



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

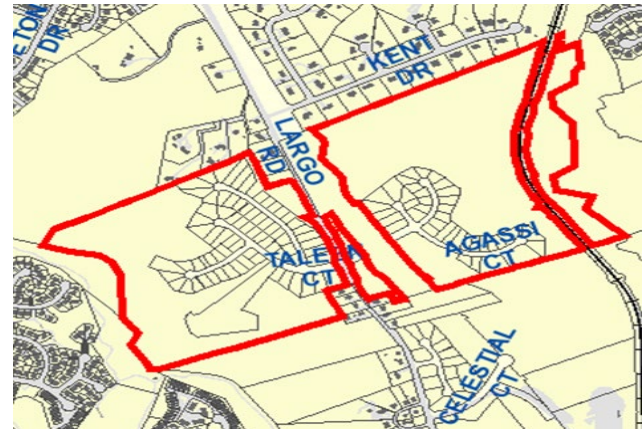
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

# Comprehensive Design Plan Forest Hills

## CDP-9901-01

| REQUEST   | STAFF RECOMMENDATION  |
|---|---|
| An amendment to revise plans and conditions to remove the proposed trail. | With the conditions recommended herein: <ul style="list-style-type: none"> <li>•Approval of Comprehensive Design Plan CDP-9901-01</li> <li>•Approval of Type 1 Tree Conservation Plan TCP1-064-95-03</li> </ul> |

|  |                    |
|--|--------------------|
| <b>Location:</b> On both sides of MD 202 (Largo Road), approximately one mile north of its intersection with MD 725.           |                    |
| Gross Acreage:   | 167.70             |
| Zone:  | LCD                |
| Prior Zone:  | R-L                |
| Reviewed per Zoning Ordinance:   | Section 27-1704(e) |
| Dwelling Units:  | 116                |
| Gross Floor Area:  | N/A                |
| Planning Area:   | 79                 |
| Council District:  | 06                 |
| Municipality:  | N/A                |
| <b>Applicant/Address:</b><br>Quad Construction Corporation<br>6110 Executive Boulevard, Suite 310<br>Rockville, MD 20852       |                    |
| <b>Staff Reviewer:</b> Jill Kosack, RLA, ASLA<br><b>Phone Number:</b> 301-952-4689<br><b>Email:</b> Jill.Kosack@ppd.mncppc.org |                    |



|                              |            |
|------------------------------|------------|
| Planning Board Date:         | 11/17/2022 |
| Planning Board Action Limit: | 11/22/2022 |
| Staff Report Date:           | 11/02/2022 |
| Date Accepted:               | 09/13/2022 |
| Informational Mailing:       | 06/06/2021 |
| Acceptance Mailing:          | 08/04/2022 |
| Sign Posting Deadline:       | 10/17/2022 |

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/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Comprehensive Design Plan CDP-9901-01  
Type 1 Tree Conservation Plan TCP1-064-95-03  
Forest Hills

The Urban Design Section has completed its review of the subject application under the prior zoning requirements and agency referral comments concerning the comprehensive design plan and recommends APPROVAL, as stated in the Recommendation section of this technical staff report.

**EVALUATION CRITERIA**

The property is within the Legacy Comprehensive Design (LCD) Zone, formerly the Residential Low Development (R-L) Zone. However, this application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(e) of the Zoning Ordinance, which allows an amendment to a prior development approval to be reviewed under the prior Zoning Ordinance. This amendment to a comprehensive design plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Zoning Map Amendment (Basic Plan) A-9895-C-01.
- b. The requirements of the prior Prince George's County Zoning Ordinance governing development in the Residential Low Development (R-L) Zone.
- c. The requirements of Comprehensive Design Plan CDP-9901.
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- e. Referral comments.

**FINDINGS**

Based upon the evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject comprehensive design plan (CDP) application seeks to amend the conditions and plans to reflect the changes made by Zoning Map Amendment (Basic Plan) A-9895-C-01, relative to the removal of the Western Branch Trail through the west side of the property.

2. **Development Data Summary:**

|                | <b>PREVIOUSLY APPROVED</b>         | <b>PROPOSED</b>                    |
|----------------|------------------------------------|------------------------------------|
| Zone(s)        | LCD (R-L)                          | LCD (R-L)                          |
| Use(s)         | Single-Family Detached Residential | Single-Family Detached Residential |
| Gross Acreage  | 167.70                             | 167.70                             |
| Dwelling Units | 116                                | 116                                |

3. **Location:** The subject property is a large tract of land that consists of wooded and undeveloped land, located on both sides of MD 202 (Largo Road), approximately one mile north of its intersection with MD 725. The site is also in Planning Area 79 and Council District 6.

4. **Surrounding Uses:** The site is bounded by the Western Branch stream to the west and the Collington Branch stream to the east, with MD 202 down the middle. The subject property is bordered to the north by the Brock Hall community and the Thorne Hills, Brock Hills, and Collington Estates subdivisions in the Residential Estate (RE) Zone; to the southwest by the Villages of Marlboro subdivision in the Legacy Comprehensive Design (LCD) Zone; to the east by the Beechtree subdivision in the LCD Zone; and to the south by woodlands and residential development in the Residential, Rural and RE Zones.

5. **Previous Approvals:** The site was rezoned from the prior Residential-Estate and Rural Residential Zones to the Residential Low Development (R-L) Zone during the 1993 *Approved Subregion VI Study Area Master Plan and Sectional Map Amendment (Planning Areas 79, 82A, 82B, 86A, 86B, 87A and 87B)*. The rezoning was contained in A-9895 (Prince George’s County Council Resolution CR-34-1994).

On March 24, 2003, CDP-9901 and Type I Tree Conservation Plan TCPI-064-95 were approved by the Prince George’s County District Council for a total of 116 single-family detached residential dwelling units on approximately 167 acres of land, with 8 conditions.

On January 15, 2004, Preliminary Plan of Subdivision (PPS) 4-03071 and TCPI-064-95-01 were approved by the Prince George’s County Planning Board (PGCPB Resolution No. 04-06), subject to 23 conditions. The property was platted in accordance with the PPS, but no construction has commenced. A waiver of the Planning Board rules of procedure and a request for reconsideration of PPS 4-03071 were approved on July 30, 2020. The Planning Board allowed a limited reconsideration in order to revise the PPS. However, the request for reconsideration never proceeded to a merits hearing, and the Board never approved any specific revisions to the conditions related to the Western Branch Trail. The merits hearing has been pending since July 30, 2020 because CDP-9901 must be amended before reconsideration of PPS 4-03071 can be completed. Now that CDP-9901-01 has been scheduled for a Planning Board hearing date, the merits hearing for PPS 4-03071 may be

scheduled for a Planning Board hearing. The merits hearing must be scheduled to occur after the hearing for this CDP amendment.

On April 10, 2006, Specific Design Plan SDP-0414 and associated Type II Tree Conservation Plan TCPII-081-05, for 112 single-family detached homes, was approved by the District Council subject to 10 conditions. No construction has been started on the property and this SDP is now invalid.

On April 26, 2021, the District Council approved an amendment to A-9895 (Zoning Ordinance No. 4-2021) to revise Conditions 15 and 16, which are relative to the Western Branch Trail.

6. **Design Features:** This CDP amendment proposes to remove conditions and revise the plans to reflect the changes made by A-9895-C-01, relative to the removal of the Western Branch Trail, through the west side of the property. This application will have no impact on the previously approved dwellings, open space, roadways, or any other site features. As discussed above, a subsequent reconsideration of PPS 4-03071 will further implement this change to trails and allow the applicant to file a new SDP to allow for the development of the property.

The findings of A-9895-C-01 noted that since the original approvals for the property, no master plan trail systems have been built or are planned to be built on the Western Branch, and the area has been significantly built out with several communities. Instead, there has been development of the Collington Trail system to the east, which is a more feasible north-south trail for the area and is currently being implemented. The Prince George's County Department of Parks and Recreation (DPR) agreed that, in lieu of construction of the Western Branch Trail, the applicant may pay a fee that DPR will use to connect portions of existing trails that are located east of the property, and which will better serve the larger community.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9895-C-01:** The District Council approved an amendment to A-9895 on April 26, 2021, with 18 conditions and 1 consideration. A-9895-01 revised Conditions 15 and 16 relative to the master plan trail and to provide a fee-in-lieu, as shown below. All other conditions of approval of A-9895 were carried forward and remain applicable to all subsequent approvals accordingly. CDP-9901 adequately addressed all previous conditions of approval and that remains unchanged with the limited scope of this amendment.
15. **In lieu of construction of the Western Branch Trail, improvements of the trails system to the east of the property shall be funded in part by the total payment of \$200,000 by the applicant, its heirs, successors and/or assignees to the Prince George's County Department of Parks and Recreation, which shall be indexed to 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.**

16. **The location of the trail improvements funded by Condition 15 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 and in conformance with the Department of Parks and Recreation's Guidelines for Park and Recreational Facilities.**

These requirements will be enforced at the time of permitting, as stated.

8. **Prince George's County Zoning Ordinance:** This application has been reviewed for conformance with the requirements of the prior Zoning Ordinance governing development in the R-L Zone, as follows:

- a. **Uses:** The R-L Zone permits single-family detached residential dwelling units.
- b. **Density Increments:** The applicable R-L Zone regulations allow for a base residential density of one unit per acre. Therefore, with 116 units proposed on approximately 167 acres, no density increments are necessary.
- c. **Development Standards:** A comprehensive set of development standards was included in the approval of SDP-0414 and will be included in any future SDP approval.
- d. Section 27-521, Required Findings for Approval in Comprehensive Design Zones, of the prior Zoning Ordinance, requires the Planning Board to find conformance with the following findings for approval of a CDP:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The proposed CDP amendment is in conformance with A-9895-C-01, which was already amended relative to the removal of the trail. No other changes to the development are requested.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

This finding was made with the previous approvals of the subject development. The limited scope of the proposed amendment does not change the previous finding that the proposed development will result in a better environment.

- (3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

This finding was made with the previous approvals of the subject development. The limited scope of the proposed amendment does not change the previous finding and an alternative facility to the Western Branch Trail has been coordinated with DPR, which will meet the needs of the project users.

- (4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;**

This finding was made with the previous approvals of the subject development. The limited scope of the proposed amendment does not change the proposed development's compatibility with the existing land uses, zoning, and facilities in the surroundings.

- (5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**

- (A) Amounts of building coverage and open space;**
- (B) Building setbacks from streets and abutting land uses; and**
- (C) Circulation access points;**

The land uses and facilities covered by this CDP will be the same as approved in CDP-9901, except for the trail, which was already determined to be appropriate for removal, and previously found to meet this requirement.

- (6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

This finding was made with the previous approvals of the subject development. The limited scope of the proposed amendment does not change the previous finding that each staged unit will be capable of sustaining an environment of continuing quality and stability.

- (7) The staging of development will not be an unreasonable burden on available public facilities;**

This finding was made with the previous approvals of the subject development. The limited scope of the proposed amendment does not change the previous finding that the staging of the development will not be an unreasonable burden on public facilities.

- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
  - (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
  - (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

This project does not include adaptive reuse of any historic site. Therefore, this criterion does not apply.

- (9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

This CDP will follow the comprehensive design guidelines, as approved in CDP-9901, governing the development of this project. There are no townhouses included in this application.

- (10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

The CDP also includes TCP1-064-95-03, which has been revised to show the removal of the trail. Therefore, the CDP amendment is in conformance with the amended TCP1.

- (11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5);**

The Planning Board previously approved impacts to regulated environmental features on this site under PPS 4-03071 and TCPI-064-95-01, and with SDP-0414 and TCPII-81-05. No additional regulated environmental features will be impacted by the proposed development, and staff finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5) of the prior Prince George's County Subdivision Regulations.



- (12) Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Section 27-226(f)(4) of the prior Zoning Ordinance is the District Council's procedure for approving a comprehensive design zone application as part of a sectional map amendment. This provision is not applicable to the subject application because the property was rezoned through a zoning map amendment (basic plan) application.

- (13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

This provision is not applicable to the subject application because it is not a regional urban community.

- 9. Comprehensive Design Plans CDP-9901:** The District Council approved the original CDP-9901 on March 24, 2003, for a total of 116 single-family detached residential dwelling units on approximately 167 acres of land, with 8 conditions. The following is a list of the original CDP conditions relevant to the Western Branch Trail that the applicant would like removed:

- 1. Prior to certification of the Comprehensive Design Plan:**

- a. The Comprehensive Design Plan drawings and text shall be revised to incorporate the following:**

**(11) eight-foot-wide asphalt hiker/biker trail along the Western Branch and a minimum of two 6-foot-wide asphalt connector trails providing access to the Western Branch from the proposed community as shown on the Department of Parks and Recreation 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.**

**(12) a ten-foot-wide equestrian trail along the Western Branch if determined to be feasible by the Department of Parks and Recreation at the time of Specific Design Plan.**

- 3. Prior to approval of any final plats for this development, the applicant shall:**

- d. Submit three original, executed Recreational Facilities Agreements (RFA) for trail construction to the Department of Parks and Recreation for their approval at least three weeks prior to a submission of a final plat of subdivision. Upon approval by the Development Review Division, 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 the Department of Parks and Recreation 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 the trails. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by Department of Parks and Recreation.**
    - (2) handicapped accessibility of all trails in accordance with applicable ADA guidelines.**
  - b. If determined to be necessary by the Department of Parks and Recreation, 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 feet in height along the trail. The location of the trail shall be determined by the Department of Parks and Recreation.**
  - c. Submit drawings showing the exact location of the two trail connections.**
- 7. No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction.**

As previously stated, the District Council and DPR, through the approval of A-9895-C-01, have agreed to allow the applicant to pay a fee-in-lieu of construction of the Western Branch Trail on the subject property. Therefore, staff supports the removal of the above conditions, as they are no longer required.

- 10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the subject property is more than 40,000 square feet in size, has more than 10,000 square feet of woodland on-site, and has previously approved tree conservation plans for the overall property. TCP1-064-95-03 was submitted with the CDP application.
  - a. A Natural Resource Inventory Equivalency Letter (NRI-061-2018) was approved for this site on April 5, 2018, which is valid until April 5, 2023. The proposed work will not result in any significant changes to the limits of disturbance of the previously approved TCPI or create additional impacts to any regulated environmental features.**

- b. This site is subject to the provisions of Subtitle 25, Division 2, of the WCO, and future development of the site must be in conformance with an approved tree conservation plan. Based on the TCP1 submitted with this application, this 167.70-acre site has a net tract area of 138.09 acres, which contains 95.23 acres of woodland and 22.0 acres of wooded floodplain, with a required woodland conservation threshold of 34.52 acres (25 percent). The woodland conservation worksheet proposes the removal of 13.69 acres of woodland, 12.89-acre in the net tract area, and 0.80-acre in the floodplain area, for a woodland conservation requirement of 38.55 acres. According to the TCP1 worksheet, the requirement is proposed to be met with 38.74-acre of woodland preservation on-site. Future development applications for the site will require ongoing conformance with the WCO.

**11. Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Community Planning**—In a memorandum dated September 30, 2022 (White to Kosack), included herein by reference, the Community Planning Division provided that pursuant to Section 27-521(a)(1) of the prior Zoning Ordinance, this application conforms to the design guidelines or standards intended to implement the development concept recommended by the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*.
- b. **Environmental Planning**—In a memorandum dated October 17, 2022 (Rea to Kosack), included herein by reference, the Environmental Planning Section provided a comprehensive review of this CDP application’s conformance with prior conditions of approval, applicable environmental planning regulations, and governing plans. Relevant information has been incorporated into the findings above. The Environmental Planning Section recommends approval of this CDP and TCP1, with no conditions.
- c. **Subdivision**—In a memorandum dated October 17, 2022 (Diaz-Campbell to Kosack), included herein by reference, the Subdivision Section provided an analysis of this application’s request relative to the PPS 4-03071 approval, and the need to complete the reconsideration of the PPS, subsequent to this hearing. New final plats will not be required following approval of this CDP amendment. However, the applicant may wish to submit plats of correction to update the public recreational facilities agreement (RFA) recording reference shown in Note 1 of each plat, so that they show the liber/folio of the newly recorded RFA.
- d. **Transportation Planning**—In a memorandum dated October 20, 2022 (Patrick to Kosack), included herein by reference, the Transportation Planning Section provided a review of the background and prior approvals and plans governing this application. They indicated support of the removal of trail-related conditions and the fee-in-lieu of trail construction. Given the limited scope of this application, there are no additional master-planned bicycle and pedestrian facilities recommended at this time.

- e. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated October 19, 2022 (Quattrocchi to Kosack), included herein by reference, DPR reviewed this CDP application for conformance with the governing prior approvals. The CDP amendment applies to trail location and development and permits 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. DPR staff has walked the proposed trail alignment along the Collington Branch and confirmed feasibility. The applicant proposes to convey approximately 105 acres of land to the Maryland-National Capital Park and Planning Commission, as required by previous approvals. The conveyance 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. DPR has agreed to allow the applicant to encumber portions of the parkland for tree conservation. The Park Planning and Development Division of DPR recommends approval of CDP-9901-01.
- f. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of this writing, comments regarding the subject project have not been received from DPIE.
- g. **Prince George’s County Police Department**—At the time of this writing, comments regarding the subject project have not been received from the Police Department.
- h. **Prince George’s County Health Department**—In a memorandum dated September 27, 2022 (Adepoju to Bishop), included herein by reference, the Health Department provided comments relative to pedestrian access to the site and nearby recreational and food facilities. The proposed Western Branch Trail was deemed no longer necessary as part of the larger trail infrastructure in the area. Other pedestrian access issues were or will be addressed with the PPS and SDP.
- i. **Maryland State Highway Administration (SHA)**—At the time of this writing, comments regarding the subject project have not been received from SHA.

## RECOMMENDATION

Based upon the preceding evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Comprehensive Design Plan CDP-9901-01 and Type 1 Tree Conservation Plan TCP1-064-95-03, for Forest Hills, subject to the following condition:

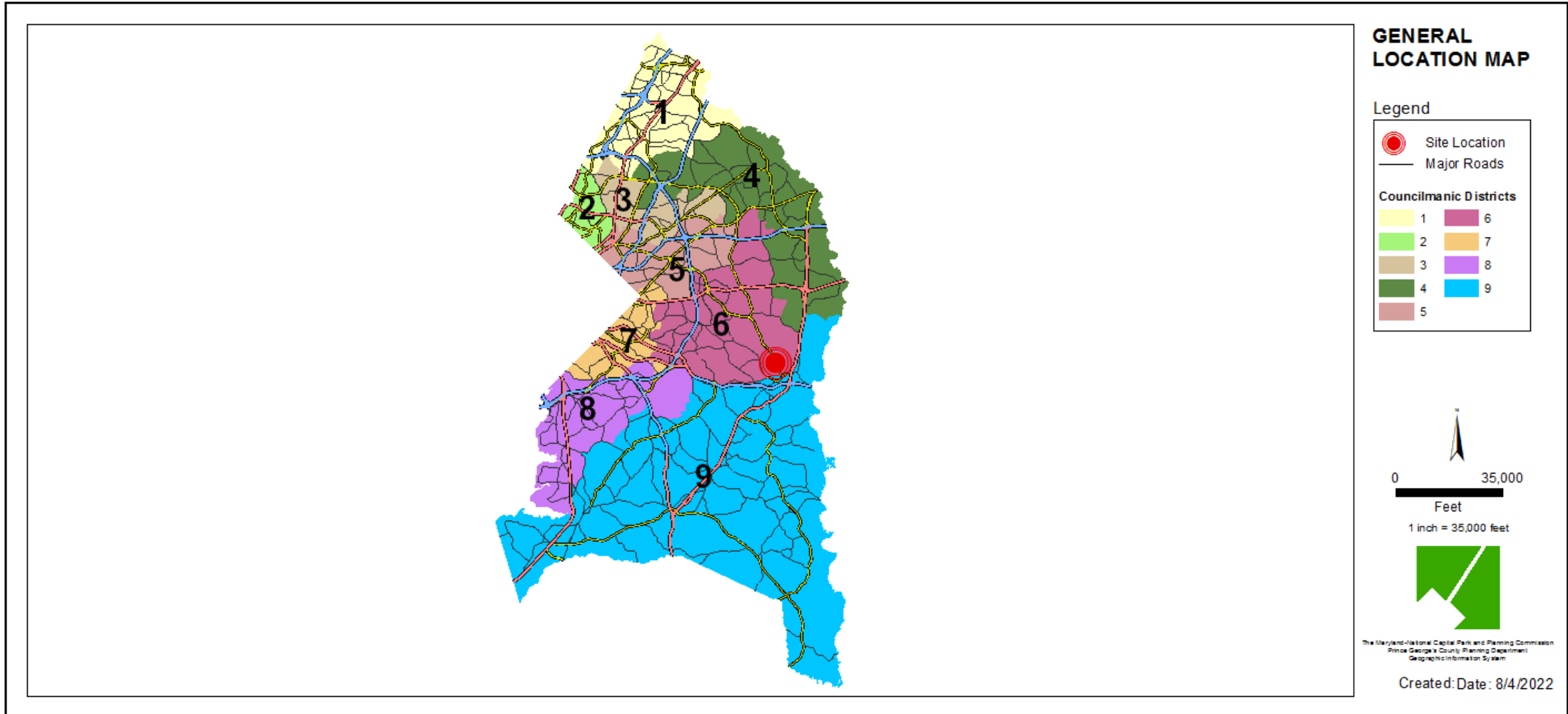
1. All of the previous conditions of approval of Comprehensive Design Plan CDP-9901 remain in full force and effect with the exception of the following conditions, which are deleted in their entirety: Conditions 1(a)(11), 1(a)(12), 3(d), 5, and 7 of the Prince George’s County District Council’s approval of CDP-9901.



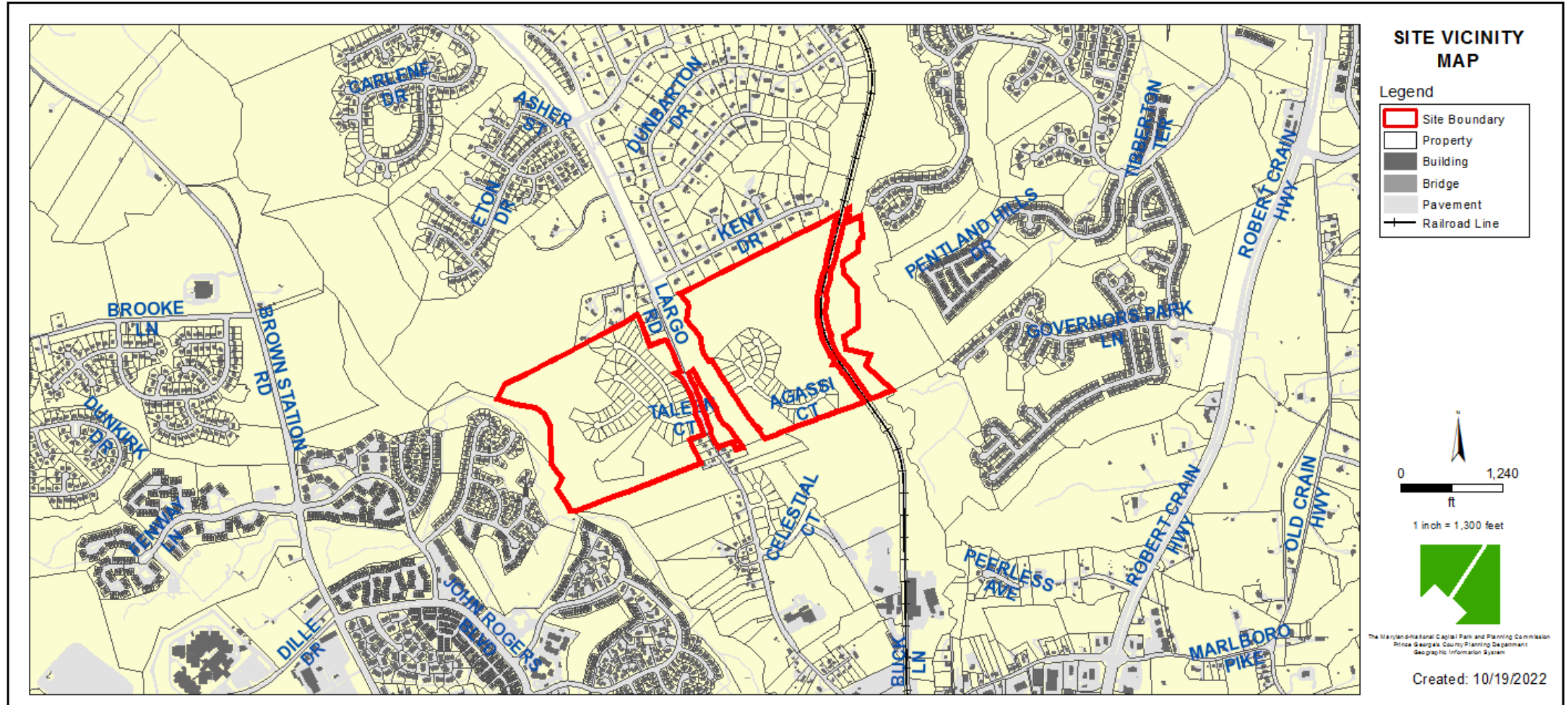
# GENERAL LOCATION MAP

Council District: 06

Planning Area: 79



# SITE VICINITY MAP

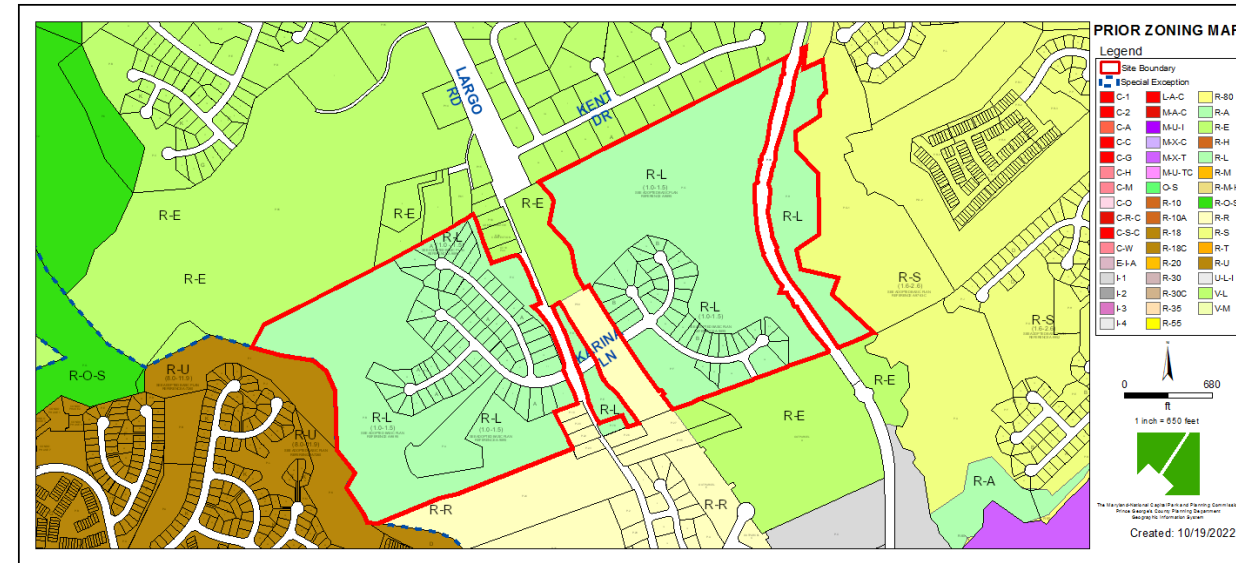
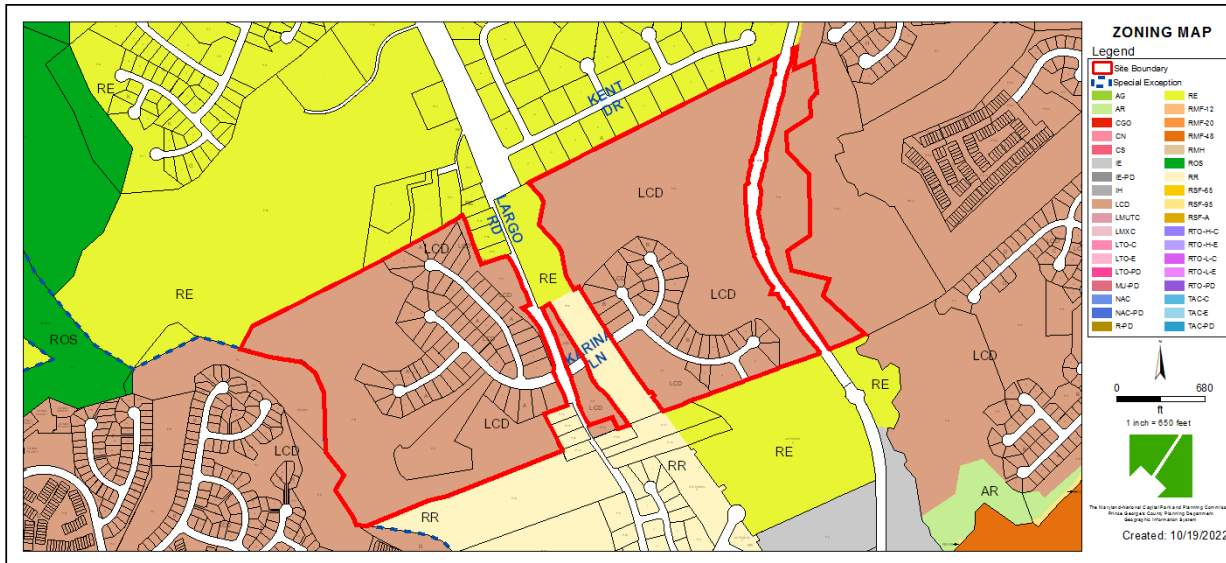


# ZONING MAP (CURRENT & PRIOR)

Property Zone: LCD  
 Prior Property Zone: R-L

CURRENT ZONING MAP

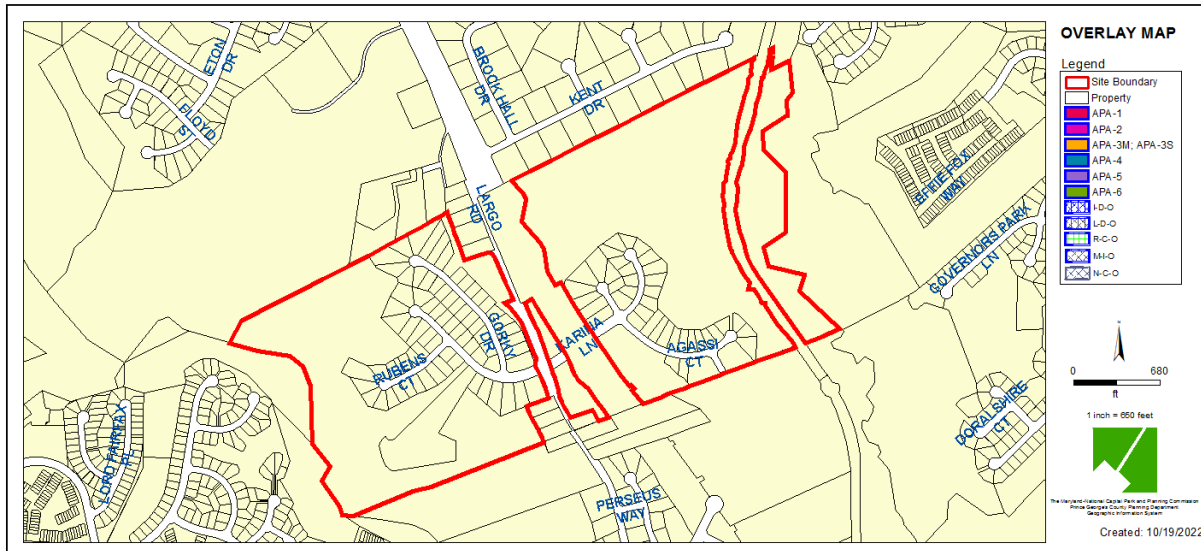
PRIOR ZONING MAP



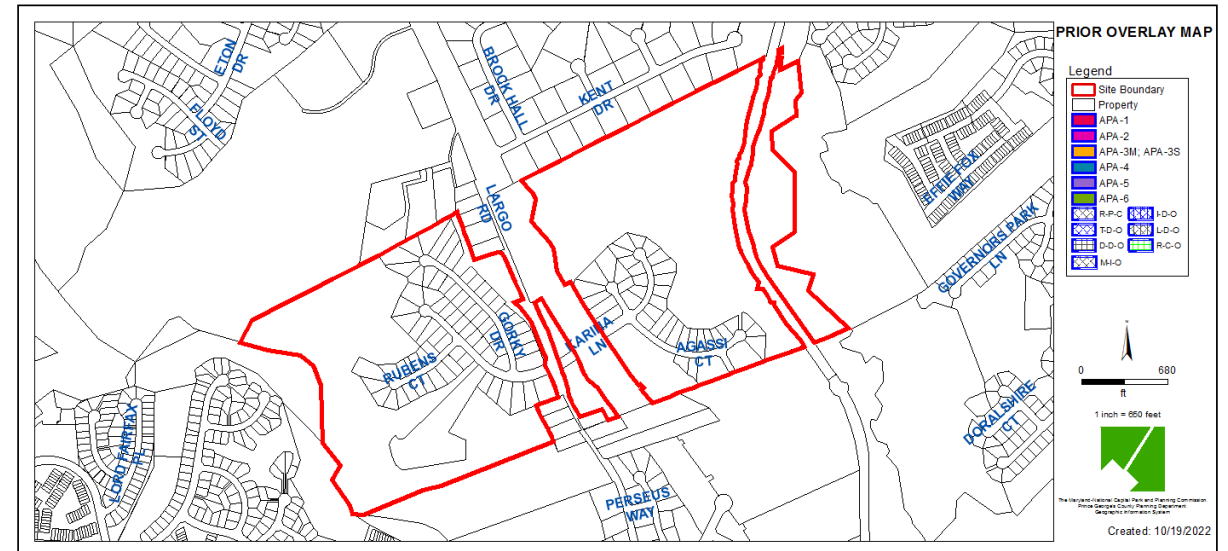


# OVERLAY MAP (CURRENT & PRIOR)

CURRENT OVERLAY MAP



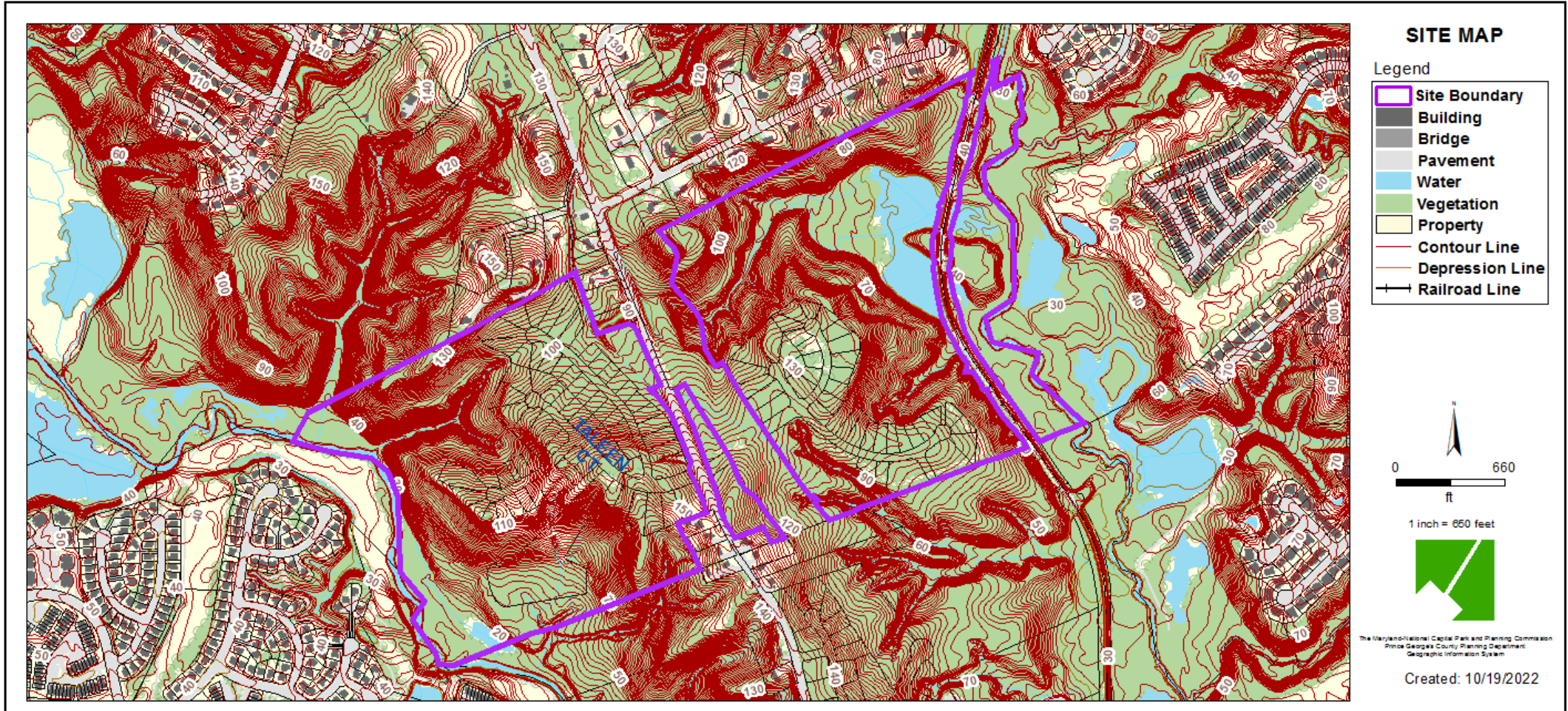
PRIOR OVERLAY MAP



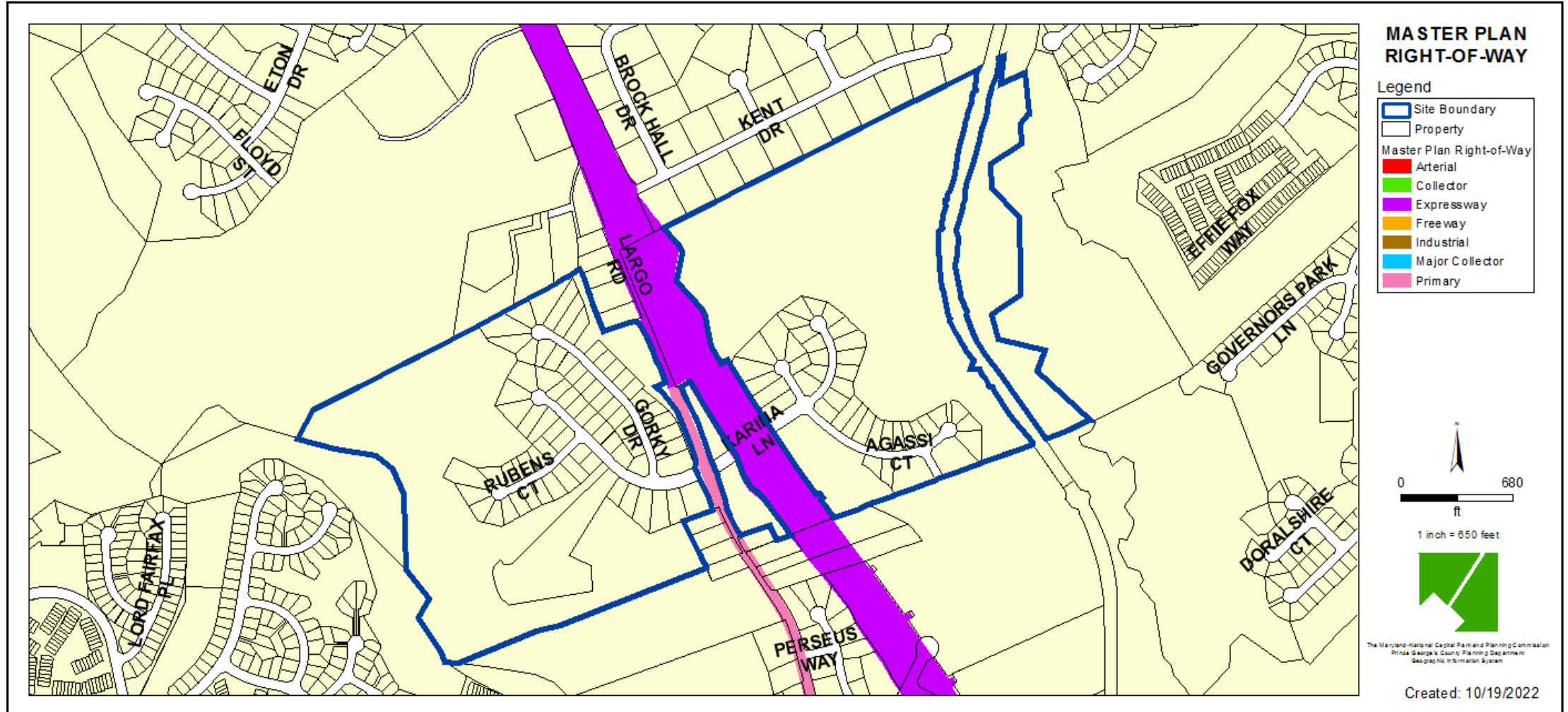
# AERIAL MAP



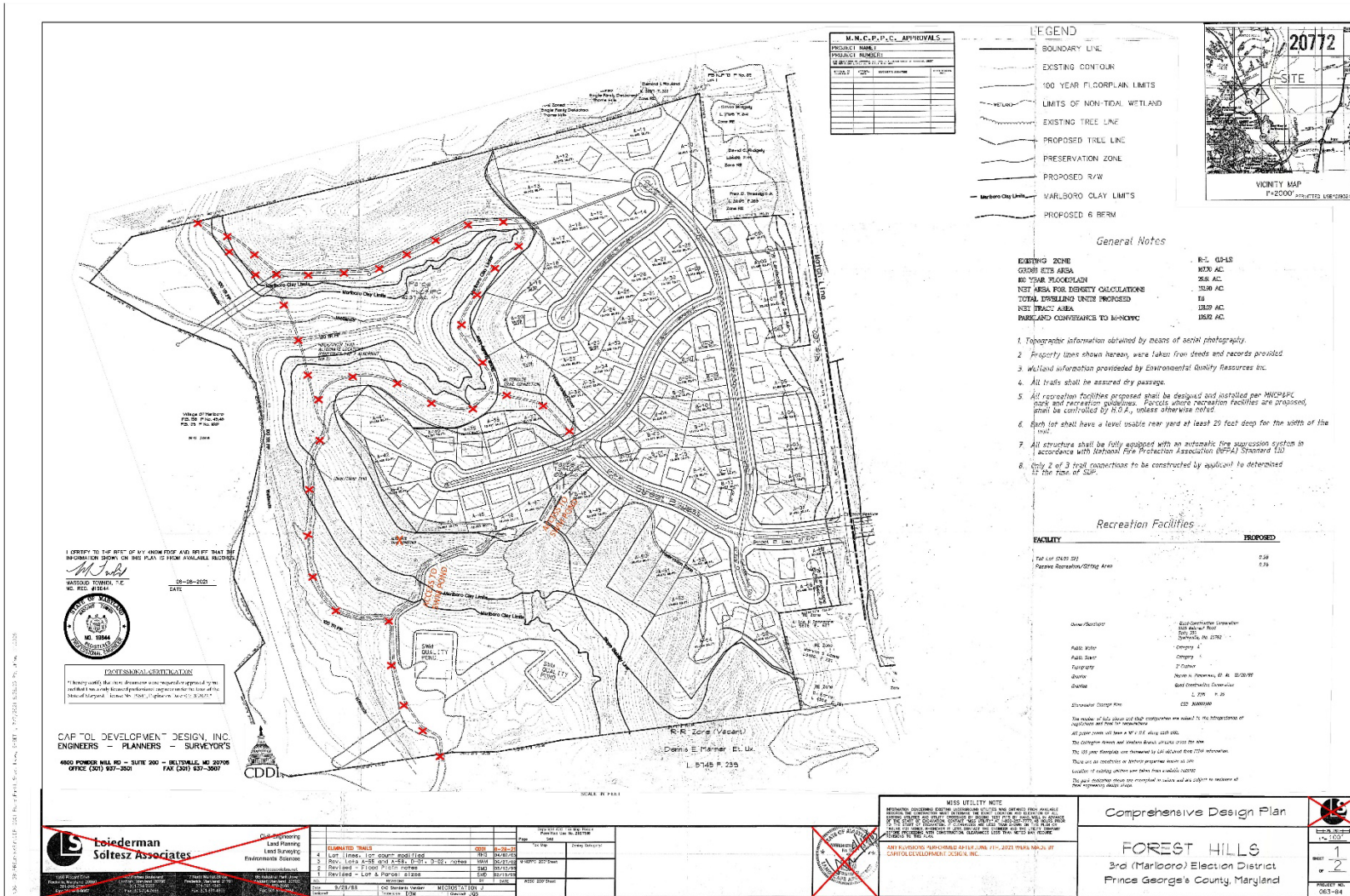
# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP

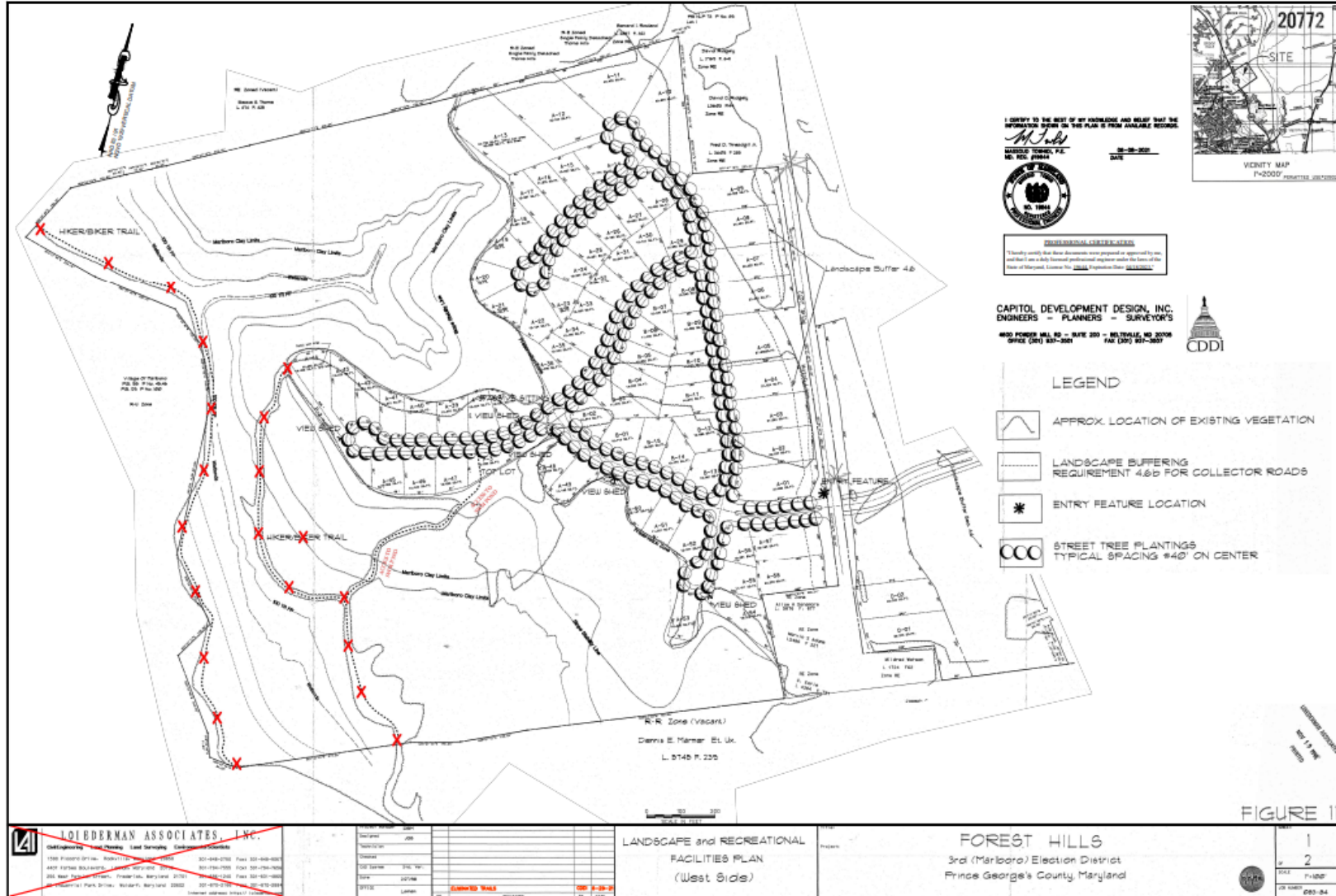


# COMPREHENSIVE DESIGN PLAN

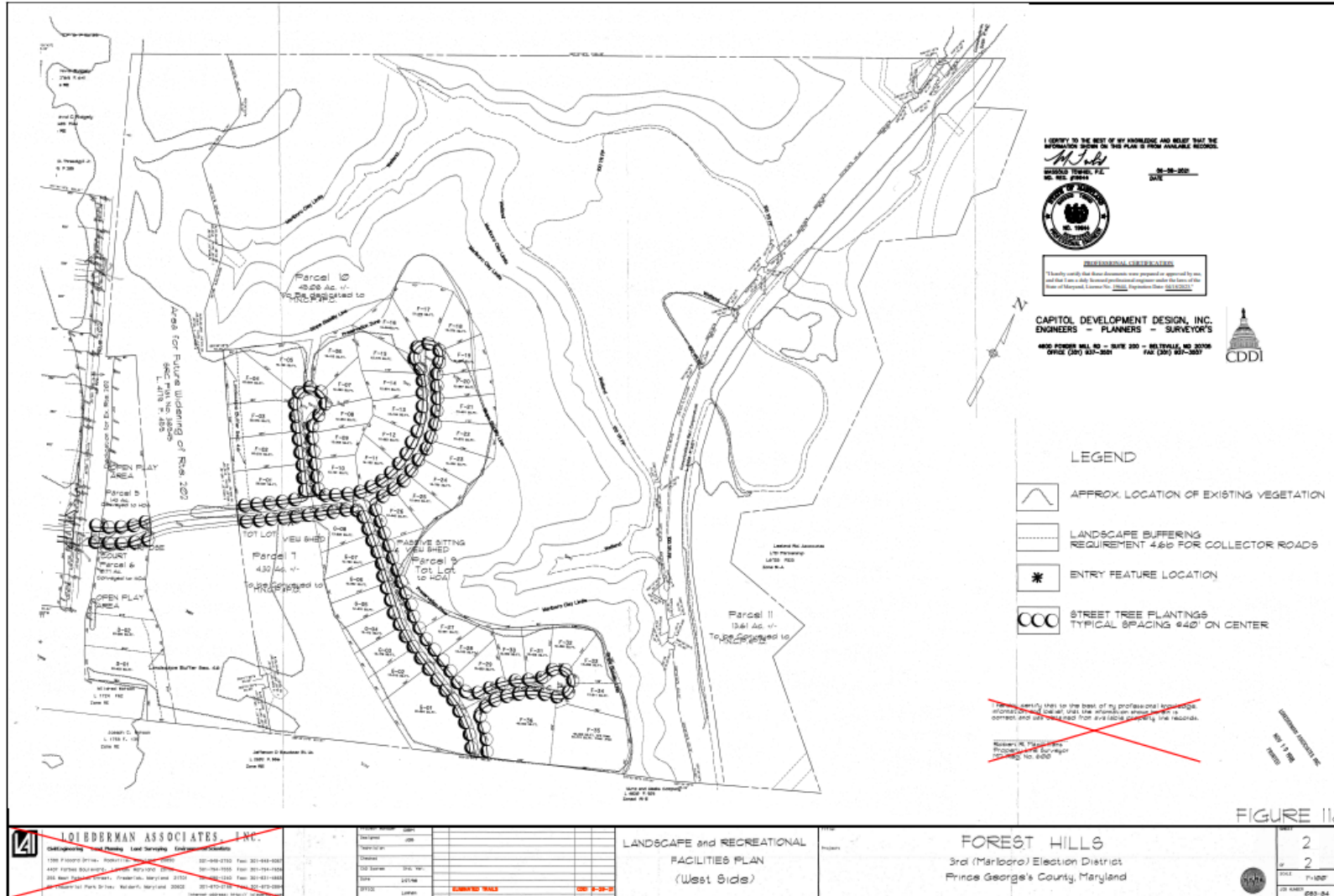




# LANDSCAPE AND RECREATIONAL FACILITIES PLAN

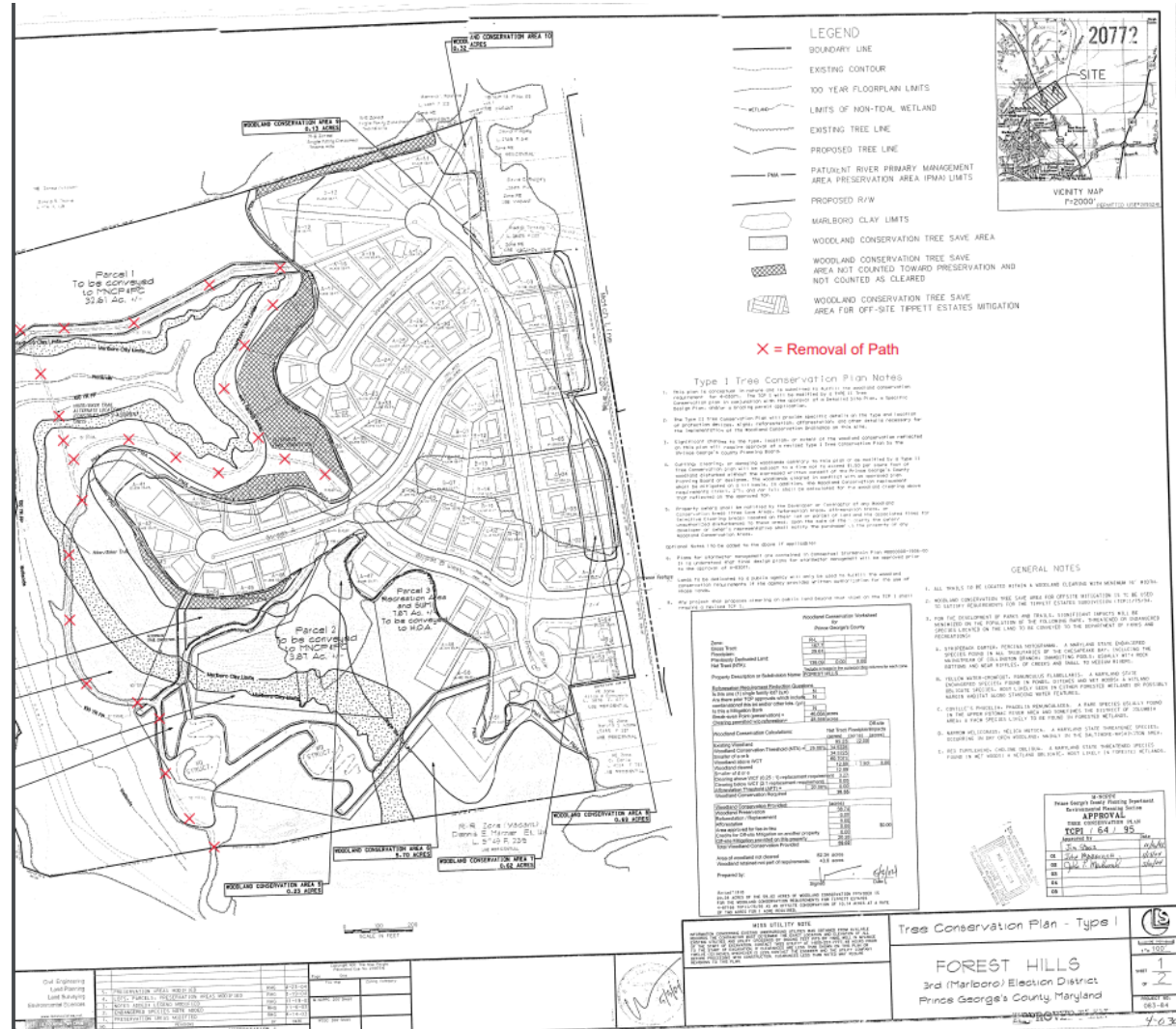


# LANDSCAPE AND RECREATIONAL FACILITIES PLAN





# TYPE I TREE CONSERVATION PLAN



# TYPE 1 TREE CONSERVATION PLAN



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# STAFF RECOMMENDATION

**APPROVAL** with condition

**Issues:**

- None

**Applicant Required Mailings:**

- Informational: 6/6/21
- Acceptance: 8/4/22



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  
Page 7

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*  
GARLAND M. STILLWELL  
M-NCPPC LEGAL DEPT.  
DATE: 2-2-94



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 28, 2021

**RE: A-9895-C-01 Quad Construction Corporation / Forest Hills  
(Basic Plan Amendment)  
Quad Construction Corporation, Applicant**

## ***NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL***

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 4 - 2021 setting forth the action taken by the District Council in this case on April 26, 2021.

### ***CERTIFICATE OF SERVICE***

This is to certify that on April 28, 2021 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

---

Donna J. Brown  
Clerk of the Council

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

Case No.: A-9895-C-01  
Basic Plan Amendment  
Forest Hills

Applicant: Quad Construction Corporation

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

ZONING ORDINANCE NO. 4 -2021

AN ORDINANCE to amend the Basic Plan, to remove/revise certain conditions of approval set by the District Council in its approval of A-9895-C as part of its adoption of CR-34-1994, on the subject property which consists of approximately 169.12+ acres in the R-L (Residential Low Development) Zone 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, Councilmanic District 6.1

WHEREAS, this application request is to revise Conditions 15 and 16 of the Basic Plan;  
and

WHEREAS, Conditions 15 and 16 concern the location of a Master Plan trail on the property and the fee in lieu that applicant will provide for its construction; and

WHEREAS, Conditions 15 and 16 read as follows:

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; and

---

<sup>1</sup> The "C" in A-9895-C indicates that the Basic Plan was approved with conditions. The "01" in A-9895-01 indicates the instant or first amendment to the Basic Plan.

WHEREAS, Technical Staff and Planning Board recommended approval of the application request; and

WHEREAS, the application was advertised and the property was duly posted prior to public hearing; and

WHEREAS, on March 17, 2021, the Zoning Hearing Examiner held an unopposed evidentiary hearing on the application; and

WHEREAS, the record was left open until March 18, 2021, to allow applicant and/or representatives of the Department of Parks and Recreation to submit several items; and

WHEREAS, on April 7, 2021, the Examiner's written decision was duly filed with the District Council; and

WHEREAS, on April 12, 2021, having reviewed the record in this case, the District Council voted to approve the application to amend the Basic Plan in accordance with the Examiner's written decision; and

WHEREAS, as a basis for this final decision, the District Council adopts and incorporates the findings and conclusions set forth in the Examiner's written decision to approve the application subject to certain land use types and quantities, conditions, and considerations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The application to amend the Basic Plan, to remove/revise certain conditions of approval set by the District Council in its approval of A-9895-C as part of its adoption of CR-34-1994, on the subject property which consists of approximately 169.12+ acres in the R-L (Residential Low Development) Zone 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, Councilmanic District 6, is APPROVED.

SECTION 2. Use of the subject property shall be subject to all requirements in the applicable zones and to the requirements in the conditions and considerations herein. Failure to comply with any stated condition or consideration shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to annul the Basic Plan as conditionally approved; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

SECTION 3. Approval of Basic Plan Amendment A-9895-C-01, is subject to the following land use types and quantities, 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 150 dus

|                   |              |         |
|-------------------|--------------|---------|
| Density Requested | 1.02 du/acre | 153 dus |
| Density Increment |              |         |

|                |           |              |
|----------------|-----------|--------------|
| Factor Needed  | 2 percent | 3 additional |
| dwelling units |           |              |

|                 |              |         |
|-----------------|--------------|---------|
| Maximum Density | 1.02 du/acre | 153 dus |
|-----------------|--------------|---------|

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. In lieu of construction of the Western Branch Trail, improvements of the trails system to the east of the property shall be funded in part by the total payment of \$200,000 by the applicant, its heirs, successors and/or assignees to the Prince George's County Department of Parks and Recreation, which shall be indexed to 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.
16. The location of the trail improvements funded by Condition 15 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 and in conformance with the Department of Parks and Recreation'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" maybe expanded to include the area of Pod "B" that is outside the Preservation Zone (see area marked "4" on Staff Exhibit "A").

III. Considerations:

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 reservation area.

SECTION 4. The Ordinance shall become effective upon enactment.

ENACTED this 26<sup>th</sup> day of April, 2021, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent:

Vote: 11-0.

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,  
MARYLAND

By: 

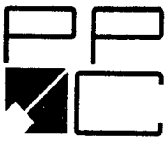
Calvin S. Hawkins, II, Chair

ATTEST:



Donna J. Brown  
Clerk of the Council

MIN  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



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

PGCPB No. 02-184

File No. CDP-9901

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on July 25, 2002, regarding Comprehensive Design Plan CDP-9901 for Forest Hills the Planning Board finds:

1. The subject Comprehensive Design Plan is for Forest Hills. The original Basic Plan approval (A-9895 and the SMA CR-54-1994) rezoned the property to R-L.

Location—The property is located in the east central portion of Prince George's County in the master plan area of Upper Marlboro, Subregion VI. Specifically, the site lies along the eastern and western sides of MD 202 north of the intersection of MD 202 and Marlboro Pike. It 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. The site in general is surrounded by open farmland and wooded parcels in various stages of development. The adjacent properties are as follows:

For the property on the east side of MD 202:

|        |                                  |
|--------|----------------------------------|
| North- | Brock Hall Development zoned R-E |
| South- | Residential zoned R-E            |
| East-  | Collington Branch                |
| West-  | MD 202                           |

For the property on the west side of MD 202:

|        |                                    |
|--------|------------------------------------|
| North- | Thorne Hills Development zoned R-E |
| South- | Residential zoned R-R              |
| East-  | Residential zoned R-E and MD 202   |
| West-  | Villages of Marlboro zoned R-U     |

2. On February 3, 1994, the Planning Board recommended approval of Zoning Map Amendment A-9895 and accompanying Basic Plan for the subject site (PGCPB No. 94-24) for rezoning approximately 169 acres of land in the R-R and R-E Zones to the R-L Zone.

On May 24, 1994, the District Council adopted Sectional Map Amendment (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 Sectional Map Amendment.

On June 24, 1994, the Zoning Map Amendment and the accompanying Basic Plan were withdrawn by the District Council, having been superceded by the Sectional Map Amendment.

On November 30, 1995, the Planning Board approved a Comprehensive Design Plan CDP-9502 for the Forest Hills development consisting of 124 single-family residential units (PGCPB No. 95-390). On November 30, 1995, the Planning Board approved Preliminary Plan 4-95088 for the Forest Hills development consisting of 124 single-family lots and 11 parcels (PGCPB No. 95-386).

On November 18, 1996, the District Council remanded CDP-9502 to the Planning Board to resolve the issues of the size and number of lots.

On January 30, 1997, the Planning Board reconsidered CDP-9502 and approved CDP-9502 with revised conditions (PGCPB No. 97-5).

On July 28, 1997, the District Council reversed the decision of the Planning Board approving CDP-9502 and denied CDP-9502.

On September 29, 1997, the District Council denied a reconsideration request for CDP-9502.

Preliminary Plan 4-95088 has expired and is no longer valid.

On April 4, 1999, the applicant submitted the subject Comprehensive Design Plan CDP-9901 for Forest Hills for 119 single-family residential lots.

3. The adopted Sectional Map Amendment (CR-54-1994) for the Subregion VI Study Area of Prince George's County was approved with 18 conditions and one consideration with the following land use types and quantities. The area covered by Basic Plan Amendment A-9895 was incorporated into the Sectional Map Amendment (CDZ Amendment 1):

Land Use Types (R-L Zone):

Single-family detached dwellings  
Homeowner Recreational Facilities  
Open Space  
Trails

Land Use Quantities (R-L Zone):

|                                  |   |
|----------------------------------|---|
| Gross Area:                      | 169+ acres                                |
| Base Density:                    | 1.0 dwelling units per acre (150 units)   |
| Density increment factor needed: | 2 percent (3 additional dwelling units)   |
| Maximum Density:                 | 1.02 dwelling units per acre (153 units)* |

\*The actual number of dwelling units will be determined at the time of Comprehensive Design Plan approval after an analysis of public benefit features set forth in Section 27-513 (b) of the Zoning Ordinance.

4. The Forest Hills project, consisting of approximately 167.7 gross acres, is projected to be developed with 119 single-family lots. The eastern portion of Forest Hills on the eastern side of MD 202 will consist of 90.44 acres with 46 single-family lots and the western portion of Forest Hills on the west side of MD 202 will consist of 77.4 acres with 73 single-family lots. The project will be designed with a single entrance for the eastern portion and a single entrance for the western portion. Entrance features and landscaping will enhance the entrances. The access to the western portion will incorporate a divided entrance within an 80-foot right-of-way and will be located opposite the entrance into the eastern portion of the project. The entrance to the eastern portion will have a 60-foot right-of-way. Approximately three acres of land in the eastern portion will be located in between the existing and future alignments of MD 202. Two lots and homeowners' open space are proposed in this portion. Almost all of the forested acreage is contained within the preservation zone and a few scattered areas are located within the development envelope. A county equestrian/hiker/biker trail is designated along the length of the Western Branch stream which lies along the western edge of the property. A connection to this trail will be provided. Sitting areas for passive recreation are proposed throughout the site.

COMPREHENSIVE DESIGN PLAN

Findings Required by Section 27-521. Required findings for approval of a Comprehensive Development Plan

- (a) **Prior to approving a Comprehensive Design Plan, the Planning Board shall find that:**
  - (1) **The plan is in conformance with the approved Basic Plan.**

The Comprehensive Design Plan is in conformance with the layout and configuration of elements as portrayed on the Basic Plan map. The following conditions and considerations of the approved Basic Plans and the Sectional Map Amendment are applicable to the subject Comprehensive Design Plan:

A-9895

Conditions

1. **Prior to 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 funds will be committed in writing by the SHA, the DPW&T or both agencies.**

This condition has been met. MD 202 has been widened to a four-lane divided highway.

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 side entrance, as shown on the Basic Plan.**

Access to the E-6 facility is limited to the south side of the property.

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.**

The applicant has shown a stub connection to the property immediately to the south.

4. **Only two lots shall be permitted in the areas between existing and proposed MD 202. These lots shall be located in the southernmost area of this land.**

The applicant has proposed only two lots in the southernmost portion of the area between existing and proposed MD 202. Since these lots will be located between two roads, there will be adverse noise and visual impacts on these lots. A condition of approval has been added to eliminate these lots and include the area in homeowners' open space or for tree conservation.

5. **The area marked 'A' 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.**

The applicant has provided lots with a minimum area of 40,000 square feet in these areas.

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.**

Compliance with this condition is addressed in Finding # 12.

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.**

The Basic Plan has been 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.**

This condition has been fulfilled as indicated in Finding #11.

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

The Department of Environmental Resources has stated that the proposal is consistent with the approved stormwater management concept approval #968000900. Due to the presence of Marlboro Clay on the site, the Department had preliminarily waived stormwater management quality control for this development. The applicant is proposing stormwater management ponds in four locations for this development. A revised stormwater management concept plan is currently being reviewed by the Department of Environmental Resources. A condition of approval has been added to require approval of the revised stormwater management concept plan prior to certification of the subject 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 services 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.**

Water service will be available to the property from an existing 24-inch water main extension along Largo Road (MD 202). The water service to the site will connect directly to the existing main at two locations along MD 202. The sewer service will be available to the property through a connection to an existing 42-inch sewer. The proposed sewers for the development will tie to the existing 60-inch sewer in two locations. This condition is being carried forward for more detailed review at the Preliminary Plan stage.

11. **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.**

A noise impact study was submitted by the applicant. More details concerning compliance with this condition are found in Finding # 11.

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

Dedication of land is proposed as required by this condition. More details regarding compliance with this condition are found in Finding # 12.

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

As requested by the Department of Parks and Recreation, this condition is being carried forward to this Comprehensive Design Plan.

14. **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.**

The applicant proposes to construct the trail as explained in more detail in Finding #12.

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

The applicant proposes to construct the trail as explained in more detail in Finding # 12.

### Considerations

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.**

The internal road is provided on the southern edge of this area to create a view into the preservation area. A trail connection is proposed along the western and northern edge of this property to create a view into the preservation area. Therefore, the internal road and trail network will meet the intent of this condition to create a view into the preservation area.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations.**

The proposal includes approximately three acres of homeowners' open space and approximately 105 acres of land dedicated to M-NCPPC (public open space). A total of approximately 120 acres will be provided for open space and preservation. Therefore, approximately 75 percent of the 167-acre parcel is proposed to be public and private open space. The site layout is designed to minimize impacts to environmentally sensitive areas such as wetlands, floodplains, streams and areas with Marlboro clay. The design of the development preserves the significant aesthetic qualities of the surrounding features and takes advantage of the opportunities provided by the natural features to provide amenities like trails to enhance the quality of life for the residents. A range of lot sizes has been provided for promoting high-quality houses. The lot layout ensures to the extent possible that the rears of lots are oriented towards open space and that there is adequate buffering between the lots and adjacent streets, etc., to avoid noise and privacy impacts. A combination of hiker/biker trails and sidewalks ensures pedestrian connectivity and preservation of views. With the proposed conditions, the proposed plan would result in a development with a better environment than could be achieved under other regulations. It is unlikely that as much open space would be preserved under a conventional development scenario. Other features of the development which are not likely to have materialized under conventional regulations include a continuous trail network, larger landscape buffers along the property lines, and larger lots along the streets and preservation areas.

- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project.**

The CDP includes the following design elements, facilities and amenities that satisfy the needs of the residents, employees and guests:

Design elements: The main design element of this development is the preservation of open space and the restriction of the development areas along the streets and in areas with no Marlboro clay and steep slopes. The lot layout and road network create views into the preservation areas. The other design elements include larger lots along the streets and preservation areas, a continuous trail network and larger landscape buffers along the property lines.

Facilities: With the development of the proposed lots, all public utilities plus electric, telephone and gas will be available on site. Water and sewer will be provided by WSSC. Four stormwater management ponds will be provided for this development. Two ponds are provided in the southwestern portion of the site along the west of MD 202, one pond is provided in the northeast portion, and one pond is provided in the southeast portion of the site along the east of MD 202.

Amenities: The applicant is providing a continuous network of a combination trail and sidewalk system along the Western Branch and the streets for recreational purposes. Passive recreational areas which include sitting areas are provided throughout the



development. The applicant will be dedicating approximately 105 acres along the Western Branch and Collington Branch to M-NCPPC for recreational purposes.

**(4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

The site is bounded to the north and south by existing residential development. The subject Forest Hill residential development will be compatible with the surrounding residential development. The proposed trails, sidewalks and parkland development will tie into the existing recreational amenities in the surrounding area. The proposed internal street network will tie into the existing and proposed streets. Therefore, the proposed development will be compatible with existing land use, zoning and facilities in the immediate surroundings.

**(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:**

- (A) Amounts of building coverage and open space**
- (B) Building setbacks from streets and abutting land uses**
- (C) Circulation access points**

Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

- (a) amounts of building coverage and open space

The proposed development standards will ensure adequate open space in the lotted areas comparable to that provided in other contemporary residential developments. Large lots along the preservation areas and the streets will provide opportunities for high quality housing. Approximately 120 acres of open space along the stream valleys, within landscape buffers, dedicated parkland and green areas in the development will provide significant open space on the site for use by the homeowners.

- (b) Building setbacks from streets and abutting land uses.

The development standards propose adequate building setbacks from streets and abutting land uses.

A 50-foot landscape buffer is proposed along MD 202 and the portions of the future widening for MD 202. The landscape buffers will include existing trees and new landscaping and are proposed to be provided as easements on the lots. A six-foot-high berm is also proposed for the lots along the west of MD 202.

The proposed landscape buffers will not be adequate to completely screen the rear yards of the lots along MD 202 in the future. MD 202 will be upgraded to an expressway in the

future. Section 4.6 (Buffering Residential Development from Streets) of the *Landscape Manual* requires a 75-foot-wide landscape buffer to screen the rear yards of residential lots along expressways. Therefore, a 75-foot landscape buffer should be required for the lots along MD 202. Providing the landscape buffers on the proposed lots would reduce the usability of the rear yards of these lots. Therefore, the landscape buffers should be provided on homeowners' association land along MD 202. There are large areas of existing trees ranging from 50 feet to 100 feet in width along MD 202. The existing trees should be retained in the proposed landscape buffers. In areas where the existing trees are not dense, new landscaping should be provided to create a dense buffer along MD 202. Some of the existing trees will have to be removed for construction of the berm. The existing trees along MD 202 should be preserved to the extent possible. Therefore, the proposed berm should be eliminated. Conditions of approval have been added to require the same.

Condition #5 of the Sectional Map Amendment requires a minimum 20,000-square-foot lot size for the lots along the western side of MD 202. The subdivision regulations require a 150-foot lot depth for lots along an expressway. The proposed lots along the western side of MD 202 must be redesigned to have a minimum lot area of 20,000 square feet and a minimum lot depth of 150 feet. A condition of approval has been added to require the same.

Approximately three lots in the westernmost portion of the property on the west side of MD 202 are proposed as flag lots. As proposed, the front of the houses on these lots will face the rear yards of the houses on the lots in front of them. The location and orientation of the houses on these lots and the houses on the lots in front of them must be designed to ensure that the front of the houses on the rear lots do not face the rear yards of the houses on the lots in front of them. A condition of approval has been added to redesign these lots.

c. Circulation access points.

The Forest Hills development will be served by two entrances along MD 202 to provide access for the development on either side of MD 202. The proposed entrances and the rights-of-way for both the entrances will be adequate to serve the development.

**(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability.**

Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability. As each of the residential development pods is constructed, the necessary infrastructure to support it will also be built. The development will be constructed in the following two phases to identify groups of houses that may proceed to record plat at any time:

Phase I- Western portion of the development—73 units  
Phase II - Eastern portion of the development—46 houses

The area to be dedicated will be deeded prior to obtaining building permits. Since the trails and sidewalks are significant amenities in this development, a condition of approval has been added to ensure completion of construction of these amenities reasonably early in the course of the overall development.

- (7) **The staging of development will not be an unreasonable burden on available public facilities.**

In findings 9 and 13, it is shown that the staging of Forest Hills will not be an unreasonable burden on roads or other public facilities.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**
- (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting.**
  - (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site.**
  - (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site.**

This section is not applicable to this proposal.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d).**

The plan incorporates several design guidelines set forth in Section 27-274 regarding green areas, public spaces and architecture. A combination trail and sidewalk system will be proposed along the streets and the stream valley. Internal green areas will be provided to create sitting areas and open spaces for passive recreation. With the proposed conditions of approval, the development standards for the proposed lots ensure adequate setbacks for the proposed housing. The lot layout and sizes facilitate the provision of high quality housing.

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

The plan is in conformance with a Type I Tree Conservation Plan, TCPI/64/95, subject to conditions of approval. TCPI/64/95 is recommended for approval in conjunction with the subject CDP.

5. Density Increment Analysis

The Sectional Map Amendment approves a base density of one unit per acre. The base density approved for this development is 150 units. The applicant is proposing 119 units. Therefore, the applicant will not need any density increments. No public benefit features are proposed for additional density.

6. Development Standards

In the Comprehensive Design Zones, the applicant proposes development standards and standards for architectural massing, style and detail as part of the Comprehensive Design Plan.

Development Data

|                            |             |
|----------------------------|-------------|
| Total Gross Tract Area:    | 167.7 acres |
| Total 100-Year Floodplain: | 29.6 acres  |
| 50% of Floodplain          | 14.8 acres  |
| Total Net Tract Area:      | 152.9 acres |

Development Data (eastern portion):

|                            |             |
|----------------------------|-------------|
| Total Gross Tract Area:    | 90.44 acres |
| Total 100-Year Floodplain: | 20.36 acres |
| 50% of Floodplain          | 10.18 acres |
| Total Net Tract Area:      | 80.26 acres |

Development Data (western portion):

|                            |             |
|----------------------------|-------------|
| Total Gross Tract Area:    | 77.44 acres |
| Total 100-Year Floodplain: | 9.24 acres  |
| 50% of Floodplain          | 4.62 acres  |
| Total Net Tract Area:      | 72.78 acres |

Development Standards

|                  |                       |
|------------------|-----------------------|
| Minimum Lot Size |                       |
| Standard Lot     | minimum 10,000 sq.ft. |
| Intermediate Lot | minimum 20,000 sq.ft. |
| Large Lot        | minimum 40,000 sq.ft. |

Standard Lot standards

|                             |                                   |
|-----------------------------|-----------------------------------|
| Minimum lot width:          | 70 feet*                          |
| Front setback -             | 25 feet                           |
| Rear setback -              | 20 feet                           |
| Side setback -              | 8 feet                            |
| Side setback (corner lot) - | 25 feet along street/ 8 feet side |

Intermediate lot (20,000 sq.ft.) standards

|                             |                                   |
|-----------------------------|-----------------------------------|
| Minimum lot width -         | 100 feet                          |
| Front setback -             | 35 feet                           |
| Rear setback -              | 50 feet                           |
| Side setback -              | 10 feet                           |
| Side setback (corner lot) - | 25 feet along street/ 8 feet side |

Large lot (40,000 sq.ft.) standards

|                             |                                   |
|-----------------------------|-----------------------------------|
| Minimum lot width -         | 125 feet                          |
| Front setback -             | 50 feet                           |
| Rear setback -              | 50 feet                           |
| Side setback -              | 20 feet                           |
| Side setback (corner lot) - | 50 feet along street/ 8 feet side |

|                   |         |
|-------------------|---------|
| Building Height - | 42 feet |
|-------------------|---------|

\*The proposed lot width, 70 feet, for the standard 10,000-square-foot lots will give a small lot appearance to the standard lots. A minimum width of 80 feet will be more appropriate to give a large lot appearance for the lots. A condition of approval has been added to require the same.

The following types of building situations are proposed for this development:

|                             |  |
|-----------------------------|--|
| Uphill dwelling -           | Two-story front with the garage in the basement, two-story rear (a three-story front may be considered depending on the grading of the lots) |
| Walk-out dwelling -         | Two-story with three-story rear walk-out basement  |
| English Basement dwelling - | Two and one-half story front, rear wall walk-out, partially or entirely buried   |

Side entry garages will be provided where appropriate. Chimneys, cornices, trim, vents, balconies, bays or other ornamentation may protrude into the required side and rear yards a minimum of three feet. Chimneys may be masonry or frame chased. A condition of approval has been added to have only masonry chimneys for lots along MD 202. Chimneys may be cantilevered where appropriate.

The proposed architecture will strive to attain the formality of "traditional architecture" to the extent possible.

The proposed design features will include windows with trim, lintels with keystones, arches, dormers, paneled entry doors, decorative porches, brick facing or superior siding, porches, decks, sunrooms, chimneys, etc. The building materials will include brick, aluminum and vinyl siding.

The rear elevations of houses along MD 202 may be visible from MD 202 during the winter months. The rear elevations of these houses should have more design articulation than the rest of the houses so that they are as attractive as the front elevations with respect to details, colors, design elements and articulation. The minimum house size should be 2,300 square feet to ensure that houses of adequate size are built throughout the development. Conditions of approval have been added to ensure these requirements during the Specific Design Plan phase.

#### Referral Responses

7. The Department of Environmental Resources (De Guzman to Srinivas, March 15, 2002) has stated that the proposal is consistent with the approved Stormwater Management Concept Plan, #96800900.
8. The Community Planning Division (Baxter to Srinivas, March 21, 2002) has stated that although the master plan recommends Estate Residential use, the issue of master plan conformance was resolved when the District Council approved the sectional map amendment approving the R-L Zone.
9. The Growth Policy and Public Facilities Planning Section (Williams to Srinivas, June 18, 2002) has stated that the staff used the principles and standards set forth in CB-40-2002 and the Adequate Public Facilities Regulations for Schools (CR-23-2001) to assess the impact of this project and concluded that the affected elementary, middle, and high school cluster percent capacities are greater than 105 percent. Rosaryville and Marlton are the funded schools in the affected elementary school cluster. East Central is the funded school in the affected middle school cluster. The Frederic Douglass addition is the funded school in the affected high school cluster. Therefore, the development can be approved with a three-year waiting period. The existing fire engine service, the existing ambulance service and the existing paramedic service are within the response time guidelines. The proposed development is within the service area of District II- Bowie. The existing county police facilities will be adequate to serve the proposed Forest Hills development. The section has concluded that the development will not be an unreasonable burden on available public facilities. A condition of approval has been added to address the three-year waiting period at Preliminary Plan stage.
10. The Transportation Planning Section (Shaffer to Srinivas, July 10, 2002) has recommended that the existing seven- to ten-foot-wide asphalt shoulders along the property's entire frontage on both sides of MD 202 must be maintained to serve bicyclists because this roadway is designated as a Class III bikeway. The entire internal, HOA trail network should be asphalt and six feet wide. Land must be dedicated to the Department of Parks and Recreation along both the Collington

Branch and Western Branch stream valleys to accommodate hiker/biker/equestrian trails. The Master Plan requires the applicant to construct the trail along the Western Branch. All trails and sidewalks must be ADA compatible and the trails on parkland must be in accordance with the Department of Parks and Recreation Guidelines. A minimum of two trail connections from the proposed development to the master plan trail along the Western Branch must be constructed. The section also recommends that the applicant construct a ten-foot-wide equestrian trail along the Western Branch. Conditions of approval have been added to ensure these requirements.

11. The Environmental Planning Section (Stasz to Srinivas, May 4, 1999) has stated that the natural constraints on this property include 100-year floodplains, severe slopes, and Marlboro Clay outcrops. There are highly erodible soils (Sandy Land, Westphalia) associated with the stream valley slopes.

A Geotechnical study by Earth Laboratories dated October 21, 1994, was reviewed by the section for Marlboro Clay and was found to be acceptable. In accordance with the study, the development envelopes for construction of residential structures must be set to avoid any area of potential slope failure due to Marlboro Clay. The proposed stormwater management plan has taken into account the problems associated with Marlboro Clay.

A substantial portion of the subject property is within the Primary Management Area Preservation Area. The building area envelopes are outside the Preservation Zone to the extent possible. Limits of disturbance have been established at the edge of the Preservation Area to the extent practical.

An endangered species, Stripeback Darter (*Percina Notogramma*), exists in the mainstream of Collington Branch. Other endangered species, Yellow Water-Crowfoot (*Ranunculus flabellaris*), Coville's Phacelia (*Phacelia ranunculacea*), Narrow Melicgrass (*Melica mutica*) and Red Turtlehead (*Chelone obliqua*) are located on the property on the land to be dedicated to the Department of Parks and Recreation. Development of park facilities must avoid significant impacts to these populations.

A Tree Conservation Plan, TCPI/64/95, was reviewed by the section and found to exceed minimum requirements. The site has a basic requirement of 37.4 acres and a 10.14-acre required transfer from the Tippet Estate Cluster for off-site conservation (SP-94014, TCPII/75/94), for a total of 47.54 acres. TCPI/64/95 proposes on-site preservation of 84.73 acres. All of the conservation will be on land to be dedicated to the Department of Parks and Recreation.

MD 202, when upgraded, has a potential for substantial noise impacts to adjacent residential development. The maximum 65 decibel noise contour would extend 395 feet from the centerline of the proposed MD 202. The section has reviewed a noise study by Wyle Laboratories. The study indicates that interior noise levels are not a problem. However, architectural drawings with noise mitigation measures must be submitted with the Specific Design Plan for some of the units. Noise from the railroad along Collington Branch will not have any adverse impacts if the adjacent wooded slopes are maintained as a noise buffer.

The subject property is in water and sewer categories W-4 and S-4. The proposed water and sewer layout has minimized impacts to areas of Marlboro Clay, wetlands and floodplain and Woodland Conservation Areas.

The section has recommended conditions of approval for revising the Type I TCP in consultation with the Department of Parks and Recreation, avoiding significant impacts to endangered species for the development of trails and other park facilities and submitting architectural drawings with noise mitigation measures.

The memorandum from the Environmental Planning Section states that:

“The Natural Resources Division previously reviewed the subject property with reference to A-9820, A-9895, preliminary plans of subdivision 4-88278, 4-90137, 4-95088, and CDP-9502 and has the following comments.

“The 167.7-acre site is located on both sides of MD 202 (Largo Road), approximately 5,000 feet north of Marlboro Pike near the Town of Upper Marlboro, and is bordered by Collington Branch to the east and Western Branch to the west. The applicant proposes to develop about 55 acres for right-of-way for MD 202 and about 124 single-family dwellings. Approximately 105 acres will be dedicated to the Department of Parks and Recreation. Of the 105 acres of proposed dedication, 30 acres are within the 100-year floodplain.

“The primary environmental features include nontidal wetlands associated with Collington and Western Branches and their tributaries, spring seeps, and mature woodlands associated with the extensive stream valleys. The remainder of the site is rolling, fallow farmland. Natural constraints include 100-year floodplain, severe slopes, and Marlboro Clay outcrops. There are highly erodible soils (Sandy Land, Westphalia) associated with the stream valley slopes. Marlboro Clay outcrops have resulted in failed slopes in many areas.

“Marlboro Clay:

“Of overriding concern is the extent of Marlboro Clay associated with steep and severe slopes. Section 24-131 of the Subdivision Ordinance provides for subdivision control of unsafe land. This area has been identified by the U.S. Geological Survey as an area of medium to high susceptibility to landsliding (Pomeroy, John S. 1989. Map Showing Landslide Susceptibility in Prince George's County, Maryland. Miscellaneous Field Studies Map. U.S. Geological Survey. Map MF-2051). The Natural Resources Division has studied the distribution of Marlboro Clay in detail and predicts the top surface of the unit should be at about elevation 90 and the clay layer should be about 20 feet thick. The top may be higher toward the northwest corner and lower toward the southeast corner. A ‘Subsurface Exploration and Geotechnical Engineering Evaluation’ prepared by Earth Laboratories, dated 21 October 1994, has been reviewed by the Natural Resources



Division and the Permits and Review Division of DER and found to be acceptable. Development of the site should follow the recommendations of the report.

"The development envelopes for construction of residential structures have been set to avoid any area of potential slope failure due to Marlboro Clay. The proposed stormwater management concept plan has taken into account the particular problems associated with Marlboro Clay. Our only unresolved concern is potential acerbation of slope failure potential in the northwest area of the site by the construction of the sewer line.

"Patuxent River Primary Management Area Preservation Area:

"A substantial portion of the subject property is within the Patuxent River Primary Management Area Preservation Area. Patuxent River Preservation Areas are undisturbed natural stream buffers which include floodplains, nontidal wetlands, and severe slopes or erodible soils on steep slopes adjacent to streams, floodplain, or wetlands within the Patuxent River watershed. Within the Preservation Area development is discouraged in order to prevent degradation of water quality. The Preservation Area on the subject property is particularly sensitive because it includes the majority of the mature woodlands and Marlboro Clays on-site. A site visit on 3 October 1990 allowed staff to verify the accuracy of the wetlands delineation. The Preservation Zone Limits shown on the CDP are substantially correct. The building area envelopes are coincident with or outside the Preservation Zone to the greatest extent possible.

"Lots have been configured to concentrate development in the more environmentally compatible areas of the subject property. Limits of disturbance have been established at the edge of the Preservation Area to the extent practicable. Any alterations to the stream such as crossing, piping or grading within the Preservation Area may be accomplished only after a determination that the PMA is preserved to the greatest extent possible or by granting of a variation to subdivision regulation Section 24-130(b)(5) by the Prince George's County Planning Board. This variation request should include a justification as to why staff should support the proposed alterations and be submitted at least thirty (30) days prior to the scheduled Planning Board Hearing for the preliminary plat of subdivision.

"Section 24-101(b)(10)(F) allows the Planning Board to include specific areas of rare or sensitive wildlife habitat as part of the PMA. A site visit on 25 August 1995 determined that a population of Stripeback Darter (*Percina notogramma*) exists in the mainstream of Collington Branch adjacent to the eastern boundary of the property. Until the discovery at this location earlier in 1995, the Stripeback Darter was listed as 'Endangered Extirpated' by COMAR 08.03.08. Staff of the Natural Resources Division have discovered population of Yellow Water-Crowfoot (*Ranunculus flabellaris*), listed as 'Endangered' by COMAR 08.03.08, Coville's Phacelia (*Phacelia ranunculacea*), listed as 'Endangered' by COMAR 08.03.08, Narrow Melicgrass (*Melica mutica*), listed as 'Threatened' by COMAR 08.03.08, and Red Turtlehead (*Chelone obliqua*), listed as 'Threatened' by COMAR 08.03.08 on the property. All of the populations are located on land to be dedicated to the Department of Parks and Recreation. Development of trails and other

park facilities should avoid significant impact to the populations of these or any other species listed in COMAR 08.03.08.

"In our review of A-9850 for Parcel 46, Tax Map 92, adjacent to the southeastern boundary of the subject property, the Natural Resources Division in its memorandum of 7 February 1991, recommended access from the 'Miller Property' [=Forest Hill]. Parcel 46 has many of the same environmental problems; significant environmental impacts may be avoided by establishing access to the northern part of Parcel 46 through Forest Hill. The CDP proposes this access to Parcel 46.

"Stormwater Management:

"A field visit was made on 11 October 1990 with Maura McMullen, formerly of the DER Watershed Protection Branch, to coordinate review of this site with regard to Marlboro Clay and stormwater management. Although this visit concentrated on the western half of the site, we had both independently walked the eastern portion. Because of the extent of Marlboro Clay, infiltration of any sort can not be utilized. **All areas where potential flow on the upland exceeds 2 cfs will need to be piped from above the Marlboro Clay to some point below.** Water quality measures will be necessary for pretreatment of stormwater prior to release into the floodplain or wetlands of Western Branch or Collington Branch. On this visit we identified 2 potential areas for water quality ponds: (1) in the southwestern portion of the site, in the upland between elevations 35 and 50, it may be possible to excavate a wet pond [this is an overgrown field with saplings, no specimen trees, and no wetlands; minor geotechnical problems may occur due to the presence of an indurated layer of highly fossiliferous Aquia Formation and a colluvium with a high proportion of Marlboro Clay]; (2) an extended detention site in the small ravine on the east side of Largo Road, near the north property line.

"Due to the highly erodible nature of the deposits in the ravine in the northwestern area and the potential for exacerbating the slope failure, no significant additional flow should be directed into this area. It may be possible to divert some of the flow from the northwestern area under Rt. 202 and into the ravine in the northeastern portion of the site and construct a small detention facility. However, this may impact Parcel 44, Tax Map 92, Grid D-3 [the applicant should seriously consider obtaining an easement, if not the property].

"The small stream flowing north to south on the east side of Largo Road presents special review problems. This is a natural springfed tributary to Collington Branch and a component of the PMA. Marlboro Clay occurs in the stream bed and ravine walls. No significant additional stormwater flow should be directed into the open channel due to the likelihood of causing bank erosion and subsequent slope failure. The development envelope has been placed to avoid impact to this area.

"Due to the highly erodible nature of the soils associated with all existing natural channels, and the likelihood of exacerbating existing slope failure due to Marlboro Clay,

no additional flow should be directed into any swale located on top of any of the severe slope areas. A Stormwater Management Concept Plan meeting these requirements has been proposed by the applicant.

“Woodland Preservation:

“Staff reviewed Forest Stand Delineation as part of 4-90137 and found it to meet minimum standards. A field check in August 1995 and again in April 1999 revealed no substantial change to the FSD. A Tree Conservation Plan, TCP I/64/95, has been reviewed and found to exceed minimum requirements. The site has a basic requirement of 37.4 acres and has an 10.14 acre required transfer from Tippet Estates Cluster [SP-94014, TCP II/75/94] for a total of 47.54 acres. TCP I/64/95 proposes on-site preservation of 84.73 acres. Virtually all of the proposed woodland conservation is on land to be dedicated to the Department of Parks & Recreation. The Parks Department may wish to defer forest preservation in some areas to allow improvements, such as trails; the Parks Department should be consulted.

“Noise:

“MD 202 relocated is planned as an arterial road and has the potential for substantial noise impacts to adjacent residential development. Assuming a six (6) lane divided arterial with a 40 mph speed limit, the maximum 65 decibel noise contour would extend approximately 395 feet from the centerline of proposed MD 202. A noise study prepared by Wyle Laboratories, Inc, dated 25 September 1995, has been reviewed and approved by the Natural Resources Division. It indicates that exterior noise levels should not be a problem, however, some units may have excessive interior noise levels unless precautions are taken. Architectural drawings with noise mitigation measures shall be submitted with the SDP for review and approval by the Natural Resources Division. Specific questions regarding noise should be directed to Dr. Robert Metzger, Principal Environmental Planner, Natural Resources Division, 952-3652].

“Noise from the railroad line along Collington Branch should not adversely impact proposed residences, provided that the adjacent wooded slopes are **maintained** as a noise buffer.

“Water and Sewer:

“The subject property is in water and sewer category W-4 and S-4. Impacts associated with installing water and sewer lines have been evaluated with special regard to the installation of sewer lines down the severe slopes, through areas of Marlboro Clay, into wetlands and floodplain, and through Woodland Conservation Areas. The proposed layout has apparently been made with attention to minimizing impacts to any of these areas and should have no significant impact on the known populations of rare/threatened/endangered species. We have a minor concern with the proposed sewer

line in the extreme northwestern area of the site and its possible effect on increasing the likelihood of slope failure.

“David M. Coe has reviewed the plans for the Washington Suburban and Sanitary Commission and notes "there are some minor inconsistencies found within the CDP and WSSC records. None of the inconsistencies effect the ability of the site to receive service.

**“Recommendations:**

“Based on the existing conditions of the site, the Natural Resources Division offers the following recommendations for your consideration:

- “1. The TCP should be revised in consultation with the Department of Parks and Recreation to remove Woodland Conservation Areas from portions of the proposed parkland where development may occur.
- “2. Development of trails and other park facilities should avoid significant impact on the populations of any species listed in COMAR 08.03.08.
- “3. Architectural drawings with noise mitigation measures shall be submitted with the SDP for review and approval by the Natural Resources Division.”

12. The Department of Parks and Recreation (Asan to Srinivas, July 8, 2002) has stated that the applicant proposes to dedicate 105.36 acres of land to M-NCPPC. Conditions of approval for land dedication according to the requirements of M-NCPPC have been added. Since the area consists of extensive steep slopes, floodplain, wetlands and Marlboro Clay soils, the Department of Parks and Recreation will develop the property for the proposed trail along Western Branch. The approved Basic Plan requires the applicant to construct a hiker/biker trail in accordance with the M-NCPPC Parks and Recreation Facilities Guidelines. Conditions of approval have been added to require the trail construction according to these guidelines. Due to the site’s steep slopes, the trail could be constructed on existing farm road or on the haul road which will have to be built for the construction of the sewer line. The exact alignment of the trail and trail connections can be determined at the Specific Design Plan stage. Conditions of approval for construction of the trail have been added. The Type I Tree Conservation Plan must be revised to show clearing to accommodate trail construction. The section also recommends that the applicant construct a 10-foot-wide equestrian trail along the Western Branch.
13. The Transportation Planning Section (Masog to Srinivas, June 24, 2002) has stated that the applicant has prepared a traffic impact study. The study indicated that all intersections in the study area would operate acceptably during both peak hours with background and total traffic.

Using the trip generation rates listed in the guidelines, the subject property would generate 18 inbound and 71 outbound trips during the AM peak hour, and 70 inbound and 37 outbound trips

during the PM peak hour. For total traffic, the trip distribution and assignment used in the traffic study appear to be reasonable and consistent with the submitted plan.

Under total traffic, four of the five unsignalized intersections within the study area operate unacceptably. The Transportation Planning staff also observed that the two-lane link operates unacceptably in at least one peak hour. Therefore, the transportation staff cannot reliably find that adequate transportation facilities would exist if the subject proposal were to be approved. In response to this finding, the 2001 technical memorandum was prepared to address signal warrants and link capacity along MD 202. The study concluded that there are excessive delays at major signalized intersections but signal warrants are not satisfied at the two worst circumstances at MD 202/Eton Drive and MD 202/Town Farm Road. A signal along MD 202 between MD 725 and Black Swan Drive may alleviate circumstances.

The Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) have no significant comments on this study. The State Highway Administration (SHA) has indicated that adequate facilities could exist if the applicant were to escrow \$100,000 for the purpose of widening MD 202 or installing a traffic signal within the study area. The State Highway Administration has indicated that they should have the discretion of determining the final use of the funds. A condition of approval has been added to require the applicant to provide the funding.

The Transportation Planning Section has concluded that widening MD 202 within the study area would not be helpful in addressing excessive delays for traffic seeking to turn left onto MD 202 from the side streets. The State Highway Administration's recommendation provides a means for providing funding for the needed improvements to achieve adequacy.

The Subregion VI Master Plan includes recommendations that MD 202 be relocated and the relocated MD 202 be constructed to function as an expressway facility. While sufficient right-of-way has been acquired by the State Highway Administration to operate this facility as an expressway, the regulation of access along the relocated MD 202 is vital to operating MD 202 as a higher-speed, higher-capacity facility. Therefore, the master plan has endorsed the recommendations of the MD 202 access study. The entrances to the property will have to be designed with acceleration and deceleration lanes in accordance with state highway standards.

The applicant had previously shown some lots with access to the existing MD 202. The Transportation Planning Section had recommended that these lots receive access via internal streets. The applicant has accordingly revised the lot layout. The section has also recommended that the two lots in the area between the existing and proposed MD 202 be removed. A condition of approval has already been added to require the same.

The memorandum from the Transportation Planning Section states that:

“The Transportation Planning Section has reviewed the Comprehensive Design Plan application referenced above. The subject property consists of approximately 167.7 acres of land in the R-L zone. The property is located along both sides of MD 202, approxi-

mately 4,200 feet north of the MD 202/MD 725 intersection. The applicant proposes to develop the property under the R-L zone with 119 single family detached units.

"The applicant initially prepared a traffic impact study dated May 1998. In consultation with staff, that study was updated with a technical memorandum analyzing the potential for signalization at several unsignalized intersections in the area of the subject property in May 2001. Both studies were prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines*.

"Summary of Traffic Impact Study

"The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- "• MD 202 and MD 193 (signalized)
- "• MD 202 and MD 725 (signalized)
- "• MD 202 and Town Farm Road (unsignalized)
- "• MD 202 and Brock Drive (unsignalized)
- "• MD 202 and Eton Drive (unsignalized)
- "• MD 202 and Kent Drive (unsignalized)
- "• MD 202 and site entrance (planned, unsignalized)

"With traffic counts taken by the applicant's consultant, the study indicates that all intersections in the study area would operate acceptably during both peak hours with background traffic and total traffic. Consequently, the study did not recommend any improvements at any location within the study area.

"Staff Analysis of Traffic Impacts

"Existing traffic conditions were based on traffic counts done in April 1998. These counts occurred before the modifications at MD 202/MD 193 were fully open to traffic; as a result, the traffic study analyzes this intersection with one through lane in each direction along MD 202. The staff's analysis considers two through lanes in each direction along MD 202. Although the staff concedes that through traffic along MD 202 may be understated in the traffic study due to the effect of construction, the analysis has included no adjustment due to the difficulty of estimating the size of such an adjustment. Existing conditions within the study area are summarized as follows:

| EXISTING CONDITIONS       |                                   |       |                                    |    |
|---------------------------|-----------------------------------|-------|------------------------------------|----|
| Intersection              | Critical Lane Volume<br>(AM & PM) |       | Level of Service<br>(LOS, AM & PM) |    |
| MD 202/MD 193             | 789                               | 744   | A                                  | A  |
| MD 202/MD 725             | 820                               | 937   | A                                  | A  |
| MD 202 and Town Farm Road | 21.7*                             | 26.9* | --                                 | -- |
| MD 202 and Brock Drive    | 9.4*                              | 8.5*  | --                                 | -- |
| MD 202 and Eton Drive     | 21.7*                             | 28.6* | --                                 | -- |
| MD 202 and Kent Drive     | 20.2*                             | 20.6* | --                                 | -- |

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

“The submitted traffic study provides an analysis for assessing the background traffic situation. The applicant has taken the following steps to develop background traffic, including:

- “• Using a 2% annual growth factor for through traffic, which is consistent with past studies in the area.
- “• Adding background development in the area.

“Probably because the traffic study was scoped so long ago, the list of background development in the area is incomplete. During the late summer of 1998, the transportation staff assembled a master list of background developments, and began returning Scoping Agreements with a list of background developments in the vicinity of the site. The transportation staff notes the following changes to background development in the area:

- “• The Largo-Marlboro property is now Rustic Ridge, with 149 lots instead of 166.
- “• The Villages of Marlboro is analyzed as 1,404 townhouses. Remaining development within the Villages of Marlborough is 59 detached residences (Bishops Bequest), 194 apartments (Churchills Choice), 144 mid-rise apartments (Hampshire Hall), 82 townhouses (Normandy Place), 110,000 square feet retail and 38,000 square feet office (Marlboro Village Center).
- “• It appears that Marlboro Manor is only 39 detached residences, not 161.
- “• Perrywood is analyzed as 427 detached residences. Remaining development within Perrywood is 225 detached residences, 176 townhouses and 261 units of elderly housing.

- “• Foxchase was not included, and has 207 detached residences remaining.
- “• Kings Grant was not included, and has 38 townhouses remaining.
- “• Collington Estates is a platted subdivision that is under construction, with 98 detached residences remaining.
- “• Brock Hills is a platted subdivision that is under construction, with 140 detached residences remaining.

“Under background traffic, both signalized intersections would continue to operate acceptably. However, three of the unsignalized intersections under study would experience unacceptable operating conditions in at least one peak hour. Background conditions are summarized as follows:

| <b>BACKGROUND CONDITIONS</b> |                                |        |                                 |    |
|------------------------------|--------------------------------|--------|---------------------------------|----|
| Intersection                 | Critical Lane Volume (AM & PM) |        | Level of Service (LOS, AM & PM) |    |
| MD 202/MD 193                | 977                            | 955    | A                               | A  |
| MD 202/MD 725                | 997                            | 1227   | A                               | C  |
| MD 202 and Town Farm Road    | 54.8*                          | 83.8*  | --                              | -- |
| MD 202 and Brock Drive       | 16.7*                          | 35.3*  | --                              | -- |
| MD 202 and Eton Drive        | 93.6*                          | 117.1* | --                              | -- |
| MD 202 and Kent Drive        | 33.6*                          | 49.6*  | --                              | -- |

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

“Using the trip generation rates listed in the *Guidelines*, the subject property would generate 18 inbound and 71 outbound trips during the AM peak hour, and 70 inbound and 37 outbound trips during the PM peak hour. For total traffic, the trip distribution and assignment used in the traffic study appear to be reasonable and consistent with the submitted plan. Total traffic conditions are summarized as follows:



| TOTAL TRAFFIC CONDITIONS  |                                   |        |                                    |    |
|---------------------------|-----------------------------------|--------|------------------------------------|----|
| Intersection              | Critical Lane Volume<br>(AM & PM) |        | Level of Service<br>(LOS, AM & PM) |    |
|                           | MD 202/MD 193                     | 996    | 977                                | A  |
| MD 202/MD 725             | 1008                              | 1243   | B                                  | C  |
| MD 202 and Town Farm Road | 63.3*                             | 102.0* | --                                 | -- |
| MD 202 and Brock Drive    | 17.8*                             | 38.7*  | --                                 | -- |
| MD 202 and Eton Drive     | 121.2*                            | 147.7* | --                                 | -- |
| MD 202 and Kent Drive     | 36.6*                             | 56.5*  | --                                 | -- |
| MD 202 and site entrance  | 43.8*                             | 64.1*  | --                                 | -- |

\*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

“Under total traffic, four of the five unsignalized intersections within the study area operate unacceptably. The worst delays all involve left-turn movements from the minor streets onto MD 202. Although the impact of traffic generated by the applicant along MD 202 is comparatively small, these conditions indicate that operational problems exist along MD 202. In fact, citizens along the section of MD 202 between MD 193 and MD 725 have testified that there is difficulty turning onto MD 202 from side streets during peak hours.

“Due to the above observations, the transportation staff has analyzed the two-lane link of MD 202 between Chelsea Lane and Waterfowl Way (MD 202 is four lanes to the north of Waterfowl Way, and three lanes south of Chelsea Lane). This link is approximately 3.3 miles in length, and contains no signalized intersections. The analysis provides the following results under existing, background and total traffic:

| LINK ANALYSIS - MD 202, CHELSEA LANE TO WATERFOWL WAY |                |          |      |                |          |      |
|---|----------------|----------|------|----------------|----------|------|
|   | AM information |          |      | PM information |          |      |
|   | Service Volume | Capacity | V/C  | Service Volume | Capacity | V/C  |
| Existing Traffic                                      | 1271           | 2277     | 0.56 | 1471           | 2100     | 0.70 |
| Background Traffic                                    | 1577           | 2305     | 0.68 | 1864           | 2077     | 0.90 |
| Total Traffic   | 1618           | 2305     | 0.70 | 1884           | 2077     | 0.91 |

\*In analyzing links, the *Guidelines* require that links in excess of 2.0 miles in length with no signalized intersections operate at a volume-to-capacity (V/C) ratio of 0.8 or less. A V/C of 0.8 is considered to be the lower limit of LOS D.

"The *Guidelines* indicate that any link having a V/C exceeding 0.80 during any peak hour operates unacceptably. The V/C for the two-lane link of MD 202 is 0.90 under background traffic and 0.91 under total traffic in the PM peak hour. Therefore, the link currently operates unacceptably in accordance with the *Guidelines*. In consideration of the number of unsignalized intersections which operate unacceptably along MD 202, along with the transportation staff's observation that the two-lane link operates unacceptably in at least one peak hour, the transportation staff cannot reliably find that adequate transportation facilities would exist if the subject proposal were to be approved.

"In response to this finding, the 2001 technical memorandum was prepared to address signal warrants and link capacity along MD 202. The main points of this memorandum were:

- "1. There are issues of excessive delay at major unsignalized intersections along MD 202, but signal warrants are not satisfied at the two worst circumstances at MD 202/Eton Drive and MD 202/Town Farm Road.
- "2. SHA believes that a signal along MD 202 between MD 725 and Black Swan Drive may alleviate circumstances by increasing gaps in traffic along MD 202.
- "3. The memorandum concludes by stating that widening MD 202 at this time is unlikely to reduce side street delays, and may worsen the situation by encouraging speeding. The memorandum has collected data indicating that mainline traffic volumes along MD 202 suffer little if any delay due to excessive volume.

"Staff has reviewed this information carefully, and does not raise objections to the finding at this time. The staff will comment further after reviewing agency comments.

"The DPW&T and the SHA both reviewed the 1999 traffic analysis, and neither agency had significant comments on the study. Comments from both agencies are attached. Because the 2001 memorandum was discussed in detail with SHA during its preparation, the 2001 memorandum was referred to SHA for comment. There were several missives which resulted from that referral, and they are described below:

- "1. The September 7, 2001 comments from SHA recommended that this applicant pay a fair share contribution toward the widening of MD 202 between Black Swan Drive and MD 725.
- "2. A November 16, 2001 memorandum from the applicant's traffic consultant to the applicant recounted several discussions with SHA staff. In that memorandum, the traffic consultant indicated that it appeared that SHA had taken a new position on the issue of widening MD 202 versus providing signalization along the link.

- “3. A December 5, 2001 memorandum from SHA clarified the state’s position regarding the subject application. SHA acknowledged that the intent was not to burden the subject property with the cost of widening MD 202 for a considerable length. SHA further indicated that adequate facilities could exist if the applicant were to escrow \$100,000 for the purpose of widening MD 202 or installing a traffic signal within the study area. SHA indicated that they should have the discretion of determining the final use for the funds.

“In reviewing SHA’s position, staff concedes that widening MD 202 within the study area would not be helpful in addressing the adequacy issues observed by staff; namely, excessive delays for traffic seeking to turn left onto MD 202 from the side streets. SHA’s recommendation provides a means for providing funding for the needed improvements to achieve adequacy.

“Site Layout Issues

“The *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. While sufficient right-of-way has been acquired by the State Highway Administration (SHA) to operate this facility as an expressway, the regulation of access along MD 202 Relocated is vital to operating MD 202 as a higher-speed, higher-capacity facility. Toward that end, the Master Plan endorses the recommendations of the *MD 202 Access Study* (March 1982) in the area of the subject property. These would include:

- “• Access to E-6 with a median break at or near the applicant's proposed site entrance.
- “• No other access to E-6 (i.e., no median break) along the remainder of the frontage of the subject property.
- “• A service road on the east side of E-6 linking the subject property to the property immediately to the south. While the topography on the east side of E-6 may not be appropriate to the construction of a service road, the applicant should provide 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) in order to provide access from the neighboring property to E-6 via the applicant's site entrance. This connection is acceptable as shown on the plan.

“The required right-of-way for E-6 is shown correctly on the submitted plan. The plan also correctly shows dedication of 30 feet from the existing center line of existing MD 202. At the time that the entrance to serve the site is constructed, the applicant will be required to design the access with acceleration and deceleration lanes in accordance with SHA standards.

"The Comprehensive Design Plan does not approve lotting patterns. Nonetheless, the plan does display a potential lotting pattern, and staff objects to the three lots labeled A-58, D-01, and D-02, and has a concern about Lot A-57. These three lots are proposed with driveway access to existing MD 202. While MD 202 is proposed in the future to be relocated onto a new facility, there is no funding for constructing the new roadway nor is this roadway under any level of study. For the foreseeable future, therefore, existing MD 202 will continue to function as a major highway. It is important to remember that even after MD 202 is relocated, existing MD 202 will continue to be the main roadway to the Town of Upper Marlboro. Furthermore, SHA will not support new driveway access to new subdivision lots along state roadways. Therefore, staff would recommend that Lots A-57 and A-58 receive access via internal streets and not via existing MD 202. Also, because Lots D-01 and D-02 must rely upon MD 202 for access, they should either not be platted or the homeowners' open space area should be expanded to include these lots.

"On-site circulation and internal street rights-of-way are acceptable.

"Recommendations

"Based on the preceding comments and findings, the Transportation Planning Section concludes that the requirements pertaining to transportation facilities under Section 27-521 of the Prince George's County Code would be met. This recommendation is subject to the following conditions:

- "1. Lots A-57 and A-58, as shown on the Comprehensive Design Plan, should receive access via internal streets and not via existing MD 202.
- "2. Lots D-01 and D-02 should not be platted, or should be incorporated into the adjacent homeowners' open space area.
- "3. The following improvements shall be funded in part by the payment of \$100,000 (in year 2001 dollars) to the State Highway Administration by the applicant:
  - "A. The widening of MD 202 to four lanes between MD 725 and Black Swan Drive.
  - "B. The installation of a traffic signal within the study area at a location to be determined by the State Highway Administration. The location will be chosen to best serve traffic flow along MD 202 between MD 725 and Black Swan Drive, with consideration given to side street delays as well as mainline traffic flow."
14. A referral was sent to the Town of Upper Marlboro. No comments have been received as of this date.
15. The applicant will be required to submit Preliminary Plan applications and Specific Design Plan applications for each phase of the development.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type I Tree Conservation Plan (TCPI/64/95), and further APPROVED the Comprehensive Design Plan CDP-9901, Forest Hills for the above-described land, subject to the following conditions:

1. Prior to certification of the Comprehensive Design Plan,
  - a. The Comprehensive Design Plan drawings and text shall be revised to incorporate the following:
    - (1) lots between the existing and future MD 202 eliminated and the area of the lots incorporated into the homeowners' open space and/or used for tree conservation purposes.
    - (2) a 75-foot landscape buffer provided along the rear of the lots along MD 202 to meet the requirements of Section 4.6 of the *Landscape Manual*. At least 40 feet of the buffer shall be on homeowners' open space and shall retain the existing trees along MD 202 to the extent possible. In areas where the existing trees are not dense, new supplemental evergreens shall be provided.
    - (3) the proposed berm along MD 202 eliminated to avoid impacts to existing trees.
    - (4) a minimum 20,000-square-foot lot size and a minimum 150-foot lot depth for the lots along the western side of MD 202.
    - (5) elimination of flag lots on Street 'A' except at the ends of cul-de-sacs.
    - (6) a minimum lot size of 10,000 square feet and a minimum lot width of 75 feet for all lots on the street, except for cul-de-sacs.
    - (7) a minimum house size of 2,300 square feet of living area.
    - (8) all approved changes and approved development standards shall be reflected on the CDP text and drawings.
    - (9) existing seven- to ten-foot-wide asphalt shoulders maintained along the property's entire frontage on both sides of MD 202.
    - (10) all internal, HOA trails constructed of asphalt and six feet wide.
    - (11) eight-foot-wide asphalt hiker/biker trail along the Western Branch and a minimum of two 6-foot-wide asphalt connector trails providing access to the Western Branch from the proposed community as shown on the Department of Parks and

Recreation 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.

- (12) a ten-foot-wide equestrian trail along the Western Branch if determined to be feasible by the Department of Parks and Recreation at the time of Specific Design Plan.
  - b. The applicant shall submit a recently approved stormwater management concept plan for the proposed stormwater management on the subject property.
  - c. The Type I Tree Conservation Plan TCPI/64/95 shall be revised in consultation with the Department of Parks and Recreation to remove woodland conservation areas from portions of the proposed parkland where development may occur.
  - d. The applicant shall submit information regarding avoidance of significant impacts on the population of any species listed in COMAR 08.03.08 due to the development of parks and trails.
2. Prior to approval of the Preliminary Plan, the applicant shall:
- a. Submit a conceptual layout of water and sewerage services to and within the site and an analysis of the impact of the construction of these facilities. The layout shall minimize the impact of construction to the extent possible.
  - b. Obtain approval of the 100-year floodplain elevations from the Department of Environmental Resources.
3. Prior to approval of any final plats for this development, the applicant shall:
- a. Dedicate approximately 105 acres of land to M-NCPPC as shown on the Department of Parks and Recreation Exhibit 'A.'
  - b. Land to be dedicated shall 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, M-NCPPC, along with the final plat.
    - (2) 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, sidewalks, 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 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, 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, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
  - (5) Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. 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. 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 M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
- c. Submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to the M-NCPPC in acceptable condition for conveyance.
  - d. Submit three original, executed Recreational Facilities Agreements (RFA) for trail construction to the Department of Parks and Recreation for their approval at least three weeks prior to a submission of a final plat of subdivision. Upon approval by the Development Review Division, 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 58<sup>th</sup> building permit.
4. During the Specific Design Plan review, the applicant shall:
    - a. Submit additional rear elevations for the rear yards of the houses facing MD 202. The design of the houses shall be as attractive as the front elevations with respect to details,

number of design features, and articulation. The chimneys of the houses along MD 202 (not including gas vent enclosures for gas fireplaces) shall be constructed of masonry.

- b. submit architectural drawings with noise mitigation measures for review and approval by the Environmental Planning Section.
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 the Department of Parks and Recreation 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 the trails. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by Department of Parks and Recreation.
    - (2) handicapped accessibility of all trails in accordance with applicable AOA guidelines.
  - b. If determined to be necessary by the Department of Parks and Recreation, 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 feet in height along the trail. The location of the trail shall be determined by the Department of Parks and Recreation.
  - c. Submit drawings showing the exact location of the two trail connections.
6. Prior to issuance of any building permits:
- a. The applicant shall submit performance bonds, letters of credit or other suitable financial guarantees to the Department of Parks and Recreation to secure the grading and construction of the recreational facilities on park property, in an amount to be determined by the Department of Parks and Recreation.
  - b. The following improvements shall be funded in part by the payment of \$100,000 (in year 2001 dollars) to the State Highway Administration by the applicant:
    - (1) the widening of MD 202 to four lanes between MD 725 and Black Swan Drive.
    - (2) the installation of a traffic signal within the study area at a location to be determined by the State Highway Administration. The location will be chosen to best serve traffic flow along MD 202 between MD 725 and Black Swan Drive with consideration given to side street delays as well as mainline traffic flow.



7. No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Scott, seconded by Commissioner Lowe, with Commissioners Scott, Lowe, Brown, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 25, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5<sup>th</sup> day of September, 2002.

Trudye Morgan Johnson  
Executive Director

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

TMJ:FJG:LS:wrc

APPROVED AS TO LEGAL SUFFICIENCY.

*[Signature]*  
M-NCPPC Legal Department

Date 8/14/02

Case No. CDP-9901

Applicant: Haverford Homes

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

ORDER AFFIRMING PLANNING BOARD DECISION,  
WITH AMENDMENTS

IT IS HEREBY ORDERED, after full review of the administrative record and consideration of oral argument by the parties, that Planning Board Resolution PGCPB No. 02-184, to approve Comprehensive Design Plan CDP-9901 on property described as approximately 167.70 acres of land in the R-L Zone, on both sides of MD 202, about one mile north of Marlboro Pike, is hereby:

AFFIRMED, with modifications, as stated below.

Affirmance of the Planning Board's decision is based on the Board's findings, which the Council adopts, with these modifications:

A. The District Council agrees with the Planning Board, for the reasons stated by the Board, that CDP-9901 conforms with the approved Basic Plan and meets the requirements of § 27-521(a)(1) of the Zoning Ordinance. The Council further agrees with the Planning Board's findings and reasoning as to the achievement of a better environment than could be realized under other regulations, subsection (a)(2); as to design elements, facilities, and amenities, subsection (a)(3); as to compatibility with existing and surrounding zoning and land uses, subsection (a)(4); as to compatibility among land uses and facilities on site, subsection (a)(5); as to sustainability of each staged unit of development, subsection

(a)(6); as to use of historic sites, subsection (a)(8); as to incorporation of design guidelines in § 27-274 of the Zoning Ordinance, subsection (a)(9); and as to conformance to an approved Tree Conservation Plan, subsection (a)(10).

B. The District Council agrees with the Planning Board that CDP-9901 meets the requirements of § 27-521(a)(7) of the Zoning Ordinance, which requires a finding that the staging of development in the CDP “will not be an unreasonable burden on available public facilities.”

C. As to traffic facilities, the Council at this time approves the Planning Board staff’s conclusion that intersections to be affected by the proposed development will operate at acceptable levels of service during peak hours. The applicant’s traffic study shows appropriate service levels, with background traffic and total traffic, at the affected intersections, MD 202 and MD 193, Marlboro Pike, Town Farm Road, Brock Drive, Eton Drive, Kent Drive, and the applicant’s site entrance.

D. As to school facilities, the Council can find at this time, as did the Planning Board, that the proposed development will not be an unreasonable burden on public schools. But the information in the record from the Board of Education and the Growth Policy and Public Facilities Planning Section requires updating, as to schools to be affected and the determination whether schools are “funded,” for purposes of CB-40-2002 and CR-23-2001. The record now does not support the Planning Board’s conclusion that there will be a three-year waiting period (or another defined period) when a preliminary plan of subdivision is approved for the property.

E. As to fire, ambulance, and paramedic services, the Council agrees with the Planning Board that on the present record, response times will be within adopted standards.

F. As to police service, the District Council agrees with the Planning Board that on this record the proposed development will not be an unreasonable burden on public facilities. The Planning Board found police service for this project adequate based upon the Board's adopted standard, facilities size. The Board did not evaluate response times, however. The District Council requests that police response times be calculated in future hearings, for informational purposes only.

The District Council adopts the Planning Board's conditions for CDP-9901, with one addition, as follows:

1. Prior to certification of the Comprehensive Design Plan:
  - a. The Comprehensive Design Plan drawings and text shall be revised to incorporate the following:
    - (1) lots between the existing and future MD 202 eliminated and the area of the lots incorporated into the homeowners' open space and/or used for tree conservation purposes.
    - (2) a 75-foot landscape buffer provided along the rear of the lots along MD 202 to meet the requirements of Section 4.6 of the Landscape Manual. At least 40 feet of the buffer shall be on homeowners' open space and shall retain the existing trees along MD 202 to the extent possible. In areas where the existing trees are not dense, new supplemental evergreens shall be provided.
    - (3) the proposed berm along MD 202 eliminated to avoid impacts to existing trees.
    - (4) a minimum 20,000-square-foot lot size and a minimum 150-foot lot depth for the lots along the western side of MD 202.

- (5) elimination of flag lots on Street "A" except at the ends of cul-de-sacs.
  - (6) a minimum lot size of 10,000 square feet and a minimum lot width of 75 feet for all lots on the street, except for cul-de-sacs.
  - (7) a minimum house size of 2,300 square feet of living area.
  - (8) all approved changes and approved development standards shall be reflected on the CDP text and drawings.
  - (9) existing seven- to ten-foot-wide asphalt shoulders maintained along the property's entire frontage on both sides of MD 202.
  - (10) all internal, HOA trails constructed of asphalt and six feet wide.
  - (11) eight-foot-wide asphalt hiker/biker trail along the Western Branch and a minimum of two 6-foot-wide asphalt connector trails providing access to the Western Branch from the proposed community as shown on the Department of Parks and Recreation 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.
  - (12) a ten-foot-wide equestrian trail along the Western Branch if determined to be feasible by the Department of Parks and Recreation at the time of Specific Design Plan.
- b. The applicant shall submit a recently approved stormwater management concept plan for the proposed stormwater management on the subject property.
  - c. The Type I Tree Conservation Plan TCPI/64/95 shall be revised in consultation with the Department of Parks and Recreation to remove woodland conservation areas from portions of the proposed parkland where development may occur.
  - d. The applicant shall submit information regarding avoidance of significant impacts on the population of any species listed in COMAR 08.03.08 due to the development of parks and trails.

2. Prior to approval of the Preliminary Plan, the applicant shall:
  - a. Submit a conceptual layout of water and sewerage services to and within the site and an analysis of the impact of the construction of these facilities. The layout shall minimize the impact of construction to the extent possible.
  - b. Obtain approval of the 100-year floodplain elevations from the Department of Environmental Resources.
3. Prior to approval of any final plats for this development, the applicant shall:
  - a. Dedicate approximately 105 acres of land to M-NCPPC as shown on the Department of Parks and Recreation Exhibit "A."
  - b. Dedicate the land under 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, M-NCPPC, along with the final plat.
    - (2) 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, sidewalks, 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 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, 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, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.

- (5) Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. 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. DPR shall inspect the site and verify that it is in acceptable conditions 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 M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
- c. Submit a letter to the Subdivision Section indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to the M-NCPPC in acceptable condition for conveyance.
  - d. Submit three original executed Recreational Facilities Agreements (RFA) for trail construction to the Department of Parks and Recreation for their approval at least three weeks prior to a submission of a final plat of subdivision. Upon approval by the Development Review Division, 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 58<sup>th</sup> building permit.
4. During the Specific Design Plan review, the applicant shall:
    - a. Submit additional rear elevations for the rear yards of the houses facing MD 202. The design of the houses shall be as attractive as the front elevations with respect to details, number of design features, and articulation. The chimneys of the houses along MD 202 (not including gas vent enclosures for gas fireplaces) shall be constructed of masonry.

- b. Submit architectural drawings with noise mitigation measures for review and approval by the Environmental Planning Section.
  5. Prior to approval of the first Specific Design Plan for the development on the west side of MD 202, the applicant shall:
    - a. Submit detailed construction drawings for trail construction to the Department of Parks and Recreation 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 the trails. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by Department of Parks and Recreation.
      - (2) handicapped accessibility of all trails in accordance with applicable ADA guidelines.
    - b. If determined to be necessary by the Department of Parks and Recreation, 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 feet in height along the trail. The location of the trail shall be determined by the Department of Parks and Recreation.
    - c. Submit drawings showing the exact location of the two trail connections.
  6. Prior to issuance of any building permits:
    - a. The applicant shall submit performance bonds, letters of credit or other suitable financial guarantees to the Department of Parks and Recreation to secure the grading and construction of the recreational facilities on park property, in an amount to be determined by the Department of Parks and Recreation.
    - b. The following improvements shall be funded in part by the payment of \$100,000 (in year 2001 dollars) to the State Highway



Administration by the applicant:

- (1) the widening of MD 202 to four lanes between MD 725 and Black Swan Drive.
- (2) the installation of a traffic signal within the study area at a location to be determined by the State Highway Administration. The location will be chosen to best serve traffic flow along MD 202 between MD 725 and Black Swan Drive with consideration given to side street delays as well as mainline traffic flow.
- (7) No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction.
- (8) The District Council adds a condition not included by the Planning Board, as to water quality and stormwater management. The CDP-9901 project shall, where feasible and approved by DER staff, be completed with use of best management practices for stormwater management and low-impact development techniques.

Ordered this 24<sup>TH</sup> day of March, 2003, by the following vote:

In Favor: Council Members Shapiro, Bland, Dean, Dernoga, Exum, Harrington,  
Hendershot, Knotts, and Peters

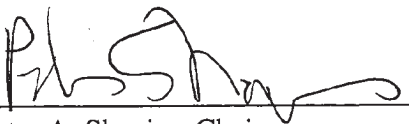
Opposed:

Abstained:

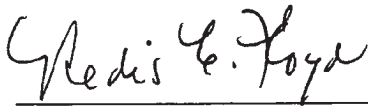
Absent:

Vote: 9-0

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, MARYLAND

By:   
Peter A. Shapiro, Chair

ATTEST:

  
Redis C. Floyd, Clerk

September 30, 2022

**MEMORANDUM**

**TO:** Jill S. Kosack, RLA, ASLA, Planner IV, Urban Design Section, Development Review Division

**VIA:** Dave A. Green, MBA, Planner IV, Long Range Planning Section, Community Planning Division

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

**SUBJECT:** CDP-9901-01, Forest Hills

**FINDINGS**

Community Planning Division staff finds that, pursuant to Section 27-521(a)(1), this application conforms to the design guidelines or standards intended to implement the development concept recommended by the 2013 *Approved Subregion 6 Master Plan*.

**BACKGROUND**

**Application Type:** Comprehensive Design Plan

**Location:** The site is located on the east and west sides of MD 202 (Largo Road), 500 feet south of its intersection with Kent Drive.

**Size:** 167.70 Acres

**Existing Uses:** Vacant

**Proposal:** An amendment to revise plans and conditions relative to trail development.

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** This application is located within the Established Communities policy area. Plan 2035 describes Established Communities as areas appropriate for 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. (Page 20)

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

**Planning Area:** 79

## **CDP-9901-01 Forest Hills**

**Community:** Upper Marlboro & Vicinity

**Aviation/MIOZ:** This property is not located in an Aviation Policy Area or the Military Installation Overlay Zone.

**SMA/Zoning:** The 2013 Approved Subregion 6 Sectional Map Amendment retained the subject property into the R-L (Residential Low Development). On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (“CMA”) which reclassified the subject property from R-L (Residential Low Development) to LCD (Legacy Comprehensive Design) zone effective April 1, 2022.

### **MASTER PLAN CONFORMANCE ISSUES:**

There are no master plan issues.

c: Long-range Agenda Notebook

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

Countywide Planning Division  
Environmental Planning Section

301-952-3650

October 17, 2022

**MEMORANDUM**

**TO:** Jill Kosack, Planner IV, Urban Design Section, DRD

**VIA:** Maria Martin, Acting Supervisor, Environmental Planning Section, CWPD *MM*

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

**SUBJECT:** **Forest Hills, CDP-9901-01 and TCPI-064-95-03**

The Environmental Planning Section (EPS) has reviewed the Comprehensive Design Plan (CDP-9901-01) for Forest Hills, accepted for review on September 13, 2022, and provides the following comments for your consideration. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on September 30, 2022. Staff recommends approval of CDP-9901-01 and Type I Tree Conservation Plan TCPI-064-95-03, subject to the recommended findings with no conditions found at the end of this memorandum.

**BACKGROUND**

The EPS has reviewed this site previously with the review of the following applications:

| 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                | TCPI-064-95            | Planning Board     | Approved | 7/25/2002   | PGCPB No. 02-184                 |
| CDP-9901                | TCPI-064-95            | District Council   | Approved | 3/24/2003   | Affirmed Planning Board Decision |
| 4-03071                 | TCPI-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   | Affirmed Planning Board Decision |

| Development Review Case | Tree Conservation Plan | Approval Authority | Status   | Action Date | Approval Document |
|-------------------------|------------------------|--------------------|----------|-------------|-------------------|
| A-9895-01               | TCPII-081-05           | District Council   | Approved | 4/26/2021   | Z.O. No. 4-2021   |
| CDP-9901-01             | TCPI-064-95-03         | Planning Board     | Pending  | Pending     | Pending           |

**PROPOSED ACTIVITY**

This application requests an amendment to revise Condition 5 of CDP-9901 to reflect the change made to the Basic Plan (A-9895-01) for the removal of the hiker/biker trail along the Western Branch corridor.

**GRANDFATHERING**

This site is grandfathered from the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual, because the application is associated with an approved PPS 4-03071 and TCPI-064-95-02, that were approved prior to these regulations.

**SITE DESCRIPTION**

This 167.70-acre site is currently placed in the Legacy Comprehensive Design (LCD) Zone. Prior to implementation of the current zoning regulations on April 1, 2022, the site was located within the Residential Low Development (R-L) Zone. The site is located on both sides of Largo Road (MD 202), approximately 0.2 miles north of Crescent Drive, and 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. Available mapping information indicates the subject area is within a Sensitive Species Project Review Area (SSPRA) and contains the potential for 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.

**CONFORMANCE WITH CONDITIONS OF PREVIOUS APPROVALS**

**Conditions of Previous Approvals: A-9895 and A-9895-01**

On June 24, 1994, and April 26, 2021, the District Council approved the Basic Plan for the Miller Property, now known as Forest Hills, subject to 18 conditions and 1 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.**

The applicant has worked with the Department of Parks and Recreation for the removal of proposed trails along the Western Branch corridor in lieu of paying a fee-in-lieu, as approved in the revised Basic Plan. The TCPI has been revised to show the removal of these trails.

- 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, and there is no change to the layout of this project except for the elimination of the trails. An updated geotechnical report may be required for future development review applications.

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

The environmental conditions of approval of Comprehensive Design Plan CDP-9901 found in Resolution No. PGCPB 02-184 are not applicable to the review of the current application.

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

The environmental conditions of approval of Preliminary Plan 4-03071 found in Resolution No. PGCPB 04-06 are not applicable to the review of the current application.

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

The environmental conditions of approval of Specific Design Plan SDP-04141 found in Resolution No. PGCPB 05-259 are not applicable to the review of the current application.

**ENVIRONMENTAL REVIEW**

**Natural Resource Inventory**

A Natural Resource Inventory Equivalency Letter (NRI-061-2018) was approved for this site on April 5, 2018, which is valid until April 5, 2023. The proposed work will not result in any significant changes to the limits of disturbance of the previously approved TCPI, or create additional impacts to any regulated environmental features (REF). No further information is required.

**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 TCP.

Based on the TCPI submitted with this application, this 167.70-acre site has a net tract area of 138.09 acres, which contains 95.23 acres of woodland and 22.0 acres of wooded floodplain with a required woodland conservation threshold of 34.52 acres (25 percent). The Woodland Conservation Worksheet proposes the removal of 13.69 acres of woodland, 12.89-acre in the net tract area, and 0.80-acre in the floodplain area, for a woodland conservation requirement of 38.55 acres. According to the TCP1 worksheet, the requirement is proposed to be met with 38.74-acre of woodland preservation on-site.

Future land development applications for the site will require on-going conformance with the WCO.

### **Regulated Environmental Features**

According to available information, the site contains stream systems, floodplain, wetlands, and steep slopes. Impacts to any 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 (SWM) 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 REF. Stormwater management 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, SWM 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.

The Planning Board previously approved impacts to REF on this site under PPS 4-03071 and TCPI-064-95-01, and with SDP-0414 and TCPII-81-05. No additional REF will be impacted by the proposed development, and staff finds that the REF have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Section 27-285(b)(5).

### **Soils**

The predominant soils found to occur, according to the U.S. 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). Christiana clays do not occur on or in the vicinity of this site, but Marlboro clay occurs on or in the vicinity of this property. No additional information regarding soils is needed at this time. A geotechnical report may be required for future development applications.

### **Stormwater Management**

A Stormwater Management Concept Approval was not included with the application for the amendment of this CDP. The layout of the site has not changed except for the removal of the Western Branch Trail. A SWM concept shall be provided with future development review applications for this site.

### **SUMMARY OF RECOMMENDED FINDINGS**

The EPS recommends approval of the amended CDP, subject to the following findings:



**Recommended Findings:**

1. The plan is in conformance with Basic Plan A-9895-01, approved on April 26, 2021, by the District Council, which allowed for the removal of the Western Branch Trail.
2. Based on the level of design information available and the limits of disturbance shown on the TCPI plan, no additional impacts to the regulated environmental features (REF) are proposed with this application, and the REF have been preserved and/or restored to the fullest extent possible.
3. TCPI-064-95-03 was revised to show the removal of the Western Branch Trail.

October 17, 2022

**MEMORANDUM**

**TO:** Jill Kosack, Planner IV, Urban Design Section  
**VIA:** Mridula Gupta, Planner III, Subdivision Section *MG*  
**FROM:** Eddie Diaz-Campbell, Planner II, Subdivision Section *EDC*  
**SUBJECT:** CDP-9901-01; Forest Hills

The subject 167.70-acre property is located in Tax Map 92, Grids D2, D3, E2, E3, F1, F2, and F3, and Tax Map 93, Grids A1, A2, and A3. The property is known as the Forest Hills Subdivision and was recorded in Plat Book PM 227 pages 68 to 83 on July 16, 2008. The property is in the Legacy Comprehensive Design (LCD) Zone; therefore, this application is reviewed pursuant to the prior Zoning Ordinance and Subdivision Regulations, and pursuant to the standards of the prior Residential Low Development (R-L) Zone which was in effect prior to April 1, 2022. The property is subject to Basic Plan A-9895-C-1 (as most recently amended), Comprehensive Design Plan CDP-9901 and a Preliminary Plan of Subdivision (PPS) 4-03071.

With the subject CDP amendment, the applicant proposes to amend the conditions of the original CDP-9901 approval to reflect the changes made by Basic Plan Amendment A-9895-C-01. The basic plan amendment was approved by the District Council on April 26, 2021. Conditions 15 and 16 of the basic plan were amended to remove the applicant's responsibility for constructing the Western Branch Trail through the west side of the property, and instead require them to make a payment to the Department of Parks and Recreation (DPR) for improvements to the Collington Trail system.

The property is subject to PPS 4-03071 (PGCPB Resolution No. 04-06) approved on January 15, 2004. This PPS approved 116 lots and nine parcels for the development of 116 single-family detached dwellings, subject to 23 conditions. The property was platted in accordance with the PPS, but no construction has commenced.

Subdivision staff have no objection to amending the CDP to accommodate the changes to the applicant's trail construction responsibilities enacted by the basic plan amendment. However, 4-03071 has specific conditions related to the originally planned trail construction, and these will have to be either removed or amended in order to accommodate the changes. This can only be accomplished with a reconsideration of 4-03071.

A waiver of the Planning Board rules of procedure and a request for reconsideration of PPS 4-03071 were approved on July 30, 2020. The Board allowed a limited reconsideration in order to

revise the PPS. However, the request for reconsideration never proceeded to a merits hearing, and the Board never approved any specific revisions to the conditions related to the Western Branch Trail. The merits hearing has been pending since July 30, 2020, because CDP-9901 must be amended before reconsideration of 4-03071 can be completed. Now that CDP-9901-01 has been scheduled for a Planning Board hearing date, the merits hearing for 4-03071 may be scheduled for a Planning Board hearing. The merits hearing must be scheduled to be after the hearing for this CDP amendment.

The following conditions of approval of 4-03071 are relevant to the review of the subject CDP amendment. Conditions that will need to be amended with the pending reconsideration of the PPS are noted.

- 10. Prior to submission of the Specific Design Plan, the applicant shall confer with the Department of Parks and Recreation concerning the exact alignments of the master plan trails along the Western Branch and of connecting trails from the development area of Forest Hill to the trail along the Western Branch. The Specific Design Plan shall upon submission reflect the alignment agreed to by DPR.**

The applicant has conferred with DPR, who are in agreement with the proposal to remove the Western Branch Trail from the property and instead be given funds to improve the Colington Trail System. However, since this condition presupposes that a trail will be constructed and that DPR must agree to the specific alignment, this condition must be amended with the pending reconsideration of the PPS.

- 11. The location of the trail shall be staked in the field and approved by DPR prior to construction.**

This condition will no longer be relevant if this CDP amendment is approved, and so must be deleted with the pending reconsideration.

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

- b. Submission of three original, executed public Recreational Facilities Agreements (RFA) to DRD for their approval, three weeks prior to a submission of a final plat. Upon approval by the RD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**

According to the recorded plats, the property is subject to an existing public RFA recorded in Liber 28839 folio 702. This RFA requires construction of the trail intended to be removed by this CDP amendment as well as landscaping adjacent to the access road leading to the park and storm water management facility. Following approval of this CDP amendment and completion of the reconsideration of 4-03071, a new RFA must be submitted for review pursuant to this condition, which should include the fee to be paid in lieu of trail construction. Upon its approval, this new RFA must be recorded in the County Land Records.

- 15. Prior to the issuance of the 58th building permit, the applicant, his heirs, successors, and/or assignees shall construct the master plan stream valley trail along the subject**

**property's entire length of Western Branch within land dedicated to the Department of Parks and Recreation (DPR), in conformance with DPR standards and guidelines, per the concurrence of DPR.**

This condition will no longer be relevant if this CDP amendment is approved, and so must be deleted with the pending reconsideration.

### **Plan Comments**

1. In order to amend CDP-9901 to be consistent with A-9985-C-01, it appears that Conditions 1(a)(11), 1(a)(12), 3(d), 5, and 7 of the District Council's approval of CDP-9901 may need to be amended. The Urban Design Section should determine which conditions of CDP-9901 need to be amended and what new language should be used, in consultation with DPR and the Transportation Planning Section.
2. Because the Western Branch Trail is a master planned trail, a revised finding will be needed with the reconsidered PPS saying that, in accordance with the amended basic plan approved by the District Council, master plan conformance for this trail is no longer required.
3. New final plats will not be required following approval of this CDP amendment. However, the applicant may wish to submit plats of correction to update the public RFA recording reference shown in Note 1 of each plat, so that they show the Liber/folio of the newly recorded RFA.

### **Recommended Conditions**

None.


This referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. A reconsideration of the approved preliminary plan of subdivision will be required. All bearings and distances must be clearly shown on the specific design plan submitted following approval of the subject CDP amendment, and must be consistent with the record plats, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

October 20, 2022

**MEMORANDUM**

TO: Jill Kosack, Urban Design Section, Development Review Division

FROM: *BHP* Benjamin Patrick, Transportation Planning Section, Countywide Planning Division

VIA:  William Capers III., PTP, Transportation Planning Section, Countywide Planning Division

**SUBJECT: CDP-9901-01: Forest Hills**

**Proposal:**

The referenced Comprehensive Design Plan (CDP) application requests an amendment to the prior conditions of approval regarding the requirements to construct a hiker/biker trail along the Western Branch corridor. The amendment to the CDP also seeks to reflect the change made to the recently approved Basic Plan amendment application, A-9895-01. The subject site is located on both the eastern and western side of Route 202, immediately south of Kent Drive. The subject property is located within the *2013 Approved Subregion 6 Master Plan* area and is zoned LCD (Legacy Comprehensive Design). The transportation planning review of the referenced CDP application was evaluated under the prior Section 27, Zoning Ordinance.

**Prior Conditions of Approval:**

There are multiple prior development proposals relevant to the subject site that include conditions related to this application:

**A-9895-C-01**

15. In Lieu of construction of the Western Branch Trail, improvements of the trails system to the east of the property shall be funded in part by the total payment of \$200,000 by the applicant, its heirs, successors and/or assignees to the Prince George's County Department of Parks and Recreation, which shall be indexed to 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.
16. The location of the trail improvements funded by Condition 15 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 and in conformance with the Department of Parks and Recreation's Guidelines for Park and Recreational Facilities.

CDP-9901

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 the Department of Parks and Recreation 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 the trails. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by Department of Parks and Recreation.
    - (2) handicapped accessibility of all trails in accordance with applicable AOA guidelines.
  - b. If determined to be necessary by the Department of Parks and Recreation, 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 feet in height along the trail. The location of the trail shall be determined by the Department of Parks and Recreation.
  - c. Submit drawings showing the exact location of the two trail connections.

**Comment:** As mentioned, the purpose of this application is to update the previously approved CDP application, CDP-9901, to be consistent with the findings of A-9895-C-01 specifically related to the Western Branch Trail. It was determined that a fee-in-lieu for the construction of the Western Branch Trail would be provided given the constraints of the site. Condition 5 of CDP-9901 is the subject of this application and the applicant is requesting the removal of this condition as the trail improvement will not be provided on the subject site. Staff is in agreement with the removal of this condition to be consistent with the approval of the Basic Plan amendment and supports the fee-in-lieu of construction of the trail.

**Master Plan Compliance:**

**Master Plan Right of Way**

The site is identified in the 2009 Approved Countywide Master Plan of Transportation. The required right-of-way for E-6 is shown correctly on the submitted plan. The master plan recommends a 70-foot-wide right-of-way for P-602 or existing Largo Road. Right-of-way along Largo Road was previously dedicated and recorded under PB 227 p. 72.

**Master Plan Pedestrian and Bicycle Facilities**

The master plan also recommends a stream valley trail within M-NCPPC parkland along the Western Branch. The construction of this stream valley trail is recommended along the subject property's entire length of the Western Branch.

**Comment:** Right-of-way has been previously dedicated and is consistent with the recommendation of the 2009 Approved Countywide Master Plan of Transportation. No additional right-of-way dedication is required with this application. Staff supports the removal of condition 5 of the CDP-9901 for the installation of a trail and this revision will update the CDP to be consistent with the findings of the Basic Plan.

**Transportation Planning Review:**

This application requests an amendment to revise condition 5 of CDP-9901 to reflect the change made to the Basic Plan (A-9895-01) for the removal of the hiker/biker trail along the Western Branch corridor. Right-of-way has been previously dedicated, and no additional right-of-way is required with this application. Staff supports the removal of condition 5 of the CDP-9901 for the installation of a trail as this requirement will be met by a fee-in-lieu of construction. There are no additional master planned bicycle and pedestrian facilities recommended at this time.

In consideration of the scope of this application, the Transportation Planning Section recommends approval of CDP-9901-01: Forest Hills with no additional conditions.



**MEMORANDUM**

DATE: October 19, 2022

TO: Jill Kosack, Planner IV  
Urban Design Section  
Development Review Division  
Planning Department

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

FROM: Ivy Thompson, Planner III *IRT*  
Land Acquisition/Management & Development Review Section  
Park Planning and Development Division  
Department of Parks and Recreation

SUBJECT: **CDP-9901-01, Forest Hills**

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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 to amend Condition 5 of the approved CDP-9901 to reflect the changes made to the Basic Plan in A-9895-C-01.

**BACKGROUND:**

The subject property consists of 167.7-acres within the Residential Low Development (R-L) Zone, a designated comprehensive design zone. The site, subdivided into 112 lots, 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.

**DISCUSSION**

This application is to amend Condition 5 of the approved CDP-9901 to reflect the Basic Plan Amendment A-9895-C-01, as adopted by the District Council (April 26, 2021). The Amendment modified Conditions 15 and 16, which apply to trail location and development, permits the applicant to pay a fee-in-lieu to the Department of Park and Recreation in the amount of \$200,000 for trail improvements east of the property, along the Collington Branch. Staff of the Department of Parks and Recreation has walked the proposed trail alignment along the Collington Branch and



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Forest Hills Amendment

confirmed feasibility. The applicant proposes to convey approximately 105 acres of land to M-NCPPC. The conveyance 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 Amendment, CDP-9901-01.

cc: Alvin McNeal  
Bridget Stesney



*Division of Environmental Health/Disease Control*

Date: September 27, 2022

To: Andrew Bishop, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: CDP 9901-01 Forest Hills

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan submission for the Forest Hill located near Kent and Crescent Drive in Largo and has the following comments / recommendations:

1. ***The proposed trail will be included in the Collington Trail system which is an expanded trail network which links to the Bowie area.*** Indicate on the plans how the project will provide for pedestrian access to the site by residents of the surrounding community.
2. The construction of the trail may provide pedestrian access to recreational and food facilities that offer healthy food options which have public health value and promote positive health outcomes for the community.

If you have any questions or need additional information, please contact me at 301-883-7677 or [aoadepoju@co.pg.md.us](mailto:aoadepoju@co.pg.md.us).



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