195(b) and is satisfied that the requirements set forth have been met for the following Comprehensive Design Zones, in accordance with the pertinent conditions and considerations stated herein.

(Note: Wherever the word "applicant" is mentioned in the

conditions and considerations of the approved Comprehensive Design Zones contained within this resolution, the applicant's heirs, successors and/or assigns are included):

CDZ Amendment 1 - Forest Hill (Zoning Application A-9895)

(a) Place the 169.15+ acre Forest Hill property situated on both sides of Largo Road (MD 202) south of Kent Drive and approximately 3,000 feet north of Old Marlboro Pike (MD 725), in the R-L (Residential- Low Development, 1.0 to 1.5) Zone. (Previous zoning was R-E. The transmitted SMA recommended retention of the R-E Zone.)

(b) The Basic Plan is approved with the following land use types, quantities, relationships, conditions, and considerations:

I. Land Use Types and Quantities:

153	single-family detached dwelling units
Open space	
Homeowner Recreation Facilities	
Trails	
Base Density	1.00 du/acre
Density Requested	1.02 du/acre
dus	153
Density Increment	
Factor Needed	2 percent
dwelling units	3 add'l.
Maximum Density	1.02 du/acre
dus	153

II. Conditions:

1. Prior to the issuance of any building permits on the subject property, the widening of MD 202 to a four-lane divided highway from south of MD 193 to White House Road (as shown in the Secondary Development and Evaluation Program of the proposed FY 1994-99 Consolidated Transportation Program), shall be in place, under construction, or programmed with 100% construction funding in the next five years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program; or, in the event that a fair share contribution is made by the applicant and/or the applicant's heirs, successors, or assigns, 100% of the remaining construction funds will be committed in writing by the SHA, the DPW&T, or both agencies.
2. Access to the E-6 facility from the subject property shall be limited to a single location at or near the applicant's proposed south site entrance, as shown on the Basic Plan.
3. At the time of Comprehensive Design Plan submission, the applicant and/or the applicant's heirs, successors, or assigns shall show a stub connection to the property immediately to the south (Robert L. Wurtz and Weeks Company, Liber

4620, Folio 929 on Tax Map 92, Grid F-3).

4. Only two lots shall be permitted in the area between existing and proposed MD 202. These lots shall be located in the southernmost area of this land.
5. The area marked "B" just south of the Thorn Hills subdivision in the northwest corner of the site, and the area marked "A" in the southeast corner of the site, east of the preservation zone, shall be reserved for lots with an approximate area of 40,000 square feet.
6. The applicant shall work with the Department of Parks and Recreation in creating a Type I Tree Conservation Plan to adequately allow for improvements (such as trails) in any forest preservation proposal.
7. The Basic Plan shall be revised to show the "building area envelopes" coincident with or outside the Preservation Zone, to the greatest extent possible.
8. The applicant shall prepare a geotechnical study of the Marlboro Clays on site, in accordance with Department of Environmental Resources Criteria, and submit it with the Comprehensive Design Plan. Special attention should be paid to locating headwalls of previously failed slopes; the approximate locations should be

shown on the plan delimiting the 1.5 safety factor line.

9. A Stormwater Management Concept Plan shall be approved prior to the approval of the Comprehensive Design Plan.

10. As part of the submittal of the Comprehensive Design Plan, the applicant shall include a conceptual layout of water and sewerage service to and within the site and an analysis of the impact of the construction of these facilities. The applicant shall minimize the impact of construction.

11. The applicant shall obtain approval of the 100 year floodplain elevations from the Department of Environmental Resources, prior to preliminary plat approval.

12. Lots shall be adjusted to allow a structure to be placed outside of the noise zone (at least 395 feet from the centerline of proposed MD 202) or the applicant shall provide a noise impact study, including applicable mitigation measures, with the Comprehensive Design Plan.

13. The applicant shall dedicate 105 acres to the M-NCPPC as shown on Exhibit B (in file).

14. Land to be dedicated shall be subject to Conditions 1 through 7 of Exhibit C (in file).

15. The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hills Community where possible. Feasibility and location of trail connections will be determined during the consideration of the Comprehensive Design Plan.
16. The hiker/biker trail shall be constructed in conformance with DPR's Guidelines for Park and Recreational Facilities.
17. The "A" development pod east of realigned MD 202 and south of the proposed access road shall not include any land in the Preservation Zone. The area west of the Preservation Zone and east of realigned MD 202 shall not be included in any development pod (see area marked "1" on Staff Exhibit A). The area currently shown east of the Preservation Zone, just south of the proposed access road and just west of development Pod "C" may be incorporated into Pod "C" (see area marked "2"). South of Pod "C", the western boundary of development Pod "A" shall be the eastern boundary of the Preservation Zone (see area marked "3".)
18. On the west side of MD 202, Pod "B" in the southwest portion of the property shall be eliminated. Pod "C" may be expanded to include

the area of Pod "B" that is outside the Preservation Zone (see area marked "4" on Staff Exhibit "A").

III. Consideration:

1. The internal road in area "C" west of MD 202 shall be located at the edge of the development pod to create a view into the preservation area.

CDZ Amendment 2 - Haislip Property (Zoning Application A-9899)

- (a) Place the 26.02+-acre Haislip property situated at the northeast quadrant of the intersection of Woodyard Road and Rosaryville Road in the L-A-C (Local Activity Center) Zone. (Previous zoning was R-R. The transmitted SMA recommended retention of the R-R Zone.)
- (b) The Basic Plan is approved with the following land use types, quantities, relationships, conditions, and considerations:

I. Land Use Types and Quantities:

All uses permitted in the L-A-C Zone.

Gross Tract Area* 26.02 ac.

Theoretical Gross Residential Acreage 22.38 ac.

Base Residential Density 8.0 DU/gross res.
ac.

Maximum Residential Density 12.1 DU/gross res.
ac.

Number of DUs Proposed 120 DU

Theoretical Gross Commercial Acreage 3.64 ac.

FAR Proposed 0.13 FAR

Commercial Area Proposed 20,000 sq. ft.

***Note:** Density and intensity calculations are based on theoretical percentages of 86 percent/14 percent residential/commercial development per Section 27-485(b) of the Zoning Ordinance.

II. Conditions:

1. Prior to the issuance of building permits, the applicant, his heirs, successors, and/or assigns shall pay a pro rata share of the cost of the road improvements identified below:

a. Widen the eastbound approach of MD 223 at Rosaryville Road to include three lanes, two through lanes and one right-turn lane. The right-turn lane shall be at least 600 feet long.

b. Widen westbound Rosaryville Road at MD 223 to provide for two through lanes and two

left-turn lanes. Each of the left-turn lanes shall be approximately 875 feet long.

The south leg of MD 223 shall be widened to receive the dual lanes.

c. Widen southbound MD 223 at the Rosaryville Road intersection to include dual left-turn lanes of a minimum 725 feet long.

- d. Provide a northbound left-turn lane and an eastbound right- turn lane at the intersection of MD 223 and Dower House Road.
- e. Provide a traffic signal at the intersection of MD 223 and Dower House Road.
- f. Widen Rosaryville Road to a four-lane cross section from Frank Tippett Road to MD 223. The pro rata share shall be payable to Prince George's County, with evidence of the payment provided to the Planning Department with the building permit application. The pro rata share for residential development shall be calculated as follows:
 - i. For the improvements on MD 223 at Rosaryville Road, the amount of \$557.66/dwelling unit x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990).
 - ii. For the improvements on MD 223 at Dower House Road, the amount of \$120.99/dwelling unit x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990).
 - iii. For the improvements to Rosaryville Road

between Frank Tippett Road and MD 223, the amount of \$178.93/dwelling unit x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990). The pro rata share for retail development shall be calculated as follows:

- i. For the improvements on MD 223 at Rosaryville Road, the amount of \$1,776.24/1,000 square feet x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990).
- ii. For the improvements on MD 223 at Dower House Road, the amount of \$396.58/1,000 square feet x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990).
- iii. For the improvements to Rosaryville Road between Frank Tippett Road and MD 223, the amount of \$596.43/1,000 square feet x (Engineering News Record Highway Construction Cost Index at time of building

permit application) / (Engineering News Record Highway Construction Cost Index for 1990).

2. Prior to the approval of the Specific Design Plan for the subject property, the applicant and/or the applicant's heirs, successors, or assigns shall complete a traffic signal warrant study at the intersection of the site entrance and Rosaryville Road, in accordance with the DPW&T requirements for such studies. The applicant and/or the applicant's heirs, successors, or assigns shall install a traffic signal at this location if deemed necessary by DPW&T at a time to be determined by DPW&T.
3. All commercial and residential structures shall be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standards 13 and 13D, respectively.
4. The proposed 3-acre archeological preserve shall be altered to incorporate all of the 3.19-acre portion of the Environmental Setting for the Woodyard Historic Site located on the subject site.
5. In order to protect the Historic Site, access to it shall be minimized to the extent practicable. The proposal to provide access to the site through the trails system shall be deleted from

the plan. In its place, the applicant shall provide an appropriate, unimproved easement or right-of-way to allow access should there be archeological survey work or interpretive programming in the future.

6. Prior to approval of the Phase II Comprehensive Design Plan, a Type I Tree Conservation Plan shall be submitted to the Natural Resources Division (M-NCPHC) for review.
7. A stormwater management concept plan shall be approved by the Watershed Protection Branch of the Department of Environmental Resources prior to approval of the Phase II CDP.
8. At the time of Specific Design Plan, the applicant shall address siting, height, size, style, design and materials for units adjoining both the school site and the Woodyard site for the purposes of ensuring compatibility with these adjoining uses.
9. The Basic Plan contained in the record of application A-9899 shall be revised to show the approved land use types, quantities, relationships, conditions and considerations in accordance with this Resolution within 60 days of its effective date.

IV. Considerations:

1. The applicant shall consider the use of audible

alarms, fencing and private security to prevent crime during the construction phase of the project.

2. The applicant shall consider establishment of a Neighborhood Watch Program and encourage membership of all residents.
3. The applicant shall work with the Historic Preservation Commission, M-NCPCC staff and others to explore options for dedicating the 3.19-acre historic site to a suitable party or organization.

SECTION 3. BE IT FURTHER RESOLVED that conditions which have been attached to previously approved zoning, and findings contained in previously approved SMAs, are considered to be a part of this Sectional Map Amendment where the previous zoning category has been maintained.

SECTION 4. BE IT FURTHER RESOLVED that previously approved Comprehensive Design Zones within the subject Planning Areas shall be shown on the SMA Zoning Map and the related basic plans and accompanying materials shall remain in full force and effect, unchanged in any way by adoption of this SMA.

SECTION 5. BE IT FURTHER RESOLVED that the official Zoning Map shall be annotated with appropriate references to this resolution calling attention to development standards or guidelines which are applicable to specific properties.

SECTION 6. BE IT FURTHER RESOLVED that appropriate notification, in accordance with the Zoning Ordinance, be given

concerning the adoption of this Sectional Map Amendment.

SECTION 7. BE IT FURTHER RESOLVED that this Sectional Map Amendment revises the official Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County described as Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B. The zoning adopted by this Ordinance shall be depicted on zoning maps at a scale of 1 inch equals 200 feet and shall constitute the official Zoning Map for this Planning Area.

SECTION 8. BE IT FURTHER RESOLVED that the provisions of this Ordinance are severable and if any zone, provisions, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other zones, persons or circumstances. It is hereby declared to be the legislative intent that the Act would have been adopted as if such illegal, invalid, or unconstitutional zone, provision, sentence, clause, section or part had not been included therein.

SECTION 9. BE IT FURTHER RESOLVED that, the staff is authorized to make appropriate text and map revisions to correct identified errors, reflect updated information and incorporate the use, density and intensity changes resulting from Council actions specifically described in this resolution.

SECTION 10. BE IT FURTHER RESOLVED that this Ordinance

shall take effect on the date of its enactment.

Adopted this 24th day of May, 1994.

OF

COUNTY,

COUNTY COUNCIL OF PRINCE
GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART

THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S
MARYLAND

BY:

F. Kirwan Wineland
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

NOTE: The attached maps are available in hard copy only.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

October 13, 2020

MEMORANDUM

TO: Donna J. Brown, Clerk of the Council

FROM: Sherri Conner, Planning Supervisor, Subdivision and Zoning Section *SC*

SUBJECT: A-9895-01
Forest Hills

Pursuant to the September 30, 2020 submittal to the Development Review Division, for the pre-acceptance review for a request to amend a Basic Plan for the above reference case, staff finds the application must include the following items in accordance with Section 27-197(c)(1) of the Zoning Ordinance:

- A copy of the Basic Plan
- A copy of the Basic Plan text (if the item exists)
- A copy of CR-54-1994 to which the condition amendment is requested.
- An application fee must be paid to the M-NCPPC, Applications Section. Please contact Cheryl Summerlin at Cheryl.Summerlin@ppd.mncppc.org for the application fee amount.

Please contact me at sherri.conner@ppd.mncppc.org should you have any questions.

Moses, Leonard D.

From: Conner, Sherri <sherri.conner@ppd.mncppc.org>
Sent: Wednesday, December 9, 2020 10:28 AM
To: Moses, Leonard D.; Summerlin, Cheryl
Cc: Brown, Donna J.; Walker-Bey, James T.
Subject: RE: Response to Basic Plan Amendment A-9895
Attachments: A-9895-01 - 2nd Completeness Check.pdf

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Good Morning Lennie,

The submission package now includes the items previously identified as needed in our completeness memo dated October 13, 2020 and, per the 11/24/20 email from Cheryl Summerlin, the application fee has been paid. This application is now deemed complete. Please find the attached memorandum confirming such. Our Department will provide a referral with the 60 days required.

Thank you,

Sherri K. Conner

*Planning Supervisor | Subdivision and Zoning Section
Development Review Division*



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

Office: 301-952-3168 | MS Teams: 240-249-2453

sherri.conner@ppd.mncppc.org



From: Moses, Leonard D. <LDMoses@co.pg.md.us>

Sent: Monday, November 30, 2020 10:06 AM

To: Summerlin, Cheryl <Cheryl.Summerlin@ppd.mncppc.org>; Conner, Sherri <sherri.conner@ppd.mncppc.org>

Cc: Brown, Donna J. <djbrown@co.pg.md.us>; Walker-Bey, James T. <JTWalkerBey@co.pg.md.us>

Subject: RE: Response to Basic Plan Amendment A-9895

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good Morning Ms. Summerlin and Ms. Conner,

I hope you had a great Thanksgiving weekend. Thanks for the update and can you let us know once this amendment application is deemed complete so we can proceed to the next step? Thanks and have a great day.

Lennie

*Leonard Moses
Office of the Clerk of the Council*



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

December 9, 2020

MEMORANDUM

TO: Donna J. Brown, Clerk of the Council

FROM: Sherri Conner, Planning Supervisor, Subdivision and Zoning Section *SC*

SUBJECT: A-9895-01
Forest Hills

Pursuant to the November 9, 2020 plan submittal and payment processed on November 24, 2020 by the Development Review Division, staff finds the subject application to be complete in accordance with Section 27-197(c)(1) of the Zoning Ordinance.

Please contact me at sherri.conner@ppd.mncppc.org should you have any questions.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

December 9, 2020

M E M O R A N D U M

TO: Maurene Epps McNeil, Chief Zoning Hearing Examiner
AB

FROM: *DB* Donna J. Brown, Clerk of the Council

RE: **Petition to Amend the Basic Plan for Forest Hills**
Amendment of Approved Basic Plan (A-9895)

Pursuant to Section 27-197(c) of the Zoning Ordinance, enclosed is a request to amend the approved Basic Plan for the above referenced case. The request was deemed complete by Technical Staff and has been referred to the People's Zoning Counsel and Planning Board for comments, which should be transmitted to you by February 7, 2021.

The Zoning Hearing Examiner shall schedule a public hearing on this matter. The property may have to be posted; however, the need of a posting fee should be determined. Should you have additional questions, please call me.

Enclosures

cc: G. Sevag Balian, President, Quad Construction Corporation, Applicant
Stan D. Brown, Esq., People's Zoning Counsel
Elizabeth M. Hewlett, Chairman, Prince George's County Planning Board
James Hunt, Division Chief, Development Review Division, M-NCPPC
Sherri Conner, Supervisor, Development Review Division, M-NCPPC
Cheryl Summerlin, Supervisor, Development Review Division, M-NCPPC



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

December 9, 2020

Elizabeth M. Hewlett, Chairman
Prince George's County Planning Board
County Administration Building
Upper Marlboro, Maryland 20772

**Re: Petition to Amend the Basic Plan for Forest Hills
Amendment of Approved Basic Plan (A-9895)**

Dear Chairman Hewlett:

Pursuant to the provisions of Section 27-197(c) of the Zoning Ordinance, enclosed is a request to amend the approved Basic Plan for the above referenced case, which will require Planning Board review. Comments are required to be submitted to the Zoning Hearing Examiner, the petitioner, and all persons of record no later than February 7, 2021.

The Zoning Hearing Examiner is expected to schedule a public hearing on this matter. Your cooperation in the timely submission of your comments will be appreciated.

Sincerely,

A handwritten signature in black ink that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Enclosures

cc: G. Sevag Balian, President, Quad Construction Corporation, Applicant
Stan D. Brown, Esq., People's Zoning Counsel
Maurene Epps McNeil, Chief Zoning Hearing Examiner
James Hunt, Division Chief, Development Review, M-NCPPC
Sherri Conner, Supervisor, Development Review Division, M-NCPPC
Cheryl Summerlin, Supervisor, Development Review Division, M-NCPPC

**County Administration Building
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772**



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

December 9, 2020

Stan D. Brown, Esq.
People's Zoning Counsel
County Administration Building
Upper Marlboro, Maryland 20772

**RE: Petition to Amend the Basic Plan for Forest Hills
Amendment of Approved Basic Plan (A-9895)**

Dear Mr. Brown:

Pursuant to the provisions of Section 27-197(c) of the Zoning Ordinance, enclosed is a copy of the request to amend the approved Basic Plan for the above referenced case, which will require review by you. Comments, if any, are required to be submitted to the Zoning Hearing Examiner, the petitioner, and all persons of record no later than February 7, 2021.

The Zoning Hearing Examiner is expected to schedule a public hearing on this matter. Your cooperation in the timely submission of your comments will be appreciated.

Sincerely,

A handwritten signature in black ink that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Enclosures

cc: G. Sevag Balian, President, Quad Construction Corporation, Applicant
Maurene Epps McNeil, Chief Zoning Hearing Examiner
Elizabeth M. Hewlett, Chairman, Prince George's County Planning Board
James Hunt, Division Chief, Development Review, M-NCPPC
Sherri Conner, Supervisor, Development Review Division, M-NCPPC
Cheryl Summerlin, Supervisor, Development Review Division, M-NCPPC



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

December 9, 2020

G. Sevag Balian
President
Quad Construction Corporation
6110 Executive Blvd., Suite 310
Rockville, MD 20852

Re: Petition to Amend the Basic Plan for Forest Hills
Amendment of Approved Basic Plan (A-9895)

Dear Mr. Balian:

Pursuant to the provisions of Section 27-197(c) of the Zoning Ordinance, please be advised that the Technical Staff found the request to be complete.

Sincerely,

A handwritten signature in black ink that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

cc: Stan D. Brown, Esq., People's Zoning Counsel
Maurene Epps McNeil, Chief Zoning Hearing Examiner
James Hunt, Division Chief, Development Review, M-NCPPC
Sherri Conner, Supervisor, Development Review Division, M-NCPPC
Cheryl Summerlin, Supervisor, Development Review Division, M-NCPPC

Zoning Hearing Examiner

Prince George's County • 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 • 301-952-3644

NOTICE OF VIRTUAL HEARING

Application Number: A-9895-C-01

Applicant(s) Name: Forest Hills/Quad Construction Corporations

Date and time of scheduled Zoning Hearing Examiner meeting: March 17, 2021 at 9:30 A.M.

Description of Request: No. A-9895-C-01 - Application of Quad Construction Corporation, Applicant, Petition to Amend the approved Basic Plan to amend Conditions 15 and 16 concerning the required trail along the Western Branch, set forth in the Resolution approving the Basic Plan (CR-54-1994). The property is in the R-L (Residential Low Development) Zone and contains 169.12+ acres. The property is located on both sides of Largo Road (MD 202) south of Kent Drive and approximately 3,000 feet north of Old Marlboro Pike and identified as 14300-14318 Rubens Court, 4100 - 4219 Taleen Court, 4000-4114 Gorky Drive, 4000-4007 Liza Lane and 14702-14805 Agassi Court, Upper Marlboro MD, 20774.

* * * * *

Attention: Due to the current state of the novel coronavirus (COVID-19) pandemic, and the implications of the Council's Emergency Resolutions including, CR-35-2020, the Zoning Hearing Examiners Office is operating under emergency procedures. As authorized by CB-33-2020, all or a portion of the hearing will be conducted virtually and in accordance with District Council Rules of Procedure.

Requests to become Persons of Record should be submitted electronically by email to: ZHE@co.pg.md.us no later than 5:00 p.m. on March 15, 2021. Persons of Record will receive an email with information to join the virtual meeting platform. **Once you have received your Notice of Hearing, please provide an email address to ZHE@co.pg.md.us**

Upon notification of an evidentiary hearing before the Zoning Hearing Examiner, any interested party shall submit documents for the record in person, by email, by other electronic portals, or in the County provided drop box. **A copy of all large Site Plans or other documents must be submitted in person or the County provided drop box.** All documents for the record shall be submitted no later than five (5) business days before the scheduled evidentiary hearing. With permission from the Zoning Hearing Examiner, a party may submit supplemental documents for the record. Any interested party may contact The Office of the Zoning Hearing Examiner to receive a paper copy of a document if the document is not accessible online.

The Zoning Hearing Examiner shall not be responsible for resolving any technical difficulties incurred by any person participating in a virtual/remote hearing.

This notice is for informational purposes only. Per CB-1-2004 you have received this Notice of Public Hearing because you signed up to become a Person of Record. If you have any questions, please contact the Zoning Hearing Examiner at email ZHE@co.pg.md.us or call (301) 952-3644.

DATE MAILED BY US POSTAL SERVICE/EMAILLED: February 16, 2021 to Persons of Record
(List attached to original in file)

SIGN POSTING AND INSPECTION AFFIDAVIT

I, Sevay Balian, hereby certify that the subject property was posted with
(print or type name)

Six (6) sign(s) on February 16, 2021
specify number) (date)

I further certify that the signs were inspected no later than the 15th day of posting and were maintained in a reasonable manner.

Signature: Sevay Balian

Application Numbers: A- 9895-C-01 Name: Forest Hills/ Quad Construction Corporation

Date: March 3, 2021

Address: c/o Haverford Homes, 6110 Executive Blvd #310
Rockville, MD 20852.

Telephone: 301-440-1748

Capacity in which you are acting: Owner Entity President
(Owner, Applicant, Agent)

NOTE: Attach **legible** photograph(s) showing sign(s) in place. Return this affidavit and photographs to the Zoning Hearing Examiner no later than 15 days prior to the scheduled Zoning Hearing Examiner meeting (see attached map for posting locations).

* * * *

The affidavit must be received no later than 15 days prior to the Zoning Hearing Examiner hearing. Failure to deliver the affidavit may result in rescheduling your hearing date or a recommendation for denial of the application.

SIGN POSTING INFORMATION

Application Number: A-9895-C-01

Applicant(s) Name: Forest Hills/Quad Construction Corporations

Date sign(s) were transmitted to applicant or applicant' s agent: _____

Number of signs transmitted: Six (6)

Person to whom signs were transmitted: G. SEVAG BALIAN (Print)

Sevag Balian (Signature)

Capacity in which that person was acting: Owner Envirix President
(owner, applicant, agent)

Date of scheduled Zoning Hearing Examiner meeting: March 17, 2021

Last date sign(s) can be posted: February 16, 2021



Getting Started



0 0.1 0.2mi



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

February 12, 2021

Maurene Epps-McNeil
Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772

RE: A-9895-01, FOREST HILLS

Dear Ms. Epps-McNeil:

On February 4, 2021, after review of the staff referral, the Prince George's County Planning Board approved the transmittal of the recommendation. Therefore, the application is hereby transmitted directly to the District Council/Zoning Hearing Examiner, and the technical staff's recommendation constitutes the Planning Board's recommendation.

Very truly yours,

James R. Hunt, Division Chief
Development Review



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Basic Plan Amendment Forest Hills

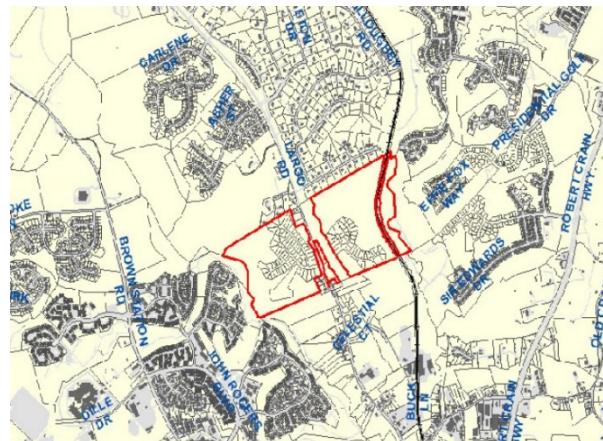
A-9895-01

REQUEST	STAFF RECOMMENDATION
Amendment to the approved basic plan, pursuant to Section 27-197(c), to revise Conditions 15 and 16 regarding the required trail along the Western Branch.	APPROVAL with conditions

Location: The site is located on both sides of MD 202 (Largo Road) approximately 4500 feet north of its intersection with MD 725 (Marlboro Pike).

Gross Acreage:	169.12
Zone:	R-L
Gross Floor Area:	N/A
Dwelling Units:	153
Planning Area:	79
Council District:	06
Election District:	03
Municipality:	N/A
200-Scale Base Map:	206SE12

Applicant/Address: Quad Construction Corporation 6110 Executive Blvd, Suite 310 Rockville, MD 20852
Staff Reviewer: DeAndrae Spradley Phone Number: 301-952-4976 Email: DeAndrae.Spradley@ppd.mcnppc.org



Planning Board Date:	02/04/2021
Planning Board Action Limit:	02/07/2021
Mandatory Action Timeframe:	60 Days
Referral Date:	01/28/2021
Date Accepted:	12/09/2020
Informational Mailing:	N/A
Acceptance Mailing:	N/A
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/

Please call 301-952-3530 for additional information.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

January 28, 2021

REFERRAL MEMORANDUM

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section
Development Review Division

FROM: DeAndrae Spradley, Planner Coordinator, Development Review Division

SUBJECT: **Referral for Amendment to Basic Plan A-9895-01**
Forest Hills (previously known as Miller Property)

REQUEST

This application for an amendment to the approved Basic Plan (A-9895-01) was referred to the Prince George's County Planning Board on December 9, 2020 and filed pursuant to Section 27-197(c) of the Prince George's County Zoning Ordinance. The request does not involve a change in the land area or an increase in the land use density or intensity of the original approval. The property, which is the subject of this application, is zoned Residential Low Development (R-L) and is approximately 169.12 acres. The property is located on the east and west sides on MD 202 (Largo Road), approximately 4,500 linear feet north of MD 725 (Marlboro Pike). The Conrail Railroad right-of-way and tracks lie in the easternmost portion of the property, running from north to south. The property is bounded by the Western Branch stream to the west and the Collington Branch stream to the east. The subject property is bordered on the north by the Brock Hall community and the Thorne Hills, Brock Hills, and Collington Estates subdivisions. The Villages of Marlboro is on the southwest side of the property. Based on the aerials from PGAtlas, the site is currently vacant.

On May 24, 1994, the Prince George's County District Council adopted the Sectional Map Amendment (SMA) via Prince George's County Council Resolution CR-54-1994 for the Subregion VI Study Area of Prince George's County. The area covered by Basic Plan Amendment A-9895 was incorporated into the SMA and rezoned the subject site from the Residential Estate Zone to the R-L Zone. The approval included a maximum of 153 single-family detached dwellings, open space, homeowner recreational facilities, and trails as the land uses for the subject property. This proposed amendment is for the purpose of revising Conditions 15 and 16 found in CR-54-1994 to eliminate the requirement for the construction the Western Branch Trail, due to environmental constraints, and instead provide a fee-in-lieu of trail construction, which will contribute to nearby trail implementation that will serve the subject property and neighborhood. Condition 15 also

requires the construction of connector trails from the Western Branch to the Forest Hills Community. If the Western Branch Trail is eliminated pursuant to this request, the connector trails will also become moot.

Currently, Conditions 15 and 16 of A-9895 state the following:

- 15. The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hills Community where possible. Feasibility and location of trail connections will be determined during the consideration of the Comprehensive Design Plan.**
- 16. The hiker/biker trail shall be constructed in conformance with DPR's Guidelines for Park and Recreational Facilities.**

The applicant is proposing to amend Conditions 15 and 16 of a A-9895 to read as follows:

15. Improvements of the trails systems to the east of the property shall be funded in part by the total payment of \$200,000 prorated through a per building permit basis to DPR by the applicant, his heirs, successors and/or assignees.
16. The location of the trail improvements shall be solely at DPR's discretion.

The petition to amend the basic plan conditions, filed by the owner and dated September 30, 2020, contains proposed new Conditions 15 and 16. Staff evaluation of the proposed amendments and conformance with the criteria contained Section 27-197(c), exclusive to the trail construction, is outlined below.

Required Findings

The following analysis is based on the referrals received and the request submitted by the applicant, which are adopted herein by reference, to address the required findings for approval, in accordance with Section 27-195(b) of the Zoning Ordinance. It is noted that the approved development for the property was found to have satisfied the requirements of Section 27-195(b) at the time of rezoning, which is stated in CR-54-1994. Therefore, the analysis below is exclusively for the proposed trail amendment:

Master Plan Analysis (Section 27-195(b)(1)(A))

While the applicant did not specify in their request if their analysis was specific to Section 27-195(b)(1)(A)(i) or (ii), staff believes that the proposed amendment is consistent with the required findings of (i) and (ii), although only one of the criteria needs be met. The amendment proposed for payment of a fee-in-lieu of construction of the Western Branch Trail will not impact the approved land uses for the subject property, will avoid disturbance of environmentally sensitive areas consistent with Environmental Infrastructure section of the *2013 Approved Subregion 6 Master Plan and Sectional Map Amendment* (current master plan for the subject area), and will fund trail construction for the Collington Branch Trail on the east side of the subject property, which is a more feasible north-south trail for the area and is currently being implemented.

As such, staff finds that the revision will not significantly impair the character of the original, approved basic plan with respect to circulation, accessibility, public facilities, or public benefit features, which is discussed further in the referrals cited in this memorandum below.

The fee-in-lieu proposed by the applicant is \$200,000, which was agreed upon in consultation with the Prince George's County Department of Parks and Recreation (DPR); however, staff recommends that this fee be indexed to inflation and paid in full to DPR, prior to approval of more than 50 percent of the building permits. It is noted that the applicant has proposed that the fee be distributed per dwelling unit in their request; however, A-9895 was approved for significantly more dwelling units than were achieved with subsequent approval. Therefore, staff recommends that the fee be applied in a manner that will ensure the full amount is received for contribution to development of trails in the area.

Economic Analysis (Section 27-195(b)(1)(B))

This analysis is not required because the applicant is not proposing retail or commercial uses.

Transportation Facilities (Section 27-195(b)(1)(C))

The proposed revision will not impact motor vehicle traffic at the subject site, the number of motor vehicle trips generated from the subject site, or existing conditions of approval of findings related to motor vehicle traffic.

Other Public Facilities (Section 27-195(b)(1)(D))

Other than impacting the master plan trails recommendation, which is discussed above, this proposal does not impact any prior findings or conditions relevant to adequate public facilities available serve to the development. Adequate police, fire and rescue, and water and sewer facilities are not affected by the trail amendment.

Subtitle 24 of the Prince George's County Code provides the only methodology for testing adequate public facilities to ensure that the development will be adequately served. A preliminary plan of subdivision (PPS) 4-03071 was previously approved for this site and applied the required methodology, which included implementation of the master plan trail on the subject site. The applicant has filed for reconsideration of PPS 4-03071, in order to revise the applicable conditions of that approval for the Western Branch Trail construction. However, because construction of the Western Branch Trail is a condition of the zoning approval for this site, the reconsideration cannot move forward prior to this application. Staff must find that events have occurred to render the master plan recommendation for a trail at this location no longer applicable, in order to entertain the reconsideration of the PPS.

Environmental Relationship (Section 27-195(b)(1)(E))

The Forest Hills site has an extensive network of streams and wetlands that will be retained and provide natural buffering to adjacent residential development. The development will preserve and enhance environmentally sensitive areas by careful placement of development envelopes within the overall project, while providing water quality benefits for the Western Branch and Collington Branch sub-watersheds and provide extensive green space for future residents of the Forest Hills development, as well as adjacent existing neighbors. The amendment proposed to the basic plan maintains the environmental relationships between the proposed low-density development pattern and the extensive environmentally sensitive

features of the site, demonstrate compatibility between the land use proposed and surrounding land uses, and promotes the health, safety, and welfare of the residents of Prince George's County.

Section 27-195(b)(2) Construction Schedule

The applicant's request does not address this criterion; therefore, this regulation was not evaluated by staff. It should be noted that this project has proceeded to obtain development entitlements through the subsequent plan approvals listed below. Amendments of these project approvals would be required subsequent to this request, if approved, in order to address conditions for trail construction along the Western Branch, which were carried forward. This basic plan amendment would set the stage for subsequent plan amendments to address the infeasibility of trail construction and allow for the fee-in-lieu payment proposed herein.

- On May 24, 1994, the District Council approved the SMA for placement of the property in the R-L Zone, incorporating A-9895 for the Miller Property, now known as Forest Hills, subject to 18 conditions and 1 consideration (CR-54-1994).
- On March 24, 2003, the District Council approved Comprehensive Design Plan CDP-9901, subject to eight conditions.
- On January 15, 2004, the Planning Board approved PPS 4-03071 (PGCPB Resolution No. 04-06), subject to 23 conditions.
- On April 10, 2006, the District Council approved Specific Design Plan SDP-0414 (PGCPB No. 05-259), subject to 10 conditions.
- A total of 112 single-family detached lots were ultimately platted for the subdivision under Final Plats of Subdivision 5-08008 through 5-08023.

Section 27-195(b)(3) L-A-C Commercial Development

The proposed amendment does not propose commercial development; therefore, this regulation does not apply.

Section 27-195(b)(4) V-M and V-L Development

The subject property is zoned R-L; therefore, this regulation does not apply.

Staff finds that the proposed amendment of A-9895 meets the requirements of Section 27-195(b).

Referrals

The following referral memorandums were received, which discuss the proposed basic plan amendment, support the required findings above, are included as backup to this memorandum, and incorporated by reference herein:

- Community Planning Section, dated January 15, 2021, White to Spradley.
- Transportation Planning Section, dated January 18, 2021, Woods to Spradley.
- Environmental Planning Section, dated January 19, 2021, Rea to Spradley.

- DPR, dated January 8, 2021, Burke to Spradley.
- Urban Design Section dated January 7, 2021, Bishop to Spradley.
- Historic Preservation Section, dated December 17, 2020, Stabler to Spradley.

RECOMMENDATION

The Prince George's County District Council approval of Basic Plan A-9895 (CR-54-1994) was adopted with 18 conditions and 1 consideration. Staff recommends **APPROVAL** of this amendment request subject to the original conditions, and consideration, with amended Conditions 15 and 16 as follows:

15. In lieu of construction of the Western Branch Trail, improvements of the trails systems to the east of the property shall be funded in part by the total payment of \$200,000 to the Prince George's County Department of Parks and Recreation, which shall be indexed to inflation and ultimately paid in full, prior to approval of a building permit exceeding 50 percent of the dwelling units approved with the Specific Design Plan for the site.
16. The location of the trail improvements funded by Condition 15 herein shall be solely at the discretion of the Prince George's County Department of Parks and Recreation.

Quad Construction Corporation
6110 Executive Blvd, Suite 310 Rockville MD 20852 301-864-6500

September 30, 2020

VIA Electronic Mail
djbrown@co.pg.md.us
sherri.conner@ppd.mncppc.org

Ms. Donna J. Brown
Clerk of the County Council for Prince George's County
County Administration Building
14741 Gov. Oden Bowie Drive
Second Floor
Upper Marlboro, MD 20772

Ms. Sherri Connor
Supervisor, Subdivision and Zoning Section
Development Review Division
Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Fourth Floor
Upper Marlboro, MD 20772

RE: **Petition to Amend the Basic Plan for Forest Hills (A-9895)**
Amendment of approved Basic Plan (Sec. 27-197 (c))

Dear Donna and Sherri:

As the President of the owner/applicant, Quad Construction Corporation (the "Owner"), and pursuant to Section 27-197(c), I am submitting this formal request to amend Basic Plan A-9895.

Conditions 15 and 16 of Basic Plan A-9895 require that a trail be built on the Western Section of the property along the Western Branch. Since the approval of the Preliminary Plan, MNCPPC Department of Parks and Recreation ("DPR") trail systems have been built to the east of the property. A trail system on the Western Branch will not connect to any other trail systems. In meetings between the Applicant and DPR, DPR agreed for the Applicant to pay a fee in lieu to DPR in the amount of \$200,000.00. DPR will use those funds to connect portions of existing trails that are located east of the property and which will better serve the larger community because of the continuity of those trails.

Currently, conditions 15 and 16 state the following:

15. The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hills Community where possible. Feasibility and location of trail

connections will be determined during the consideration of the Comprehensive Design Plan.

16. The hiker/biker trail shall be constructed in conformance with DPR's Guidelines for Park and Recreational Facilities.

In an effort to be able to effectuate the agreement between the Owner/Applicant and DPR, we are kindly requesting that the Zoning Hearing Examiner and the District Council revise Conditions 15 and 16 of the Basic Plan to state:

15. Improvements of the trails systems to the east of the property shall be funded in part by the total payment of \$200,000 prorated a per building permit basis to DPR by the applicant, his heirs, successors and/or assignees.

16. The location of the trail improvements shall be solely at DPR's discretion.

The MNCPPC Planning Board has already approved to reconsider conditions in the Preliminary Plan for Forest Hills which correspond to these two Basic Plan conditions and this amendment to the Basic Plan, would allow the Planning Board to proceed forth.

Thank you in advance for your consideration of this request. In the event you have any questions or comments, please do not hesitate to contact me.

Respectfully submitted,

DocuSigned by:

2E7FB27380E54DF...

G. Sevag Balian
President

cc: Sherri Connor, Supervision, Subdivision Section via email

CERTIFICATE OF SERVICE

Since the subject Basic Plan is over ten (10) years old, MNCPPC no longer has a list of the parties of record.

DR-1

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session

1994

Resolution No. CR-54-

1994

Proposed by _____ District _____
Council

Introduced by Council Members Wineland and
Bell

Co-Sponsors

Date of Introduction May 24, 1994

RESOLUTION

A RESOLUTION concerning

The Subregion VI Study Area

Sectional Map Amendment

For the purpose of adopting a Sectional Map Amendment (or comprehensive rezoning) for the Subregion VI Study Area, which is the area generally bounded on the north by White House Road, Largo Road, Oak Grove Road, Leeland Road, US 301, and District Branch of the Patuxent River; on the east by the Patuxent River; on the south by the Charles County line; and on the west

by the Conrail line, the PEPCO power line right-of-way, Piscataway Creek, Woodyard Road, Pennsylvania Avenue, Ritchie Marlboro Road, Brooke Lane, and Brown Station Road, and which includes the municipalities of Upper Marlboro and Eagle Harbor, the communities of Marlboro, Mount Pleasant, Queensland, Marlton, and Rosaryville and rural areas known as Mt. Calvert-Nottingham, Croom-Naylor, Baden, Westwood, and Aquasco; and consists of Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B, the boundaries of which are described in the Zoning Ordinance.

WHEREAS, the County Council, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, adopted CR-66-1993 on September 28, 1993, pursuant to the provisions of Part 3, Division 4, of the Zoning Ordinance of Prince George's County, approving the Subregion VI Study Area Master Plan, and directing the Maryland-National Capital Park and Planning Commission to prepare and transmit to the District Council a proposed Sectional Map Amendment (SMA) for Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B; and

WHEREAS, the Prince George's County Planning Board subsequently prepared a comprehensive rezoning proposal or Sectional Map Amendment (SMA), for the Subregion VI Study Area, and transmitted it to the District Council on November 24, 1993 (PGCPB resolution 93-302) for consideration and adoption; and

WHEREAS, the District Council held a duly advertised public hearing on the Sectional Map Amendment on February 15, 1994,

and held a worksession on March 21, 1994, to consider the hearing testimony and the recommendations of the Planning Board; and

WHEREAS, during the worksession the District Council determined that several amendments should be advertised for public hearing in order to provide an opportunity for public comment and described those amendments in CR-28-1994; and

WHEREAS, the Prince George's County Planning Board considered CR-28-1994 on April 28, 1994; and

WHEREAS, the District Council held a duly advertised public hearing on the proposed amendments on May 2, 1994, and held a worksession on May 10, 1994 to consider the hearing testimony and the recommendations of the Planning Board; and

WHEREAS, the District Council, having reviewed supporting materials submitted as part of the Sectional Map Amendment proposal and examined the testimony presented in the two public hearings, finds that the accumulated record along with County plans and policies justifies the zoning changes within this Sectional Map Amendment; and

WHEREAS, the District Council, recognizes the importance of the comprehensive rezoning process as a legislative device for managing land development in accordance with the recommendations contained in the Approved Master Plan; and

WHEREAS, the Master Plan provides a framework for future development to enhance the character, quality, and livability of the area; and

WHEREAS, the Master Plan defines long-range land use and

development policies that should be utilized as a guide for subsequent zoning actions prior to the next comprehensive rezoning; and

WHEREAS, the principal objective of the SMA is protection of the health, safety and general welfare of the citizens of Prince George's County; and

WHEREAS, it is intent of the SMA to ensure that future development will be in accordance with the principles of orderly land use planning and staged development and, toward that end, the District Council found it necessary to change the zoning on properties which in its judgment were in conflict with the Master Plan's land use recommendations and policies; and

WHEREAS, the SMA process provides for a periodic comprehensive review of the zoning in an area, taking into account applicable County plans and policies, existing land use and zoning in the affected communities and surrounding planning areas, and pending zoning petitions; and

WHEREAS, the District Council has reviewed two Comprehensive Design Zone applications within this SMA and found the Basic Plans to be in general conformance with the recommendations of the Master Plan and its policies to encourage use of alternative development techniques for this area; and

WHEREAS, the District Council recognizes that its actions on the two Comprehensive Design Zone applications considered within this SMA become the basis on which the second phase,

i.e. Comprehensive Design Plan review, and the third phase, i.e. Specific Design Plan review, will be processed as a continuing development sequence; and

WHEREAS, the transmitted Sectional Map Amendment and CR-28-1994 proposed several zoning alternatives for a number of properties and indicated that a specific zoning category for those properties would be determined upon SMA adoption; and

WHEREAS, while the District Council generally supports the zoning changes in the November 1993 SMA document as transmitted by the Planning Board, it nevertheless wishes to incorporate certain amendments described herein.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, that the Sectional Map Amendment for the Subregion VI Study Area, as transmitted by the Prince George's County Planning Board on November 24, 1993, containing a zoning map at a scale of one inch equals 3,000 feet and an accompanying text identifying the zoning changes, is hereby adopted with amendments described below and generally shown on the attached locator maps.

Amendment 1. The 2.59-acre Hammett property (Parcel 10) situated on the east side of Brown Station Road, opposite Kaine Place is classified in the R-R Zone. (Previous zoning was R-E; the transmitted SMA recommended retention of the R-E Zone.)

Amendment 2. The 25+-acre Hammett property (part of Parcel

11) situated approximately one quarter mile east of Brown Station Road, east of the PEPCO transmission line and adjoining Western Branch is classified in the R-R Zone. (Previous zoning was R-E; the transmitted SMA recommended retention of the R-E Zone.)

Amendment 3. The 17.87+-acre Hammett property (part of Parcel A) situated east of the PEPCO transmission line and adjoining the PEPCO substation is classified in the R-R Zone. (Previous zoning was R-E; the transmitted SMA recommended retention of the R-E Zone.)

Amendment 4. The 22.09 acres on the north side of Old Marlboro Pike, east of Maple Shade Lane, and west of Brown Station Road, consisting of Lots 11-18 in the Dille Subdivision are classified in the R-80 Zone. (Previous zoning was R-R; the transmitted SMA recommended retention of the R-R Zone.)

Amendment 5. The 58.71-acre Rembold property situated east of US 301 between Old Crain Highway and the Marlboro Meadows Subdivision is retained in the O-S Zone. (The transmitted SMA recommended the R-E Zone.)

Amendment 6. The 1.0-acre Kelly property situated on the east side of the Marlboro Pike/Old Crain Highway intersection is retained in the C-O Zone. (The transmitted SMA recommended the O-S Zone.)

Amendment 7. The 11.2-acre Mitchell property at the end of Chevy Drive on the east side of US 301, north of Pennsylvania Avenue (MD 4), is classified in the C-M Zone.

(Previous zoning was O-S. The transmitted SMA recommended retention of the O-S Zone.)

Amendment 8. The northwesterly 0.4986 acres of the Mitchell property on the east side of Crain Highway (US 301) between MD 976-C and the Western Branch of the Patuxent River is classified in the C-S-C Zone. The remainder of the property is classified in the O-S Zone.

(Previous zoning was I-3. The transmitted SMA recommended the O-S Zone.)

Amendment 9. The 10.65 acres within the future Marlton Town Center, on the south side of Woodstock Drive East (extended), east of Grandhaven Avenue, being part of Parcel 103, is classified in the R-30 Zone. (Previous zoning was R-10. The transmitted SMA recommended the R-10 Zone.)

Amendment 10. The 3.34 acres within the future Marlton Town Center, on the south side of Woodstock Drive East, west of Grandhaven Avenue, being parcel 101, is classified in the R-30 Zone. (Previous zoning was R-R. The transmitted SMA recommended the R-R Zone.)

Amendment 11. The 89+-acre DeCesaris property on the east side of MD 202, just south of the Perrywood Development, and north of the Brock Hall Manor and Brock Hall Gardens subdivisions is classified in the R-R Zone. (Previous zoning was R-E. The transmitted SMA recommended the R-E Zone.)

Amendment 12. The 14.4 acres fronting the north side of Old Marlboro Pike between Ritchie Marlboro Road and the

Town of Upper Marlboro, being lot 31 and part of lots 37, 38, 42 and 43, within the A.O. Dille Farm Subdivision is classified in the C-M Zone. (Previous zoning was R-R. The transmitted SMA incorporated two alternatives for Council consideration, either the C-M Zone or retention of the R-R Zone.)

Amendment 13. The 15.7 acre Nicowski property situated in the southeastern quadrant of the MD 4/Woodyard Road (MD 223) intersection, is classified in the C-O Zone.

(Previous zoning was R-A. The transmitted SMA incorporated a range of alternative zones for Council consideration, including all residential zoning categories and the C-O Zone.)

Amendment 14. The 0.7 acre Dean property situated in the northeastern quadrant of the Woodyard Road (MD 223) /South Osborne Road intersection, is classified in the O-S Zone.

(Previous zoning was

R-A. The transmitted SMA incorporated a range of alternative zones for Council consideration, including all residential zoning categories and the C-O Zone.)

SECTION 2. BE IT FURTHER RESOLVED that pursuant to Section 27-226(f)(4) of the Zoning Ordinance, the District Council has examined the requirements of Section 27-195(b) and is satisfied that the requirements set forth have been met for the following Comprehensive Design Zones, in accordance with the pertinent conditions and considerations stated herein.

(Note: Wherever the word "applicant" is mentioned in the

conditions and considerations of the approved Comprehensive Design Zones contained within this resolution, the applicant's heirs, successors and/or assigns are included):

CDZ Amendment 1 - Forest Hill (Zoning Application A-9895)

(a) Place the 169.15+ acre Forest Hill property situated on both sides of Largo Road (MD 202) south of Kent Drive and approximately 3,000 feet north of Old Marlboro Pike (MD 725), in the R-L (Residential- Low Development, 1.0 to 1.5) Zone. (Previous zoning was R-E. The transmitted SMA recommended retention of the R-E Zone.)

(b) The Basic Plan is approved with the following land use types, quantities, relationships, conditions, and considerations:

I. Land Use Types and Quantities:

153	single-family detached dwelling units
Open space	
Homeowner Recreation Facilities	
Trails	
Base Density	1.00 du/acre
Density Requested	1.02 du/acre
dus	153
Density Increment	
Factor Needed	2 percent
dwelling units	3 add'l.
Maximum Density	1.02 du/acre
dus	153

II. Conditions:

1. Prior to the issuance of any building permits on the subject property, the widening of MD 202 to a four-lane divided highway from south of MD 193 to White House Road (as shown in the Secondary Development and Evaluation Program of the proposed FY 1994-99 Consolidated Transportation Program), shall be in place, under construction, or programmed with 100% construction funding in the next five years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program; or, in the event that a fair share contribution is made by the applicant and/or the applicant's heirs, successors, or assigns, 100% of the remaining construction funds will be committed in writing by the SHA, the DPW&T, or both agencies.
2. Access to the E-6 facility from the subject property shall be limited to a single location at or near the applicant's proposed south site entrance, as shown on the Basic Plan.
3. At the time of Comprehensive Design Plan submission, the applicant and/or the applicant's heirs, successors, or assigns shall show a stub connection to the property immediately to the south (Robert L. Wurtz and Weeks Company, Liber

4620, Folio 929 on Tax Map 92, Grid F-3).

4. Only two lots shall be permitted in the area between existing and proposed MD 202. These lots shall be located in the southernmost area of this land.
5. The area marked "B" just south of the Thorn Hills subdivision in the northwest corner of the site, and the area marked "A" in the southeast corner of the site, east of the preservation zone, shall be reserved for lots with an approximate area of 40,000 square feet.
6. The applicant shall work with the Department of Parks and Recreation in creating a Type I Tree Conservation Plan to adequately allow for improvements (such as trails) in any forest preservation proposal.
7. The Basic Plan shall be revised to show the "building area envelopes" coincident with or outside the Preservation Zone, to the greatest extent possible.
8. The applicant shall prepare a geotechnical study of the Marlboro Clays on site, in accordance with Department of Environmental Resources Criteria, and submit it with the Comprehensive Design Plan. Special attention should be paid to locating headwalls of previously failed slopes; the approximate locations should be

shown on the plan delimiting the 1.5 safety factor line.

9. A Stormwater Management Concept Plan shall be approved prior to the approval of the Comprehensive Design Plan.

10. As part of the submittal of the Comprehensive Design Plan, the applicant shall include a conceptual layout of water and sewerage service to and within the site and an analysis of the impact of the construction of these facilities. The applicant shall minimize the impact of construction.

11. The applicant shall obtain approval of the 100 year floodplain elevations from the Department of Environmental Resources, prior to preliminary plat approval.

12. Lots shall be adjusted to allow a structure to be placed outside of the noise zone (at least 395 feet from the centerline of proposed MD 202) or the applicant shall provide a noise impact study, including applicable mitigation measures, with the Comprehensive Design Plan.

13. The applicant shall dedicate 105 acres to the M-NCPPC as shown on Exhibit B (in file).

14. Land to be dedicated shall be subject to Conditions 1 through 7 of Exhibit C (in file).

15. The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hills Community where possible. Feasibility and location of trail connections will be determined during the consideration of the Comprehensive Design Plan.
16. The hiker/biker trail shall be constructed in conformance with DPR's Guidelines for Park and Recreational Facilities.
17. The "A" development pod east of realigned MD 202 and south of the proposed access road shall not include any land in the Preservation Zone. The area west of the Preservation Zone and east of realigned MD 202 shall not be included in any development pod (see area marked "1" on Staff Exhibit A). The area currently shown east of the Preservation Zone, just south of the proposed access road and just west of development Pod "C" may be incorporated into Pod "C" (see area marked "2"). South of Pod "C", the western boundary of development Pod "A" shall be the eastern boundary of the Preservation Zone (see area marked "3".)
18. On the west side of MD 202, Pod "B" in the southwest portion of the property shall be eliminated. Pod "C" may be expanded to include

the area of Pod "B" that is outside the Preservation Zone (see area marked "4" on Staff Exhibit "A").

III. Consideration:

1. The internal road in area "C" west of MD 202 shall be located at the edge of the development pod to create a view into the preservation area.

CDZ Amendment 2 - Haislip Property (Zoning Application A-9899)

(a) Place the 26.02+-acre Haislip property situated at the northeast quadrant of the intersection of Woodyard Road and Rosaryville Road in the L-A-C (Local Activity Center) Zone. (Previous zoning was R-R. The transmitted SMA recommended retention of the R-R Zone.)

(b) The Basic Plan is approved with the following land use types, quantities, relationships, conditions, and considerations:

I. Land Use Types and Quantities:

All uses permitted in the L-A-C Zone.

Gross Tract Area* 26.02 ac.

Theoretical Gross Residential Acreage 22.38 ac.

Base Residential Density 8.0 DU/gross res.
ac.

Maximum Residential Density 12.1 DU/gross res.
ac.

Number of DUs Proposed 120 DU

Theoretical Gross Commercial Acreage 3.64 ac.

FAR Proposed 0.13 FAR

Commercial Area Proposed 20,000 sq. ft.

***Note:** Density and intensity calculations are based on theoretical percentages of 86 percent/14 percent residential/commercial development per Section 27-485(b) of the Zoning Ordinance.

II. Conditions:

1. Prior to the issuance of building permits, the applicant, his heirs, successors, and/or assigns shall pay a pro rata share of the cost of the road improvements identified below:

a. Widen the eastbound approach of MD 223 at Rosaryville Road to include three lanes, two through lanes and one right-turn lane. The right-turn lane shall be at least 600 feet long.

b. Widen westbound Rosaryville Road at MD 223 to provide for two through lanes and two left-turn lanes. Each of the left-turn lanes shall be approximately 875 feet long.

The south leg of MD 223 shall be widened to receive the dual lanes.

c. Widen southbound MD 223 at the Rosaryville Road intersection to include dual left-turn lanes of a minimum 725 feet long.

- d. Provide a northbound left-turn lane and an eastbound right- turn lane at the intersection of MD 223 and Dower House Road.
- e. Provide a traffic signal at the intersection of MD 223 and Dower House Road.
- f. Widen Rosaryville Road to a four-lane cross section from Frank Tippett Road to MD 223. The pro rata share shall be payable to Prince George's County, with evidence of the payment provided to the Planning Department with the building permit application. The pro rata share for residential development shall be calculated as follows:
 - i. For the improvements on MD 223 at Rosaryville Road, the amount of \$557.66/dwelling unit x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990).
 - ii. For the improvements on MD 223 at Dower House Road, the amount of \$120.99/dwelling unit x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990).
 - iii. For the improvements to Rosaryville Road

between Frank Tippett Road and MD 223, the amount of \$178.93/dwelling unit x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990). The pro rata share for retail development shall be calculated as follows:

- i. For the improvements on MD 223 at Rosaryville Road, the amount of \$1,776.24/1,000 square feet x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990).
- ii. For the improvements on MD 223 at Dower House Road, the amount of \$396.58/1,000 square feet x (Engineering News Record Highway Construction Cost Index at time of building permit application) / (Engineering News Record Highway Construction Cost Index for 1990).
- iii. For the improvements to Rosaryville Road between Frank Tippett Road and MD 223, the amount of \$596.43/1,000 square feet x (Engineering News Record Highway Construction Cost Index at time of building

permit application) / (Engineering News Record Highway Construction Cost Index for 1990).

2. Prior to the approval of the Specific Design Plan for the subject property, the applicant and/or the applicant's heirs, successors, or assigns shall complete a traffic signal warrant study at the intersection of the site entrance and Rosaryville Road, in accordance with the DPW&T requirements for such studies. The applicant and/or the applicant's heirs, successors, or assigns shall install a traffic signal at this location if deemed necessary by DPW&T at a time to be determined by DPW&T.
3. All commercial and residential structures shall be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standards 13 and 13D, respectively.
4. The proposed 3-acre archeological preserve shall be altered to incorporate all of the 3.19-acre portion of the Environmental Setting for the Woodyard Historic Site located on the subject site.
5. In order to protect the Historic Site, access to it shall be minimized to the extent practicable. The proposal to provide access to the site through the trails system shall be deleted from

the plan. In its place, the applicant shall provide an appropriate, unimproved easement or right-of-way to allow access should there be archeological survey work or interpretive programming in the future.

6. Prior to approval of the Phase II Comprehensive Design Plan, a Type I Tree Conservation Plan shall be submitted to the Natural Resources Division (M-NCPCC) for review.
7. A stormwater management concept plan shall be approved by the Watershed Protection Branch of the Department of Environmental Resources prior to approval of the Phase II CDP.
8. At the time of Specific Design Plan, the applicant shall address siting, height, size, style, design and materials for units adjoining both the school site and the Woodyard site for the purposes of ensuring compatibility with these adjoining uses.
9. The Basic Plan contained in the record of application A-9899 shall be revised to show the approved land use types, quantities, relationships, conditions and considerations in accordance with this Resolution within 60 days of its effective date.

IV. Considerations:

1. The applicant shall consider the use of audible

alarms, fencing and private security to prevent crime during the construction phase of the project.

2. The applicant shall consider establishment of a Neighborhood Watch Program and encourage membership of all residents.
3. The applicant shall work with the Historic Preservation Commission, M-NCPCC staff and others to explore options for dedicating the 3.19-acre historic site to a suitable party or organization.

SECTION 3. BE IT FURTHER RESOLVED that conditions which have been attached to previously approved zoning, and findings contained in previously approved SMAs, are considered to be a part of this Sectional Map Amendment where the previous zoning category has been maintained.

SECTION 4. BE IT FURTHER RESOLVED that previously approved Comprehensive Design Zones within the subject Planning Areas shall be shown on the SMA Zoning Map and the related basic plans and accompanying materials shall remain in full force and effect, unchanged in any way by adoption of this SMA.

SECTION 5. BE IT FURTHER RESOLVED that the official Zoning Map shall be annotated with appropriate references to this resolution calling attention to development standards or guidelines which are applicable to specific properties.

SECTION 6. BE IT FURTHER RESOLVED that appropriate notification, in accordance with the Zoning Ordinance, be given

concerning the adoption of this Sectional Map Amendment.

SECTION 7. BE IT FURTHER RESOLVED that this Sectional Map Amendment revises the official Zoning Map for that portion of the Maryland-Washington Regional District in Prince George's County described as Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B. The zoning adopted by this Ordinance shall be depicted on zoning maps at a scale of 1 inch equals 200 feet and shall constitute the official Zoning Map for this Planning Area.

SECTION 8. BE IT FURTHER RESOLVED that the provisions of this Ordinance are severable and if any zone, provisions, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other zones, persons or circumstances. It is hereby declared to be the legislative intent that the Act would have been adopted as if such illegal, invalid, or unconstitutional zone, provision, sentence, clause, section or part had not been included therein.

SECTION 9. BE IT FURTHER RESOLVED that, the staff is authorized to make appropriate text and map revisions to correct identified errors, reflect updated information and incorporate the use, density and intensity changes resulting from Council actions specifically described in this resolution.

SECTION 10. BE IT FURTHER RESOLVED that this Ordinance

shall take effect on the date of its enactment.

Adopted this 24th day of May, 1994.

OF

COUNTY,

COUNTY COUNCIL OF PRINCE
GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART

THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S
MARYLAND

BY:

F. Kirwan Wineland
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

NOTE: The attached maps are available in hard copy only.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

January 18, 2021

MEMORANDUM

TO: DeAndrae Spradley, Zoning Section, Development Review Division

FROM: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division

SUBJECT: Multimodal Transportation Review

The following Basic Plan Amendment was reviewed for conformance with the zoning ordinance, the 2009 *Approved Countywide Master Plan of Transportation*, and the 2013 *Approved Subregion 6 Master Plan*.

Preliminary Plan Number: **A-9895-01**
Development Case Name: **Forest Hills**

Type of Master Plan Bikeway or Trail

Private R.O.W.*	<input type="checkbox"/>	Public Use Trail Easement	<input checked="" type="checkbox"/>
PG Co. R.O.W.*	<input type="checkbox"/>	Nature Trails	<input type="checkbox"/>
SHA R.O.W.*	<input type="checkbox"/>	M-NCPPC – Parks	<input type="checkbox"/>
HOA	<input type="checkbox"/>	Bicycle Parking	<input type="checkbox"/>
Sidewalks	<input type="checkbox"/>	Trail Access	<input checked="" type="checkbox"/>

Plan Background	
Building Square Footage (non-residential)	N/A
Number of Units (residential)	116 (lots)
Abutting Roadways	MD 202 (Largo Road, P-602 & E-6)
Abutting or Nearby Master Plan Roadways	MD 202 (Largo Road, P-602 & E-6)
Abutting or Nearby Master Plan Trails	Western Branch Trail MD 202 Sidepath
Proposed Use(s)	Residential
Zoning	R-L (Residential Low Development)

Previous Conditions of Approval

The subject application includes a variety of prior approvals:

Basic Plan – A-9895
Comprehensive Design Plan – CDP-9901
Preliminary Plan of Subdivision – 4-03071
Specific Design Plan – SDP-0414

The subject application is a proposal to revise two conditions from the Basic Plan. While subsequent applications will require additional revisions or reconsiderations of those conditions of

approval, this application will not impact those applications.

Review Comments

The subject application is a proposal to revise the following conditions from the Basic Plan Amendment.

15. The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hills Community where possible. Feasibility and location of trail connections will be determined during the consideration of the Comprehensive Design Plan.

16. The hiker/biker trail shall be constructed in conformance with DPR's *Guidelines for Park and Recreational Facilities*.

The proposed revisions are as follows:

15. Improvements of the trails systems to the east of the property shall be funded in part by the total payment of \$200,000 prorated a per building permit basis to DPR by the applicant, his heirs, successors and/or assignees.

16. The location of the trail improvements shall be solely at DPR's discretion.

Comment: The proposed revision will not impact motor vehicle traffic at the subject site, the number of motor vehicle trips generated from the subject site, or impact existing conditions of approval of findings related to motor vehicle traffic.

This revision would eliminate the requirement that the applicant build the portion of the Western Branch Trail that lies within the subject property. The Western Branch Trail is an unbuilt, master plan trail that is planned to connect the Lottsford Branch and the Bald Hill Branch Trails near Lottsford Road/Woodmore Road with the Patuxent River Park III, south of Upper Marlboro. The Western Branch Trail is included in both the 2009 *Approved Countywide Master Plan of Transportation*, and the 2013 *Approved Subregion 6 Master Plan*. A small portion of this trail has been constructed near the Western Branch Stream Valley Park, near Lottsford Road/Woodmore Road.

In discussion with Department of Parks and Recreation (DPR) staff regarding the Western Branch Trail, DPR staff has indicated that the current master plan alignment for the Western Branch Trail is within the stream valley itself for much of the alignment. Additionally, other portions of the alignment as well as land on either side of the alignment include environmentally sensitive land and steep slopes that make construction and maintenance of this trail infeasible. Moreover, DPR staff indicated that do not have any on-going or planned projects to build this trail along the current alignment.

It is not clear if the proposed amount, \$200,000, is a reasonable payment for this segment. However, in a meeting with DPR (January 15, 2021; DPR and staff), DPR staff indicated that \$200,000 was the agreed upon amount and transportation staff defer to DPR to establish the appropriate amount for the revised condition # 15. Staff recommend that the condition be revised to explicitly state that the fee is indexed to inflation.

The proposed change also posits that the fee be paid on a per dwelling unit basis. Basic Plan A-9895 was approved for a total of 153 single-family dwelling units, the subsequent comprehensive design

plan (CDP-9901) was for 119 units, the preliminary plan of subdivision (4-03071) was for 116 lots, and the specific design plan was for 112 single-family dwelling units. Since the total number of dwelling units is not clear, staff recommend that the fee, indexed for inflation, be provided prior to the approval of 50% of the total building permits for the subject property. Fifty-six units represents 50% of the development proposed in the specific design plan.

DPR staff has indicated that the Collington Branch Trail, which is on the eastern edge of the subject property, is a more feasible alternative for a north-south trail and includes several trail segments that are constructed or are components of on-going plans for construction. DPR staff have also indicated that the funds from this revised condition would contribute to the segment of the Collington Branch Trail that is on the east edge of the subject site (meeting; August, 11, 2020; DPR and Staff). As such, staff find that revision will not significantly impair the character of the original, approved Basic Plan with respect to circulation, accessibility, public facilities, or public benefit features, pursuant to Section 27-197(b)(4).

Conclusion

Based on the above findings, Transportation Staff find that proposed amendment to Basic Plan A-9895 meets the findings for multimodal transportation pursuant to Section 27-197, if proposed condition #15 is revised as follows:

15. Prior to the approval of 56 building permits for the subject property, a total payment of \$200,000, escalated for inflation, shall be provided to the Prince George's County Department of Parks and Recreation by the applicant, their heirs, successors and/or assignees for improvements of the trails systems to the east of the property.



Countywide Planning Division
Special Projects Section

January 28, 2021

MEMORANDUM

TO: DeAndrae Spradley, Planner Coordinator, Subdivision and Zoning Section,
Development Review Division

VIA: **BR** Bobby Ray, AICP, Planning Supervisor, Special Projects Section, Countywide
Planning Division

FROM: **IR** Ivy R. Thompson, AICP, Senior Planner, Special Projects Section, Countywide
Planning Division

SUBJECT: **A-9895-01 Forest Hills**

Project Summary: Basic Plan Amendment – Petition To Amend Basic Plan Conditions 15 & 16

Capital Improvement Program (CIP)

Title: The Prince George's County FY 2020-2025 Approved CIP

Planning Area: 79 Upper Marlboro & Vicinity

Projects: Fire-EMS Department- Beech Tree, Marlboro, and the Training & Leadership Academy

Water and Sewerage Findings

Category: The proposed development is within Water and Sewer Category 3,
Community System Adequate for Development Planning.

RESIDENTIAL

Police Facilities

Station/Location: Police District II located at 601 Crain Highway SW in Bowie.
Test: Per Section 24122.01(c) of the Subdivision Regulations, the Planning Board's current test for police adequacy is based on a response time residential standard of ten minutes for emergency calls and 25 minutes for non-emergency calls.

Fire and Rescue

Station/Location: Marlboro Volunteer Fire/EMS Co. 843 located at 14815 Pratt Street in Upper Marlboro
Test: Per Section 24-122.01(d) of the Subdivision Regulations, the Planning Board's current test for Fire-EMS adequacy is based on a residential response time standard maximum of seven-minutes travel time from the first due station.

Schools

Cluster:

Test:

Doctor Henry Wise High School Cluster 4

Per Section 24-122.02 of the Prince George's County Code of
Ordinances, Subdivision Regulations, Council Resolutions, CR-23-
2001 and CR-38-2002, *Adequate Public Schools Facility Regulations
for Schools*, this will be reviewed for impacts to school facilities in
accordance with the ordinance/resolutions.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department
Community Planning Division

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

301-952-3972

January 15, 2021

MEMORANDUM

TO: DeAndrae Spradley, Planner Coordinator, Subdivision & Zoning Section, Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Samuel L. White, Jr., Senior Planner, Neighborhood Revitalization Section, Community Planning Division 

SUBJECT: **A-9895-01 Forest Hills**

FINDINGS

The Community Planning Division finds that, pursuant to Section 27-195(b)(1)(A), the proposed Basic Plan amendment conforms to the 153 Single Family Residential Lots approved in CR-54-1994.

BACKGROUND

Application Type: Zoning Map Amendment to amend conditions in the approved CR-54-1994.

Location: The site is located on both sides of MD 202 (Largo Road) approximately 4500 feet north of its intersection with MD 725 (Marlboro Pike).

Size: 169.12 acres

Existing Uses: Vacant property

Proposal: Petition to amend basic plan conditions 15 and 16

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan:

This application is in the Established Communities. The vision for the Established Communities is context-sensitive infill and low to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met. (p. 20).

Master Plan: The 2013 *Approved Subregion 6 Master Plan* recommends residential low future land uses on the subject property.

Planning Area: 79

Community: Upper Marlboro & Vicinity

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The 2013 *Approved Subregion 6 Sectional Map Amendment* retained the subject property in the R-L (Residential Low Development) Zone.

SECTIONAL MAP AMENDMENT ANALYSIS

There are no master plan issues.

c: Long-range Agenda Notebook

Fred Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Environmental Planning Section

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301-952-3650

January 19, 2021

MEMORANDUM

TO: DeAndrae Spadley, Planner Coordinator, Zoning Section, DRD

VIA: Megan Reiser, Supervisor, Environmental Planning Section, CWPD *KF for MR*

FROM: Mary Rea, Senior Planner, Environmental Planning Section, CWPD *MAR*

SUBJECT: Basic Plan Amendment A-9895-01
Forest Hills

The Environmental Planning Section has reviewed the above referenced Zoning Map Amendment accepted for review on November 24, 2020 and provides the following comments for your consideration.

Background

Development Review Case	Tree Conservation Plan	Approval Authority	Status	Action Date	Approval Document
A-9895	NA	Planning Board	Approved	1/26/1994	PGCPB No. 94-24
A-9895	NA	District Council	Approved	6/24/1994	CR-54-1994
CDP-9901	TCP1-064-95	Planning Board	Approved	7/25/2002	PGCPB No. 02-184
CDP-9901	TCP1-064-95	District Council	Approved	3/24/2003	
4-03071	TCP1-064-95-01	Planning Board	Approved	1/15/2004	PGCPB No. 04-06
SDP-0414	TCPII-081-05	Planning Board	Approved	12/8/2005	PGCPB No. 05-259
SDP-0414	TCPII-081-05	District Council	Approved	4/10/2006	
A-9895-01	TCPII-081-05	Planning Board	Pending	Pending	Pending

Proposed Amendment

This application requests an amendment to a Basic Plan (A-9895-01) to amend Conditions 15 and 16 regarding the required trail along the Western Branch. The amendment proposes that a fee-in-lieu of \$200,000,00 be paid to the Department of Parks and Recreation (DPR) for the construction of the relocated trail (Condition 15), and changes to Condition 16 give DPR discretion over the location of the trail improvements.

Grandfathering

The site is currently grandfathered from the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the site has previously approved preliminary plans and an approved TCPII.

Site Description

This 167.70-acre property in the R-L zone is located on both sides of Largo Road (MD 202) approximately 0.2 miles north of Crescent Drive. The site is currently not improved.

According to PGAtlas.com, current available information indicates that streams, wetlands, 100-year floodplain and steep slopes occur within the limits of this application. The predominant soils found to occur, according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include Marr-Dodon complex (0 to 25 percent slopes), Sassafras-Croom complex (5 to 10 percent slopes), Widewater and Issue soils, frequently flooded, Grosstown gravelly silt loam (5 to 10 percent slopes), Westphalia and Dodon soils,(40 to 80 percent slopes), Adelphia-Holmdel (0 to 2 percent slopes), and Collington-Wist complex, (5 to 10 percent slopes). Marlboro clay occurs on or in the vicinity of this property. Available mapping information indicates the subject area is within a Sensitive Species Project Review Area (SSPRA) and contains potential forest interior dwelling species (FIDS) habitat. The site is located within the Western Branch and Collington Branch watersheds, and both are stronghold subwatersheds within the Patuxent River basin. The *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation plan (2017)* shows regulated and evaluation areas located on the property.

COMPLIANCE WITH APPROVED PLANNING DOCUMENTS.

Plan Prince George's 2035 Approved General Plan (2014)

The site is located within the Environmental Strategy Area (ESA) 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*, and in the Established Communities of the General Plan Growth Policy (2035). The General Plan Generalized Future Land Use (2035) for the site is Residential Low.

Master Plan Conformance

The Master Plan for this site is the *Approved Subregion 6 Master Plan and Sectional Map Amendment* which was approved on July 24, 2013 via CR-82-2013 and CR-83-2013. In the Approved Master

Plan and Sectional Map Amendment, the Environmental Infrastructure section contains goals, policies, and strategies.

The Zoning Ordinance provides guidance regarding the impact and relationship of general plans with master plans and functional master plans. Specifically, Section 27-640 (a) of the Zoning Ordinance states the following regarding the approval of a general plan, and its effect on a previously approved master plan:

Sec. 27-640. Relationship between Master, General, and Functional Plans.

(a) **When Functional Master Plans (and amendments thereof) and General Plan amendments are approved after the adoption and approval of Area Master Plans, the Area Master Plans shall be amended only to the extent specified by the District Council in the resolution of approval.** Any Area Master Plan or Functional Master Plan (or amendment) shall be an amendment of the General Plan unless otherwise stated by the District Council.

On May 6, 2014, the District Council approved the 2014 *General Plan* (CR-26-2014) which specifically stated the following:

“WHEREAS, upon approval by the District Council, Plan Prince George's 2035 General Plan will supersede the 2002 Prince George's County Approved General Plan and amend current approved master plans and functional master plans to incorporate the Countywide goals, objectives, policies, and strategies for the implementation of these comprehensive long-term growth and development in Prince George's County.

The following master plan guidelines have been determined to be applicable to the current project. The text in BOLD is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

Strategies

1. **Protect priority areas that will meet multiple protection objectives such as those related to green infrastructure, the priority preservation area, and the Patuxent River Rural Legacy Program.**
2. **Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**
3. **Preserve and connect habitat areas to the fullest extent possible during the land development process.**
4. **Preserve or restore regulated areas designated in the green infrastructure**

- network through the development review process for new land development proposals.**
- 5. Protect portions of the green infrastructure network outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**
- 6. Evaluate land development proposals in the vicinity of SCAs to ensure that the SCAs are not negatively impacted and that green infrastructure connections are either maintained or restored.**

The subject site is not located within the Priority Preservation Area or the Patuxent River Rural Legacy Area however, it is in the Collington Branch and Western Branch watersheds, which are primary corridors. The site contains Regulated Environmental Features (REF) and is located entirely within the 2017 Green Infrastructure network but is not within a Special Conservation Area (SCA). When future applications are reviewed, the strategies of Policy 1 will be further implemented.

Policy 2: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.

Strategies

- 1. Protect and restore groundwater recharge areas such as wetlands and the headwaters areas of streams and watersheds.**

Based on available information, the site contains wetlands and a stream, however headwaters are not present on the site.

- 7. Require environmentally sensitive site design which includes limiting impervious surfaces and implementing best practices in on-site stormwater management to reduce the impact of development on important water resources.**

Development of the site will be subject to the current stormwater management (SWM) regulations which require that environmental site design be implemented to the maximum extent practicable. Additional information regarding on-site regulated environmental features will be evaluated with future applications.

Policy 4: Protect, restore, and enhance the Chesapeake Bay Critical Area.

Strategies:

- 1. Ensure that the primary buffers and secondary buffers are protected and enforced to the fullest extent possible.**
- 2. Increase enforcement activities as needed within the critical area.**

The subject property is not located within the Chesapeake Bay Critical Area.

Policy 7: Encourage the use of green building techniques and community designs that reduce

resource and energy consumption.

Strategies:

- 1. Support this subregion plan's policy of redevelopment and infill development in existing and planned development areas rather than "green field" development.**
- 2. Initiate a project that meets the full standards of the LEED-ND in the subregion. Consider this for a development/redevelopment project near Upper Marlboro.**

The use of green building techniques and community designs that reduce resource and energy consumption is encouraged.

Policy 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.

Strategies:

- 2. Require the use of full cut-off optic light fixtures for all proposed uses to reduce sky glow.**

At the time of permit, the landscape plan shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized.

Conformance with the Green Infrastructure Plan

Most of the site is within the Evaluation Area and Regulated Areas of the Green infrastructure Network as delineated in accordance with the *Approved Countywide Green Infrastructure Plan* (2017). Impacts to the Regulated Environmental Features (REF) were previously approved under a preliminary plan. The amended Basic Plan can be found in conformance with the conservation of the Green Infrastructure Network consistent with previous plan approvals on the site.

COMPLIANCE WITH PREVIOUSLY APPROVED CONDITIONS

Conditions of Previous Approvals: A-9895

On June 24, 1994, the District Council approved the Basic Plan for the Miller Property, now known as Forest Hills, subject to eighteen conditions and one consideration. Two conditions were determined to be environmental in nature.

- 6. The applicant shall work with the Department of Parks and Recreation in creating a Type I Tree Conservation Plan to adequately allow for improvements (such as trails) in any forest preservation proposal.**

This condition was previously addressed.

- 8. The applicant shall prepare a geotechnical study of the Marlboro clays on site, in accordance with Department of Environmental Resources Criteria, and submit it with the Comprehensive Design Plan. Special attention should be paid to locating**

headwalls of previously failed slopes; the approximate locations should be shown on the plan delimiting the 1.5 safety factor line.

This condition was previously addressed. Due to site layout changes proposed, the submittal of updated information and studies related to Marlboro clay on-site may be required at the discretion of the Department of Permitting, Inspections and Enforcement (DPIE).

COMPREHENSIVE DESIGN PLAN, CDP-9901, PGCPB. No. 02-184

The conditions of approval of the Comprehensive Design Plan, CDP-9901 found in resolution PGCPB 02-184 are not applicable to the review of the current application.

PRELIMINARY PLAN 4-03071, PGCPB No. 04-06

The conditions of approval of Preliminary Plan, 4-03071 found in resolution PGCPB 04-06 are not applicable to the review of the current application.

SPECIFIC DESIGN PLAN, SDP-0414, PGCPB No. 05-259

The conditions of approval of Specific Design Plan, 4-03071 found in resolution PGCPB 05-259 are not applicable to the review of the current application.

ENVIRONMENTAL REVIEW

Existing Conditions/Natural Resource Inventory (NRI)

An NRI is not required as part of a zoning amendment application. All future applications will require an NRI covering the entire land area included in the application, approved under the current regulations. An NRI – Equivalency Letter (NRI-EL- 061-2018) was approved for this site on April 5, 2018, which is valid until April 5, 2023.

Woodland Conservation

This site is subject to the provisions of Subtitle 25, Division 2, of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), and future development of the site must be in conformance with an approved Tree Conservation Plan (TCP).

The site is currently zoned R-L and has a required woodland conservation threshold of 25 percent of the net tract area. The site has an approved TCPII for the overall development (TCPII-081-05). The total woodland conservation requirement for the overall development is 37.20-acres, which has been met with 36.71-acres of on-site preservation, and 20.28- acres of off-site woodland conservation. Future land development applications for the site will require on-going conformance with the WCO.

Regulated Environmental Features (REF)

According to available information, the site contains stream systems, floodplain, wetlands, and

steep slopes. Impacts to any Regulated Environmental Features (REF) should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management (SWM) outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

Impacts to the REF must first be avoided and then minimized. If impacts to the REF are proposed, a statement of justification must be submitted in accordance with Sections 24 and 27 of the county codes. The justification must address how each impact has been avoided and/ or minimized to the fullest extent possible.

SECTION 27-195 (B): CRITERIA FOR APPROVAL OF BASIC PLAN

The Zoning Code provides required findings that support approval of a proposed project. The following finding is environmental in nature. The Zoning code language is provided in bold type, and regular font is the discussion.

(1) **Prior to approval of the application and Basic Plan the applicant shall demonstrate to the satisfaction of the District Council that the entire development meets the following criteria:**

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

The Forest Hills site has an extensive network of streams and wetlands that will be retained and provide natural buffering to adjacent residential development. The development will preserve and enhance environmentally sensitive areas by careful placement of development envelopes within the overall project, while providing water quality benefits for the Western Branch and Collington Branch subwatersheds and provide extensive green space for future residents of the Forest Hills development, as well as adjacent existing neighbors. The amendment proposed to the Basic Plan maintain 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.

SUMMARY OF RECOMMENDED FINDINGS

The Environmental Planning Section recommends approval of the amended Basic Plan subject to the following finding:

Recommended Finding: The environmental relationships proposed between the proposed low-density residential 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.

If you have any questions concerning this review, please contact me by e-mail at mary.rea@ppd.mncppc.org or call 301-952-3661.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
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Countywide Planning Division
Transportation Planning Section

301-952-3680

December 17, 2020

MEMORANDUM

TO: DeAndrae Spradley, Subdivision Section, Development Review Division

VIA: Howard Berger, Supervisor, Historic Preservation Section, Countywide Planning Division

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division
Tyler Smith, Historic Preservation Section, Countywide Planning Division

SUBJECT: A-9895-01 Forest Hills

The subject property comprises 169.122 acres and is located on both sides of MD-202 Largo Road approximately 4500- feet from its intersection with Marlboro Pike. The subject application petitions to amend basic plan conditions 15 and 16 of A-9895, which require a trail be built on the western section of the property. The subject property is Zoned R-L.

The subject property does not contain and is not adjacent to any Prince George's County Historic Sites or resources or known archeological sites. This proposal will not impact any historic sites, historic resources or significant archeological sites. Historic Preservation staff recommend approval of A-9895-01 Forest Hills with no conditions.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation
6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: January 8, 2020

TO: DeAndrae Spradley, Planner Coordinator
Subdivision and Zoning Section
Development Review Division
Planning Department

VIA: Sonja Ewing, Assistant Division Chief *SE*
Park Planning and Development Division
Department of Parks and Recreation

FROM: Tom Burke, Planner Coordinator *TB*
Land Acquisition/Management & Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **A-9895-01, Forest Hills**

The Department of Parks and Recreation (DPR) has reviewed and evaluated this application as it pertains to public parks and recreational facilities.

PROPOSAL

This application is a petition to amend conditions 15 and 16 of the basic plan, A-9895, which requires the construction of a trail on the western section of the property, along the Western Branch. The amendment will allow the applicant to pay a fee-in-lieu to DPR in the amount of \$200,000 for trail improvements east of the property, along the Collington Branch.

BACKGROUND:

The subject property is 169.12-acres within the Residential Low Development (R-L) Zone, a designated comprehensive design zone. The site is located on the east and west side of Largo Road (MD 202) in Upper Marlboro, approximately 4,500 feet north of its intersection with the Marlboro Pike, is subject to the *Approved Subregion 6 Master Plan and Sectional Map Amendment*, December 2013, the *2017 Land Preservation, Parks and Recreation Plan*

for Prince George's County, and *Formula 2040, Functional Master Plan for Parks, Recreation and Open Space*. This property is currently unimproved and fully wooded.

REVIEW OF PREVIOUS CONDITIONS OF APPROVAL

The following is a summary of the Basic Plans A-9895 and CDP-9901 conditions, which apply to parkland dedication and development:

Sectional Map Amendment A-9895 was approved by the Prince George's County District Council on May 24, 1994 with the accompanying basic plan (CR-54-1994) with 18 conditions and one consideration for 153 single-family dwelling units. The following conditions relate to DPR:

6. **The applicant shall work with the Department of Parks and Recreation in creating a Type I Tree Conservation Plan to adequately allow for improvements (such as trails) in any forest preservation proposal.**
13. **The applicant shall dedicate 105 acres to the M-NCPPC as shown on Exhibit B (in file)**
15. **The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hill Community where possible. Feasibility and location of trail connections will be determined during consideration of the Comprehensive Design Plan.**
16. **The hiker/biker trail shall be constructed in conformance with the M-NCPPC Parks and Recreation Facilities Guidelines.**

Comprehensive Design Plan, CDP-9901 was approved by the Prince George's County District Council on July 25, 2002 with 7 conditions for 119 single-family dwelling units. The following conditions relate to DPR:

- 1.a.(11) **Prior to certification of the Comprehensive Design Plan, drawings and text shall be revised to incorporate the following: eight-foot-wide asphalt hiker/biker trail along the Western Branch and a 6-foot-wide asphalt connector trails providing access to the Western Branch from the proposed community as shown on attached DPR Exhibit "A". One connection shall be oriented towards the southern end of the trail and the other connection shall be oriented towards the northern end of the trail.**
- 1.a.(12) **Prior to certification of the Comprehensive Design Plan, drawings and text shall be revised to incorporate the following: a ten-foot-wide equestrian trail along the Western Branch if determined to be feasible by the DPR at the time of Specific Design Plan.**
- 1.c. **The Type I Tree Conservation Plan TCPI-064-95 shall be revised in consultation with the DPR to remove woodland conservation areas from portions of the proposed parkland where development may occur.**

- 3.a. **Dedicate approximately 105 acres of land to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A".**
- 3.b. **Land to be dedicated shall be subject to the following conditions:**
 - (1) **An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.**
 - (2) **The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.**
 - (3) **The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.**
 - (4) **The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, the M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.**
 - (5) **Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.**
 - (6) **All waste matter of any kind shall be removed from the property to be conveyed. The DPR shall inspect the site and verify that it is in acceptable condition for conveyance, prior to Final Plat approval.**
 - (7) **No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or**

design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.

- 3.c. Submit a letter to the Subdivision Section indicating that the DPR has conducted a site inspection and found the land to be dedicated to the M-NCPPC in acceptable condition for conveyance.
- 3.d. Submission of three original, executed Recreational Facilities Agreements (RFA) for trail construction to the DRD for their approval, three weeks prior to a submission of a final plat of subdivision. Upon approval by the DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland. The RFA shall state that the trail construction shall be completed prior to issuance of the 58th building permit.
5. Prior to approval of the first Specific Design Plan for the development on the west side of the MD 202, the applicant shall:
 - a. Submit detailed construction drawings for trail construction to DPR for review and approval. The recreational facilities on park property shall be designed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines. The trail construction drawings shall ensure the following:
 - (1) Dry passage for all trails. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
 - (2) Handicapped accessibility of all trails shall be in accordance with applicable AOA guidelines.
 - b. If determined to be necessary by the DPR, submit construction drawings for a ten-foot-wide equestrian trail along the Western Branch. The trail shall be turf surfaced, the trees and branches shall be cleared a total of 12-foot in heights along the trail. The location of the trail shall be determined by DPR.
 - c. Submit drawings showing the exact location of the two trail connectors.
- 6.a. Prior to issuance of any building permits, the applicant shall submit performance bonds, letter of credit or other suitable financial guarantee to DPR to secure the grading and construction of the recreational facilities on park property, in an amount to be determined by the DRD.
7. No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction.

DISCUSSION

The Applicant has submitted a request to amend Conditions 15 and 16 of Basic Plan A-9895 that requires the construction of a trail on the western section of the property along Western Branch. The amendment will allow the Applicant to pay a fee-in-lieu to the Department of Parks and Recreation in the amount of \$200,000 for trail improvements east of the property along the Collington Branch. The applicant proposes to dedicate approximately 105 acres of land to M-NCPPC. The dedicated parkland consists of floodplain, dense woodland, steep slopes, wetlands and Marlboro clay soils. The applicant has requested use of certain portions of the proposed parkland for tree conservation purposes. The DPR has agreed to allow the applicant to encumber portions of the parkland for tree conservation.

RECOMMENDATION:

The Park Planning & Development Division of DPR recommends approval of the Forest Hills Basic Plan Amendment, A-9895-01. Staff of the Department of Parks and Recreation has walked the proposed trail alignment along the Collington Branch and confirmed feasibility.

cc: Bridget Stesney
 Alvin McNeal

From: [Bishop, Andrew](#)
To: [Spradley, DeAndrae](#)
Cc: [Conner, Sherri](#); [Zhang, Henry](#); [PGCReferrals](#)
Subject: RE: A-9895-01 Forest Hills, Basic Plan Amendment Referral
Date: Thursday, January 7, 2021 5:11:39 PM
Attachments: [image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
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[image024.png](#)
[image025.png](#)
[image026.png](#)

DeAndrae,
Good afternoon.

The Urban Design Section has reviewed the referral information received by on 12/10/2020. The application proposes to amend Basic Plan A-9895 conditions 15 and 16 of Basic Plan A-9895 that require a trail on the Western Section of the property. No Urban Design related issues have been identified with this application. This email serves in lieu of a memo.

Thank you.

N. Andrew Bishop

Senior Planner | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-4897 | andrew.bishop@ppd.mncppc.org



From: Zhang, Henry <Henry.Zhang@ppd.mncppc.org>
Sent: Thursday, December 10, 2020 10:17 AM
To: Bishop, Andrew <andrew.bishop@ppd.mncppc.org>
Cc: Conner, Sherri <sherri.conner@ppd.mncppc.org>; Summerlin, Cheryl <Cheryl.Summerlin@ppd.mncppc.org>
Subject: FW: A-9895-01 Forest Hills, Basic Plan Amendment Referral
Importance: High

Andrew,

This referral has been assigned to you. I will ask if there is a SOJ submitted. So far from the drop box link, I could not find SOJ.

Forest Hills A-9895-01

Revised conditions pursuant to ZHE hearing held on March 17, 2021 at 9:30 AM

Condition 15

In lieu of construction of the Western Branch Trail, improvements of the trails systems to the east of the property shall be funded in part by the total payment of \$200,000 by the applicant, his heirs, successors and/or assignees to the Prince George's County Department of Parks and Recreation, which shall be indexed to inflation—the Bureau of Labor and Statistics Consumer Price Index (CPI) in 2021 dollars as of the payment date, and ultimately paid in full, prior to approval of a building permit exceeding 50 percent of the dwelling units approved with the Specific Design Plan for the site

Condition 16

The location of the trail improvements funded by Condition 15 herein shall be solely at the discretion of the Prince George's County Department of Parks and Recreation provided the trail improvements are done in the Collington Trail system.

STATE OF MARYLAND

Department of Assessments and Taxation

I, MICHAEL L. HIGGS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE DEPARTMENT, BY LAWS OF THE STATE, IS THE CUSTODIAN OF THE RECORDS OF THIS STATE RELATING TO THE FORFEITURE OR SUSPENSION OF CORPORATIONS, OR THE RIGHTS OF CORPORATIONS TO TRANSACT BUSINESS IN THIS STATE, AND THAT I AM THE PROPER OFFICER TO EXECUTE THIS CERTIFICATE.

I FURTHER CERTIFY THAT QUAD CONSTRUCTION CORPORATION (D00883207), INCORPORATED MAY 22, 1978, IS A CORPORATION DULY INCORPORATED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF MARYLAND AND THE CORPORATION HAS FILED ALL ANNUAL REPORTS REQUIRED, HAS NO OUTSTANDING LATE FILING PENALTIES ON THOSE REPORTS, AND HAS A RESIDENT AGENT. THEREFORE, THE CORPORATION IS AT THE TIME OF THIS CERTIFICATE IN GOOD STANDING WITH THIS DEPARTMENT AND DULY AUTHORIZED TO EXERCISE ALL THE POWERS RECITED IN ITS CHARTER OR CERTIFICATE OF INCORPORATION, AND TO TRANSACT BUSINESS IN MARYLAND.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY SIGNATURE AND AFFIXED THE SEAL OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND AT BALTIMORE ON THIS MARCH 17, 2021.



Michael L. Higgs
Director



301 West Preston Street, Baltimore, Maryland 21201
Telephone Baltimore Metro (410) 767-1340 / Outside Baltimore Metro (888) 246-5941
MRS (Maryland Relay Service) (800) 735-2258 TT/Voice

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Business Entity¹ Affidavit

(Form PG 2)

General Information

The Prince George's County land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires this affidavit to be filed where a business entity is deemed to be an applicant in an application filed with the District Council. This can occur, for example, when a business entity is a title owner or contract purchaser of land that is the subject of an application, a trustee having an interest in the land (except those described in a mortgage or deed of trust), or the holder of 5 percent or more interest in an entity having an interest in the land (provided that it has substantive involvement in the disposition of the land, or substantive activities pertaining specifically to land development in Prince George's County). Applicant can also include a business entity in which a 5 percent or greater interest is held by another applicant.

In completing this form, you should also review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions include the affidavit requirement, define applicants and agents, set out District Council member disqualification requirements, and specify ex parte disclosure procedures. Please note that there may be situations where there is more than one applicant involved, requiring one or more submissions of this form (or Form PG 1 Individual Applicant Affidavit). You may direct questions about the affidavit or other requirements of the Law to the State Ethics Commission office by phone, at 410-260-7770, or in writing, at the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf>, that contains additional filing information, including timing requirements.

If the applicant business entity is a corporation listed on a national stock exchange or regulated by the Securities Exchange Commission, then its officers, its directors, or its shareholders having a 5 percent or greater interest in the corporation are required to file an affidavit **only if** these persons have made a payment or have solicited a payment as outlined in the Public Ethics Law **and** if the corporation itself completes Part B of the affidavit. If required to file, these persons will file the Individual Applicant Affidavit, Form PG 1.

Filing Deadline

You must file a signed original of this affidavit with the Clerk of the County Council no later than 30 days prior to the District Council's consideration of the application. You must file a supplemental affidavit as expeditiously as possible whenever a payment/contribution is made after the original affidavit was filed and prior to Council's consideration. Please note that under § 5-835(a) of the Public Ethics Law, payments/contributions during the pendency of an application are generally prohibited.

PART A. Business Entity Applicant

Identifying Information

Name of Applicant Quad Construction Corporation Case No. (where applicable) A-9895-01

Address of Applicant 6110 Executive Blvd. #310, Rockville, MD 20852

Identity of the Property/ Subject of Application <u>Forest Hills</u>	Amend Basic Plan <u>A-9895</u> (see § 5-833(d))
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¹Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

Applicant Payment/Contribution to Member Information (check or complete applicable blanks)

1. Was a payment/contribution made by the applicant to a treasurer or a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application was filed or during the pendency of the application? Yes No

If the answer to #1 above is yes, list below the name of the member or members and the date or dates of the payment/contribution:

<u>Name of Member</u>	<u>Date</u>
None	

If the payment/contribution was through a PAC, identify the PAC and the date of the transfer to the treasurer or continuing committee:

None	

Solicitation and other Payment/Contribution Information

2. Did the applicant solicit a person or business entity to make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? Yes No

If the answer to #2 above is yes, and a contribution was made, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the contributor:

<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
None		

PART B. Directors, Officers and Stockholders (see § 5-838(b)) (For Corporations Only)

***Note: For a corporation's application to be processed, this section must be completed in full (place a check at the beginning of each question to indicate the action has been completed).**

1. All directors, officers, and stockholders with a 5 percent or greater interest have been notified of the disclosure requirement as provided in the Law and are identified as follows (list name and title – if the corporation has no directors, officers or stockholders with a 5 percent or greater interest, so state):

2. N/A Affidavits (Form PG 1 Individual Applicant Affidavit) from those individuals identified in question #1 above, who have made or solicited contributions and are therefore required to disclose, are either attached or on file with the Clerk of the County Council OR there are no individuals required to file affidavits.

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

DocuSigned by:

Gregory S. Balian
2E7FB27380E54DF...

Signature (original to be filed with the Clerk)

Gregory S. Balian

Printed Name of Signer

President

Title of Signer (Authorized to sign for the business entity)

March 17, 2021

Date

Bah, Fatima J.

From: McNeil, Maurene E.
Sent: Monday, April 05, 2021 9:34 AM
To: Bah, Fatima J.
Subject: FW: Follow up to the March 17, 2021 ZHE Meeting for A-9895-01

This email should be Exhibit 13 in our file, please.

From: Zyla, Thomas <Tom.Zyla@pgparks.com>
Sent: Friday, March 19, 2021 11:25 AM
To: G. S. Balian <gsbalian@haverfordhomes.com>; McNeil, Maurene E. <MEMcNeil@co.pg.md.us>; Rawlings, Mary J. <mjrawlings@co.pg.md.us>; Bah, Fatima J. <FJBah@co.pg.md.us>; Stanley Derwin Brown (attorney@stanbrown.net) <attorney@stanbrown.net>; Arthur J. Horne Jr. <ahorne@shpa.com>; Burke, Thomas <Thomas.Burke@pgparks.com>
Cc: Aram Balian <aram@haverfordhomes.com>; Stesney, Bridget <Bridget.Stesney@pgparks.com>; Ewing, Sonja <Sonja.Ewing@Pgparks.com>
Subject: RE: Follow up to the March 17, 2021 ZHE Meeting for A-9895-01

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Please find below DPR's calculations for the value of the master plan trails previously approved for the Forest Hills subdivision, pursuant to the request from last Wednesday's ZHE hearing:

3,237 lf of 8' paved trail x (\$6/sf x 8' wide) = \$155,376

2,729 lf of 10' equestrian trail x (\$30/lf x .5 parallel trail cost savings) = \$40,935

Total = \$196,311 or approximately \$200,000

Please let me know if anyone has any questions or comments regarding these calculations,

Thomas S. Zyla, Design & Construction Project Manager III

Central Avenue Connector Trail

Park Planning & Development Division

M-NCPPC, Department of Parks and Recreation, Prince George's County

6600 Kenilworth Avenue, 2nd Floor, Riverdale, MD 20737

Direct: 301.699.2487 Mobile: 443.694.1614

Stay connected:



From: G. S. Balian <gsbalian@haverfordhomes.com>

Sent: Wednesday, March 17, 2021 4:00 PM

To: McNeil, Maurene E. <MEMcNeil@co.pg.md.us>; Rawlings, Mary J. <mjrawlings@co.pg.md.us>; Bah, Fatima J. <FJBah@co.pg.md.us>; Stanley Derwin Brown (attorney@stanbrown.net) <attorney@stanbrown.net>; Arthur J. Horne Jr. <ahorne@shpa.com>; Burke, Thomas <Thomas.Burke@pgparks.com>; Zyla, Thomas <Tom.Zyla@pgparks.com>
Cc: Aram Balian <aram@haverfordhomes.com>
Subject: Follow up to the March 17, 2021 ZHE Meeting for A-9895-01

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

As a follow up to the ZHE hearing on March 17, 2021 for Forest Hills A-9895-01, I have attached the following:

1. Ethics Affidavit for Quad Construction Corporation
2. Good Standing Certificate for Quad Construction Corporation
3. Revised language for condition 15 specifying who makes the payment and what type of index
4. Revised language for condition 16 specifying the Collington Trail

Tom Burke and Tom Zyla will provide their fee in lieu calculation to complete the open items from the hearing.

Sevag Balian

President



6110 Executive Blvd, Suite 310
Rockville, MD 20852
301-769-6615 [Direct Office]
301-440-1748 [Mobile]
gsbalian@haverfordhomes.com