Quad Construction Corporation

6110 Executive Blvd, Suite 310, Rockville, MD 20852

August 4, 2022

Dear Property Owner, municipality, registered association, persons of record or Resident:

Re: Revisions to Forest Hills, CDP 9901-01

This letter is to inform you that The Maryland-National Capital Park and Planning Commission, MNCPPC is ready to accept the subject application.

The subject property is located on both sides of Route 202, immediately south of Kent Drive and 0.2 miles north of Crescent Drive in Largo, Maryland. The subject property is zoned RL and is 167.7 acres in size. The revision relates to the relocation of the Parks Department trails from the Western Branch to the Collington Branch. The Western Branch is located on the West Side of the Property. The Collington Branch is located on the Eastern Side of the Property.

If you have not already registered to become a person of record, you are encouraged to do so at this time. Persons of Record are entitled to certain rights under zoning and subdivision laws, but registration is required. You may register online at http://www.pgplanning.org/1586//Become-a Person-of-Record or you may submit your name, address, and the above-referenced application number and name by mailing a written request to:

The Maryland-National Capital Park and Planning Commission Development Review Division 14741 Governor Oden Bowie Drive County Administration Building, 4th Floor Upper Marlboro, MD 20772

If you have already registered to become a person of record from an earlier mailing for this application [provide the application number here], you do not have to register again. Being a person of record on a separate application on the same property does not make you a person of record for the subject application. You must request to become a person of record for each separate application (separate applications have different application numbers).

If you have any questions about this application, you may contact me at 301-864-6500 (x102) or the M-NCPPC case reviewer Andrew Bishop at 301-952-3530.

Sincerely,

Gregory S. Balian

RESOLUTION ROUTING SLIP DRD - SUBDIVISION SECTION

PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT - M-NCPPC DEVELOPMENT REVIEW DIVISION

PROJECT TITLE: Forest Hills
FILE NO: 4 - 0307/ RESOLUTION NO. 04-06
BOARD APPROVAL DATE: 1-15-04
BOARD ADOPTION DATE: 2-12-64
STAFF WRITER: Del Bof
Please review or process as indicated and send to the next office in

Please review or process as indicated and send to the next office in sequence.

TASK	OFFICE	DATE IN OUT		SIGN OFF
RESOLUTION DRAFTED	ADMIN. AIDE	1/20	1/27	hier
PROOF DRAFT/ 0K FOR FINAL	REVIEWER	1/29	1/27	9D
	ADMIN. AIDE	1/27	1/30	in
	REVIEWER			
REVIEW FINAL	TECHNICAL HRG. WRITER	1/30	1/30	CK
	DRD ADMIN. AIDE			
	TECHNICAL HRG. WRITER			
REVIEW FINAL	LEGAL DEPT.	42	73	18 J
	DRD ADMIN. AIDE			
	LEGAL DEPT.			
SUBMIT FINAL	TECHNICAL HRG. WRITER			
FINAL FOR SIGNATURE	P.B. ADMINISTR	2/13	2/13	à
COVER SHEET FOR SIGNATURE	REVIEWER	2/2	2/2	90
FINAL XEROX/MAILED	ADMIN. AIDE	T		/
FILE ORIGINAL *	TECHNICAL HRG. WRITER	2/17	2/17	CK

ORIGINAL RESOLUTION PLUS ONE COPY IS FILED WITH RECORDING SPECIALIST WHO WILL SIGN OFF AND RETURN ROUTING SLIP TO DIVISION

1.	O.K. for Fir	nal.	Initials
	YES /	NO	Initials
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2.	O.K. for Fin	al	
	YES	NO	Initials
3.	O.K. for Fina	al	
	YES	NO	Initials

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

February 17, 2004

Quad Construction Corp 6525 Belcrest Road Suite 300 Hyattsville, MD 20782

Re: Notification of Planning Board Action on

Preliminary Plan 4-03071

FOREST HILLS

Dear Applicant:

This is to advise you that on **February 12, 2004** the above-referenced Preliminary Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g) of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) calendar days after the date of the final notice (February 17, 2004).

Very truly yours,

Faroll Hamer

Development Review Division

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c: Persons of Record

PGCPB No. 04-06

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PGCPB No. 04-06

File No. 4-03071

RESOLUTION

WHEREAS, Quad Construction Corp. is the owner of a 167.70-acre parcel of land known as Forest Hills (Parcel 38), located on Tax Map 92 and Grid E-3, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-L; and

WHEREAS, on July 22, 2003, Quad Construction Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 116 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03071 for Forest Hills was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 15, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 15, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/64/95-01), and further APPROVED Preliminary Plan of Subdivision 4-03071, Forest Hills for Lots 1-116 and Parcels A-I with the following conditions

- 1. Prior to signature approval of the Preliminary Plan:
 - a. The plan shall be revised to include the correct 65 dBA Ldn noise contour, to extend from the centerline of proposed MD 202, not existing MD 202.
 - b. The plan shall be revised to combine Lots 47 and 48, Block A, into one lot. Lot 49 shall be eliminated and replaced with a Parcel for a tot lot or other similar private recreational facility.
 - c. The "Preservation Area" identified on the Preliminary Plan and the TCPI shall be correctly labeled as "PMA" on the plan and in the legend.
 - d. The plan shall be revised to show 80-foot-wide right-of-way at all access points from MD 202.

- e. The Type I Tree Conservation Plan, TCPI/64/95-01, shall be revised as follows:
 - (1) The off-site mitigation being provided for Tippett Estates, TCPII/75/94, shall be provided at a rate of two acres for every acre required in accordance with the Annotated Code of Maryland, for a total of 20.28 acres.
 - (2) All Woodland Conservation Areas shall be removed from lots less than 20,000 square feet in size.
 - (3) Eliminate all references to "Future Woodland Conservation Mitigation Areas" from the TCPI.
 - (4) The revised plans shall be signed and dated by the qualified professional who prepared the revised plans.
- 2. Development shall be in conformance with Zoning Map Amendment A-9895 and Comprehensive Design Plan CDP-9901 or any approved revisions thereto.
- 3. A Phase II Noise Study addressing specific noise attenuation measures for proposed Lots 1-9, Block "A," and Lots 1-5, Block "F," shall be included as part of the Specific Design Plan application package.
- 4. No woodland conservation for other future projects shall be permitted on this site.
- 5. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/64/95-01). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/64/95-01) or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

- 6. A Type II Tree Conservation Plan shall be approved at the time of Specific Design Plan.
- 7. The proposed PMA impacts shall be further evaluated and minimized to the extent possible during the review of the Specific Design Plan.
- 8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall dedicate to the M-NCPPC, approximately 95 acres as shown on Department of Parks and Recreation Exhibit "A." Land to be dedicated shall be subject to the following:

- a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
- c. 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.
- d. 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 DPR within two weeks prior to applying for grading permits.
- e. Storm drain 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.
- f. 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.
- g. 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.
- The Type I Tree Conservation Plan, TCP-I 64/95-01, shall be revised in consultation with the DPR staff to remove excess woodland conservation easement areas on dedicated parkland.
- 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.

- 11. The location of the trail shall be staked in the field and approved by DPR prior to construction.
- 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*.
 - a. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department that complies 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.
 - c. Submission to DRD of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.
 - d. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
- 13. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space Parcels A, B, E, F, G and H. Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.

- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
- h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (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.
- i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
- j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- 14. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the specific design plan by the Planning Board.
- 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.
- 16. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements, and upon state approval, along MD 202. If the state declines the sign, this condition shall be void.
- 17. If closed section roadways are used within the subdivision, standard sidewalks shall be provided along

one side of all internal roads, per the concurrence of DPW&T.

- 18. Development of this site shall be in conformance with the approved stormwater management concept plan, #8000900-1996-00, or any approved revisions thereto.
- 19. Prior to final plat approval, the applicant, his heirs, successors and/or assignees shall-have the trash and debris removed from the site and the tires removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.
- 20. At the time of final plat approval, the applicant, his heirs, successors and/or assignees shall dedicate right-of-way along MD 202 of 35 feet from the centerline of the existing pavement.
- 21. The applicant, his heirs, successors and/or assignees shall provide for any necessary turn lanes and frontage improvements as required by SHA. These may include turn lanes for deceleration and acceleration of vehicles at the site as well as left turn lanes and/or bypass lanes on both approaches of MD 202. Additional right-of-way dedication to SHA may be required for these improvements.
- 22. Prior to the issuance of any building permits within the subject property, the following road improvement shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with SHA:
 - a. Construct a third approach lane on westbound MD 193 at MD 202. This will provide exclusive right-turn, through, and left-turn lanes. This improvement shall also include any signal, signage, and pavement marking modifications and additions to be determined by SHA.
- 23. As described in PGCPB No. 02-184 and CPP-9901, the following improvements shall be funded in part by the payment of \$100,000 to the State Highway Administration by the applicant, his heirs, successors and/or assignees:
 - 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.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

- 2. The property is bisected by MD 202, Largo Road. It is located on the east and west sides of Largo Road, south of Kent Drive.
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-L	R-L
Uses	Vacant	Single-family detached homes
Acreage	167.7	167.7
Lots	0	116
Parcels	1 -	9
Detached Dwelling Units	0	116

- 4. Conformance with Prior Approvals—Two prior approvals govern development of this site. The Basic Plan, Zoning Map Amendment A-9895, was approved in 1995, and Comprehensive Design Plan CDP-9901 was approved in 2001. Conditions of these approvals relevant to the Preliminary Plan process are discussed in the findings below. The proposed subdivision, with conditions, is in conformance with the approved Basic Plan and Comprehensive Design Plan. Development of the site must be in conformance with these approvals.
- 5. Environmental—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, areas of steep slopes with highly erodible soils, and the associated buffers for these features are found to occur on the property. Significant transportation-related noise impacts associated with existing and realigned Largo Road (MD 202) have been identified. The soils found to occur according to the Prince George's County Soil Survey include Bibb silt loam, Ochlockonee silt loam, Sandy land steep, and Westphalia fine sandy loams. Some of these soils may have significant limitations with respect to the development of this property. According to available information, Marlboro clay is found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Western Branch and Collington Branch watersheds of the Patuxent River Basin.

Environmental Conditions of Approval to be Addressed at Preliminary Plan of Subdivision

The approval of the Basic Plan and Comprehensive Design Plan by the District Council included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of this Preliminary Plan of Subdivision are addressed below. The respective conditions are in **bold** typeface, the associated comments are in standard typeface, and the required revisions and/or required information are in italics.

Basic Plan, A-9895, PGCPB# 94-24

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 TCPI as revised shows the preliminary trail locations that are not restricted by Woodland Conservation.

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.

The Geotechnical Report submitted on December 9, 2003, was reviewed. It accurately locates the 1.5 safety factor line for potential slope failure areas on the Preliminary Plan of Subdivision.

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

A Stormwater Management Concept Plan was approved by the Department of Environmental Resources. That approval remains valid through June 2004.

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

The applicant has submitted a 100-year floodplain study approved by the Department of Environmental Resources.

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.

The noise study submitted for review on November 17, 2003, has been reviewed and was found to provide accurate information with respect to the location of the unmitigated 65 dBA Ldn noise contour on the west side of MD 202. However, this condition specifies that this information be based on the centerline of proposed MD 202. Based on the data provided, it appears that proposed Lots 1-9, Block "A," would be less impacted by this condition while Lots 1-5, Block "F," will be more impacted by the revised alignment. A Phase II noise study should be reviewed at the Specific Design Plan stage.

Comprehensive Design Plan, CDP-9901, PGCPB# 02-184

- 1. Prior to certification of the Comprehensive Design Plan;
 - 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.

The plans as submitted reflect the proposed trail locations through the woodland conservation areas. According to staff at the Department of Parks and Recreation, the proposed park development on this site will be limited to the construction of trails only. Therefore, this condition has been addressed.

- 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.

This information has been provided.

Woodland Conservation

The Detailed Forest Stand Delineation (FSD) submitted with the previous applications for this property were reviewed and were found to be acceptable in accordance with the requirements for an FSD as found in the Woodland Conservation and Tree Preservation Technical Manual.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet, there are more than 10,000 square feet of existing woodland, and there is a previously approved Tree Conservation Plan, TCPI/64/95. The Type I Tree Conservation Plan, TCPI/64/95-01, was reviewed and was found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance.

This 167.70-acre property in the R-L Zone has a net tract area of 138.09 acres and a 25 percent woodland conservation threshold of 34.52 acres. In addition, there are ½: 1 and 1: 1 replacement requirements totaling 4.02 acres, for a total requirement of 38.54 acres. The 38.54-acre requirement is proposed to be satisfied by the on-site preservation of 38.54 acres of priority woodlands. In addition, another 20.28 acres of off-site mitigation are required to be provided on this site for Tippett Estates, TCPII/75/94, in accordance with the Prince George's County Planning

Board conditions associated with that application. This mitigation will be provided as preservation of existing woodlands which, according to the Annotated Code of Maryland, shall be done at a rate of two acres for every acre required, if done as preservation of existing woodlands. Therefore, the total off-site mitigation to be provided on-site for Tippett Estates shall be 20.28 acres. TCPI/64/95-01 is recommended for approval subject to necessary revisions.

Noise

The subject property is bisected by existing MD 202 and proposed realigned MD 202, a planned expressway, both of which are transportation-related noise generators. The Phase I Traffic Noise Analysis submitted on November 17, 2003, was reviewed by the Environmental Planning Section and was found to be accurate with respect to the location of the 65 dBA Ldn noise contour based on existing MD 202. However, the 65 dBA Ldn noise contour was not shown for realigned MD 202 as required. The Phase I noise study and the correct location of the 65 dBA Ldn noise contour shall be shown for the realigned MD 202. Prior to signature approval, the Preliminary Plan of Subdivision shall be revised show the 65 dBA Ldn noise contour for realigned MD 202.

Patuxent River Primary Management Area

The Patuxent River Primary Management Area (PMA) is comprised of all streams, the 50-foot stream buffer, wetlands, the 25-foot wetland buffer, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. All of these features are found within the limits of this application.

Section 24-130(b)(5) of the Subdivision Ordinance requires that the PMA be preserved in a natural state to the fullest extent possible. The letter of justification proposing four distinct PMA impacts was submitted for review with this application. The proposed impacts are associated with stormwater management facilities, sewer outfalls, and the proposed trails. These impacts have generally been minimized to the fullest extent possible. However, through a more integrated design of the trails and the stormwater management, outfalls impacts could be further reduced.

Soils

The Bibb silt loam soil found to occur on this property according to the Prince George's County Soil Survey has significant limitations with respect to seasonally high water tables, impeded drainage, and hydric characteristics, while the Sandy land, steep soils have limitations with respect to the presence of slopes in excess of 25 percent. Although these characteristics could potentially affect the development of this property, the areas where the soils are located are generally being protected in accordance with the requirements of the PMA.

Although the soils do not present any significant limitations to the development of this property, the presence of Marlboro clay throughout much of the property does significantly limit the potential for the development of large areas within the limits of this application.

A copy of the geotechnical report addressing the Marlboro clay was reviewed and was found to address the criteria for a Marlboro clay geotechnical evaluation including showing the location of the 1.5 safety factor line. The plans as submitted do not propose the creation of any residential lots or parts thereof within the potential slope failure areas identified by the 1.5 safety factor line.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated September 2002. The property will be served by public systems.

6. Community Planning—The property is located in the Developing Tier as identified by the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 Prince George's County General Plan Development Pattern policies for the Developing Tier.

The property is in Planning Area 79/Marlboro Community. The 1993 Approved Master Plan for the Subregion VI Study Area recommends residential land use at the estate density of 0.8 to 1.5 dwellings per acre. The master plan identifies a Natural Reserve area (along Western Branch) on approximately half of the property on the west side of MD 202. There are Natural and Conditional Reserve areas on most of the property on the east side of MD 202. The 1994 Approved Sectional Map Amendment for the Subregion VI Study Area (CR-54-1994) placed the subject property in the R-L Zone (from the R-E Zone). The proposed subdivision is in conformance with master plan recommendations.

7. Parks and Recreation—The applicant proposes to dedicate 105.12 acres of open space to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for public park use. This open space features a floodplain, dense woodlands, steep slopes, wetlands and Marlboro clay soils. The stream valleys of Western Branch and Collington Branch cross the western and eastern boundaries of the dedicated parkland.

Parks and Recreation Conditions of Approval to be Addressed at Preliminary Plan of Subdivision

The following is a summary of the Basic Plan A-9895 and CDP-9901 conditions and the Subdivision Ordinance regulations that apply to parkland dedication and development:

Basic Plan, A-9895, PGCPB# 94-24

• The applicant shall dedicate 105 acres to the M-NCPPC.

- The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hill Community where possible. Feasibility and location of trail connections will be determined during consideration of the Comprehensive Design Plan.
- The hiker/biker trail shall be constructed in conformance with the M-NCPPC Parks and Recreation Facilities Guidelines.
- 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 standard condition for the conveyance of the land to the M-NCPPC as approved by the County Council resolution states:

"No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to The M-NCPPC without the prior written consent of the Department of Parks and Recreation."

Comprehensive Design Plan, CDP-9901, PGCPB# 02-184

- 1.a. (11): Prior to certification of the Comprehensive Design Plan, drawings and text shall be revised to incorporate the following: eight-foot-wide asphalt hiker/biker trail along the Western Branch and a 6-foot-wide asphalt connector trails providing access to the Western Branch from the proposed community as shown on attached DPR Exhibit "A". One connection shall be oriented towards the southern end of the trail and the other connection shall be oriented towards the northern end of the trail.
- 1.a.(12): Prior to certification of the Comprehensive Design Plan, drawings and text shall be revised to incorporate the following: a ten-foot-wide equestrian trail along the Western Branch if determined to be feasible by the DPR at the time of Specific Design Plan.
- 1.c: The Type I Tree Conservation Plan TCPI/64/95 shall be revised in consultation with the DPR to remove woodland conservation areas from portions of the proposed parkland where development may occur.
- 3.a: Dedicate approximately 105 acres of land to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A".
- 3 b: Land to be dedicated shall be subject to the following conditions:

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

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

Subdivision Regulation Requirements

Section 24-134 (mandatory dedication of parkland) requires that 8.4 acres of the subject property be dedicated for public parkland. This acreage shall be "suitable and adequate land for active or passive recreation."

Discussion

The applicant proposes to dedicate 95 acres of land to M-NCPPC and proposes master-planned trail construction, which is requirement of the Basic Plan A-9895. The dedicated parkland consists of floodplain, dense woodland, steep slopes, wetlands and Marlboro clay soils. The applicant has requested use of certain portions of the proposed parkland for tree conservation purposes. The Department of Parks and Recreation (DPR) has agreed to allow the applicant to encumber portions of the parkland for tree conservation. However, the TCPI shows an excessive amount of conservation to be placed on the parkland. The applicant shall revise the TCPI and submit it to DPR for review and approval prior to certificate of approval of the TCPI/64/95-01. Tree conservation should be limited to the area needed to serve this planned community.

In accordance with Section 24-135(b) of the Subdivision Regulations, the Park Planning and Development Division of DPR recommends provisions of the private recreational facilities on the homeowners association (HOA) land in lieu of mandatory dedication of parkland (8.4 acres). The recreational facilities shall be provided on the east and west sides of the subdivision and may include picnic areas, sitting areas and playgrounds.

- 8. Trails—The Adopted and Approved Subregion VI Master Plan includes two proposed trail/bicycle facilities impacting the subject site. MD 202 is designated as a Class III bikeway. Bikes are accommodated on the wide asphalt shoulders currently in place along this segment of MD 202. Staff recommends the retention of these wide shoulders and the placement of "Share the Road with a Bike" signage along MD 202. 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. Discussions are underway between the applicant and the Department of Parks and Recreation regarding the location of this trail.
- 9. Transportation— The applicant submitted a traffic study dated October 7, 2003. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the Guidelines for the Analysis of the Traffic Impact of Development Proposals. Comments from the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are attached.

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-

124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The applicant has prepared a traffic impact study in support of the application using new counts taken during September 2003. With the development of the subject property, the traffic consultant concluded that the signalized intersections along MD 202 operate within acceptable standards; LOS D with a CLV of 1,450 or better. Several unsignalized intersections were identified that have side street vehicle delays exceeding 50.0 seconds, an unacceptable operating condition.

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

MD 202/MD 193 (signalized)

MD 202/Black Swan Drive (signalized)

MD 202/Town Farm Road (unsignalized)

MD 202/Brock Drive (unsignalized)

MD 202/Eton Drive (unsignalized)

MD 202/Kent Drive (unsignalized)

MD 202/MD 725 (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS						
Intersection	1	ne Volume & PM)	Level of (LOS, Al			
MD 202/MD 193 (Watkins Park Drive)	1,364	999	D	Α		
MD 202/Black Swan Drive	976	793	· A	Α		
MD 202/Town Farm Road	25.6*	34.2*				
MD 202/Brock Drive	21.7*	25.7*				
MD 202/Eton Drive	61.3*	65.1*				
MD 202/Kent Drive	29.8*	42.5*				
MD 202/MD 725 (Marlboro Pike)	899	1,045	Α	В		

Staff field-checked lane configurations at the intersections along MD 202, made minor adjustments to the average vehicle delay at the unsignalized intersections, and observed AM peak hour traffic conditions on November 18, 2003. The minor adjustments are shown under existing conditions and subsequent tables. In most cases the adjustments improved existing traffic conditions.

Background developments include 100 townhouses, 260 elderly housing units, and 350 single-family units. Other nearby approved developments include 40,500 square feet of warehousing, 14,200 square feet of retail, and a church. Background traffic along MD 202 and MD 725 was increased by two percent to account for overall growth up to the design year 2006. This is the expected year of full build-out. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS					
	Critical La	Critical Lane Volume		Service	
Intersection	(AM &	(AM & PM)		(LOS, AM & PM)	
MD 202/MD 193 (Watkins Park Drive)	1,530	1,127	E	В	
MD 202/Black Swan Drive	1,089	902	В	Α	
MD 202/Town Farm Road	63.4*	99.4*			
MD 202/Brock Drive	25.9*	36.0*			
MD 202/Eton Drive	142.0*	112.3*			
MD 202/Kent Drive	50.8*	86.7*			
MD 202/MD 725 (Marlboro Pike)	970	1,147	Α	В	

Based on background traffic conditions, one of the signalized intersections will operate at LOS E, with a CLV above 1,450. This is the intersection of MD 202/MD 193 (Watkins Park Drive). The average vehicle delay exceeds 50.0 seconds at several unsignalized intersections along MD 202. These include the intersections of MD 202/Town Farm Road, MD 202/Eton Drive, and MD 202/Kent Drive.

The site is proposed for development as a residential subdivision, with 115 single-family dwellings. Forty-four of the single-family dwellings will be located on the east side of MD 202 and 71 single-family dwellings will be on the west side of MD 202. The trip rates were obtained from the guidelines. The resulting site trip generation would be 86 AM peak-hour trips (17 in, 69 out), and 104 PM peak-hour trips (68 in, 36 out). With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS						
	Critical La	Critical Lane Volume		Service		
Intersection	(AM &	(AM & PM)		M & PM)		
MD 202/MD 193 (Watkins Park Drive)	1,551	1,153	Е	С		
MD 202/Black Swan Drive	1,112	925	В	Α		
MD 202/Town Farm Road	73.1*	116.7*				
MD 202/Brock Drive	27.3*	38.9*				
MD 202/Eton Drive	171.6*	131.9*				
MD 202/Kent Drive	53.2*	83.4*				
MD 202/Site Entrance	74.0*	114.9*				
MD 202/MD 725 (Marlboro Pike)	983	1,163	Α	C		

Staff notes that under total traffic, four of the five unsignalized intersections within the study area operate unacceptably. The approach delays are from the side or minor streets onto MD 202. These include the intersections of MD 202/Town Farm Road, MD 202/Eton Drive, MD 202/Kent Drive, and MD 202/Site Entrance. 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. The signalized intersection at MD 202 and MD 193 also operates unacceptably during the AM peak hour.

The applicant proposed several improvements to provide adequacy:

At MD 202 and MD 193, provide a left-turn lane, a through lane, and a right-turn lane along the southbound approach of MD 193 at MD 202.

At MD 202 and Town Farm Drive, Eton Drive, Kent Drive, and Site Entrance, widen MD 202 to four lanes between Black Swan Drive and MD 725.

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS						
	Critical Lane Volume		Level of Service			
Intersection	(AM &	& PM)	(LOS, AM & PM)			
MD 202/MD 193 (Watkins Park Drive)	1,406	889	D	Α		
MD 202/Black Swan Drive	1,112	925	В	Α		
MD 202/Town Farm Road	36.8*	34.8*				
MD 202/Brock Drive	15.6*	19.9*				
MD 202/Eton Drive	41.0*	71.1*				
MD 202/Kent Drive	30.9*	33.7*				
MD 202/Site Entrance	30.2*	72.4*				
MD 202/MD 725 (Marlboro Pike)	983	1,163	Α	C		

With the applicant's proposed improvements, two of the five unsignalized intersections within the study area would still operate unacceptably. One of these is at the site entrance to the proposed development along MD 202. The intersection of MD 202 and MD 193 would also operate unacceptably during the AM peak hour.

Staff notes that there are no construction projects or project planning studies for the widening of MD 202 to four lanes in the state's Consolidated Transportation Program for FY 2003-2008. The traffic study predicts the build out of this residential development by 2006.

The Department of Public Works and Transportation (DPW&T) did not specifically respond to the improvements recommended by the applicant. They did respond that the applicant should be required to provide for turning lanes at the site access point on MD 202. The comments from DPW&T are attached. The State Highway Administration recommended that the applicant:

- 1. Widen the westbound approach on MD 193 at MD 202 to one left turn lane, one through lane, and one right turn lane.
- 2. Install a traffic signal along MD 202 at an intersection between Black Swan Drive and MD 725 if and when deemed appropriate by SHA within the next five years.
- 3. Provide a contribution of \$300,000 toward the future widening of MD 202 from two to four lanes between Black Swan Drive and MD 725.

Plan Comments

Two site access points are proposed from both sides of MD 202 (Largo Road). 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.

There should be no access from any of the lots to MD 202. All of the lots will be accessed by internal subdivision streets. The proposed Street B East and Street B West will be the primary subdivision streets with a 60-foot ROW. The entrance of Street B East at MD 202 is planned with an 80-foot ROW, this at the entrance point only. The Street B East access point to MD 202 will include an entrance feature. The proposed streets are adequate to serve the development.

The applicant may be required to provide frontage improvements along MD 202 to improve safety, if required by the State Highway Administration. The applicant may also be required to provide any necessary acceleration and deceleration lanes at the site entrance and any necessary safety improvements.

Master Plan Comments

The Subregion VI master plan (1993) shows E-6, an expressway to the east of existing MD 202 (P-602). This would be a four-lane divided roadway with relocation along the existing state right-of-way between Kent Drive and US 301. The widening and relocation of MD 202 between MD 193 and existing Crain Highway is a need associated with later stages of development in the Upper Marlboro area.

The MD 202 Access Study contains recommendations for upgrading the access controls along the existing roadway as development occurs and traffic volumes increase along the existing roadway. The study identifies the measures needed to upgrade MD 202 from an arterial to an expressway by controlling the crossover spacing and location of future access points. These recommendations were incorporated into the Subregion VI master plan.

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 include:

1. Access to E-6 with a median break at or near the applicant's proposed site.

- 2. No other access to E-6 (i.e., no median break) along the remainder of the frontage of the subject property.
- 3. The applicant should provide 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 site entrance. This connection to the south is shown on the plan.

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. The applicant needs to dedicate 35 feet of right-of-way from the centerline of existing MD 202. At the time of final plat approval, staff will ensure that the centerline shown on the submitted plan is consistent with the existing centerline of pavement.

Transportation Staff Conclusions and Recommendations

This planned development for 116 single-family dwellings came before the Planning Board as a Comprehensive Planned Development (CDP 9901) in July 2002. It was approved with conditions in September 2002. The applicant was required to make a payment of \$100,000 (in year 2002 dollars) to the State Highway Administration to help fund the following improvements: (1) widening MD 202 to four lanes between MD 725 and Black Swan Drive, and (2) installation of a traffic signal within the study area at a location to be determined by the State Highway Administration.

Staff notes that the widening of MD 202 to four lanes between MD 725 and Black Swan Drive is recommended in the Subregion VI master plan but that the widening of MD 202 may not significantly reduce side street delays within the corridor. The installation of a new traffic signal within the study area may help to create gaps in traffic flow, enabling side street traffic to access MD 202.

Since that time, additional background development has been approved and development has occurred along MD 202. One of the more recent approvals was for 20 single-family dwellings at Austin Meadows opposite Town Farm Road on MD 202.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the transportation-related conditions included in this staff report.

10. Schools—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	114 sfd	114 sfd	114 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	27.36	6.84	13.68
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	0	0	0
Total Enrollment	5,713.20	5,355.48	10,510.65
State Rated Capacity	5,384	4,680	8,770
Percent Capacity	106.11%	114.43%	119.85%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003. The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal.

- 11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 2.83 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Marlboro Fire Station, Company 20, has a service travel time of 2.83 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Marlboro Fire Station, Company 20, has a service travel time of 2.83 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the Adopted and Approved Public Safety Master Plan (1990) and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

12. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Forest Hills development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 20, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel.

- 13. **Health Department**—The Health Department noted the presence of numerous tires and the remains of four abandoned vehicles on the property. The vehicles must be removed and properly discarded. The tires must be removed by a licensed scrap tire hauler to a licensed scrap tire dealer/recycler. A receipt for tire disposal must be submitted to the Health Department prior to approval of the final plat.
- 14. Stormwater Management—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8000900-1996-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The concept plan was re-approved on August 23, 2003, and is valid through June 30, 2004. Development must be in accordance with this approved plan, or any revisions thereto.
- 15. Cemeteries—There are no known cemeteries on or adjoining the subject property.
- 16. **Public Utility Easement**—The proposed preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, January 15, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of February 2004.

Trudye Morgan Johnson Executive Director

By Frances J. Guertin

Planning Board Administrator

TMJ:FJG:JD:meg

TO LEGAL SUFFICIENCY.

M-NCROC Legal Department

Date -

4-03071 FOREST HILLS QUAD CONSTRUCTION CORPORATION JOE DEL BALZO 10/23/03 RVB

KEN DUNN LOIEDERMAN SOLTESZ ASSOCIATES 4266 FORBES BOULEVARD LANHAM MD 20706

NORMAN RIVERA 6305 IVY LANE SUITE 500 GREENBELT MD 20770 QUAD CONSTRUCTION CORPORATION 6525 BELCREST ROAD SUITE 300 HYATTSVILLE MD 20782

ANN LANDRY LOMBARDI 14501 KENT DR. UPPER MARLBORO MD 20772 4-03071 FOREST HILLS QUAD CONSTRUCTION CORPORATION JOE DEL BALZO 10/23/03 RVB

QUAD CONSTRUCTION CORPORATION 6525 BELCREST ROAD SUITE 300 HYATTSVILLE MD 20782

KEN DUNN LOIEDERMAN SOLTESZ ASSOCIATES 4266 FORBES BOULEVARD LANHAM MD 20706 6

File No. 4-03071

RESOLUTION

WHEREAS, Quad Construction Corp. is the owner of a 167.70-acre parcel of land known as Forest Hills (Parcel 38), located on Tax Map 92 and Grid E-3, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned R-L; and

WHEREAS, on July 22, 2003, Quad Construction Corporation filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 116 lots; and SDP-0414 approved 112/ots

(prots Show) 112 10ts) WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03071 for Forest Hills was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 15, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 15, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24. Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/64/95-01), and further APPROVED Preliminary Plan of Subdivision 4-03071, Forest Hills for Lots 1-116 and Parcels A-I with the following conditions

- 1. Prior to signature approval of the Preliminary Plan:
 - The plan shall be revised to include the correct 65 dBA Ldn noise contour, to extend from a. the centerline of proposed MD 202, not existing MD 202.
 - The plan shall be revised to combine Lots 47 and 48, Block A, into one lot. Lot 49 shall b. be eliminated and replaced with a Parcel for a tot lot or other similar private recreational facility.
 - The "Preservation Area" identified on the Preliminary Plan and the TCPI shall be c. correctly labeled as "PMA" on the plan and in the legend.
 - d. The plan shall be revised to show 80-foot-wide right-of-way at all access points from MD 202.

- e. The Type I Tree Conservation Plan, TCPI/64/95-01, shall be revised as follows:
 - (1) The off-site mitigation being provided for Tippett Estates, TCPII/75/94, shall be provided at a rate of two acres for every acre required in accordance with the Annotated Code of Maryland, for a total of 20.28 acres.
 - (2) All Woodland Conservation Areas shall be removed from lots less than 20,000 square feet in size.
 - (3) Eliminate all references to "Future Woodland Conservation Mitigation Areas" from the TCPI.
 - (4) The revised plans shall be signed and dated by the qualified professional who prepared the revised plans.
- Development shall be in conformance with Zoning Map Amendment A-9895 and Comprehensive Design Plan CDP-9901 or any approved revisions thereto. 2.

- A Phase II Noise Study addressing specific noise attenuation measures for proposed Lots 1-9. 3. Block "A," and Lots 1-5, Block "F," shall be included as part of the Specific Design Plan application package. Cond. 6 of SDP-OVIY - Show 1.5 sabely factor line & 25' BEL on Plats
- 4. No woodland conservation for other future projects shall be permitted on this site.
- 5. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/64/95-01). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/64/95-01) or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

- A Type II Tree Conservation Plan shall be approved at the time of Specific Design Plan. TOPI /10404. 6.
- 7. The proposed PMA impacts shall be further evaluated and minimized to the extent possible during the review of the Specific Design Plan.
- 8. At the time of final plat, the applicant, his heirs, successors and/or assignees shall dedicate to the M-NCPPC, approximately 95 acres as shown on Department of Parks and Recreation Exhibit "A." Land to be dedicated shall be subject to the following:

- a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
- c. 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.
- d. 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 DPR within two weeks prior to applying for grading permits.
- e. Storm drain 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.
- f. 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.
- g. 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.
- 9. The Type I Tree Conservation Plan, TCP-I 64/95-01, shall be revised in consultation with the DPR staff to remove excess woodland conservation easement areas on dedicated parkland.
- 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.

- 11. The location of the trail shall be staked in the field and approved by DPR prior to construction.
- 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*.
 - a. A site plan shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department that complies 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.
 - c. Submission to DRD of a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by DRD, within at least two weeks prior to applying for building permits.
 - d. The developer, his successor and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and a future maintenance of the proposed recreational facilities.
- 13. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) open space Parcels A, B, E, F, G and H. Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.

- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement and storm drain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair or improvements, required by the approval process.
- f. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
- h. Storm drain outfalls shall be designed to avoid adverse impacts on adjacent land, owned by or to be conveyed to The Maryland-National Capital Park and Planning Commission (M-NCPPC). If the outfalls require drainage improvements on land to be conveyed to or owned by M-NCPPC, the Department of Parks and Recreation (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.
- i. There shall be no disturbance of any adjacent land that is owned by, or to be conveyed to, M-NCPPC, without the review and approval of DPR.
- j. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- 14. The private recreational facilities shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting prior to approval of the specific design plan by the Planning Board.
- 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.
- 16. Prior to the issuance of a building permit, the applicant, the applicant's heirs, successors, and/or assignees shall provide the installation of one "Share the Road with a Bike" sign in accordance with state requirements, and upon state approval, along MD 202. If the state declines the sign, this condition shall be void.
- 17. If closed section roadways are used within the subdivision, standard sidewalks shall be provided along

one side of all internal roads, per the concurrence of DPW&T.

- 18. Development of this site shall be in conformance with the approved stormwater management concept plan, #8000900-1996-00, or any approved revisions thereto.
- 19. Prior to final plat approval, the applicant, his heirs, successors and/or assignees shall have the trash and debris removed from the site and the tires removed by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be submitted to the Health Department.
- 20. At the time of final plat approval, the applicant, his heirs, successors and/or assignees shall dedicate right-of-way along MD 202 of 35 feet from the centerline of the existing pavement.
- 21. The applicant, his heirs, successors and/or assignees shall provide for any necessary turn lanes and frontage improvements as required by SHA. These may include turn lanes for deceleration and acceleration of vehicles at the site as well as left turn lanes and/or bypass lanes on both approaches of MD 202. Additional right-of-way dedication to SHA may be required for these improvements.
- Prior to the issuance of any building permits within the subject property, the following road improvement shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with SHA:
 - a. Construct a third approach lane on westbound MD 193 at MD 202. This will provide exclusive right-turn, through, and left-turn lanes. This improvement shall also include any signal, signage, and pavement marking modifications and additions to be determined by SHA.
- 23. As described in PGCPB No. 02-184 and CPP-9901, the following improvements shall be funded in part by the payment of \$100,000 to the State Highway Administration by the applicant, his heirs, successors and/or assignees:
 - 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.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

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Leave,

- 2. The property is bisected by MD 202, Largo Road. It is located on the east and west sides of Largo Road, south of Kent Drive.
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-L	R-L
Uses	Vacant	Single-family detached homes
Acreage	167.7	167.7
Lots	0	116
Parcels	1	9
Detached Dwelling Units	0	116

- 4. **Conformance with Prior Approvals**—Two prior approvals govern development of this site. The Basic Plan, Zoning Map Amendment A-9895, was approved in 1995, and Comprehensive Design Plan CDP-9901 was approved in 2001. Conditions of these approvals relevant to the Preliminary Plan process are discussed in the findings below. The proposed subdivision, with conditions, is in conformance with the approved Basic Plan and Comprehensive Design Plan. Development of the site must be in conformance with these approvals.
- 5. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, areas of steep slopes with highly erodible soils, and the associated buffers for these features are found to occur on the property. Significant transportation-related noise impacts associated with existing and realigned Largo Road (MD 202) have been identified. The soils found to occur according to the Prince George's County Soil Survey include Bibb silt loam, Ochlockonee silt loam, Sandy land steep, and Westphalia fine sandy loams. Some of these soils may have significant limitations with respect to the development of this property. According to available information, Marlboro clay is found to occur on this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Western Branch and Collington Branch watersheds of the Patuxent River Basin.

Environmental Conditions of Approval to be Addressed at Preliminary Plan of Subdivision

The approval of the Basic Plan and Comprehensive Design Plan by the District Council included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of this Preliminary Plan of Subdivision are addressed below. The respective conditions are in **bold** typeface, the associated comments are in standard typeface, and the required revisions and/or required information are in italics.

Basic Plan, A-9895, PGCPB# 94-24

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 TCPI as revised shows the preliminary trail locations that are not restricted by Woodland Conservation.

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.

The Geotechnical Report submitted on December 9, 2003, was reviewed. It accurately locates the 1.5 safety factor line for potential slope failure areas on the Preliminary Plan of Subdivision.

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

A Stormwater Management Concept Plan was approved by the Department of Environmental Resources. That approval remains valid through June 2004.

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

The applicant has submitted a 100-year floodplain study approved by the Department of Environmental Resources.

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.

The noise study submitted for review on November 17, 2003, has been reviewed and was found to provide accurate information with respect to the location of the unmitigated 65 dBA Ldn noise contour on the west side of MD 202. However, this condition specifies that this information be based on the centerline of proposed MD 202. Based on the data provided, it appears that proposed Lots 1-9, Block "A," would be less impacted by this condition while Lots 1-5, Block "F," will be more impacted by the revised alignment. A Phase II noise study should be reviewed at the Specific Design Plan stage.

Comprehensive Design Plan, CDP-9901, PGCPB# 02-184

- 1. Prior to certification of the Comprehensive Design Plan;
 - 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.

The plans as submitted reflect the proposed trail locations through the woodland conservation areas. According to staff at the Department of Parks and Recreation, the proposed park development on this site will be limited to the construction of trails only. Therefore, this condition has been addressed.

- 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.

This information has been provided.

Woodland Conservation

The Detailed Forest Stand Delineation (FSD) submitted with the previous applications for this property were reviewed and were found to be acceptable in accordance with the requirements for an FSD as found in the Woodland Conservation and Tree Preservation Technical Manual.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet, there are more than 10,000 square feet of existing woodland, and there is a previously approved Tree Conservation Plan, TCPI/64/95. The Type I Tree Conservation Plan, TCPI/64/95-01, was reviewed and was found to generally address the requirements of the Prince George's County Woodland Conservation Ordinance.

This 167.70-acre property in the R-L Zone has a net tract area of 138.09 acres and a 25 percent woodland conservation threshold of 34.52 acres. In addition, there are ½: 1 and 1: 1 replacement requirements totaling 4.02 acres, for a total requirement of 38.54 acres. The 38.54-acre requirement is proposed to be satisfied by the on-site preservation of 38.54 acres of priority woodlands. In addition, another 20.28 acres of off-site mitigation are required to be provided on this site for Tippett Estates, TCPII/75/94, in accordance with the Prince George's County Planning

Board conditions associated with that application. This mitigation will be provided as preservation of existing woodlands which, according to the Annotated Code of Maryland, shall be done at a rate of two acres for every acre required, if done as preservation of existing woodlands. Therefore, the total off-site mitigation to be provided on-site for Tippett Estates shall be 20.28 acres. TCPI/64/95-01 is recommended for approval subject to necessary revisions.

Noise

The subject property is bisected by existing MD 202 and proposed realigned MD 202, a planned expressway, both of which are transportation-related noise generators. The Phase I Traffic Noise Analysis submitted on November 17, 2003, was reviewed by the Environmental Planning Section and was found to be accurate with respect to the location of the 65 dBA Ldn noise contour based on existing MD 202. However, the 65 dBA Ldn noise contour was not shown for realigned MD 202 as required. The Phase I noise study and the correct location of the 65 dBA Ldn noise contour shall be shown for the realigned MD 202. Prior to signature approval, the Preliminary Plan of Subdivision shall be revised show the 65 dBA Ldn noise contour for realigned MD 202.

Patuxent River Primary Management Area

The Patuxent River Primary Management Area (PMA) is comprised of all streams, the 50-foot stream buffer, wetlands, the 25-foot wetland buffer, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. All of these features are found within the limits of this application.

Section 24-130(b)(5) of the Subdivision Ordinance requires that the PMA be preserved in a natural state to the fullest extent possible. The letter of justification proposing four distinct PMA impacts was submitted for review with this application. The proposed impacts are associated with stormwater management facilities, sewer outfalls, and the proposed trails. These impacts have generally been minimized to the fullest extent possible. However, through a more integrated design of the trails and the stormwater management, outfalls impacts could be further reduced.

Soils

The Bibb silt loam soil found to occur on this property according to the Prince George's County Soil Survey has significant limitations with respect to seasonally high water tables, impeded drainage, and hydric characteristics, while the Sandy land, steep soils have limitations with respect to the presence of slopes in excess of 25 percent. Although these characteristics could potentially affect the development of this property, the areas where the soils are located are generally being protected in accordance with the requirements of the PMA.

Although the soils do not present any significant limitations to the development of this property, the presence of Marlboro clay throughout much of the property does significantly limit the potential for the development of large areas within the limits of this application.

A copy of the geotechnical report addressing the Marlboro clay was reviewed and was found to address the criteria for a Marlboro clay geotechnical evaluation including showing the location of the 1.5 safety factor line. The plans as submitted do not propose the creation of any residential lots or parts thereof within the potential slope failure areas identified by the 1.5 safety factor line.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated September 2002. The property will be served by public systems.

General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 Prince George's County General Plan Development Pattern policies for the Developing Tier.

The property is in Planning Area 79/Marlboro Community. The 1993 Approved Master Plan for the Subregion VI Study Area recommends residential land use at the estate density of 0.8 to 1.5 dwellings per acre. The master plan identifies a Natural Reserve area (along Western Branch) on approximately half of the property on the west side of MD 202. There are Natural and Conditional Reserve areas on most of the property on the east side of MD 202. The 1994 Approved Sectional Map Amendment for the Subregion VI Study Area (CR-54-1994) placed the subject property in the R-L Zone (from the R-E Zone). The proposed subdivision is in conformance with master plan recommendations.

7. **Parks and Recreation**—The applicant proposes to dedicate 105.12 acres of open space to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for public park use. This open space features a floodplain, dense woodlands, steep slopes, wetlands and Marlboro clay soils. The stream valleys of Western Branch and Collington Branch cross the western and eastern boundaries of the dedicated parkland.

Parks and Recreation Conditions of Approval to be Addressed at Preliminary Plan of Subdivision

The following is a summary of the Basic Plan A-9895 and CDP-9901 conditions and the Subdivision Ordinance regulations that apply to parkland dedication and development:

Basic Plan, A-9895, PGCPB# 94-24

The applicant shall dedicate 105 acres to the M-NCPPC.

- The applicant shall construct a hiker/biker trail along Western Branch with connections provided to the Forest Hill Community where possible. Feasibility and location of trail connections will be determined during consideration of the Comprehensive Design Plan.
- The hiker/biker trail shall be constructed in conformance with the M-NCPPC Parks and Recreation Facilities Guidelines.
- 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 standard condition for the conveyance of the land to the M-NCPPC as approved by the County Council resolution states:

"No stormwater management facilities, or tree conservation or utility easements shall be proposed on lands owned by or to be conveyed to The M-NCPPC without the prior written consent of the Department of Parks and Recreation."

Comprehensive Design Plan, CDP-9901, PGCPB# 02-184

- 1.a. (11): Prior to certification of the Comprehensive Design Plan, drawings and text shall be revised to incorporate the following: eight-foot-wide asphalt hiker/biker trail along the Western Branch and a 6-foot-wide asphalt connector trails providing access to the Western Branch from the proposed community as shown on attached DPR Exhibit "A". One connection shall be oriented towards the southern end of the trail and the other connection shall be oriented towards the northern end of the trail.
- 1.a.(12): Prior to certification of the Comprehensive Design Plan, drawings and text shall be revised to incorporate the following: a ten-foot-wide equestrian trail along the Western Branch if determined to be feasible by the DPR at the time of Specific Design Plan.
- 1.c: The Type I Tree Conservation Plan TCPI/64/95 shall be revised in consultation with the DPR to remove woodland conservation areas from portions of the proposed parkland where development may occur.
- 3.a: Dedicate approximately 105 acres of land to M-NCPPC as shown on the Department of Parks and Recreation (DPR) Exhibit "A".
- 3 b: Land to be dedicated shall be subject to the following conditions:

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

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

Subdivision Regulation Requirements

Section 24-134 (mandatory dedication of parkland) requires that 8.4 acres of the subject property be dedicated for public parkland. This acreage shall be "suitable and adequate land for active or passive recreation."

Discussion

The applicant proposes to dedicate 95 acres of land to M-NCPPC and proposes master-planned trail construction, which is requirement of the Basic Plan A-9895. The dedicated parkland consists of floodplain, dense woodland, steep slopes, wetlands and Marlboro clay soils. The applicant has requested use of certain portions of the proposed parkland for tree conservation purposes. The Department of Parks and Recreation (DPR) has agreed to allow the applicant to encumber portions of the parkland for tree conservation. However, the TCPI shows an excessive amount of conservation to be placed on the parkland. The applicant shall revise the TCPI and submit it to DPR for review and approval prior to certificate of approval of the TCPI/64/95-01. Tree conservation should be limited to the area needed to serve this planned community.

In accordance with Section 24-135(b) of the Subdivision Regulations, the Park Planning and Development Division of DPR recommends provisions of the private recreational facilities on the homeowners association (HOA) land in lieu of mandatory dedication of parkland (8.4 acres). The recreational facilities shall be provided on the east and west sides of the subdivision and may include picnic areas, sitting areas and playgrounds.

- 8. Trails—The Adopted and Approved Subregion VI Master Plan includes two proposed trail/bicycle facilities impacting the subject site. MD 202 is designated as a Class III bikeway. Bikes are accommodated on the wide asphalt shoulders currently in place along this segment of MD 202. Staff recommends the retention of these wide shoulders and the placement of "Share the Road with a Bike" signage along MD 202. 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. Discussions are underway between the applicant and the Department of Parks and Recreation regarding the location of this trail.
- 9. **Transportation** The applicant submitted a traffic study dated October 7, 2003. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. Comments from the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA) are attached.

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-

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124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The applicant has prepared a traffic impact study in support of the application using new counts taken during September 2003. With the development of the subject property, the traffic consultant concluded that the signalized intersections along MD 202 operate within acceptable standards; LOS D with a CLV of 1,450 or better. Several unsignalized intersections were identified that have side street vehicle delays exceeding 50.0 seconds, an unacceptable operating condition.

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

MD 202/MD 193 (signalized)

MD 202/Black Swan Drive (signalized)

MD 202/Town Farm Road (unsignalized)

MD 202/Brock Drive (unsignalized)

MD 202/Eton Drive (unsignalized)

MD 202/Kent Drive (unsignalized)

MD 202/MD 725 (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection		ne Volume & PM)		f Service M & PM)
MD 202/MD 193 (Watkins Park Drive)	1,364	999	D	A
MD 202/Black Swan Drive	976	793	A	A
MD 202/Town Farm Road	25.6*	34.2*		
MD 202/Brock Drive	21.7*	25.7*		
MD 202/Eton Drive	61.3*	65.1*		
MD 202/Kent Drive	29.8*	42.5*		
MD 202/MD 725 (Marlboro Pike)	899	1,045	A	В

^{*}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 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Staff field-checked lane configurations at the intersections along MD 202, made minor adjustments to the average vehicle delay at the unsignalized intersections, and observed AM peak hour traffic conditions on November 18, 2003. The minor adjustments are shown under existing conditions and subsequent tables. In most cases the adjustments improved existing traffic conditions.

Background developments include 100 townhouses, 260 elderly housing units, and 350 single-family units. Other nearby approved developments include 40,500 square feet of warehousing, 14,200 square feet of retail, and a church. Background traffic along MD 202 and MD 725 was increased by two percent to account for overall growth up to the design year 2006. This is the expected year of full build-out. There are no funded capital improvements in the area, so the resulting transportation network is the same as was assumed under existing traffic. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS					
	Critical La	Critical Lane Volume			
Intersection	(AM &	(AM & PM)		(LOS, AM & PM)	
MD 202/MD 193 (Watkins Park Drive)	1,530	1,530 1,127		В	
MD 202/Black Swan Drive	1,089	902	В	A	
MD 202/Town Farm Road	63.4*	99.4*			
MD 202/Brock Drive	25.9*	36.0*			
MD 202/Eton Drive	142.0*	112.3*			
MD 202/Kent Drive	50.8*	86.7*			
MD 202/MD 725 (Marlboro Pike)	970	1,147	A	В	

^{*}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 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Based on background traffic conditions, one of the signalized intersections will operate at LOS E, with a CLV above 1,450. This is the intersection of MD 202/MD 193 (Watkins Park Drive). The average vehicle delay exceeds 50.0 seconds at several unsignalized intersections along MD 202. These include the intersections of MD 202/Town Farm Road, MD 202/Eton Drive, and MD 202/Kent Drive.

The site is proposed for development as a residential subdivision, with 115 single-family dwellings. Forty-four of the single-family dwellings will be located on the east side of MD 202 and 71 single-family dwellings will be on the west side of MD 202. The trip rates were obtained from the guidelines. The resulting site trip generation would be 86 AM peak-hour trips (17 in, 69 out), and 104 PM peak-hour trips (68 in, 36 out). With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS					
	· Critical La	ne Volume	Level of	Service	
Intersection	(AM &	(AM & PM)		(LOS, AM & PM)	
MD 202/MD 193 (Watkins Park Drive)	1,551	1,153	Е	С	
MD 202/Black Swan Drive	1,112	925	В	A	
MD 202/Town Farm Road	73.1*	116.7*			
MD 202/Brock Drive	27.3*	38.9*			
MD 202/Eton Drive	171.6*	131.9*			
MD 202/Kent Drive	53.2*	83.4*			
MD 202/Site Entrance	74.0*	114.9*			
MD 202/MD 725 (Marlboro Pike)	983	1,163	Α	C	

^{*}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 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

Staff notes that under total traffic, four of the five unsignalized intersections within the study area operate unacceptably. The approach delays are from the side or minor streets onto MD 202. These include the intersections of MD 202/Town Farm Road, MD 202/Eton Drive, MD 202/Kent Drive, and MD 202/Site Entrance. 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. The signalized intersection at MD 202 and MD 193 also operates unacceptably during the AM peak hour.

The applicant proposed several improvements to provide adequacy:

At MD 202 and MD 193, provide a left-turn lane, a through lane, and a right-turn lane along the southbound approach of MD 193 at MD 202.

At MD 202 and Town Farm Drive, Eton Drive, Kent Drive, and Site Entrance, widen MD 202 to four lanes between Black Swan Drive and MD 725.

TOTAL TRAFFIC CONDITIONS WITH IMPROVEMENTS					
	Critical La	Critical Lane Volume		Level of Service	
Intersection	(AM &	(AM & PM)		(LOS, AM & PM)	
MD 202/MD 193 (Watkins Park Drive)	1,406	889	D	Α	
MD 202/Black Swan Drive	1,112	925	В	Α	
MD 202/Town Farm Road	36.8*	34.8*			
MD 202/Brock Drive	15.6*	19.9*			
MD 202/Eton Drive	41.0*	71.1*			
MD 202/Kent Drive	30.9*	33.7*			
MD 202/Site Entrance	30.2*	72.4*			
MD 202/MD 725 (Marlboro Pike)	983	1,163	Α	С	

^{*}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 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.

With the applicant's proposed improvements, two of the five unsignalized intersections within the study area would still operate unacceptably. One of these is at the site entrance to the proposed development along MD 202. The intersection of MD 202 and MD 193 would also operate unacceptably during the AM peak hour.

Staff notes that there are no construction projects or project planning studies for the widening of MD 202 to four lanes in the state's Consolidated Transportation Program for FY 2003-2008. The traffic study predicts the build out of this residential development by 2006.

The Department of Public Works and Transportation (DPW&T) did not specifically respond to the improvements recommended by the applicant. They did respond that the applicant should be required to provide for turning lanes at the site access point on MD 202. The comments from DPW&T are attached. The State Highway Administration recommended that the applicant:

- 1. Widen the westbound approach on MD 193 at MD 202 to one left turn lane, one through lane, and one right turn lane.
- 2. Install a traffic signal along MD 202 at an intersection between Black Swan Drive and MD 725 if and when deemed appropriate by SHA within the next five years.
- 3. Provide a contribution of \$300,000 toward the future widening of MD 202 from two to four lanes between Black Swan Drive and MD 725.

Plan Comments

Two site access points are proposed from both sides of MD 202 (Largo Road). 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.

There should be no access from any of the lots to MD 202. All of the lots will be accessed by internal subdivision streets. The proposed Street B East and Street B West will be the primary subdivision streets with a 60-foot ROW. The entrance of Street B East at MD 202 is planned with an 80-foot ROW, this at the entrance point only. The Street B East access point to MD 202 will include an entrance feature. The proposed streets are adequate to serve the development.

The applicant may be required to provide frontage improvements along MD 202 to improve safety, if required by the State Highway Administration. The applicant may also be required to provide any necessary acceleration and deceleration lanes at the site entrance and any necessary safety improvements.

Master Plan Comments

The Subregion VI master plan (1993) shows E-6, an expressway to the east of existing MD 202 (P-602). This would be a four-lane divided roadway with relocation along the existing state right-of-way between Kent Drive and US 301. The widening and relocation of MD 202 between MD 193 and existing Crain Highway is a need associated with later stages of development in the Upper Marlboro area.

The MD 202 Access Study contains recommendations for upgrading the access controls along the existing roadway as development occurs and traffic volumes increase along the existing roadway. The study identifies the measures needed to upgrade MD 202 from an arterial to an expressway by controlling the crossover spacing and location of future access points. These recommendations were incorporated into the Subregion VI master plan.

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 include:

1. Access to E-6 with a median break at or near the applicant's proposed site.

- 2. No other access to E-6 (i.e., no median break) along the remainder of the frontage of the subject property.
- 3. The applicant should provide 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 site entrance. This connection to the south is shown on the plan.

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. The applicant needs to dedicate 35 feet of right-of-way from the centerline of existing MD 202. At the time of final plat approval, staff will ensure that the centerline shown on the submitted plan is consistent with the existing centerline of pavement.

Transportation Staff Conclusions and Recommendations

This planned development for 116 single-family dwellings came before the Planning Board as a Comprehensive Planned Development (CDP 9901) in July 2002. It was approved with conditions in September 2002. The applicant was required to make a payment of \$100,000 (in year 2002 dollars) to the State Highway Administration to help fund the following improvements: (1) widening MD 202 to four lanes between MD 725 and Black Swan Drive, and (2) installation of a traffic signal within the study area at a location to be determined by the State Highway Administration.

Staff notes that the widening of MD 202 to four lanes between MD 725 and Black Swan Drive is recommended in the Subregion VI master plan but that the widening of MD 202 may not significantly reduce side street delays within the corridor. The installation of a new traffic signal within the study area may help to create gaps in traffic flow, enabling side street traffic to access MD 202.

Since that time, additional background development has been approved and development has occurred along MD 202. One of the more recent approvals was for 20 single-family dwellings at Austin Meadows opposite Town Farm Road on MD 202.

Based on these findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with the transportation-related conditions included in this staff report.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded the following.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 2	High School Cluster 2
Dwelling Units	114 sfd	114 sfd	114 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	27.36	6.84	13.68
Actual Enrollment	5,334	5,131	10,098
Completion Enrollment	351.84	217.62	398.97
Cumulative Enrollment	0	0	0
Total Enrollment	5,713.20	5,355.48	10,510.65
State Rated Capacity	5,384	4,680	8,770
Percent Capacity	106.11%	114.43%	119.85%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

This project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003. The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal.

- 11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street, has a service travel time of 2.83 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Marlboro Fire Station, Company 20, has a service travel time of 2.83 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Marlboro Fire Station, Company 20, has a service travel time of 2.83 minutes, which is within the 7.25-minute travel time guideline.

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These findings are in conformance with the Adopted and Approved Public Safety Master Plan (1990) and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

12. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Forest Hills development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 20, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel.

- 13. **Health Department**—The Health Department noted the presence of numerous tires and the remains of four abandoned vehicles on the property. The vehicles must be removed and properly discarded. The tires must be removed by a licensed scrap tire hauler to a licensed scrap tire dealer/recycler. A receipt for tire disposal must be submitted to the Health Department prior to approval of the final plat.
- 14. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 8000900-1996-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. The concept plan was re-approved on August 23, 2003, and is valid through June 30, 2004. Development must be in accordance with this approved plan, or any revisions thereto.
- 15. **Cemeteries**—There are no known cemeteries on or adjoining the subject property.
- 16. **Public Utility Easement**—The proposed preliminary plan includes the required ten-foot-wide public utility easement. This easement will be shown on the final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on <a href="https://doi.org/10.1001/jharley-10.1001/j

Adopted by the Prince George's County Planning Board this 12th day of February 2004.

Trudye Morgan Johnson Executive Director

By Frances J. Guertin Planning Board Administrator

TMJ:FJG:JD:meg

THE KNOLLS AT CABIN BRANCH 3311 ALTAIR LANE UPPER MARLBORO, MD 20774 HILLS OVER MULLIKAN STATION HOA 16606 PEACH STREET BOWIE, MD 20716

THE PARK AT ADDISON METRO HOA, INC. 3414 MORNINGWOOD DRIVE OLNEY, MD 20832

ARDMORE SPRINGDALE CIVIC ASSOCIATION 3605 LADOVA WAY UPPER MARLBORO, MD 20774

ENTERPRISE ESTATES CIVIC ASSOCIATION 11704 WHITTIER ROAD BOWIE, MD 20721

RITCHIE HEIGHTS/RITCHIE MANOR CIVIC ASSOCIATION 1224 DARLINGTON STREET DISTRICT HEIGHTS, MD 20747

RUSTIC RIDGE HOMEOWNERS ASSOCIATION 2200 DEFENSE HIGHWAY, c/o Sentry Mgmt CROFTON, MD 21114

RANDOLPH VILLAGE CIVIC ASSOCIATION 8422 DUNBAR AVENUE HYATTSVILLE, MD 20785

ENTERPRISE ROAD CORRIDOR DEV. REVIEW DISTRICT 1400 ROSEMARY COURT BOWIE. MD 20716

COALITION OF CENTRAL PGC COMMUNITY ASSOCIATIONS 708 QUARRY AVENUE CAPITOL HEIGHTS, MD 20743 FOXCHASE II HOA 12905 DUNKIRK DRIVE UPPER MARLBORO, MD 20772

BELMONT CREST HOMEOWNERS ASSOCIATION 10416 MARLBORO PIKE UPPER MARLBORO, MD 20772

MANORS CIVIC ASSOCIATION, THE P.O.BOX 447 UPPER MARLBORO, MD 20773

COLLINGTON HOMEOWNERS ASSOCIATION 312 MARSHALL AVENUE, Suite 1006 LAUREL, MD 20707

MILLWOOD-WATERFORD CITIZENS ASSOCIATION, INC. 1005 ELDERBERRY PLACE CAPITOL HEIGHTS, MD 20743

LANHAM STATION AREA CITIZENS ASSOCIATION 5308 LANHAM STATION ROAD LANHAM, MD 20706 BRIGHTON PLACE HOMEOWNERS ASSOCIATION 12200 TECH ROAD, Suite 325 SILVER SPRING, MD 20904 LAKE ARBOR FOUNDATION, INC. 12138 CENTRAL AVENUE,, Suite 884 BOWIE, MD 20721

MILLWOOD COMMUNITY ASSOCIATION, INC. 306 SHADY GLEN DRIVE CAPITOL HEIGHTS, MD 20743

TOWNS OF KETTERING HOMEOWNERS ASSOCIATION, THE 6300 WOODSIDE COURT, c/o CVI, Suite 10 COLUMBIA. MD 21046

COLLEGE STATION HOMEOWNERS ASSOCIATION 122 COLLEGE STATION DRIVE UPPER MARLBORO, MD 20774

COMMUNITY ASSOCIATIONS OF MARLTON (CAM), INC. 12000 KINGFIELD COURT UPPER MARLBORO, MD 20772

DELIGHT 1A CONDOMINIUM ASSOCIATION (FAIRWOOD) 12530 FAIRWOOD PARKWAY, Suite 103 BOWIE. MD 20720 PERRYWOOD COMMUNITY ASSOCIATION, INC. 13200 TRUMPETER SWAN COURT UPPER MARLBORO, MD 20772

PRINCE GEORGE'S COUNTY EDUCATOR'S ASSOCIATION (PGCEA) 8008 MARLBORO PIKE DISTRICT HEIGHTS, MD 20747

WESTLAKE AT LAKE ARBOR HOMEOWNERS ASSOCIATION 4307 GALLATIN STREET, c/o Metropolis HYATTSVILLE, MD 20781

LITTLE WASHINGTON CIVIC ASSOCIATION P.O. BOX 383 UPPER MARLBORO, MD 20773

ST. MARGARET'S OF SCOTLAND CATHOLIC CHURCH 408 ADDISON ROAD CAPITOL HEIGHTS, MD 20743 MELWOOD ROAD CIVIC ASSOCIATION 4110 MELWOOD ROAD UPPER MARLBORO, MD 20772

LAKE LARGO TOWNHOUSES ASSOCIATION (LLTA) 9011 LAKE LARGO DRIVE UPPER MARLBORO, MD 20774 **CLAGETT LANDING ASSOCIATION** VOICE YOUR OPINION OTV HOA COUNCIL PALISADES HOMEOWNERS ASSOCIATION 1209 HERITAGE HILLS DRIVE 14106 JONES BRIDGE ROAD, c/o Chambers Mgmt 1955 ADDISON ROAD S. UPPER MARLBORO, MD 20774 UPPER MARLBORO, MD 20774 OXON HILL, MD 20745 PICKWICK SQUARE MUTUAL HOMES, INC. CENTRAL CIVIC ASSOCIATION OF THE WILBURN FORESTVILLE ESTATES CIVIC ASSOCIATION COMMUNITY 1574 ADDISON ROAD SOUTH 2005 OVERTON DIVE 6616 SISALBED DRIVE DISTRICT HEIGHTS, MD 20747 CAPITOL HEIGHTS, MD 20743 DISTRICT HEIGHTS, MD 20747 LAKE ARBOR CIVIC ASSOCIATION FORESTVILLE KNOLLS HYNESBORO PARK GREENWOOD FOREST NEIGHBORHOOD ASSOCIATION 12138 CENTRAL AVENUE, Suite 305 **1811 ALTAMONT PLACE** 9214 5TH STREET LANHAM, MD 20706 **BOWIE, MD 20721** DISTRICT HEIGHTS, MD 20747 ROBLEE CITIZENS ASSOCIATION 4815 WOODFORD LANE UPPER MARLBORO, MD 20772

CANTERBURY ESTATES CIVIC ASSOCIATION MARGO NELSON 1802 ALBERT COURT BOWIE, MD 20721

CAPITAL COURT HOMEOWNERS ASSOCIATION INC. FRANK CASSAGNOL 9502 CAPITAL COURT UPPER MARLBORO, MD 20774 THE WOODS OF WOODMORE KYM TAYLOR 3003 WESTBROOK LANE BOWIE, MD 20721

WOODMORE ESTATES HOA PETER NIKITAKIS 204 WASHINGTON AVENUE, Suite 102 LA PLATA, MD 20646

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department (301) 952-3530
Development Review Division

14741 Governor Oden Bowie Drive

www.mncppc.org

Upper Marlboro, MD 20772

Date:	5/10/21

MAILING LIST - RECEIPT

DRD application CDP-9901-01	& 4-21014 - Forest	Hills
County application		
This receipt is to acknowledge that <u>G. S. B</u>	alian	of (name
of company, if applicable)		
received the following lists as described by the categor	ries below:	
Registered community organization list	Total Record(s):	40
☑ Adjoining property owners list	Total Record(s):	17
✓ Municipalities within one mile list	Total Record(s):	1
This list is valid for 180 days from the date ref	erenced above. Applic	ants shall obtain an
updated mailing list if notifications are not sent withi	n 180 days.	
This property is located on WSSC Grid: 206	SE13	
	Helen Smith	
	Development R	eview Division Staff

NOTE: Copy of this form must be included with Application submittal package.

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.

CDP-9901

- (5) elimination of flag lots on Street "A" except at the ends of culde-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-desacs.
- (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.
- 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 58th 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

CDP-9901

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 24TH 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:

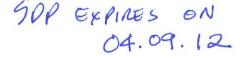
Vote: 9-0

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

Peter A. Shapiro, Chair

ATTEST:

Redis C. Floyd, Clerk





THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 13, 2006

RE: SDP 0414 Forest Hills

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 herewith a copy of the Council Order setting forth the action taken by the District Council in this case on <u>April 10, 2006</u>.

CERTIFICATE OF SERVICE

This is to certify that on April 13, 2006, this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

Redis C. Floyd

Clerk of the Council

(10/97)

Case No.: SDP-0414

Applicant: Quad Construction Corp.

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

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the Planning Board's decision in Resolution PGCPB No. 05-259, approving with conditions a specific design plan for construction of 112 single-family homes, on property known as Forest Hills, described as approximately 169.12 acres of land in the R-L Zone, located on Largo Road (MD 202) between Kent Drive and Crescent Drive, Upper Marlboro, is hereby:

AFFIRMED, for the reasons stated by the Planning Board in its resolution, which are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions.

- 1. Prior to certificate approval of this specific design plan, the following revisions or information shall be provided:
 - The 75-foot-wide landscape buffer shall be provided on both sides of MD 202 and shall be clearly delineated on both the site and landscape plans.
 - b. A list of all private recreational facilities shall be provided on the landscape plan. Details of all facilities shall be provided.
 - Matching stone piers shall be provided as entry features on the east side of MD 202.
 - d. Add minimum lot coverage and minimum lot width requirements for the front building line and the front street line to the Lot Standards on the cover sheet of the SDP.

- e. Show the required acceleration/deceleration lanes and left-turn lanes necessary for vehicular ingress/egress by SHA.
- f. Extend the entrance monument stone/vinyl wall approximately four hundred feet (400') on the east side of MD 202 along the rear property lines of Lots 1-4, Block B.
- g. No woodland conservation areas as shown on the TCP II/162/04 shall be located on any building lots.
- 2. Prior to issuance of building permits, the most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors, and fireplace chimneys, and these features shall form a reasonably balanced composition.
- 3. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in the Parks and Recreation Facilities Guidelines) prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located. Facilities shall be constructed prior to the issuance of the 30th building permit in the pod in which the facilities are located.
- 4. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
- 5. Prior to approval of building or grading permits, the M-NCPPC Environmental Planning Section shall review all technical stormwater management plans approved by the Department of Environmental Resources (DER). If revisions to the TCP II are required due to changes to the technical stormwater management plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.
- 6. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line. The location of the 1.5 safety factor lines shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER.

- 7. Prior to certificate approval of the specific design plan, DPR staff shall review and approve the construction drawings for the recreational facilities on dedicated parkland, including seating/picnic areas in the proximity of the on-site stormwater management pond, as well as a circulation pump/bubbler to be installed in the pond itself.
- 8. The final plat of subdivision shall include an easement over the parkland for maintenance access to the SWM pond. The language granting the easement shall be reviewed and approved by DPR prior to consideration of the final plat.
- 9. The front elevations of homes shall be predominantly brick or stone. The outside gable walls of dwelling units on lots 1, 6, 7, 8, 26, and 42, Block "A" and Lots 1, 9, 24, 38, 39, and 41, Block "B" shall contain a brick or stone façade. The rear elevations of dwelling units on Lots 62 through 71, Block "A" shall contain a brick or stone water table from finished grade to the bottom of the window sill on the first floor. All other areas shall contain 8-inch beaded vinyl siding.
- 10. The architectural elevation drawings for dwelling units to be certified by the urban design section of M-NCPPC shall be revised to provide an optional brick water table running from finished grade to the bottom of the first floor window sill and optional brick elevations (except that these items shall be standard on lots delineated in item 9 above).

Ordered this 10th day of April, 2006, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Bland

Vote:

8-0

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:

Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd

Clerk of the Council

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

PGCPB No. 94-24

File No. A-9895

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

Applicant:

Quad Construction Corporation, Owner

John McDonough, Correspondent

Location:

The subject property is located on both sides of Largo Road (MD

202), approximately 3,000 feet north of MD 725.

Request:

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

RESOLUTION

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 $169.15\pm$ 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 <u>Guidelines</u>, 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.

PGCPB No. 94-24 File No. A-9895 Page 4

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.

PGCPB No. 94-24 File No. A-9895 Page 6

- 13. The applicant shall dedicate $105\pm$ 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 <u>Wednesday</u>, <u>January 26</u>, <u>1994</u>, in Riverdale, Maryland.

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

LeRoy J. Hedgepeth Executive Director

Ву

Frances J. Guertin

Planning Board Administrator

LJH:FJG:JD:1g

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 <u>April 28, 2021</u> this notice and attached Council order were mailed, postage prepaid, to all persons of record.

Donna J. Brown Clerk of the Council

Lloren J. Brown

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

¹ 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 dwelling units

2 percent 3 additional

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 26th 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

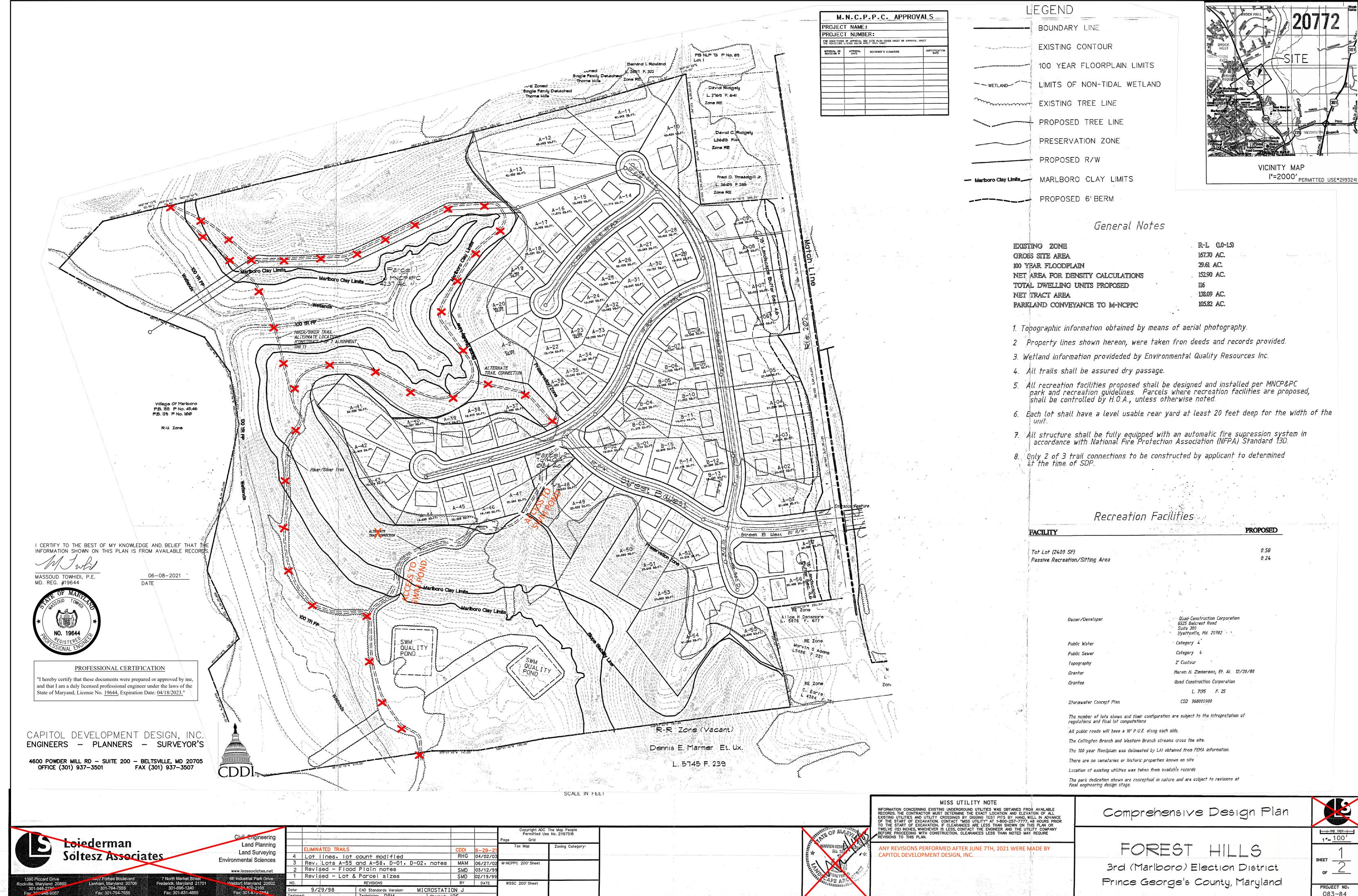
By: Calstani

Calvin S. Hawkins, II, Chair

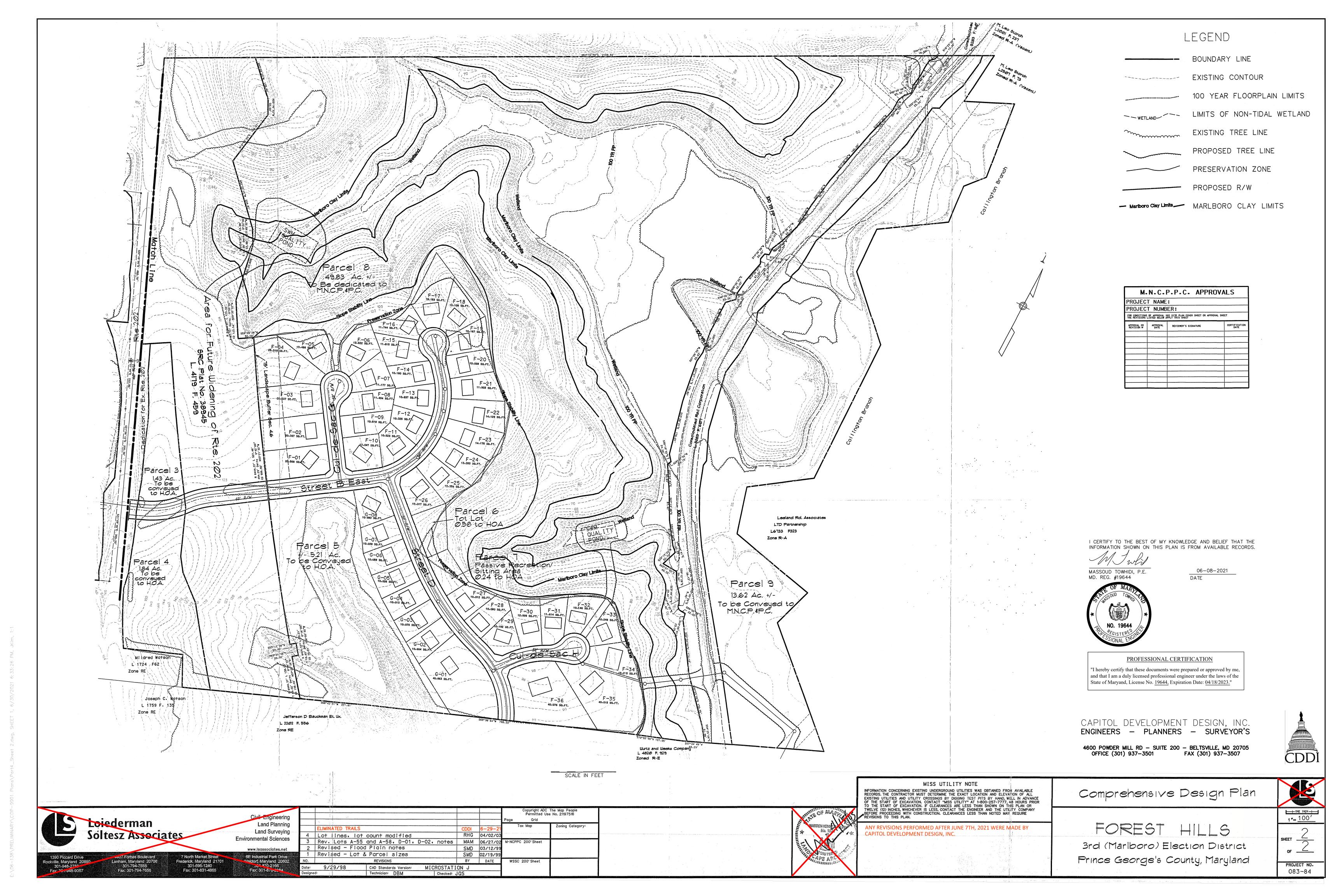
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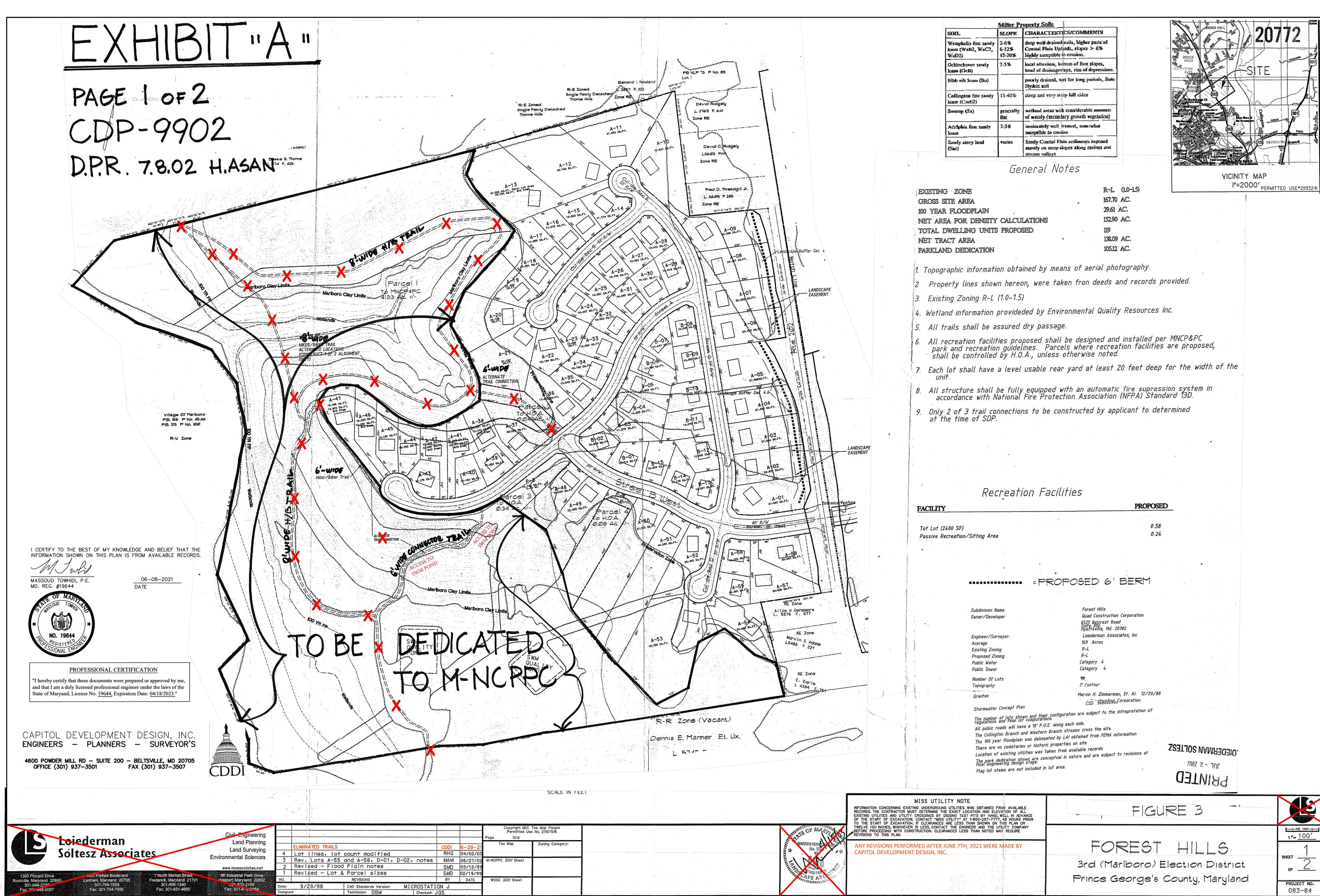
Donna J. Brown

Clerk of the Council

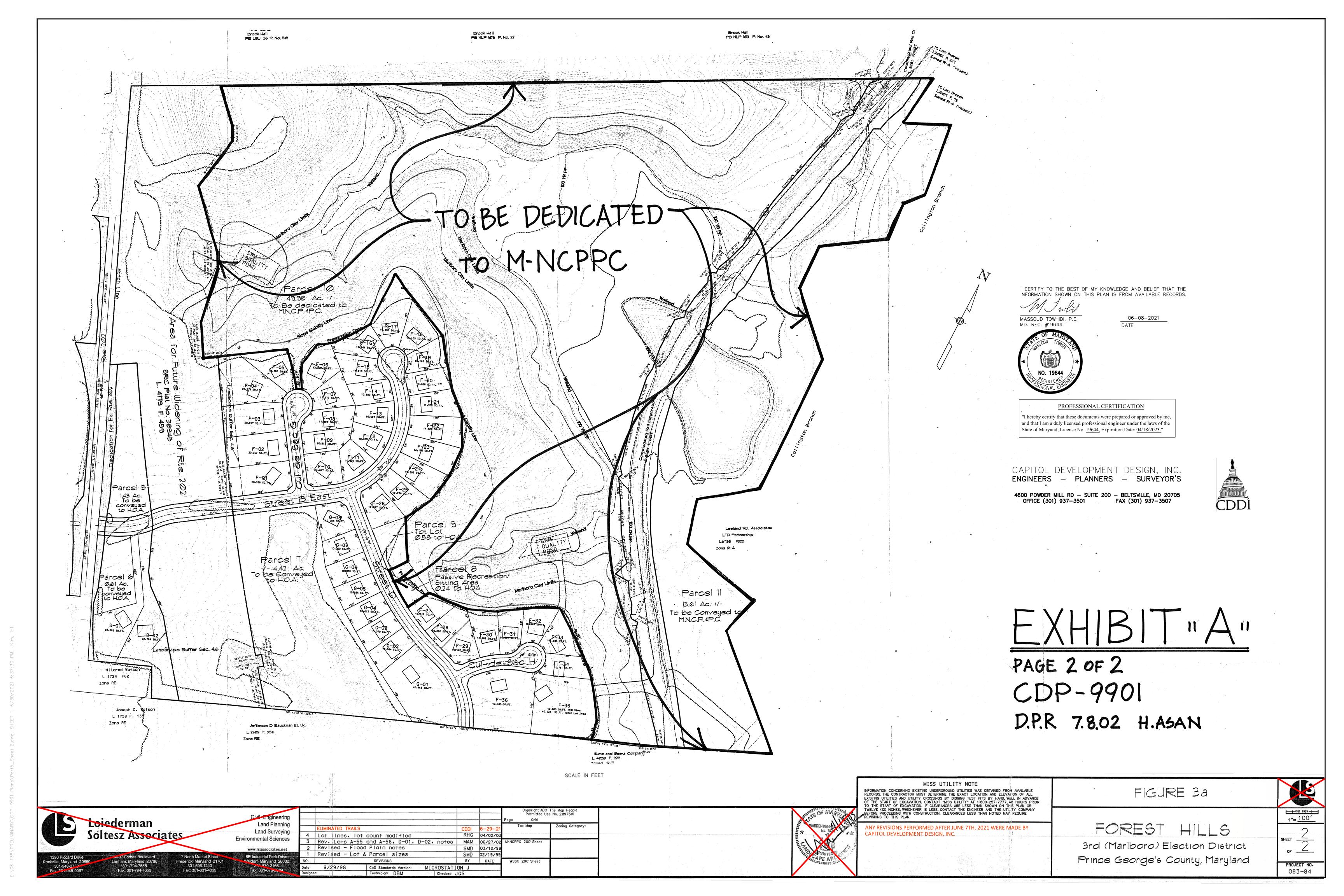


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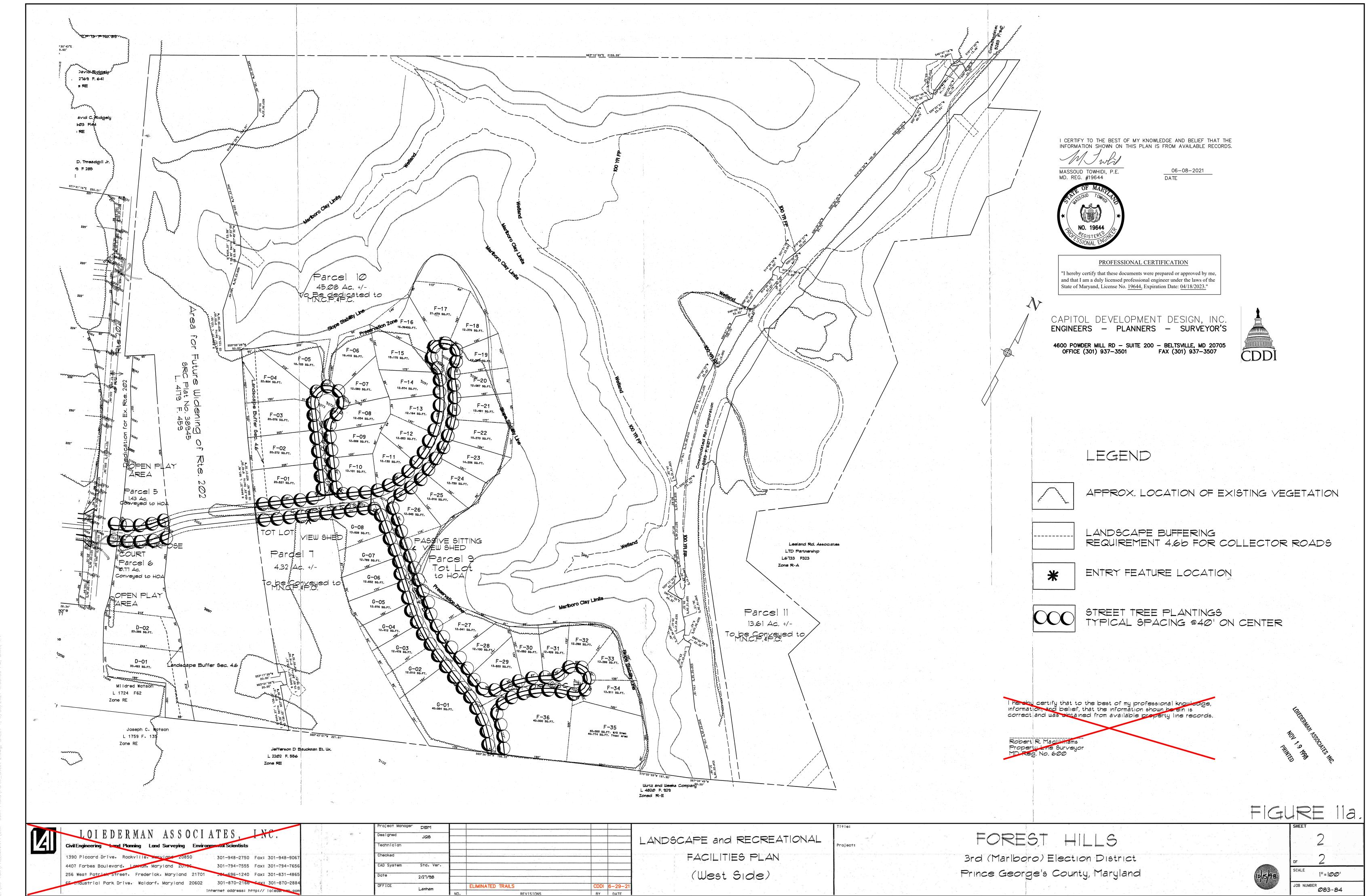




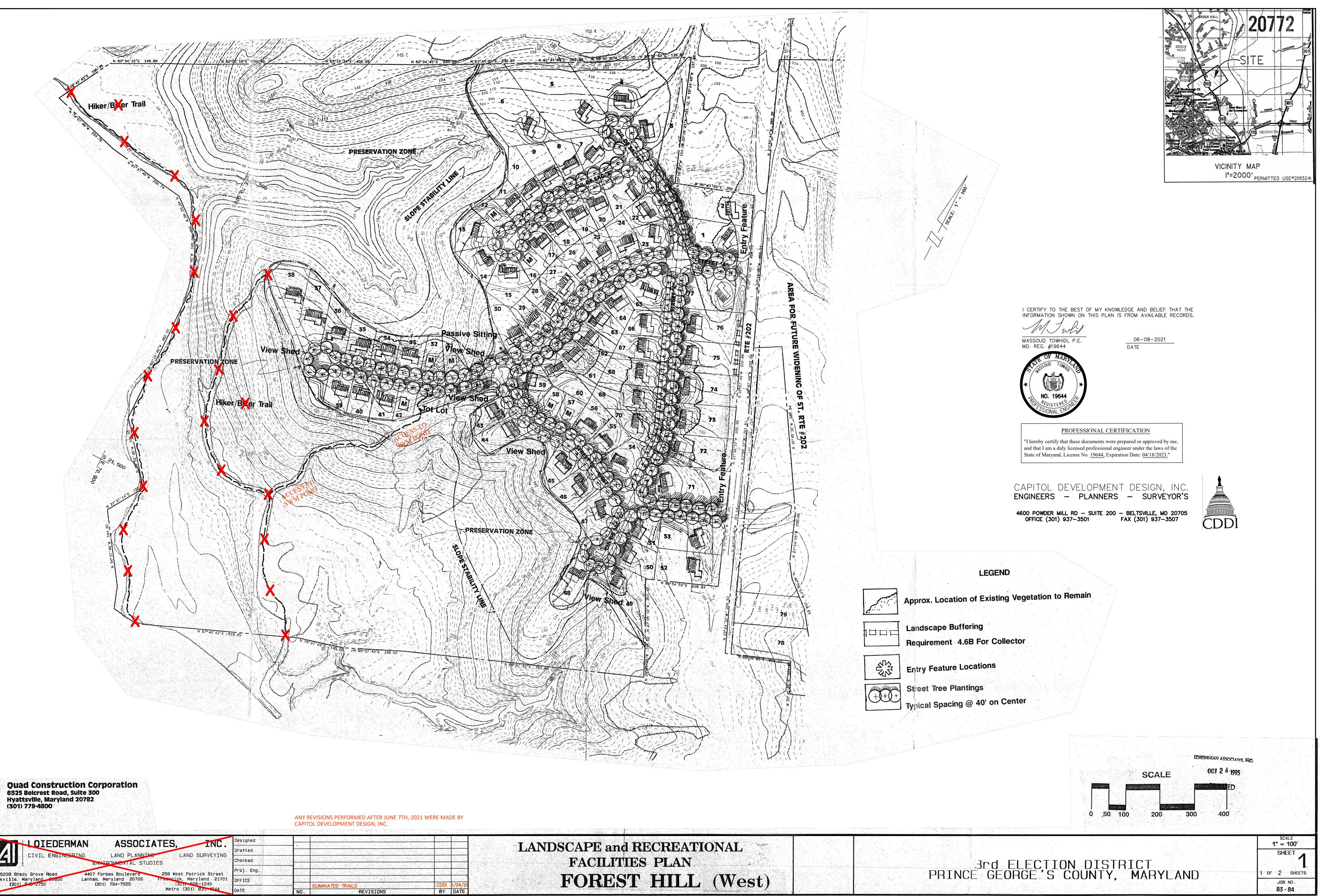
PROJECT NO.

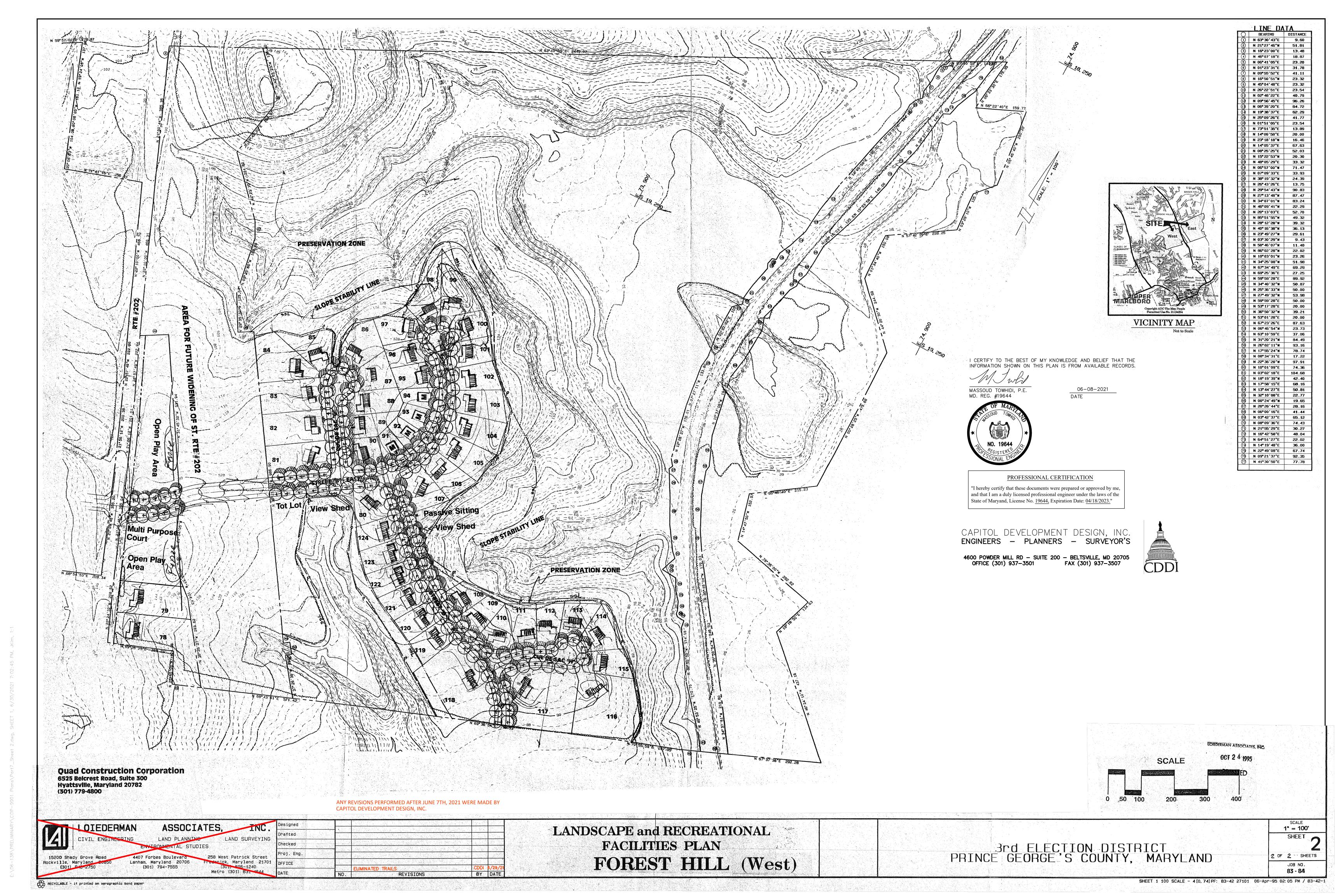


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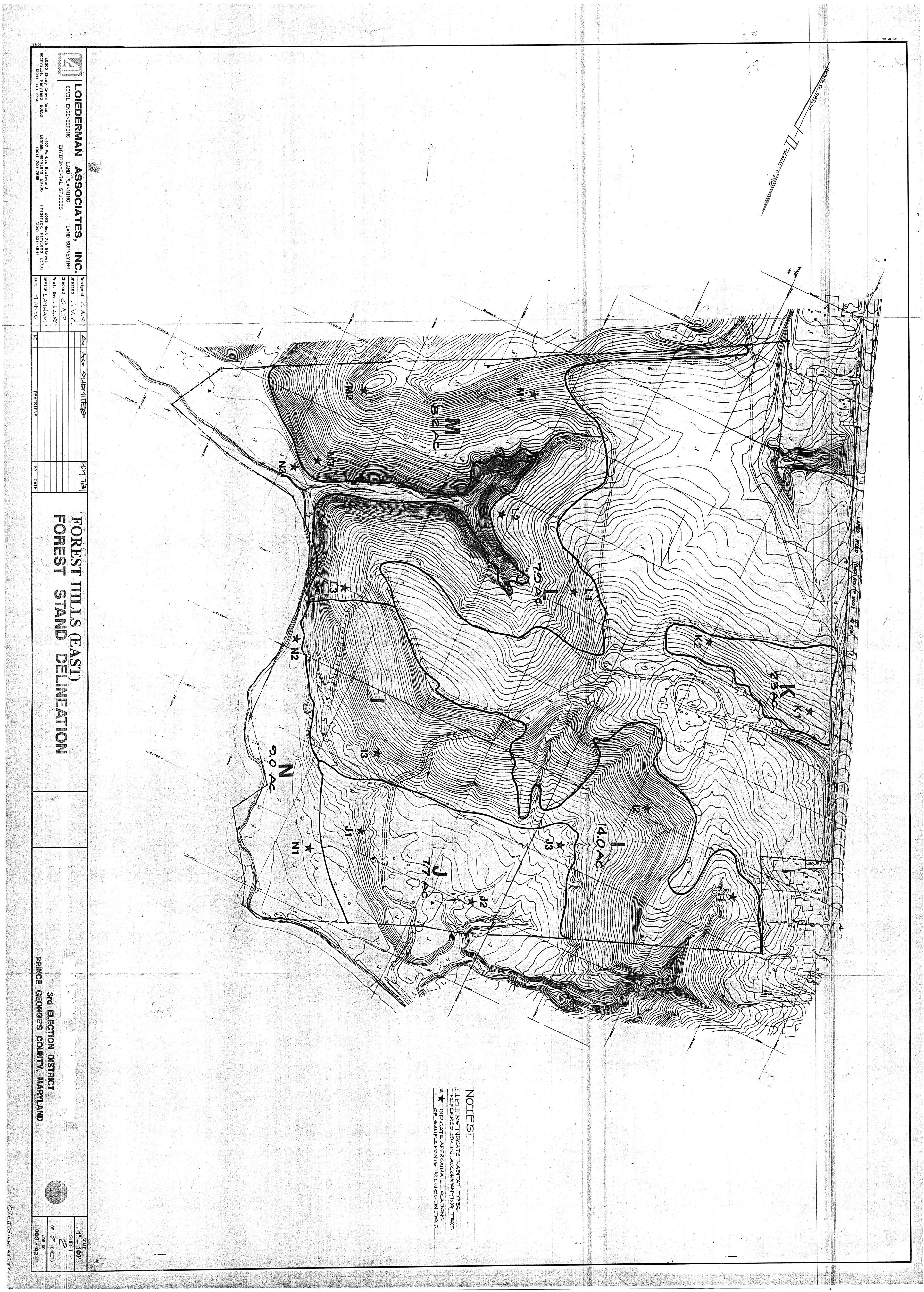


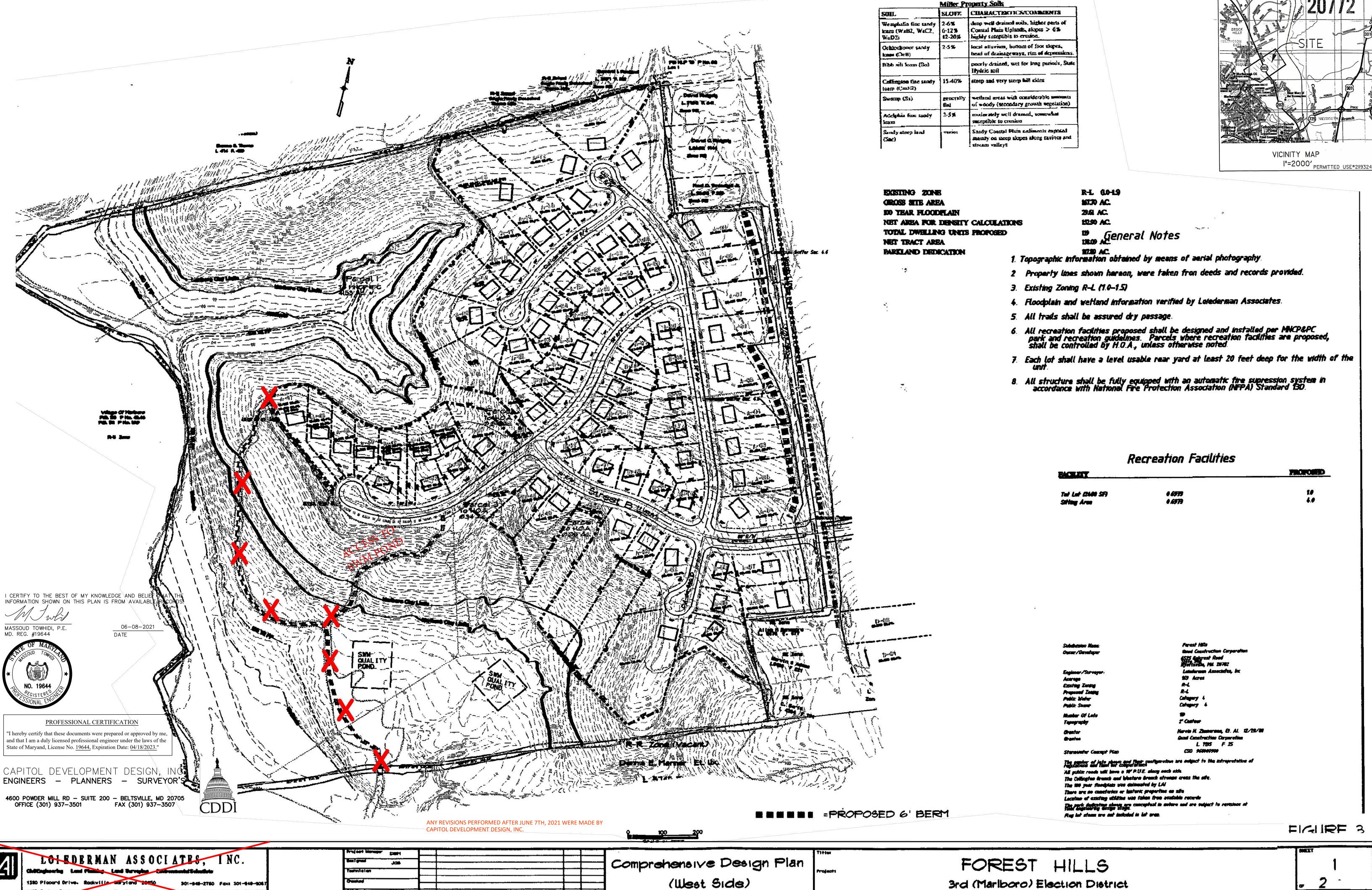
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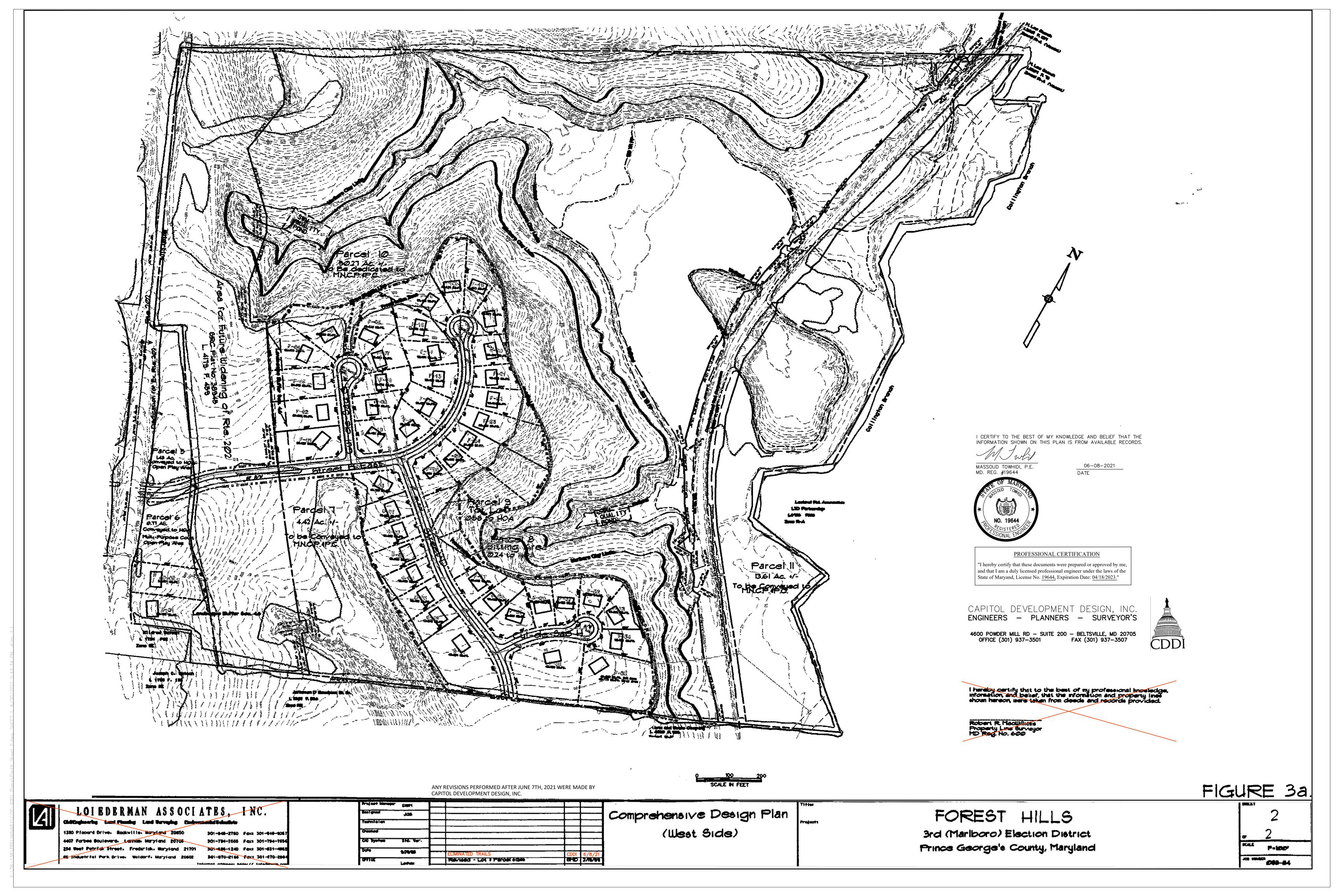


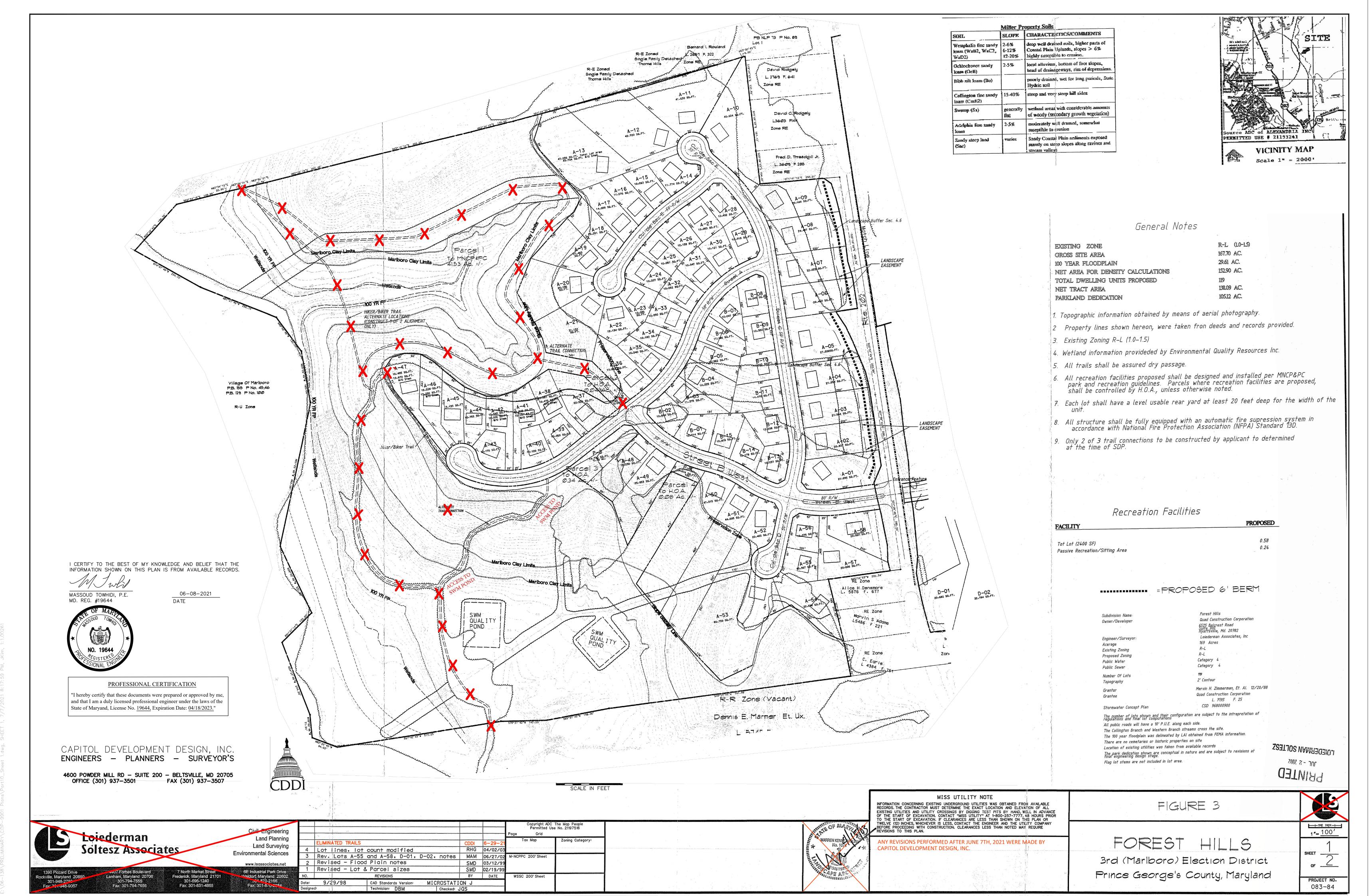




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Prince George's County, Maryland





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

STATEMENT OF JUSTIFICATION

CASE NUMBER: Revision to CDP 9901, Forest Hills:

This is a revision of CDP 9901 for Forest Hills after the Planning Board approved the reconsideration of the Preliminary Plan 4-03071.

DESCRIPTION OF REQUEST:

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

Basic Plan Amendment A-9895-C-01 as adopted by the District Council modified said conditions to:

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.

LOCATION:

The property consists of 167.7 acres and has been subdivided into 112 lots. It is located on both sides of Route 202, immediately South of Kent Drive and 02. Miles North of Crescent Drive in Largo, Maryland.

Respectfully submitted, Gregory S. Balian President

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

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Respectfully submitted, Gregory S. Balian President



June 6, 2021

Dear Property Owner or Resident:

Re: Revisions to Forest Hills, CDP-9901-01 & Preliminary Plan 4-21014

A revision to the Comprehensive Design Plan and Preliminary Plan for the above-referenced project will be submitted for review to the Urban Design (CDP-9901-01) and Development Review Divisions (Preliminary Plan 4-21014) of The Maryland-National Capital Park and Planning Commission, M-NCPPC.

The subject property is located on both sides of Route 202, immediately south of Kent Drive and 0.2 miles north of Crescent Drive in Largo, Maryland. The subject property is zoned RL, is 167.7 acres in size. The revision relates to the relocation of the Parks Department trail from the Western Branch to the Collington Branch. The Western Branch is located on the West Side of the Property. The Collington Branch is located on the Eastern Side of the Property.

If you wish to become a Person of Record to this application, you may submit your request online at http://www.mncppcapps.org/planning/Person_of_Record/ or by written request to the Development Review Division of the M-NCPPC, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please reference the Pre-Application Number and the Name of Project in your request. At this time no-government agency has reviewed the application. After the application has been filed, you may contact the M-NCPPC at 301-952-3530.

IMPORTANT: This notice is your opportunity to interact with the applicant prior to the acceptance of the subject application. Once an application is accepted, it may be subject to mandatory action time frames that are established by law. Contacting the applicant as soon as possible after receiving this notice will help facilitate your ability to receive information and/or establish a time when the applicant may meet with you or your civic group to provide information and answer questions about the development proposed. Any concerns regarding an applicant's failure to provide information or engage in dialogue about the proposed development should be directed in writing to the same mailing address listed for becoming a party of record. Please be sure to include the application number with any such correspondence.

If you are interested in receiving more information about this application, reviewing a copy of a site plan, or meeting to discuss the project, you may contact Gregory Balian at 301-864-6500 (x102).

Sincerely, Gregory S. Balian



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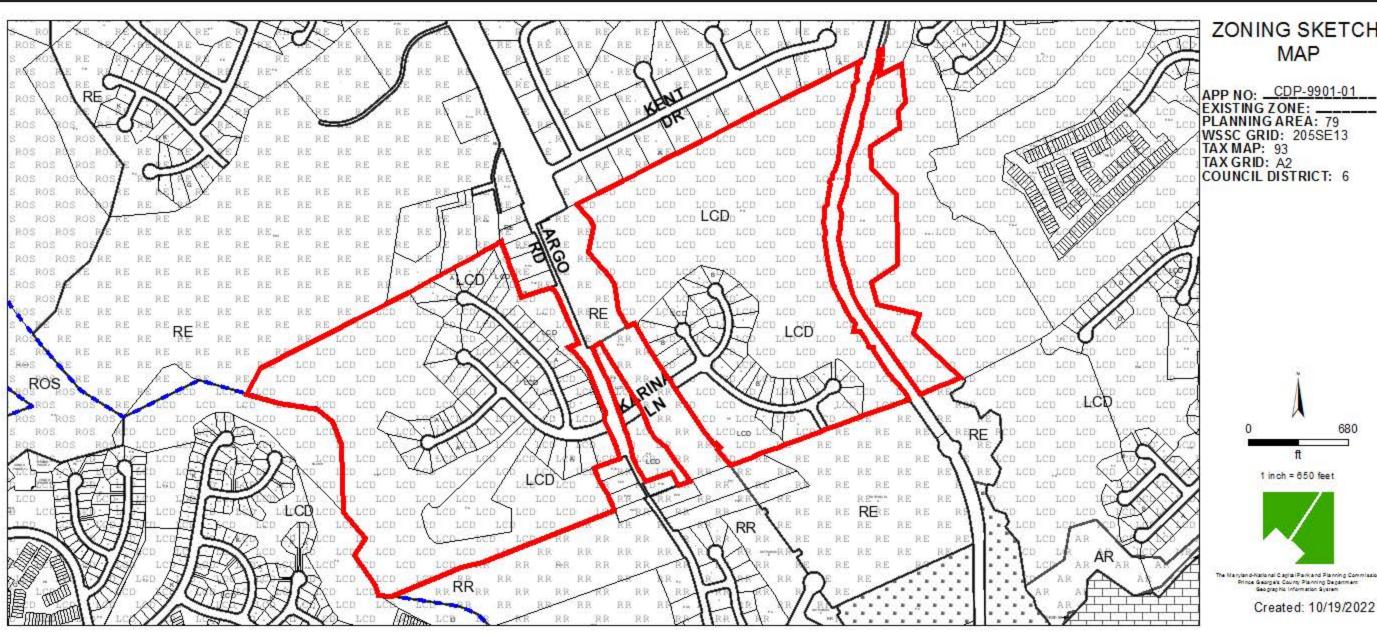
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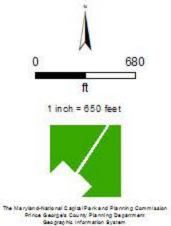
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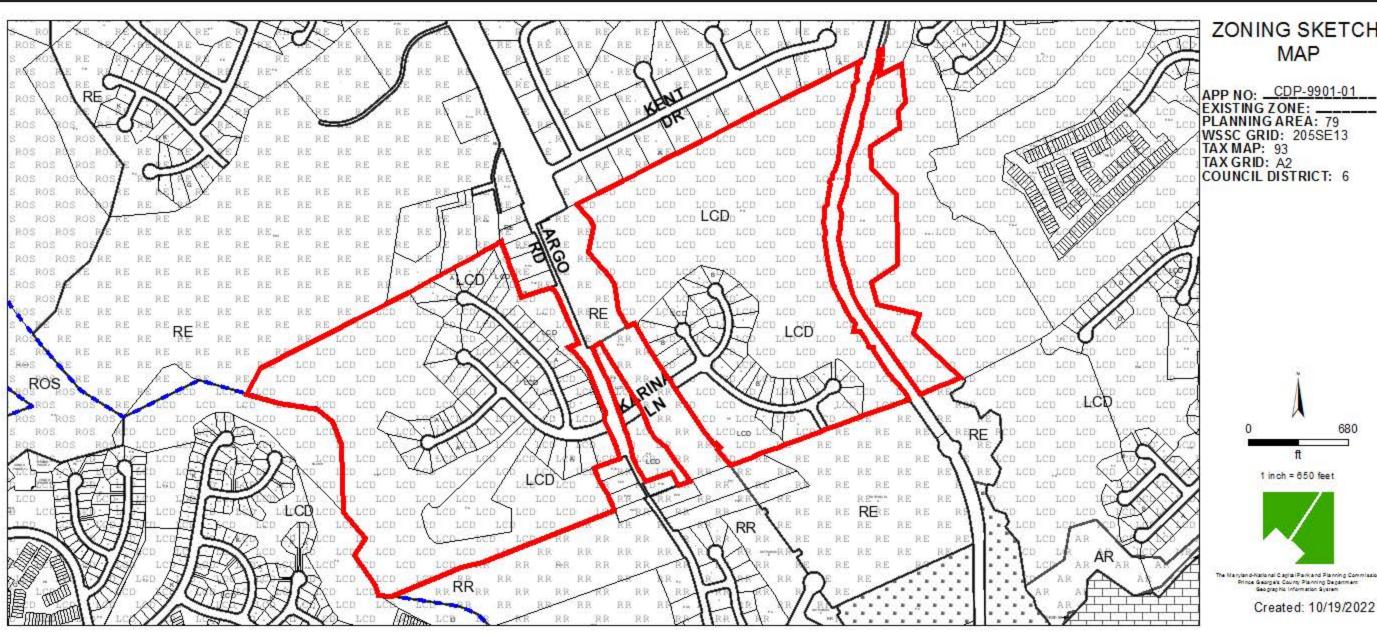
ANDERSON RONALD L JR Name AMAYA ORTIZ SUSY I ETAL 4213 LARGO RD 14549 GOVERNOR SPRIGG PL Address City, State Zip UPPER MARLBORO, MD 20772 UPPER MARLBORO, MD 20772 COMPASS PROPERTIES INC COMPASS PROPERTIES INC CONSOLIDATED RAIL CORP Prop Tax Dept 3301 BOSTON ST 1501 S CLINTON ST. 16th Floor PO BOX 8499 PHILADELPHIA, PA 19101 BALTIMORE, MD 21224 BALTIMORE, MD 21224 DAVIS BENJAMIN EBED COMMUNITY IMPROVEMENT INC FOUR THOUSAND FOUR BRANCH AVE LLC 300 16TH ST NE 1220 CARAWAY CT, Suite 1070 11421 CRONHILL DR, Suite G OWINGS MILLS, MD 21117 LARGO, MD 20774 WASHINGTON, DC 20002 GOODMAN LASHANDRA S HAMILTON THEODORE & REDA B FREE GOSPEL CH OF THE APSTLE DOC INC 14541 GOVERNOR SPRIGG PL 3809 LARGO RD 4703 MARLBORO PIKE CAPITOL HEIGHTS, MD 20743 UPPER MARLBORO, MD 20772 UPPER MARLBORO, MD 20772 KHOURY DENISE A MARLBOROUGH TWNHS ASSN INC PONE MABLE S 4304 LARGO RD PO BOX 1831 14545 GOVERNOR SPRIGG PL UPPER MARLBORO, MD 20772 LA PLATA, MD 20646 UPPER MARLBORO, MD 20772 SPACH STEPHEN G & RITA S **SEAGRAM SHERRY** STEVENSON CRAIG 1668 D ST BOX 5000 4401 LARGO RD 14501 KENT DR ANDREWS AFB, MD 20762 UPPER MARLBORO, MD 20772 UPPER MARLBORO, MD 20772 STEWART STACYE J TAYLOR ANTONIA C VILLAGES OF MARLBOROUGH 14551 GOVERNOR SPRIGG PL 14547 GOVERNOR SPRIGG PL F BAGGARLY 2A INDUSTRIAL PK DR UPPER MARLBORO, MD 20772 UPPER MARLBORO, MD 20772 WALDORF, MD 20602 VINES PAULAL WHITE VERNETTE L 14543 GOVERNOR SPRIGG PL 14553 GOVERNOR SPRIGG PL UPPER MARLBORO, MD 20772 UPPER MARLBORO, MD 20772

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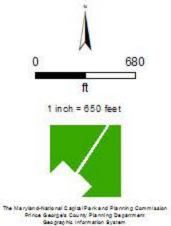


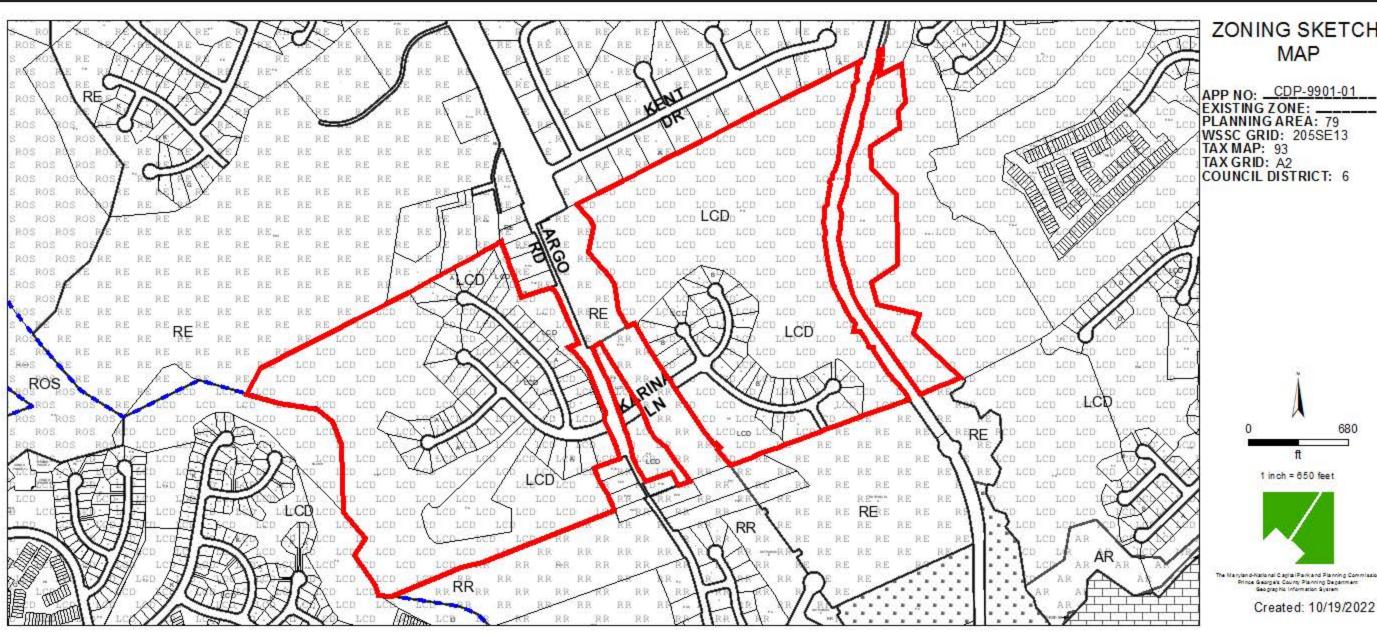
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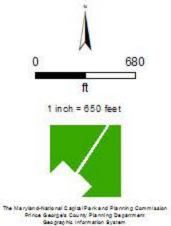


ZONING SKETCH





ZONING SKETCH



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

January 10, 2006

Quad Construction Corporation 6525 Belcrest Road, #205 Hyattsville, Maryland 20782

Re: Notification of Planning Board Action on Detailed Site Plan SDP-0414
Forest Hills

Dear Applicant:

This is to advise you that on **January 5**, **2006** the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of the final notice **January 10, 2006** of the Planning Board's decision unless:

- 1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or any Person of Record in the case; or
- 2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-883-5784.)

Please direct any future communication or inquiries regarding this matter to Ms. Redis C. Floyd, Clerk of the Council, at the above address.

Very truly yours, Faroll Hamer

Development Review Division

cc:

Redis C. Floyd, Clerk to the County Council

Persons of Record

PGCPB No. **05-259**

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

PGCPB No. 05-259

File No. SDP-0414

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on December 8, 2005, regarding Specific Design Plan SDP-0414 for Forest Hills, the Planning Board finds:

- 1. **Request:** The subject specific design plan is for the approval of 112 single-family detached dwelling units on 167.70 acres in the R-L Zone.
- 2. Development Data Summary

	EXISTING	PROPOSED
Zone(s)	R-L	R-L
Use(s)	Vacant	Single-family detached
Acreage	167.70	167.70
Lots	0	112
Parcels	0	8
Square Footage/GFA	N/A	N/A

- 3. **Location:** The subject site is located in Planning Area 79 of Council District 6. The site is located on both the west and east sides of MD 202, between Kent Drive and Crescent Drive.
- 4. **Surroundings and Use:** The property is bounded to the north by developed and undeveloped land in the R-E Zone; to the west by R-U-zoned property; to the south by undeveloped land in the R-R and R-E Zone; and to the east by undeveloped land in the R-S Zone.
- 5. **Previous Approvals:** On May 24, 1994, the Prince George's County District Council approved Sectional Map Amendment A-9952 and the accompanying basic plan for the subject site (CR-54-1994) with 18 conditions and one consideration for 153 single-family dwelling units.

On July 25, 2002, the District Council approved Comprehensive Design Plan CDP-9901 with seven conditions for 119 single-family dwelling units.

On January 15, 2004, the Planning Board approved Preliminary Plan 4-03071 (PGCPB No. 04-06) with 23 conditions.

6. **Design Features**: The proposed specific design plan consists of 112 single-family detached dwelling units with a variety of lot and dwelling unit sizes, the dedication of approximately 105

acres of land to M-NCPPC, the construction of master-planned hiker-biker and equestrian trails, and private recreational facilities.

The architecture consists of the following models and their corresponding base finished square footage:

Ashley	3,600 SF
Bennington	2,450 SF
Bennington II	3,001 SF
Concord	2,354 SF
Lancaster	3,082 SF
Morrison III	2,600 SF
New Castle	2,478 SF
Sareen	4,395 SF
St. Albans	4,650 SF
St. James	3,852 SF
Windsor	3,350 SF

Building materials for the architecture include a combination of brick, stone, vinyl siding, asphalt shingles, and standing-seam metal roofs, and a variety of styles and roof pitches. A stone entry feature has been provided on the west side of the development in conjunction with a required noise attenuation wall. Matching stone piers should be provided as entry features on the east side of MD 202 as well.

CONFORMANCE WITH EVALUATION CRITERIA

- 7. **Basic Plan:** The proposed specific design plan is in conformance with the Basic Plan, A-9895, and all applicable conditions of approval.
- 8. **Zoning Ordinance:** The proposed development is in conformance with the Zoning Ordinance and the requirements of the R-L Zone. The proposed density is below the base density allowed by the basic plan; therefore no public benefit features are required.
- 9. **Comprehensive Design Plans:** The District Council approved Comprehensive Design Plan CDP-9901 on July 25, 2002, with seven conditions. The specific design plan is in general conformance with the CDP. The following condition warrants discussion:
 - 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.

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

With regard to conformance to CDP Condition 5 for detailed construction drawings for master planned trails, see Finding 18 below.

10. **Preliminary Plan of Subdivision:** The Planning Board approved Preliminary Plan 4-03071 (PGCPB No. 04-06) with 23 conditions on January 15, 2004. The specific design plan is in general conformance with the approved preliminary plan. Conditions of approval that warrant discussion are as follows:

Conditions 3-7 related to environmental issues are discussed in Finding 13 below.

Condition 10 related to the Department of Parks and Recreation is discussed in Finding 17 below.

Conditions 17 and 20–23 related to transportation issues are discussed in Finding 14 below.

Condition 14 is in regard to private recreational facilities. The site plan is in general conformance to this requirement.

- 11. Landscape Manual: The proposal is subject to the requirements of Section 4.1 (Residential Requirements) and Section 4.6 (Buffering the rear yards of lots from streets) of the Landscape Manual. The landscape plan generally meets the requirements of the Landscape Manual; however the bufferyards along MD 202 should clearly be delineated on the site and landscape plans.
- 12. **Woodland Conservation Ordinance:** The Environmental Planning Section recommends approval of the Type II Tree Conservation Plan (TCPII/162/04) submitted with the specific design plan for conformance with the Woodland Conservation Ordinance. For further information with regard to the Environmental Planning Section's comments, see Finding 13 below.

REFERRAL COMMENTS

13. In a memorandum dated October 28, 2005 (Stasz to Wagner), the Environmental Planning Section provided the following comments:

Background

This site was previously reviewed by the Environmental Planning Section in conjunction with the approvals of Basic Plan A-9895; Comprehensive Design Plan CDP-9901; Preliminary Plan of Subdivision 4-95088; Type I Tree Conservation Plan TCPI/64/95; Preliminary Plan of Subdivision 4-03071; and Type I Tree Conservation Plan TCPI/64/96-01.

Site Description

This 167.70-acre property in the R-L Zone is located in the both sides of Largo Road (MD 202) approximately 0.2 mile north of Crescent Drive. Elevations range from 12 feet above sea level along the Western Branch in the southwestern corner of the site to 150 feet above sea level near the center of the northern boundary. The feeder tributaries in the eastern half of the site drain into the main stem of Collington Branch and in the western half of the site into the main stem of Western Branch. The property is situated within the Patuxent River drainage basin and is therefore subject to the stringent buffer requirements of the Patuxent River Policy Plan.

According to the 1967 "Prince George's County Soil Survey," the soils on the site primarily belong to the Collington-Adelphia-Monmouth, Westphalia-Evesboro-Sassafras, and Westphalia-Marr-Howell associations. The soils are characterized as: deep; nearly level, to strongly sloping; well-drained to moderately well-drained; formed in upland areas from sediments containing glauconite; and well-drained to excessively well-drained on moderately sloping to steeply sloping land. Portions along the southeast and northwest are composed of Sandy Land, a miscellaneous soil type consisting of fine sandy sediments formed along the steep slopes of stream valleys. The Westphalia and Sandy Land soils have erodibility factors in excess of 0.35 and are thus considered highly erodible. In accordance with the Patuxent River Policy Plan and the Subdivision Ordinance, any highly erodible soils on slopes of 15 percent or greater must be incorporated into stream buffers. The site also contains a massive Marlboro Clay layer. This massive clay layer is the cause of many geotechnical problems.

Significant transportation-related noise impacts associated with existing and realigned Largo Road (MD 202) have been identified. There are no scenic or historic roads impacted by the development proposed in the subject plans.

During the review of CDP-9407 for Beech Tree in 1995, the Stripeback Darter (*Percina notogramma*), a state endangered fish, was found in the main stem of the Collington and Western Branches. Prior to 1994, the Stripeback Darter had not been observed in Maryland since the 1940s. Despite its documentation in the Western Branch, the Stripeback Darter is more prolific in the less-developed Collington Branch subwatershed. A site visit on August 25, 1995, determined that a population of Stripeback Darter (Percina notograma) exists in the main stem of Collington Branch adjacent to the eastern boundary of the property. Staff of the Environmental Planning Section have discovered populations of Yellow Water-Crowfoot (*Ranunculus flabellaris*), 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.

Of the 167.70 total acres, about 30.6 acres (18 percent) are currently 100-year floodplain and 23.93 acres (78 percent) of the floodplain is forested. The upland 137.1 acres, while under agricultural uses since colonial times, has 65.52 acres of woodlands (49 percent of the upland).

Review of Previously Approved Conditions

The approval of the basic plan and comprehensive design plan by the District Council, and the approval of the preliminary plan of subdivision by the Planning Board, included numerous conditions, several of which dealt with environmental issues that were to be addressed during subsequent reviews. The environmental conditions to be addressed during the review of this preliminary plan of subdivision are addressed below. The respective conditions are in **bold** type, the associated comments are in standard type, and the required revisions and/or required information are in *italics*.

Basic Plan, A-9895, PGCPB No. 94-24, January 26, 1994.

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.

Comment: The TCPI as revised shows the preliminary trail locations that are not restricted by woodland conservation. Woodland conservation is discussed in detail in the Environmental Review section below.

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.

Comment: The geotechnical report submitted on December 9, 2003, was reviewed. It accurately locates the 1.5 safety factor line for potential slope failure areas on the preliminary plan of subdivision. Marlboro clay is discussed in detail in the Environmental Review section below.

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

Comment: A stormwater management concept plan was approved by the Department of

Environmental Resources prior to the approval of the CDP. Stormwater management is discussed in detail in the Environmental Review Section below.

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

Comment: Prior to the approval of the preliminary plan, a 100-year floodplain study approved by the Department of Environmental Resources was submitted.

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.

Comment: The noise study submitted for review of the CDP on November 17, 2003, was reviewed and was found to provide accurate information with respect to the location of the unmitigated 65 dBA Ldn noise contour on the west side of MD 202. However, this condition specifies that this information be based on the centerline of proposed MD 202. Based on the data provided, it appears that proposed Lots 1-9, Block "A" would be less impacted by the revised alignment, while Lots 1-5, Block "F" will be more impacted. A Phase II noise study should be reviewed at the specific design plan stage. A Phase II noise study has been submitted with the SDP and is discussed in detail in the Environmental Review section below.

CDP-9901, PGCPB No. 02-184, September 5, 2002.

- 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.
 - (3) the proposed berm along MD 202 eliminated to avoid impacts to existing trees.
 - 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.

Comment: All of these requirements were fulfilled and the CDP was certified.

- 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.

Comment: The revised Type I Tree Conservation Plan, TCPI/64/95-01, that was reviewed with Preliminary Plan 4-03071 included the conceptual layout of water and sanitary sewer connections. The layout was reviewed and found to minimize impacts to the PMA. Impacts to the PMA are discussed in detail in the Environmental Review Section below.

b. Obtain approval of the 100-year floodplain elevations from the Department of Environmental Resources.

Comment: A 100-year floodplain study approved by DER was submitted and a copy is in the Environmental Planning Section TCPI file.

Preliminary Plan 4-03071, PGCPB No. 04-06, February 12, 2004.

- 1. Prior to signature approval of the Preliminary Plan:
 - a. The plan shall be revised to include the correct 65 dBA Ldn noise contour, to extend from the centerline of proposed MD 202, not existing MD 202.
 - c. The "Preservation Area" identified on the Preliminary Plan and the TCPI shall be correctly labeled as "PMA" on the plan and in the legend.
 - e. The Type I Tree Conservation Plan, TCPI/64/95-01, shall be revised as follows:
 - (1) The off-site mitigation being provided for Tippett Estates, TCPII/75/94, shall be provided at a rate of two acres for every acre required in accordance with the Annotated Code of Maryland, for a total of 20.28 acres.

- (2) All Woodland Conservation Areas shall be removed from lots less than 20,000 square feet in size.
- (3) Eliminate all references to "Future Woodland Conservation Mitigation Areas" from the TCPI.
- (4) The revised plans shall be signed and dated by the qualified professional who prepared the revised plans.

Comment: All of these changes were made and the TCPI was signed on May 10, 2004.

3. A Phase II Noise Study addressing specific noise attenuation measures for proposed Lots 1-9, Block "A," and Lots 1-5, Block "F," shall be included as part of the Specific Design Plan application package.

Comment: A Phase II Noise Study has been submitted with the SDP and is discussed in detail in the Environmental Review section below.

4. No woodland conservation for other future projects shall be permitted on this site.

Comment: A Type II Tree Conservation Plan has been submitted with the SDP. The TCPII does not propose woodland conservation for any project except for Tippett Estates. This mitigation bank was approved prior to the submission of Preliminary Plan 4-03071 and the condition is intended to prohibit any additional use of the woodlands on the property as a mitigation bank. The woodland conservation is discussed in detail in the Environmental Review section bellow.

6. A Type II Tree Conservation Plan shall be approved at the time of Specific Design Plan.

Comment: A Type II tree conservation plan has been submitted with the SDP. Woodland conservation is discussed in detail in the Environmental Review section bellow.

7. The proposed PMA impacts shall be further evaluated and minimized to the extent possible during the review of the Specific Design Plan.

Comment: Impacts to the PMA are discussed in detail in the Environmental Review Section below.

9. The Type I Tree Conservation Plan, TCP-I 64/95-01, shall be revised in consultation with the DPR staff to remove excess woodland conservation easement areas on dedicated parkland.

Comment: The consultation was done and TCPI/64/95-01 was signed on May 10, 2004 after required changes were made.

18. Development of this site shall be in conformance with the approved stormwater management concept plan, #8000900-1996-00, or any approved revisions thereto.

Comment: The SPD shows stormwater management facilities that are consistent with CSD 8000900-1996-00. Stormwater management is discussed in detail in the Environmental Review section below.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there is a previously approved tree conservation plan. The detailed forest stand delineation (FSD) submitted with the previous applications for this property were reviewed and were found to be acceptable in accordance with the requirements for an FSD as found in the woodland conservation and tree preservation technical manual. A Type I Tree Conservation Plan, TCPI/64/95, was approved with CDP-9901. A revised Type I Tree Conservation Plan, TCPI/64/95-01,was reviewed and approved with Preliminary Plan 4-03071.

The Type II Tree Conservation Plan, TCPII/81/05, has been reviewed. The plan proposes clearing 10.57 acres of the existing 95.23 acres of upland woodland. The clearing of 0.304 acre of the existing 22.00 acres of woodland within the 100-year floodplain and the clearing of 0.06 acre of woodland off-site. The site also provides 20.28 acres as mitigation for Tippett Estates. The woodland conservation threshold for this site is 34.20 acres. Based upon the proposed clearing, the woodland conservation requirement is 37.20 acres. The plan proposes to meet this requirement by providing 37.49 acres of on-site woodland conservation and the preservation of an additional 47.17 acres that is not part of any requirement.

The layout of the proposed woodland conservation is in conformance with the goals of the Woodland Conservation Ordinance and the Green Infrastructure Plan. In addition to preserving sensitive environmental features and the expanded stream buffers, the addition of upland woodland abutting these areas creates large contiguous woodlands and woodland corridors.

Recommended Action: The Environmental Planning recommends approval of TCPII/81/05.

2. The site contains significant natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Patuxent River Primary Management

Area (PMA) is comprised of all streams, the 50-foot stream buffer, wetlands, the 25-foot wetland buffer, adjacent areas of slopes in excess of 25 percent and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. All of these features are found within the limits of this application.

The Type II TCP and the SDP fail to show all of the required features used to determine the full extent of the PMA. As noted earlier, no areas of severe slopes or steep slopes containing highly erodible soils are shown on the plan or in the legend. A review of the PMA line shown on the plans has portions that are clearly in error.

Section 24-130(b)(5) of the Subdivision Ordinance requires that the PMA be preserved in a natural state to the fullest extent possible. A letter of justification proposing four distinct PMA impacts was submitted with Preliminary Plan 4-03071. The proposed impacts are associated with stormwater management facilities, sewer outfalls, and the proposed trails. These impacts have generally been minimized to the fullest extent possible. However, it was found that a more integrated design of the trails and the stormwater management outfalls impacts could be further reduced and Condition 10 of PGCPB. No. 04-06 requiring consultation with the Department of Park and Recreation addressed this concern. The impacts proposed on SDP-0414 and TCPII/81/05 for trail construction and installation of required infrastructure appear to minimize impacts to the PMA.

Comment: No further action regarding sensitive environmental features is required with regard to the review of this specific design plan.

3. The subject property is bisected by existing MD 202, a primary roadway and proposed realigned MD 202, a planned expressway, both of which are transportation-related noise generators. The Phase I traffic noise analysis submitted for the review of Preliminary Plan 4-03071 on November 17, 2003, was reviewed by the Environmental Planning Section and was found to be accurate with respect to the location of the 65 dBA Ldn noise contour based on existing MD 202; however, the study did not address future impacts based upon the realignment of MD 202. Condition 3 of PGCPB No. 04-06 resulted from the finding that some residential lots would be severely impacted unless mitigation could be provided and this condition requires a Phase II noise study.

A Phase II noise study, dated June 15, 2005, has been reviewed. The study addresses future impacts based upon the realignment of MD 202 and mitigation for the noise impacts by providing a noise barriers up to eight feet in height. The locations of the proposed noise barriers are shown on the revised SDP and the revised Type II TCP. Spot elevations for the noise wall are required to determine if it meets the setbacks required by the Zoning Ordinance for structures. Because the noise barriers are to serve then entire community, they may not be located on lots.

Comment: The SDP and Type II tree conservation plan appropriately show the required noise barriers on parcels to be dedicated to the HOA.

> During the review of CDP-9407 for Beech Tree in 1995, the Stripeback Darter (Percina 4. notogramma), a state endangered fish, was found in the main stem of Collington and Western Branches. Prior to 1994, the Stripeback Darter had not been observed in Maryland since the 1940s. Despite its documentation in the Western Branch, the Stripeback Darter is more prolific in the less developed Collington Branch subwatershed. A site visit on August 25, 1995, determined that a population of Stripeback Darter (Percina notograma) exists in the main stem of Collington Branch adjacent to the eastern boundary of the property. Staff of the Environmental Planning Section have discovered populations of Yellow Water-Crowfoot (Ranunculus flabellaris), listed as endangered by COMAR 08.03.08, Coville's Phacelia (Phacelia covillei), 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.

The Maryland Department of Natural Resources, Natural Heritage Section, is aware of all of these species on the property and will be consulted by the Maryland Department of Environment prior to the issuance of any Maryland wetland permit for the property.

Recommended Condition: Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Stormwater Management Concept CSD 8000900-1996-01. Because of the presence of Marlboro clay, infiltration is not permitted. All lots must be located so that the 1.5 safety factor line is off of the lots. A detailed underdrain system is to be provided with each concept plan. Due to extensive Marlboro clay on the east side of the project site, the pond on the west side must be designed to overcompensate for flows on the east side. All stormdrains through Marlboro clay are to convey the 100-year storm and be rubbergasketed. All flows in yard areas are to be picked up at two-cubic-feet per second. All outfalls are to be located below Marlboro clay outcrops. All yard slopes within Marlboro clay areas must be 4:1 or flatter. All water quality ponds shall be reviewed for safety issues.

The stormwater management facilities shown on the SDP and TCPII are consistent with those required by CSD 8000900-1996-01.

Recommended Condition: Prior to approval of building or grading permits, the M-NCPPC Environmental Planning Section shall review all technical stormwater management plans

approved by the Department of Environmental Resources (DER). If revisions to the TCPII are required due to changes to the technical stormwater management plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.

6. Marlboro clay presents a special problem for development of this site. Basic Plan Condition 8 of PGCPB No. 94-24 was adopted to address this issue. The greatest concern is the potential for large-scale slope failure with damage to structures and infrastructure. Marlboro clay creates a weak zone in the subsurface; areas adjacent to steep slopes have naturally occurring landslides. Grading in the vicinity of Marlboro clay outcrops on steep slopes can increase the likelihood of a landslide. Special treatments are required during the installation of the base for all roads. Water and sewer lines laid within the Marlboro clay layer require special fittings. Sidecslopes of road cuts through Marlboro clay need special treatment. Special stormwater management concerns need to be addressed when Marlboro clay is present on a site. Footers for foundations cannot be seated in Marlboro clay.

A copy of the geotechnical report addressing the Marlboro clay was reviewed with Preliminary Plan 4-03071 and was found to address the criteria for a Marlboro clay geotechnical evaluation including showing the location of the 1.5 safety factor line. Preliminary Plan 4-03071 and TCPI/64/95-01 did not propose the creation of any residential lots or parts thereof within the potential slope failure areas identified by the 1.5 safety factor line. The revised SDP and revised TCPII show all 1.5 safety factor lines on the plans and in the legends. All 25-foot building restriction lines are shown on the SDP and TCP.

Section 24-131 of the Subdivision Regulations requires the platting of a 25-foot building restriction line from all 1.5 safety factor lines. Lots 15-17 on Sheet 4 of 17 of the TCPII and Lots 16 and 17 on Sheet 13 of 17 of the TCPII have the 1.5 safety factor line on the lots; however, according to the approved Stormwater Concept Plan, CSD 8000900-1996-01, no portion of any 1.5 safety factor line is allowed on any lot.

Recommended Condition: The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line. The location of the 1.5 safety factor lines shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."

14. In a memorandum dated May 27, 2005 (Jenkins to Wagner), the Transportation Planning Section offered the following comments:

The Transportation Planning Section has reviewed the application referenced above. The application is for a residential subdivision of 113 single-family dwelling units located along both sides of MD 202, approximately one mile north of MD 725. The site consists of 167.70 acres of land in the R-L Zone. Access to the site will be from existing MD 202 at a new four-way intersection.

Preliminary Plan 4-03071 for Forest Hills was presented to the Planning Board on January 15, 2004, and was approved with conditions by PGCPB Resolution No.04-06 on February 12, 2004. Transportation related conditions are set forth below.

1.d. The plan shall be revised to show 80-foot-wide-right-of-way at all access points from MD 202.

The site plan was revised correctly and shows an 80-foot right-of-way at both access points on MD 202 and within the area reserved for the future realignment of MD 202.

17. If closed section roadways are used within the subdivision, standard sidewalks shall be provided along one side of all internal roads, per the concurrence of DPW&T.

Sidewalks are shown on both sides of the closed section roadways within the subdivision, which meets this condition, are shown as four feet wide. This is DPW&T's Urban Secondary Residential Road Standard 100.07.

20. At the time of final plat approval, the applicant...shall dedicate right-of-way along MD 202 of 35 feet from the centerline of the existing pavement.

This is not shown on the submitted SDP, but it must be reflected on the final plats. This will affect lots along existing MD 202, and the plan should be modified accordingly.

21. The applicant...shall provide for any necessary turn lanes and frontage improvements as required by SHA. These may include turn lanes for deceleration and acceleration of vehicles at the site as well as left turn lanes and/or bypass lanes on both approaches of MD 202. Additional right-of-way dedication to SHA may be required for these improvements.

Sufficient right-of-way dedication appears to be provided along MD 202 for frontage improvements. The actual turn lanes are not depicted on the SDP and will need to be approved by SHA during that agency's access review process. Any right-of-way needs must be coordinated by the applicant with SHA.

22.a. Construct a third approach lane on westbound MD 193 at MD 202.

This is a required off-site transportation improvement needed before building permits are released and will be enforced at that time.

- 23. As described in PGCPB No. 02-184 and CPP-9901, the following improvements shall be funded in part by the payment of \$100,000 to the State Highway Administration by the applicant, his heirs, successors and/or assignees:
 - 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.

Payment will be made to the State Highway Administration at the time of building permit.

In consideration of the above review, the transportation staff finds that the subject application does indeed conform to the approved subdivision plan, the approved comprehensive design plan, and the approved basic plan from the standpoint of transportation.

The subject property is required to make or fund roadway improvements pursuant to a finding of adequate public facilities made in 2004 and supported by traffic studies and analyses done in 2002 and 2003. These conditions are enforceable with the submission of building permits.

To summarize, the Transportation Planning Division finds that the subject application does conform to the approved subdivision plans, the approved comprehensive design plan and the approved basic plan from the standpoint of transportation. Furthermore, the transportation staff finds that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or with transportation facilities to be provided as a part of the subject development.

15. In a memorandum dated May 6, 2005 (Harrell to Wagner), the Public Facilities Planning Section offered the following comments:

The Historic Preservation and Public Facilities Planning Section has reviewed the specific design plans for adequacy of public facilities and concluded the following.

The existing fire engine service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 2.83 minutes, which is within the 5.25-minute travel time guideline.

The existing ambulance service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 2.83 minutes, which is within the 6.25-minute travel time guideline.

The existing paramedic service at Marlboro Fire Station, Company 20, located at 14815 Pratt Street has a service travel time of 2.83 minutes, which is within the 7.25-minute travel time guideline.

The proposed specific design plan will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

The above findings are in conformance with the Approved Public Safety Master Plan (1990) and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.

Police Facilities

The proposed development is within the service area for Police District II- Bowie. The Planning Board's current test for police adequacy is based on a standard complement of officers. As of 1/2/05, the county has 1,302 sworn officers and 43 student officers in the academy for a total of 1,345 personnel, which is within the standard of 1,278 officers. This police facility will adequately serve the population generated by the proposed single-family residential use on the Forest Hills complex.

16. In a memorandum dated April 13, 2005 (Bailey to Wagner), the State Highway Administration offered the following comments:

Staff has completed their review and evaluation of the specific design plan and land use approval. Based on the information presented, the following comments are offered:

- The subject property is located at the east and west side of MD 202 (Largo Road). Our highway location reference guide indicates MD 202 is a principle arterial two-lane highway with an annual average traffic volume of 18,075 vehicle trips per day.
- A sight distance profile must be developed indicating that the desired location for access is consistent with State Highway Administration (SHA) requirements.
- A traffic study or traffic data may be required to establish the appropriate improvements for safe and efficient ingress/egress. A submission of a storm drainage design and computations or approval by the local authority may be necessary.
- A full-depth pavement entrance channeled with a Type "A" curb is required at the locations shown on the plan. Acceleration/deceleration lanes and left-turn lanes with

pavement widening is necessary for vehicle ingress/egress. These improvements must be approved by the SHA Engineering Access Permits Division prior to issuance of building permits.

- Coordination with this office is necessary for access onto MD 202. The improvements must be consistent with the rules and regulations of SHA. A permit must be issued to the owner/building for work performed within the state right-of-way.
- The term "No Direct Access" needs to be placed on the final record plat along those lots that abut MD 202.
- Dedication along the property fronting MD 202 for the required SHA improvements may be necessary. The applicant's engineer needs to determine the full scope of these requirements and if needed the identified area placed on the final records as "Dedicated to the State of Maryland."
- 17. In a memorandum dated November 21, 2005 (Asan to Wagner), the Department of Parks and Recreation offered the following comments:

The staff of the Department of Parks and Recreation (DPR) has reviewed the above-referenced specific design plan application for conformance with the requirements of Comprehensive Design Plan CDP-9901 and Preliminary Plan 4-03071 conditions as they pertain to public parks and recreation.

Findings

The following is a summary of the CDP-9901 and Preliminary Plan 4-03071 conditions relating to the park issues:

CDP-9901, Condition 5: Prior to approval of the first specific design plan for the development on the west side of the MD 202, the applicant shall:

- a. Submit detailed construction drawings for trail construction to DPR for review and approval. The recreational facilities on park property shall be designed in accordance with the applicable standards in the *Parks and Recreation Facilities Guidelines*. The trail construction drawings shall ensure the following:
 - i. Dry passage for all trails. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by DPR.
 - ii. Handicapped accessibility of all trails shall be in accordance with applicable ADA guidelines.
- b. If determined to be necessary by DPR, submit construction drawings for a ten-foot-wide equestrian trail along the Western Branch. The trail shall be turf-surfaced, the trees and

branches shall be cleared a total of 12 feet in height along the trail. The location of the trail shall be determined by DPR.

c. Submit drawings showing the exact location of the two trail connectors.

Preliminary Plan 4-03071, Condition 10 states: 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.

Discussion

The applicant proposes dedication of 105 acres to M-NCPPC for parkland and master planned hiker/biker and equestrian trail construction on dedicated parkland. DPR staff reviewed the alignment of the trails along the Western Branch and found that acceptable. However, there are no construction details provided on the plans that show how the trails will be built in steep slope areas. Details showing cross sections, retaining walls and safety fencing should be included on the plan. Further, the applicant should provide rest areas along the trail to address ADA requirements. The submitted plans should be revised to incorporate construction details.

The applicant proposes maintenance access to the stormwater management ponds next to the park via the main park access trail. Given the steep slopes on the property and possible negative impact to environmentally sensitive areas of the site, which would result from building a separate driveway, DPR staff agreed to recommend allowing maintenance access to the ponds via parkland. In the opinion of staff, the final plat of subdivision should show an easement over the parkland for maintenance access to the SWM pond. The language of the easement should be reviewed by DPR and approved prior to approval of the final plat of subdivision.

18. Conformance of the Proposed Specific Design Plan with the findings for approval of a Specific Design Plan (Section 27-528, Planning Board Action).

The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual.

As stated in Findings 9 and 11, the proposed specific design plan will be in conformance with the approved comprehensive design plan and the applicable standards of the *Landscape Manual* when the conditions in the Recommendation section are met.

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

As explained in Findings 14 and 15 above, this required finding has been met.

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

In a memorandum dated April 29, 2005 (Rea to Wagner), the Department of Environmental Resources indicated that the site plan is consistent with the approved stormwater management concept plan # 8000900-1996-01.

The Plan is in conformance with an approved Tree Conservation Plan.

Compliance with this requirement has been demonstrated in Finding 13 above.

19. In a letter dated December 7, 2005, the Town of Upper Marlboro indicated opposition to the proposed site plan.

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 II Tree Conservation Plan (TCPII/81/05), and further APPROVED Specific Design Plan SDP-0414 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the specific design plan, the following revisions or information shall be provided:
 - a. The 75-foot-wide landscape buffer shall be provided on both sides of MD 202 and shall be clearly delineated on both the site and landscape plans.
 - b. A list of all private recreational facilities shall be provided on the landscape plan. Details of all facilities shall be provided.
 - c. Matching stone piers shall be provided as entry features on the east side of MD 202.
 - d. Add minimum lot coverage and minimum lot width requirements for the front building line and the front street line to the Lot Standards on the cover sheet of the SDP.
 - e. Show the required acceleration/deceleration lanes and left-turn lanes necessary for vehicular ingress/egress by SHA.
- 2. Prior to issuance of building permits, the most visible side elevations of dwelling units on corner lots or other lots whose side or rear elevation is highly visible to public rights-of-way shall employ a minimum of three standard architectural features on those elevations, such as windows, doors, and fireplace chimneys, and these features shall form a reasonably balanced composition.
- 3. All recreational facilities shall be incorporated in recreational facilities agreements (as specified in

the *Parks and Recreation Facilities Guidelines*) prior to final plat of subdivision. Bonding of recreational facilities shall occur prior to issuance of permits for the development pod where the facility is located. Facilities shall be constructed prior to the issuance of the 30th building permit in the pod in which the facilities are located.

- 4. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
- 5. Prior to approval of building or grading permits, the M-NCPPC Environmental Planning Section shall review all technical stormwater management plans approved by the Department of Environmental Resources (DER). If revisions to the TCPII are required due to changes to the technical stormwater management plans, the revisions shall be handled at the staff level if the changes result in less than 20,000 square feet of additional woodland cleared.
- 6. The final plat shall show all 1.5 safety factor lines and a 25-foot building restriction line from the 1.5 safety factor line. The location of the 1.5 safety factor lines shall be reviewed and approved by the M-NCPPC Environmental Planning Section and the Prince George's County Department of Environmental Resources. The final plat shall contain the following note:

"No part of a principal structure may be permitted to encroach beyond the 25-foot building restriction line established adjacent to the 1.5 safety factor line. Accessory structures may be positioned beyond the BRL, subject to prior written approval of the Planning Director, M-NCPPC and DER."

- 7. Prior to certificate approval of the specific design plan, DPR staff shall review and approve the construction drawings for the recreational facilities on dedicated parkland.
- 8. The final plat of subdivision shall include an easement over the parkland for maintenance access to the SWM pond. The language granting the easement shall be reviewed and approved by DPR prior to consideration of the final plat.

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

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Vaughns, with Commissioners Squire,

Vaughns and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, December 8, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2006.

Trudye Morgan Johnson Executive Director

Frances J. Guertin

Planning Board Administrator

TMJ:FJG:GW:rmk

APPROVED AS TO LEGAL SUPPRISENCY.

M-NCPPC Legal Department

Dato 12/23/05

Quad Construction Corporation

AFFIDAVIT

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, Acceptance Mailing letters regarding the application CDP-9901-01 Forest Hills were mailed to all adjoining property owners, registered associations, municipalities within a mile, and previous parties of record on August 4, 2022.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

G. Sevag Balian

STATE OF MARYIAND:

COUNTY OF MONTGOMERY:

I HEREBY CERTIFY that on this 26th day of August 2022, before me, the subscribed NOTARY PUBLIC in and for the jurisdiction aforesaid, known to me or satisfactorily proven to me to be the person who executed the foregoing instrument and acknowledged the same to be his act and deed.

WITNESS my hand and Notarial Seal

Kondousia4

RITA AGOP KOUDOUSSIAN NOTARY PUBLIC MONTGOMERY COUNTY MARYLAND

My Commission Expires 04-24-2024

STATE ETHICS COMMISSION 45 CALVERT STREET, 3RD FLOOR ANNAPOLIS, MD 21401 410-260-7770 1-877-669-6085 This Form Is To Be Filed With:

CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Business Entity¹ Affidavit (Form PG 2)

General Information

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

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

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

Filing Deadline

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

PART A. Business Entity Applicant

<u>Identifying Information</u>

Name of Applicant: Forest Hill Partners, LLC

Case No. (where applicable) CDP-9901

Address of Applicant 6610 Executive Blvd, Suite 310, Rockville, MD 20852

Identity of the Property/

Subject of Application: Forest Hills Type of Application CDP-9901 Revision

(see § 5-833(d))

¹Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

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

1.	Was a payment/contribution made by the apthrough a political action committee (PAC) pendency of the application? Yes	, during the 36 months before	
	If the answer to #1 above is yes, list below payment/contribution:	the name of the member o	r members and the date or dates of the
	Name of Member		
	If the payment/contribution was through a P continuing committee:		ne date of the transfer to the treasurer or
Solici	tation and other Payment/Contribution Information		
2.	Did the applicant solicit a person or busines months before the application filing or duri YesX No	ss entity to make a payment/o	
	If the answer to #2 above is yes, and a contr the date or dates of the payment/contribution		
	Name of Member	<u>Date</u>	Name of Contributor
PA	RT B. <u>Directors, Officers and Stock</u>		<u>b))</u> (For Corporations Only)
	*Note: For a corporation's application to a check at the beginning of each question		
1.	All directors, officers, and stockhold disclosure requirement as provided in the corporation has no directors, officers or	Law and are identified as	
2.	Affidavits (Form PG 1 Individual Apabove, who have made or solicited contributile with the Clerk of the County Council O	tions and are therefore requi	
	by make oath or affirmation that the contents of the procession of the contents of the content		d correct to the best of my knowledge, 7/13/2021
	Signature (original to be filed with the Cler		Date
	Printed Name of Signer: Gregory S. Balia	n, President	
	Title of Signer (Authorized to sign for the b	business entity)	

Prince George's County Planning Department

♦ 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772 ♦

301-952-3530

	APPLIC <i>A</i>	ATION FOR	M	
DO NOT WRITE IN THIS SPAC				
Application No.(s):		Planning Bo	oard Review 🛭 Planning Di	rector Review 🗆
Acceptance Date:				
Posting Waived \square Posting Date:	No.	of Signs Posted: _	Agenda Date:	
Application Fee:	Posting Fee:	Case Rev	riewer:	
Subdivision Development Review C	Committee Date:			
Referral Mail-Out Date:	Referral Due Da	ite:		
Date of Informational Mailing:	Date o	of Acceptance Mailir	ng:	
APPLICATION TYPE: CDP _ 1	Revision of Casa #CDP-9901	Companion Casa		
Payment option: Check (payab				
PROJECT NAME: Forest Hill	•			
Complete address (if applicable)	Attached List of Lots and Pard	cels along w Tax II	D Tax Account #:	
Geographic Location (distance re	lated to or near major intersect	tion)	Police District #: 2	
Located on both sides of Route	202, immediately south of Ke	ent Drive and 0.2	2 mi North of Crescent Dr in	Largo, MD
Total Acreage: 167.79	Aviation Policy Area:		Election District: 3	
Tax Map/Grid: 92 E-3	Current Zone(s): RL		Council District: 6	
WSSC Grid: 206SE13	Existing Lots/Blocks/Parcels:	Existing Lots/Blocks/Parcels: attached Dev. Review District:		
Planning Area:	In Municipal Boundary: NA Is development exempt from grading permit pursuant to 32-127(a)(6)(A): □ Y □ N		0 01	
(2002) General Plan Tier: ☐ Deve	loped \square Developing \square	□ Rural	Area of proposed LOD:	
Single Family Lots - Remove Trail system on the Western Branch for a fee in lieu to the Parks Department per Basic Plan Amendment A-9895-C-01		Please list and provide copies of resolutions of previously approved applications affecting the subject property: A-9895, A-9895-C-01, CDP-9901, PP 4-03071, SDP 0414		
Applicant Name, Address & Phone:		Consultant Name, Address & Phone:		
Sevag Balian, Forest Hill P	artners, LLC 6110	Same		
Executive Blvd, Suite 310 F	*			
301-440-1748, gsbalian@h	naverfordhomes.com			
Owner Name, Address & Phone:		Contact Name, I	Phone & E-mail:	
(if same as applicant indicate same/corporation	•	Sevag Baliar		
Quad Construction Corporation, 6110 Executi Attn: Sevag Balian, President, 301-440-1748	, gsbalian@haverfordhomes.com	301-440-174		
[Please note that Sevag Balian is the President of both the owner and applicant]		gsballan@na	averfordhomes.com	
SIGNATURE (Sign where appropriate;	include Application Form Disclos		-	
Gregory S. Balian	7/13/2021	DocuSig		7/13/2021
Owner's Signature typed & signed	Date		ry S. Balian Ignature typed & signed	Date
o milor o orginataro typou a orgineu	Dutt	rippiicuit 8 0.	Similare typed & signed	Dute
 Contract Purchaser's Signature type signed	ed& Date	Applicant's S	ignature typed & signed	Date

SUBDIVISION CASES - PRELIMINARY PLAN/CONSERVATION SKET	CH PLAN:
Type of Application (Check all that apply)	
Conventional □ Comprehensive Design □	Conservation Sketch Plan ☐ Pre-Preliminary Plan ☐
Variation, Variance or Alternative Compliance Request(s)	Applicable Zoning/Subdivision Regulation Section(s):
Yes □ No ☑	
Total Number of Proposed:	
Lots Outlots Parcels	Outparcels
Number of Dwelling Units:	Gross Floor Area (Nonresidential portion only):
Attached Detached Multifamily	
SUBDIVISION CASES — FINAL PLAT:	
Water/Sewer: DER □ Health Dept. □	Number of Plats:
CSP/DSP/SDP No.:	WSSC Authorization No.:
Preliminary Plan No.:	
Approval Date of Preliminary Plan:	
URBAN DESIGN AND ZONING CASES:	
Details of Request:	Zoning Ordinance Section(s):
Remove Trail system on the Western Branch for a fee in lieu to the Parks Department per Basic Plan	
Amendment A-9895-C-01	
Total Number of Proposed:	Outnovools
Lots Outlots Parcels	Outparcels
Number of Dwelling Units:	Gross Floor Area (Nonresidential portion only):
Attached DetachedMultifamily	
Variance Request	Applicable Zoning/Subdivision Regulation Section(s):
Yes □ No □	
Departure Request	Application Filed
Yes □ No □	Yes □ No □
Alternative Compliance Request	Application Filed
Yes □ No □	Yes □ No □

APPLICATION FORM DISCLOSURE

List all persons having at least five percent (5%) interest in the subject property **ONLY required for Special Exception and Zoning Map Amendment Applications.**

Owner(s) Name - printed	Signature and Date	Residence Address

If the property is owned by a corporation, please fill in below.

Officers	Date Assumed Duties	Residence Address	Business Address
Sevag Balian	10/31/2013	6110 Executive Blvd, Suite 310 Rockville MD 20852	6110 Executive Blvd, Suite 310 Rockville MD 20852
Elliot Totah	10/31/2013	6110 Executive Blvd, Suite 310 Rockville MD 20852	6110 Executive Blvd, Suite 310 Rockville MD 20852
Scott DeCain	5/15/2014	6110 Executive Blvd, Suite 310 Rockville MD 20852	6110 Executive Blvd, Suite 310 Rockville MD 20852

Board of Directors	Date Assumed Duties	Date Term Expires	Residence Address	Business Address
Sevag Balian	12/22/2008	Not Applicable	6110 Executive Blvd, Suite 310 Rockville MD 20852	6110 Executive Blvd, Suite 310 Rockville MD 20852
Elliot Totah	12/22/2008	Not Applicable	6110 Executive Blvd, Suite 310 Rockville MD 20852	6110 Executive Blvd, Suite 310 Rockville MD 20852
Scott DeCain	5/15/2014	Not Applicable	6110 Executive Blvd, Suite 310 Rockville MD 20852	6110 Executive Blvd, Suite 310 Rockville MD 20852

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 GOVERNOR ODEN BOWIE DRIVE
UPPER MARLBORO, MD 20772
DEVELOPMENT REVIEW DIVISION
301-952-3530

Forest Hills Tax IDs and Lot/Block & Parcels

DISTRICT 3

Account #	Lot#
3967742	1A
3967759	2A
3967767	3A
3967775	4A
3967783	5A
3967791	6A
3967841	7A
3967858	8A
3967866	9A
3966439	10A
3966447	11A
3966454	12A
3966462	13A
3966470	14A
3966488	15A
3966496	16A
3966504	17A
3966512	18A
3966520	19A
3966538	20A
3966546	21A
3966553	22A
3966561	23A
3966579	24A
3966587	25A
3966595	26A
3966603	27A
3966611	28A
3966629	29A
3966637	30A
3966645	31A
3966652	32A
3966660	33A
3966678	34A
3966686	35A
3966694	36A
3966702	37A
3966710	38A
3967874	39A
3967882	40A
3966710 3967874	38A 39A

3967809	41A
3967890	42A
3966983	43A
3966991	44A
3967007	45A
3967015	46A
3967023	47A
3967031	48A
3967049	49A
3966728	50A
3966736	51A
3966744	52A
3966751	53A
3966769	54A
3966777	55A
3966785	56A
3966793	57A
3966801	58A
3966819	59A
3966827	60A
3967056	61A
3967064	62A
3967072	63A
3967080	64A
3967098	65A
3967106	66A
3967114	67A
3967122	68A
3967817	69A
3967825	70A
3967833	71A
3967908	1B
3967916	2B
3967924	3B
3967932	4B
3967940	5B
3968088	6B
3968096	7B
3968104	8B
3968112	9B
3968120	10B
3968138	11B
3968146	12B
3968153	13B
3968161	14B
3968013	15B

3968021	16B
3968039	17B
3968047	18B
3968054	19B
3968062	20B
3968070	21B
3968245	22B
3968252	23B
3968260	24B
3968278	25B
3968286	26B
3968294	27B
3968310	28B
3968328	29B
3968336	30B
3968344	31B
3968351	32B
3968369	33B
3968377	34B
3968385	35B
3968393	36B
3968401	37B
3968419	38B
3968427	39B
3968435	40B
3968302	41B
3968450	PARCEL A
3966421	PARCEL C
3968476	PARCEL C
3968518	PARCEL D
3968526	PARCEL E
3968484	PARCEL F

Quad Construction Corporation

AFFIDAVIT

The purpose of this affidavit is to certify that pursuant to The Process Guidelines for Development Review Applications, Informational Mailing letters regarding the application CDP-9901-01 Forest Hills were mailed to all adjoining property owners, registered associations, municipalities within a mile, and previous parties of record on June 6, 2021.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

G. Sevag Balian

STATE OF MARYLAND:

COUNTY OF MONTGOMERY:

1 HEREBY CERTIFY that on this <u>3rd</u> day of August 2022, before me, the subscribed NOTARY PUBLIC in and for the jurisdiction aforesaid, known to me or satisfactorily proven to me to be the person who executed the foregoing instrument and acknowledged the same to be his act and deed.

WITNESS my hand and Notarial Seal

Notary Public

RITA AGOP KOUDOUSSIAN
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
My Commission Expires 04-24-2024

FOREST HILL PARTNERS, LLC c/o Haverford Homes

6110 Executive Blvd, Suite 310 Rockville, MD 20852, Phone 301-864-650 <u>gsbalian@haverfordhomes.com</u> haverfordhomes.com

TO: DRD Applications TRANSMITTAL MNCPPC 4th Floor **DATE:** July 14, 2021 SUBJECT: Forest Hills CDP-9901-01 WE ARE SENDING TO YOU ATTACHED THE FOLLOWING ITEMS: Plans Specifications drawings **Prints** Samples Copies of Letters Change Order **Application DESCRIPTION** THESE ARE TRANSMITTED as checked below: Resubmit _____ copies for approval For Approval Approved as submitted Submit _____ copies for distribution Approved as noted For your use Return _____ corrected prints MNCPPC Submittal **Returned for Corrections** For Review and Comments For BIDS DUE _____ Prints Returned Signed: Sevag Balian COPY TO: File gsbalian@haverfordhomes.com



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

December 13, 2022

Quad Construction Corporation 6110 Executive Boulevard, Suite 310 Rockville, MD 20852



Re: Notification of Planning Board Action on Comprehensive Design Plan CDP-9901-01 Forest Hills

Dear Applicant:

This is to advise you that, on **December 8, 2022**, the above-referenced Comprehensive Design Plan was acted upon by the Prince George's County Planning Board, pursuant to the Transitional Provisions of Section 27-1700 of the Prince George's County Zoning Ordinance and in accordance with the attached Resolution.

Pursuant to Section 27-523 of the prior Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice **December 13, 2022** of the Planning Board's decision, unless:

- 1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
- 2. Within the 30 days (or other period specified by Section 27-291 of the prior Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Very truly yours, James R. Hunt, Chief Development Review Division

Development Review Division

k∕eviewe

Attachment: PGCPB Resolution No. 2022-120

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

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

PGCPB No. 2022-120

File No. CDP-9901-01

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, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design (LCD) Zone; and

WHEREAS, pursuant to Section 27-1704(e) of the Zoning Ordinance, certain development applications may be reviewed and decided in accordance with the prior Zoning Ordinance; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on November 17, 2022, regarding Comprehensive Design Plan CDP-9901-01 for Forest Hills, the Planning Board finds:

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:**

	PREVIOUSLY APPROVED	APPROVED
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

PGCPB No. 2022-120 File No. CDP-9901-01 Page 2

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 The Planning Board 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, the Planning Board approves 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 Resources 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 woodled 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 acres 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 acres 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**—The Planning Board adopts a memorandum dated September 30, 2022 (White to Kosack), included herein by reference, which 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**—The Planning Board adopts a memorandum dated October 17, 2022 (Rea to Kosack), included herein by reference, which 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.
 - c. **Subdivision**—The Planning Board adopts a memorandum dated October 17, 2022 (Diaz-Campbell to Kosack), included herein by reference, which 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**—The Planning Board adopts a memorandum dated October 20, 2022 (Patrick to Kosack), included herein by reference, which 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)**—The Planning Board adopts a memorandum dated October 19, 2022 (Quattrocchi to Kosack), included herein by reference, in which 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)—Comments regarding the subject project were not received from DPIE.
- g. **Prince George's County Police Department**—Comments regarding the subject project were not received from the Police Department.
- h. **Prince George's County Health Department**—The Planning Board adopts a memorandum dated September 27, 2022 (Adepoju to Bishop), included herein by reference, in which 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)**—Comments regarding the subject project were not received from SHA.

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 Type 1 Tree Conservation Plan TCP1-064-95-03and further APPROVED Comprehensive Design Plan CDP-9901-01 for the above-described land, 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.

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.

* * * * * * * * * * * *

PGCPB No. 2022-120 File No. CDP-9901-01 Page 11

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 Washington, seconded by Commissioner Doemer, with Commissioners Washington, Doerner, and Shapiro voting in favor of the motion, and with Commissioners Bailey and Geraldo absent at its regular meeting held on Thursday, November 17, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of December 2022.

Peter A. Shapiro Chairman

By Jessica Jones

Planning Board Administrator

PAS:JJ:JK:jah

APPROVED AS TO LEGAL SUFFICIENCY

David S. Warner M-NCPPC Legal Department Date: November 28, 2022



CASE NO: CDP-9901-01

CASE NAME: FOREST HILLS

PARTY OF RECORD: 4 PB DATE: 12-08-2022

SEVAG BALIAN QUAD CONSTRUCTION CORPORATION 6110 EXECUTIVE BOULEVARD LARGO MD 20774 (CASE NUMBER: CDP-9901-01)

MR.GREGORY D RIDGELY 9350 MEGATHA LANE OWINGS MD 20736 (CASE NUMBER: CDP-9901-01) QUAD CONSTRUCTION CORPORATION 6110 EXECUTIVE BOULEVARD SUITE 310 ROCKVILLE MD 20852 (CASE NUMBER: CDP-9901-01)

JESSICA CALLAHAN 3811 LARGO ROAD UPPER MARLBORO MD 20772 (CASE NUMBER: CDP-9901-01)



@ 10:00am

M-NCPPC - Development Review Division, Prince George's County Planning Department

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 · 301-952-3530

SIGN POSTING INFORMATION

Application Number: CDP-9901-01

Application Name: FOREST HILLS

Date sign(s) were transmitted to applicant or applicant's agent: October 18, 2022

Number of signs transmitted: 4

Person to whom signs were transmitted: Rock Harvey (Print)
Understands the sign posting affidavit, map and photos must be emailed as one PDF to
PGCReferrals@ppd.mncppc.org with subject: Case Number-Name "Posting Affidavit" no later than 14 days before scheduled hearing.

Capacity in which that person was acting: Owner's Agent

(owner, applicant, agent)

Date & Time of scheduled PLANNING BOARD HEARING: Thursday, NOVEMBER 17, 2022

Last date sign(s) can be posted: TUESDAY, OCTOBER 18, 2022 by 12midnight

SIGN POSTING AFFIDAVIT
I, Rock Harvey , hereby certify that the subject property was posted with (print or type name)
$\frac{A}{\text{(specify number)}} \frac{\text{sign(s) on}}{\text{(date)}} \frac{\text{Oct. 18, 2011}}{\text{(date)}}.$
I further certify that the signs were inspected on
DO NOT SUBMIT THIS AFFIDAVIT UNTIL THE SITE HAS BEEN INSPECTED. Application Number: CDP-9901-01 Application Name: FOREST HILLS
Contact Person & Telephone: GEVAG BALIAN
Company Name & Address: Quan Construction Coan. 6110 Executive Blud # 310 Capacity in which you are acting: (owner, applicant, agent)
Capacity in which you are acting: (owner, applicant, agent)
Note: Attach <u>legible</u> , photograph(s) showing sign(s) in place and at least one additional photograph from a distance sufficient to show physical improvements or natural characteristics to identify the subject property.
Return this affidavit, posting map and photographs saved as one PDF and emailed to PGCReferrals@ppd.mncppc.org Subject: CDP-9901-01 FOREST HILLS and "Posting Affidavit" no later than 14 days prior to the Planning Board hearing date.



Proposed Development

ABB	
AUU	lication:

Applicant Contact Name:

Phone:

Email:

Become a Party of Record

To become a party of record submit your request online at https://bit.ly/2M2DV2h or by mail to:

Prince George's County Planning Department Development Review Division 14741 Governor Oden Bowie Drive Upper Marlboro, MD 20772

Any member of the public is welcome to attend the public hearing and speak either in support or opposition to the public hearing.

For more information:

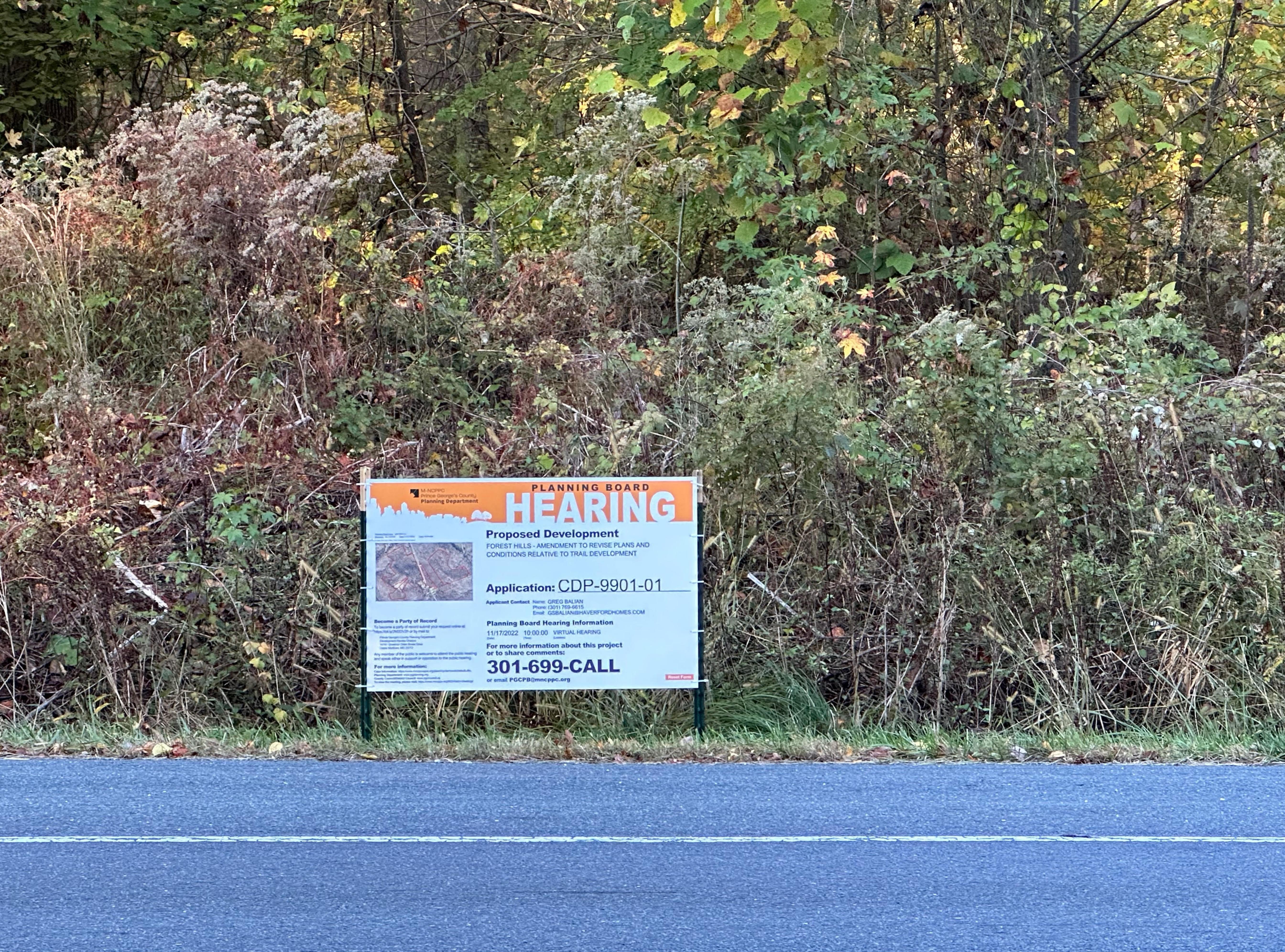
Case Information: https://www.mncppcapps.org/planning/damsweb/default.cfm
Planning Department: www.pgplanning.org
County Council/District Council: www.pgccouncil.us
To view the meeting, please visit: https://www.mncppc.org/883/Watch-Meetings

For more information about this project or to share comments:

301-699-CALL

or email PGCPB@mncppc.org











M-NCPPC - Development Review Division, Prince George's County Planning Department

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 · 301-952-3530 www.pgplanning.org

NOTICE OF PUBLIC HEARING

Application Number: CDP-9901-01

Application Name: FOREST HILLS

Date and time of Planning Board hearing: Thursday, 11/17/2022 @ 10:00am EST

Description of Request: AMENDMENT TO REVISE PLANS AND CONDITIONS RELATIVE TO TRAIL DEVELOPMENT.

Address or Location: LOCATED ON THE EAST AND WEST SIDES OF MD ROUTE 202, 500 FEET SOUTH OF ITS INTERSECTION WITH KENT DRIVE.

This Notice of Public Hearing is sent to you, a registered person of record (or a register civic association or municipality) for the subject application.

This Notice also provides information about Planning Board procedures. A technical staff report (TSR), with a recommendation to the Planning Board (Board), will be prepared by the assigned reviewer and published to the Planning Department's website within one to two weeks prior to the scheduled hearing date (noted above). Technical staff reports may be viewed online and printed. Within three weeks of the Board's hearing and decision, a formal resolution will be adopted by the Board and published on the website for viewing and printing. If you have any questions about the process, please contact the Development Review Division at 301-952-3530.

All Planning Board hearings are scheduled to begin at 10:00 a.m. The order of the agenda items is for the convenience of the Planning Board and is subject to change without notice. If you would like to become a party of record, visit our website at http://www.mncppcapps.org/planning/Person of Record/default.cfm.

The Planning Board encourages the participation of all individuals to include those with special needs; advanced notice is encouraged. For special needs assistance, please call 301-952-4584. If you wish to receive the Planning Board Agenda and other published reports by email, please sign up at http://www.pgplanning.org/Planning_Board/Agenda_Subscribe.htm and be sure to visit www.pgplanning.org/Planning_Board/Agenda_Subscribe.htm and be sure to visit www.pgplanning.org/Planning_Board/Agenda_Subscribe.htm and be sure to visit <a href="https://www.pgplanning.org/Planning_Board/Agenda

Attention: Due to COVID-19, Planning Board meetings are held virtually and may be viewed at http://mncppc.iqm2.com/Citizens/Default.aspx. If you wish to speak at the public hearing, registration must be received by 12 noon on Tuesday before the meeting; please register at http://pgplanningboard.org/883/Watch-Meetings. Submit comments and supporting documentation into the record by emailing PGCPB@mncppc.org, also by 12 noon on Tuesday before the meeting.



ZIP 20772 \$ 000.00⁰ 02 1W 0001403597 OCT 18 2022

CASE NO: CDP-9901-01
CASE NAME: FOREST HILLS
PARTY OF RECORD: 2

PB DATE:

MR.GREGORY D RIDGELY 9350 MEGATHA LANE OWINGS MD 20736 (CASE NUMBER: CDP-9901-01) 57

JESSICA CALLAHAN 3811 LARGO ROAD UPPER MARLBORO MD 20772 (CASE NUMBER: CDP-9901-01)



AGENDA ITEM: 5 AGENDA DATE: 11/17/2022



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	With the conditions recommended herein:
proposed trail.	•Approval of Comprehensive Design Plan CDP-9901-01 •Approval of Type 1 Tree Conservation Plan TCP1-064-95-03

Location: On both sides of MD 202 (Largo Road), approximately one mile north of its intersection with MD 725.

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
Applicant/Address: Quad Construction Corporation 6110 Executive Boulevard, Suite 310	

Staff Reviewer: Jill Kosack, RLA, ASLA
Phone Number: 301-952-4689

Email: Jill.Kosack@ppd.mncppc.org

Rockville, MD 20852

Planning Board Date: 11/17/2022

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

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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:

	PREVIOUSLY APPROVED	PROPOSED
Zone(s)	LCD (R-L)	LCD (R-L)
Use(s)	Single-Family	Single-Family
	Detached Residential	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

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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.

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.

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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;

7

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:

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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:

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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.

- Prince George's County Department of Parks and Recreation (DPR)—In a e. 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.

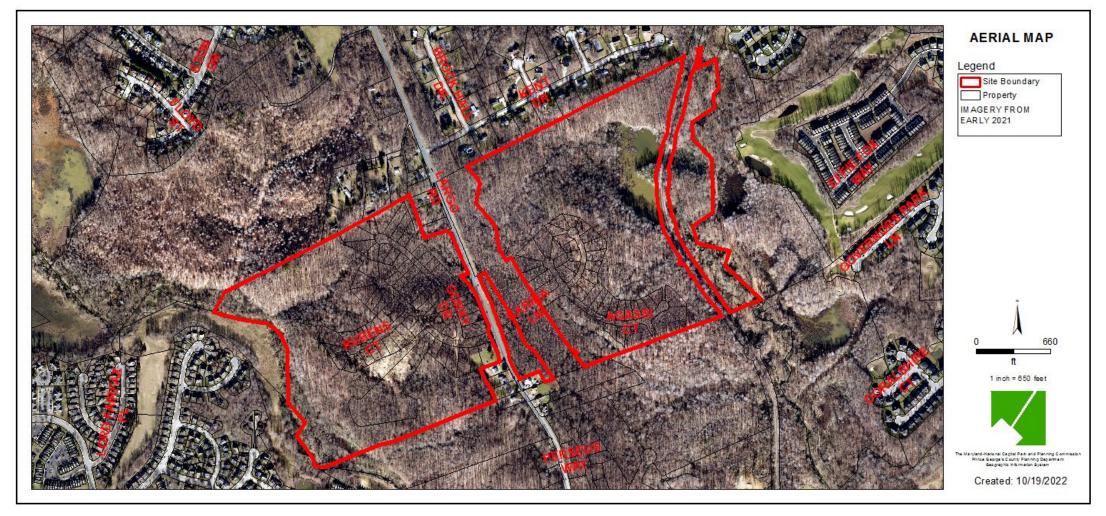
FOREST HILLS

Amendment to a Comprehensive Design Plan

A-9895-C-01

Case: CDP-9901-01

Staff Recommendation: APPROVAL with condition

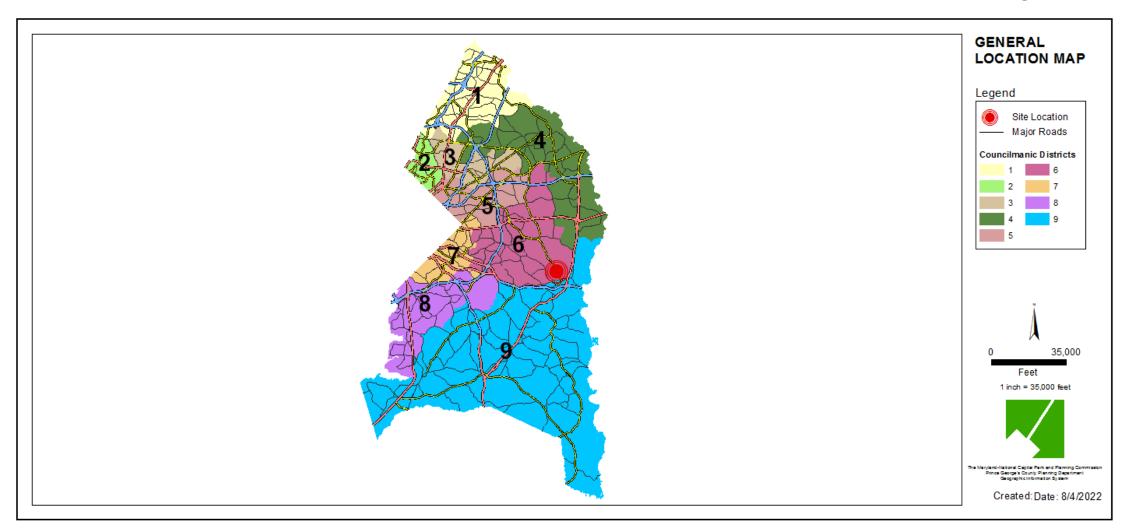


GENERAL LOCATION MAP

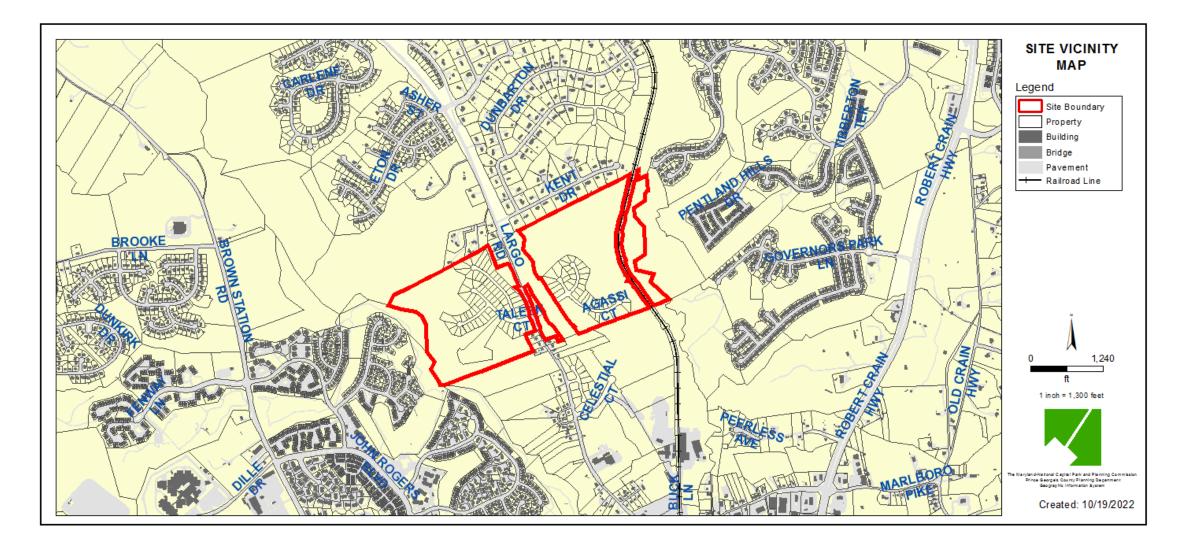
Council District: 06

Planning Area: 79

Case: CDP-9901-01



SITE VICINITY MAP



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 3 of 15

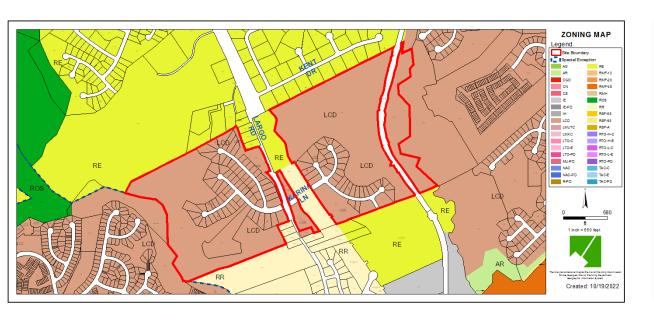
ZONING MAP (CURRENT & PRIOR)

Property Zone: LCD

Case: CDP-9901-01

Prior Property Zone: R-L

CURRENT ZONING MAP



PRIOR ZONING MAP



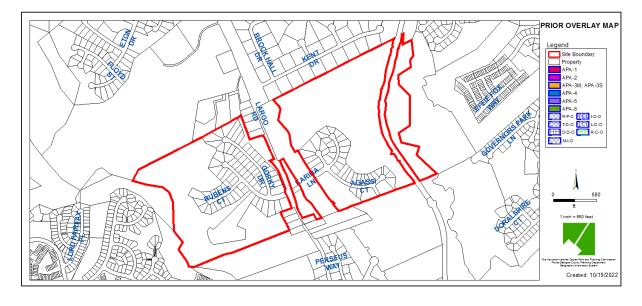
OVERLAY MAP (CURRENT & PRIOR)

CURRENT OVERLAY MAP

OVERLAY MAP Legend Site Boundary Property APA-14 APA-2 APA-30 APA-4 APA-6 TIST Inco TIST

PRIOR OVERLAY MAP

Case: CDP-9901-01



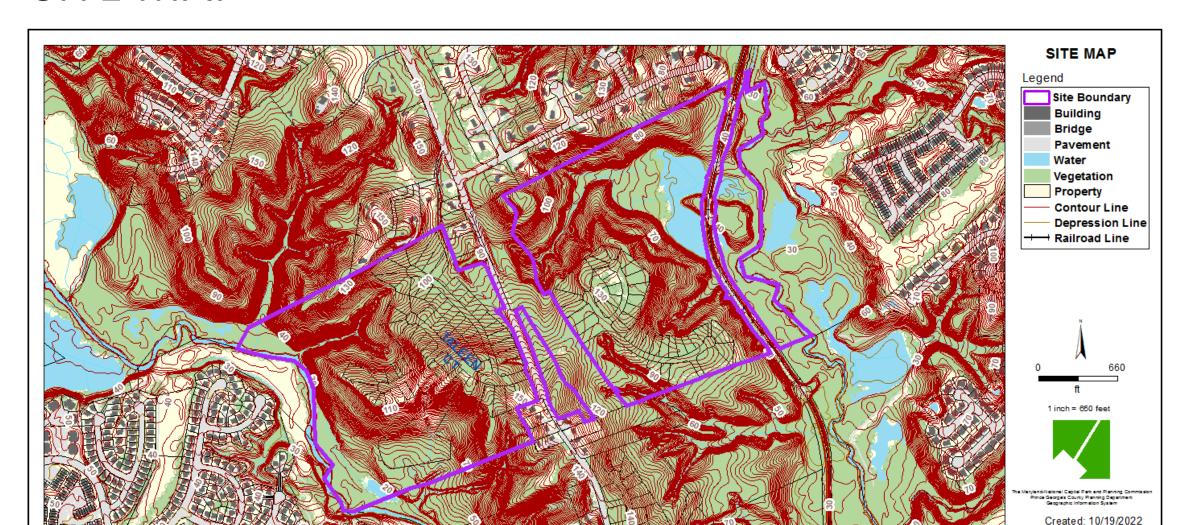
Item: 5 11/17/2022 Slide 5 of 15

AERIAL MAP



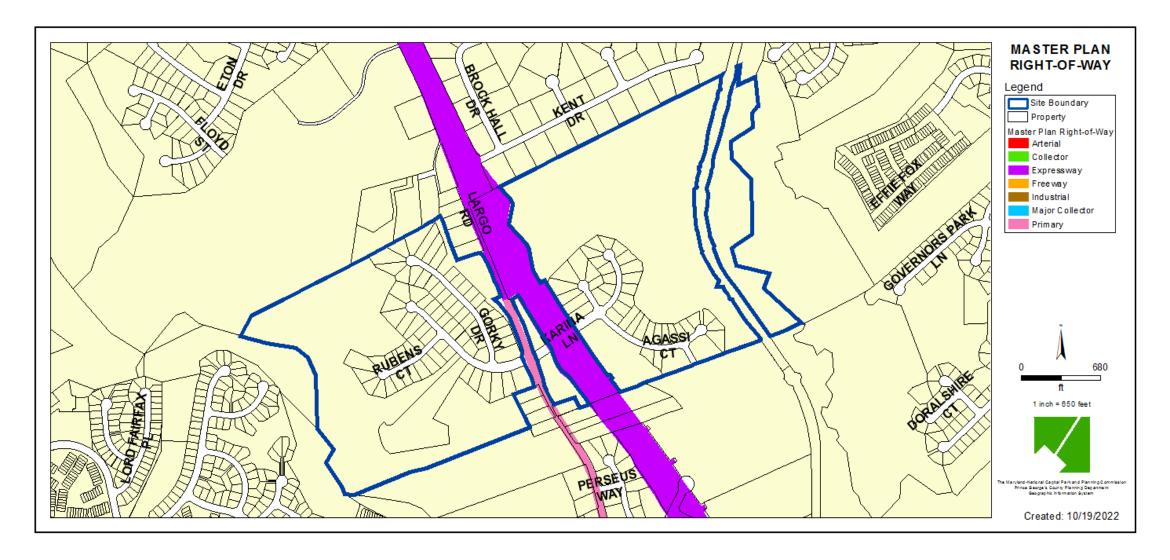
Case: CDP-9901-01

SITE MAP



Case: CDP-9901-01

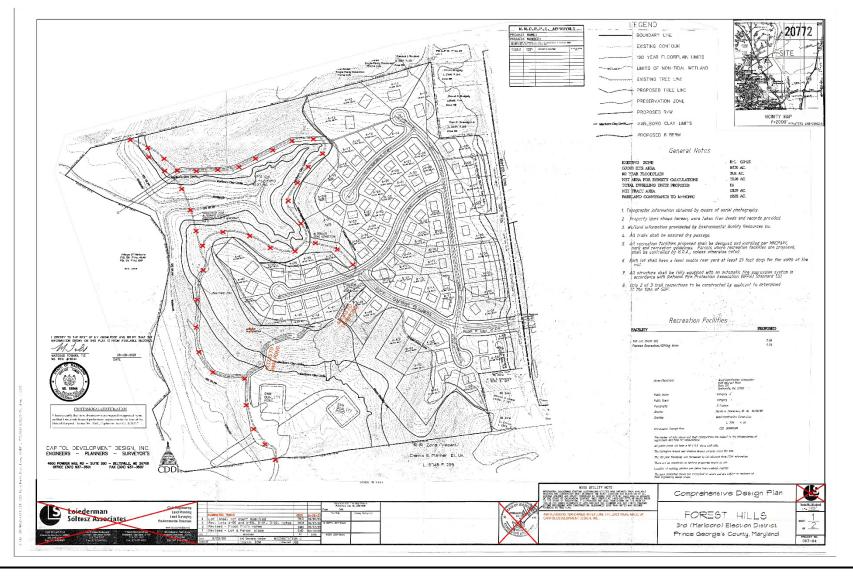
MASTER PLAN RIGHT-OF-WAY MAP



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 8 of 15

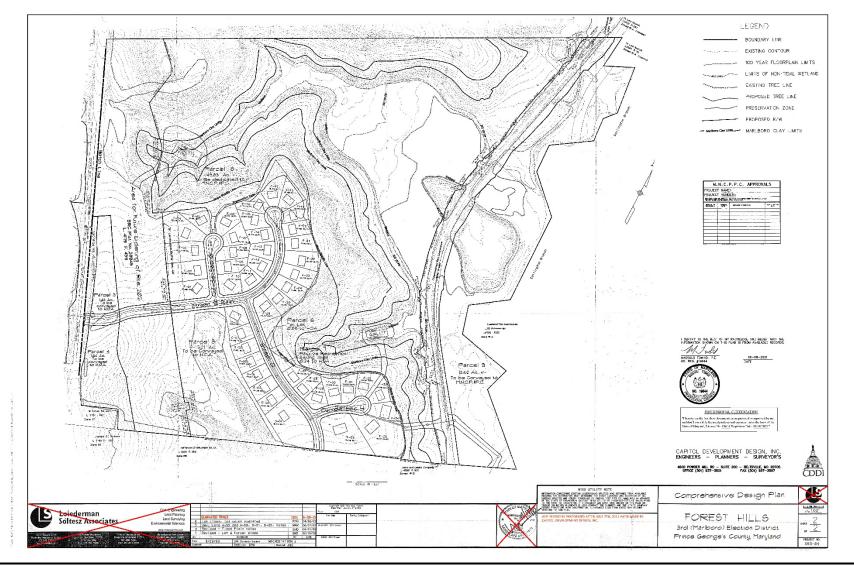
COMPREHENSIVE DESIGN PLAN



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 9 of 15

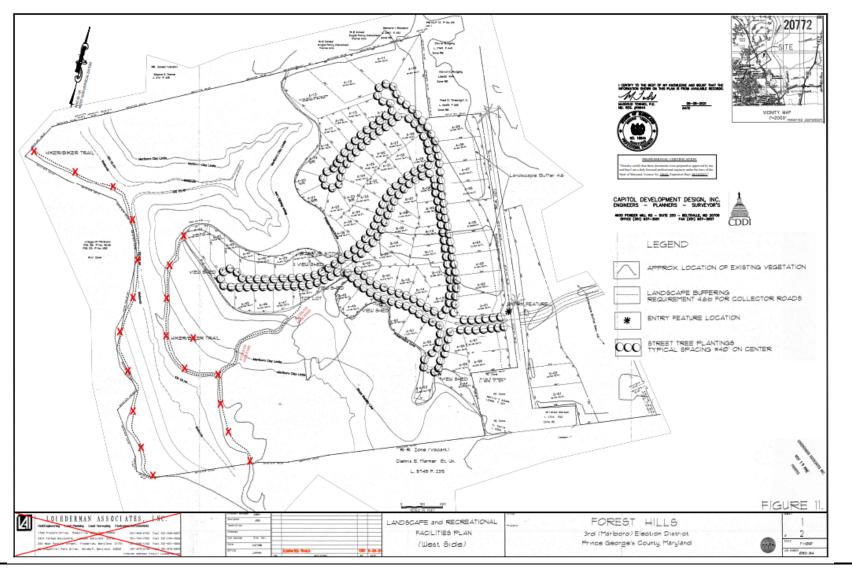
COMPREHENSIVE DESIGN PLAN



Case: CDP-9901-01

LANDSCAPE AND RECREATIONAL FACILITIES PLAN

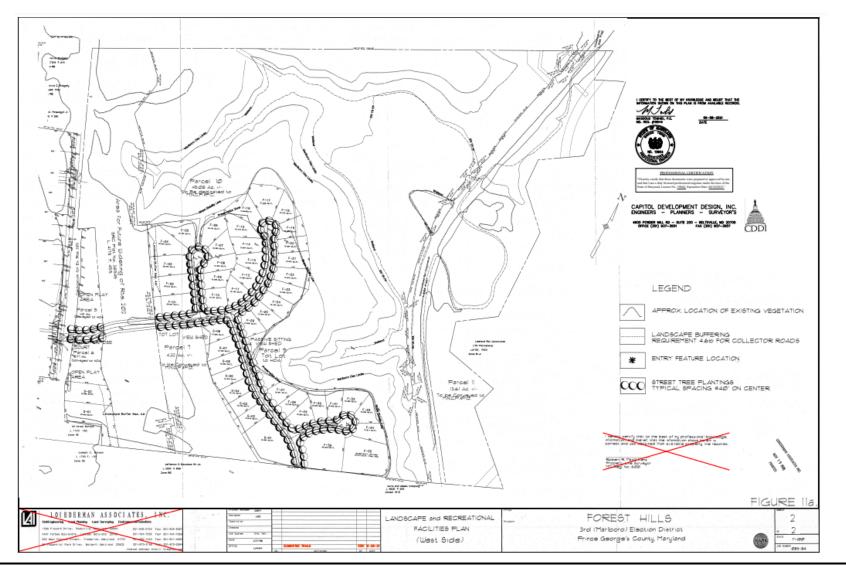
Case: CDP-9901-01



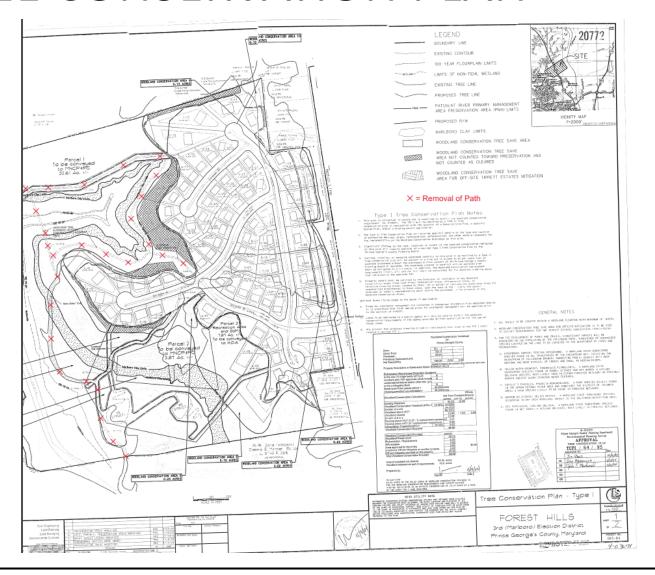
Item: 5 11/17/2022 Slide 11 of 15

LANDSCAPE AND RECREATIONAL FACILITIES PLAN

Case: CDP-9901-01



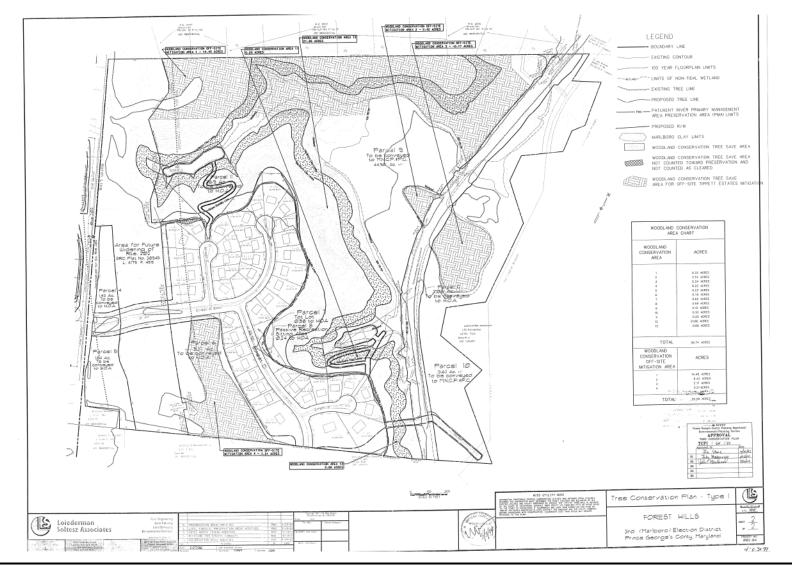
TYPE I TREE CONSERVATION PLAN



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 13 of 15

TYPE 1 TREE CONSERVATION PLAN



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 14 of 15

STAFF RECOMMENDATION

APPROVAL with condition

Issues:

None

Applicant Required Mailings:

Case: CDP-9901-01

Informational: 6/6/21

Acceptance: 8/4/22

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 94-24

File No. A-9895

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

Applicant:

Quad Construction Corporation, Owner

John McDonough, Correspondent

Location:

The subject property is located on both sides of Largo Road (MD

202), approximately 3,000 feet north of MD 725.

Request:

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

RESOLUTION

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:

- Α. 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.
- A total of 153 single-family detached dwelling units are planned В. 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 <u>Guidelines</u>, 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.

PGCPB No. 94-24 File No. A-9895 Page 4

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 Density Requested	1.00 du/acre 1.02 du/acre	150 dus 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.
- 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.

PGCPB No. 94-24 File No. A-9895 Page 6

- 13. The applicant shall dedicate $105\pm$ 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:

 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 <u>Wednesday</u>, <u>January 26</u>, <u>1994</u>, in Riverdale, Maryland.

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

LeRoy J. Hedgepeth Executive Director

Ву

Frances J. Guertin

Planning Board Administrator

LJH:FJG:JD:1g

GARLAND M. STILL WELL
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.

Donna J. Brown Clerk of the Council

Lloren J. Brown

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

¹ 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 dwelling units

2 percent 3 additional

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

A-9895-C-01 (Basic Plan Amendment)

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 26th 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: CalsHamil

Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown

Clerk of the Council



AND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive

Upper Marlboro, Maryland 20772

TTY: (301) 952-3796

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

PGCPB No. 02-184 File No. CDP-9901 Page 2

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

PGCPB No. 02-184 File No. CDP-9901 Page 3

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:

<u>Design elements</u>: 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.

<u>Facilities:</u> 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.

<u>Amenities</u>: 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. <u>Density Increment Analysis</u>

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. <u>Development Standards</u>

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) - 2

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 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 base-

ment

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 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 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 Notograma*), 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 Tippett 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 notograma*) 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,

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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 Tippett 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					
Critical Lane Volume Intersection (AM & PM)				f Service M & PM)	
MD 202/MD 193	789	744	Α	Α	
MD 202/MD 725	820	937	Α	Α	
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:

BACKGROUND CONDITIONS					
Critical Lane Volume (A Intersection & PM)			Level of Se AM &		
MD 202/MD 193	977	955	A	A	
MD 202/MD 725	997	1227	Α	С	
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					
Critical Lane Volume (AM & PM)			Level of Service (LOS, AM & PM)		
MD 202/MD 193	996	977	Α	A	
MD 202/MD 725	1008	1243	В	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.
 - 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.
- 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 <u>prior written</u> 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 58th 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:
 - 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 5th day of September, 2002.

Trudye Morgan Johnson Executive Director

 $\mathbf{R}\mathbf{v}$

Irances J. Guertin

Planning Board Administrator

TMJ:FJG:LS:wrc

APPROVED AS TO LEGAL SUFFICIENCY.

Nata 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 culde-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-desacs.
- (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 58th 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 24TH day of March, 2003, by the following vote:

In Favor:	Council	Members	Shapiro,	Bland,	Dean,	Dernoga,	Exum,	Harrington
Hendersh	ot, Knott	s, and Pete	ers					

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

Peter A. Shapiro, Chair

ATTEST:

Redis C. Floyd, Clerk

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

301-952-3972

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 lowto -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



ARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

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

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 woodled 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.

Forest Hills, CDP-9901-01 and TCPI-064-95-03 October 17, 2022 Page 4

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:

Forest Hills, CDP-9901-01 and TCPI-064-95-03 October 17, 2022 Page 5

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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

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 &C

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.

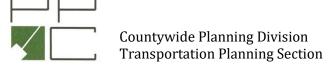
Plan Comments

- 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.



14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco 301-952-3680

October 20, 2022

MEMORANDUM

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

FROM: 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-9901-01: Forest Hills October 20, 2022 Page 2

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.

CDP-9901-01: Forest Hills October 20, 2022 Page 3

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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

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 \mathcal{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**

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

CDP-9901-01 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.



FOREST HILLS

Amendment to a Comprehensive Design Plan

A-9895-C-01

Case: CDP-9901-01

Staff Recommendation: APPROVAL with condition

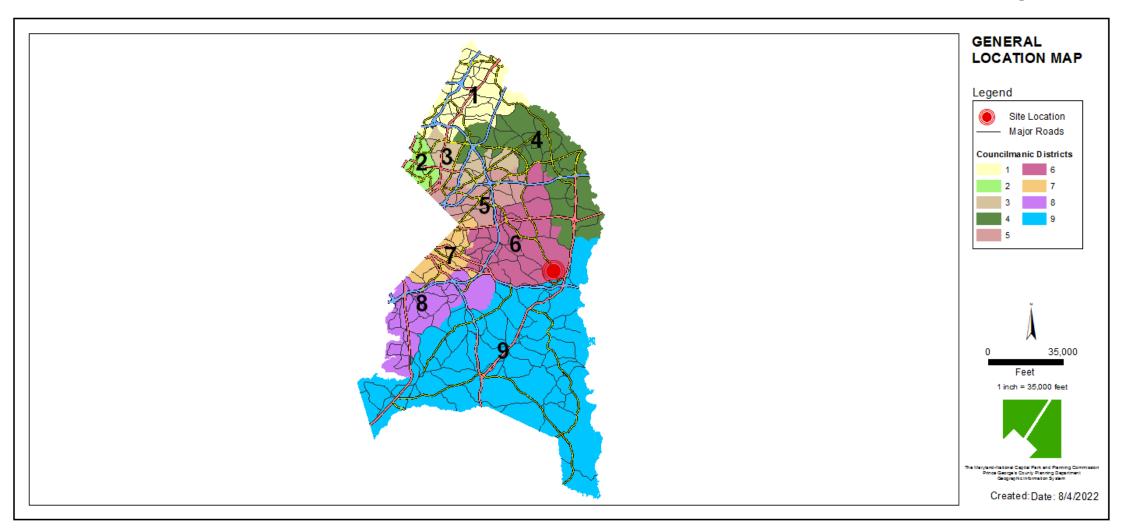


GENERAL LOCATION MAP

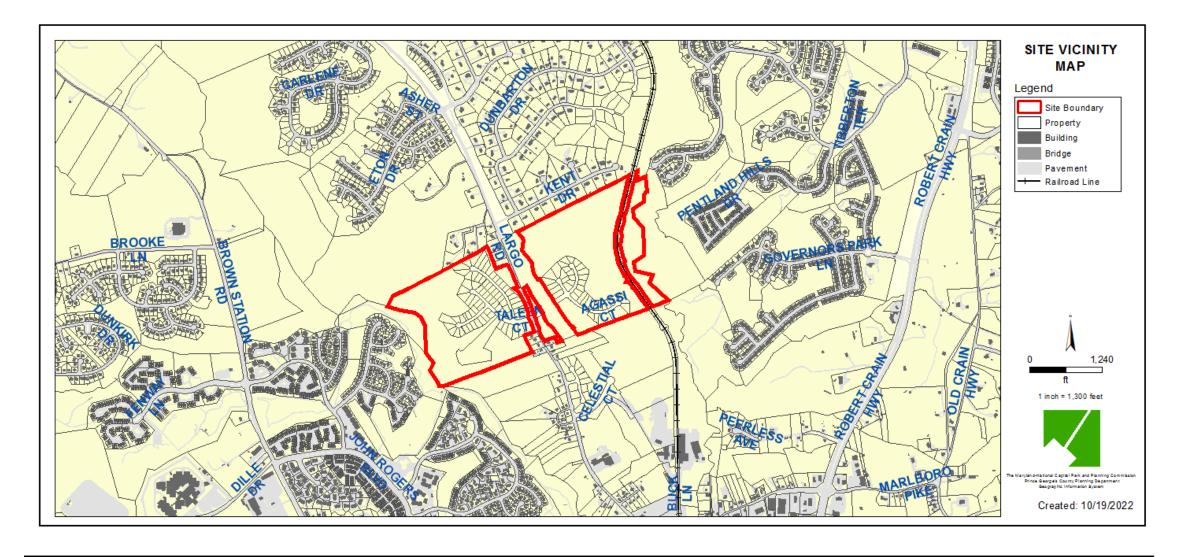
Council District: 06

Planning Area: 79

Case: CDP-9901-01



SITE VICINITY MAP



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 3 of 15

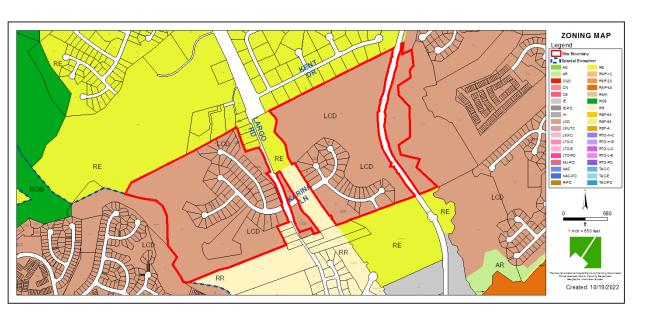
ZONING MAP (CURRENT & PRIOR)

Property Zone: LCD

Case: CDP-9901-01

Prior Property Zone: R-L

CURRENT ZONING MAP



PRIOR ZONING MAP



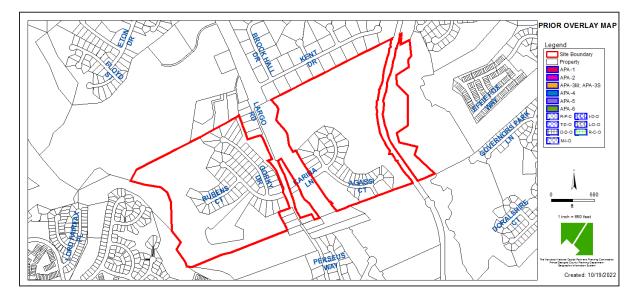
OVERLAY MAP (CURRENT & PRIOR)

CURRENT OVERLAY MAP

OVERLAY MAP Legend India Bills Boundary India PAP-39 API-3 API-3 API-3 API-6 A

PRIOR OVERLAY MAP

Case: CDP-9901-01



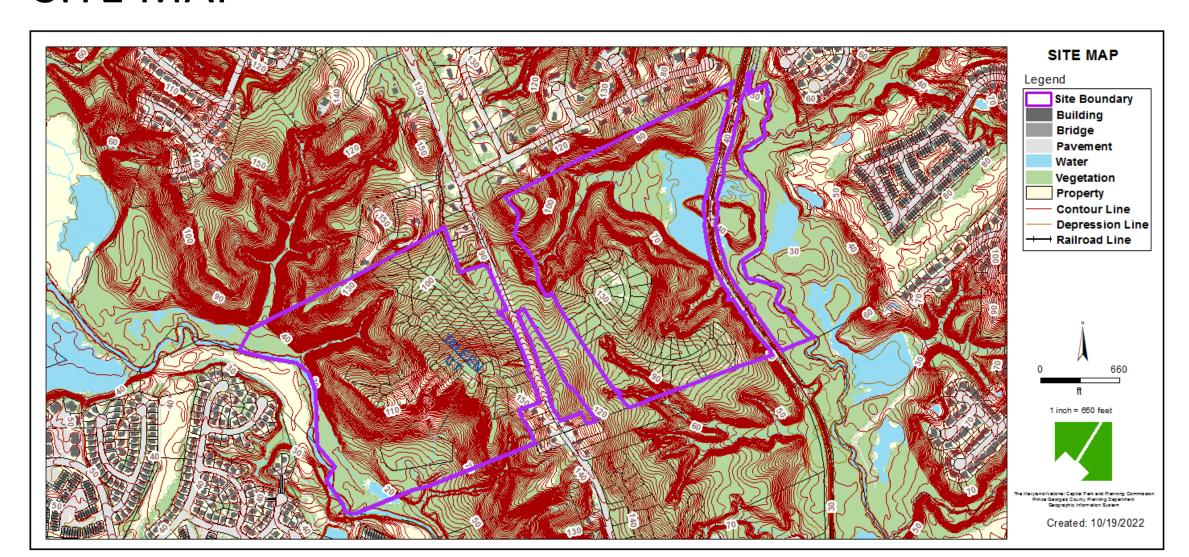
Item: 5 11/17/2022 Slide 5 of 15

AERIAL MAP



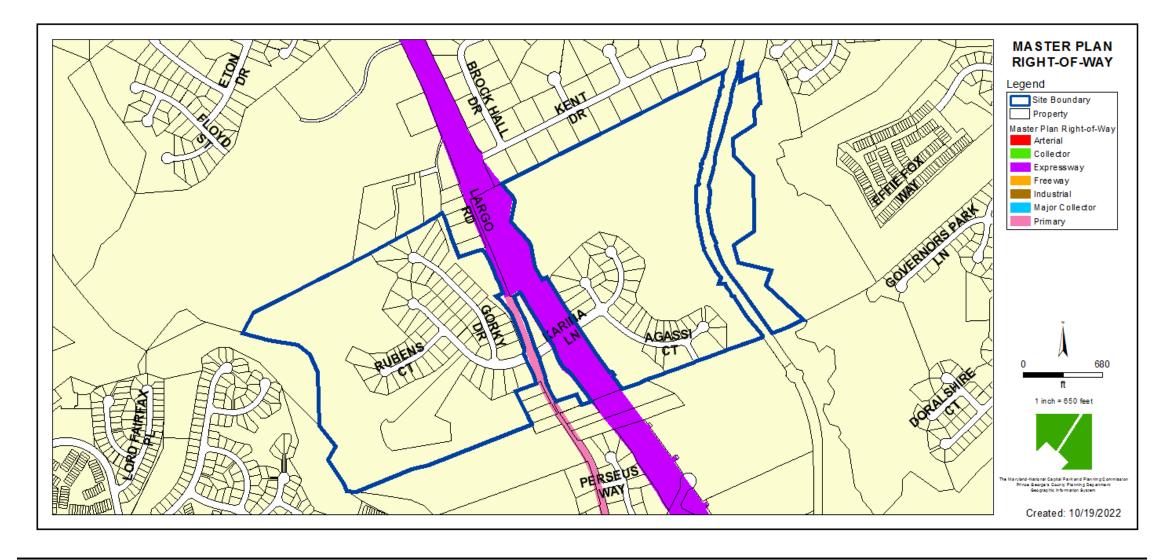
Case: CDP-9901-01

SITE MAP



Case: CDP-9901-01

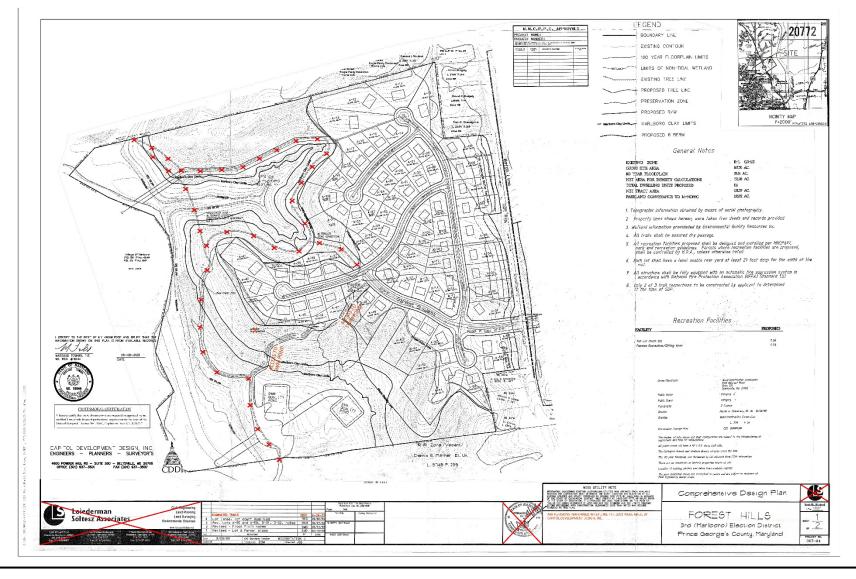
MASTER PLAN RIGHT-OF-WAY MAP



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 8 of 15

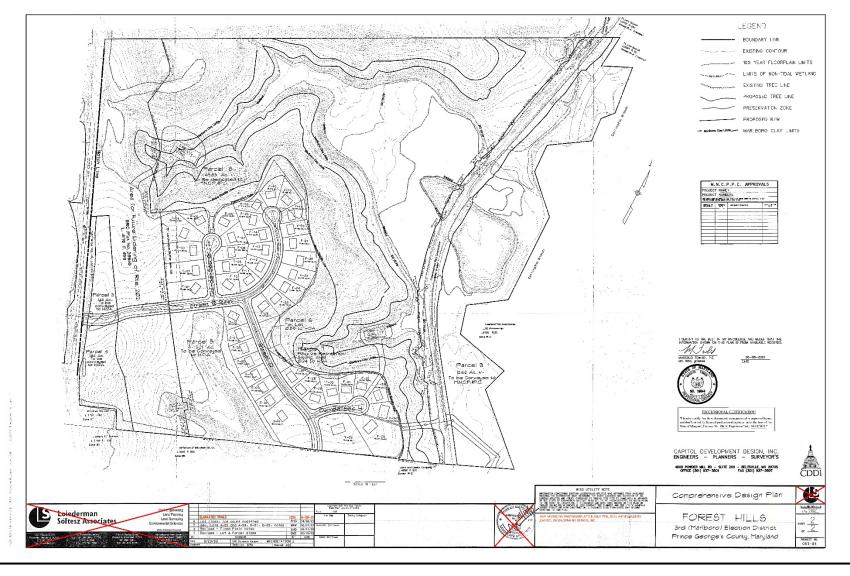
COMPREHENSIVE DESIGN PLAN



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 9 of 15

COMPREHENSIVE DESIGN PLAN

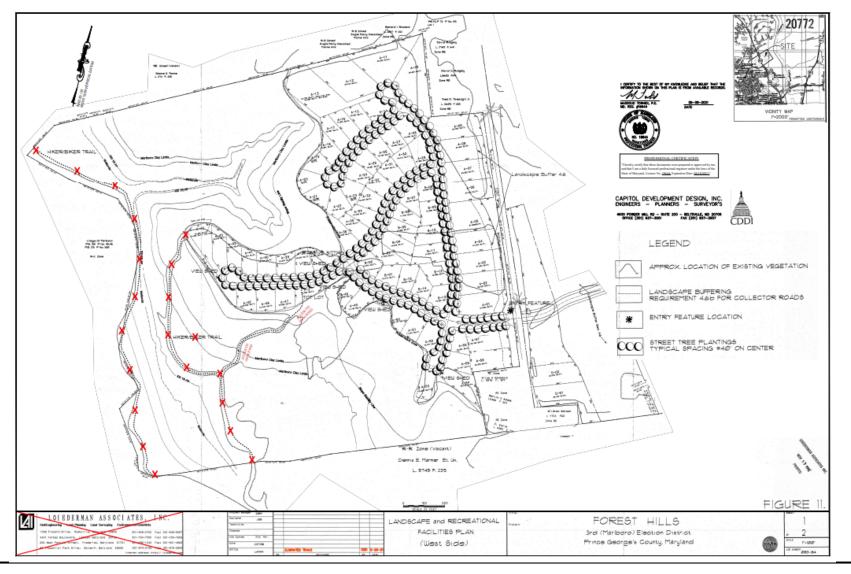


Case: CDP-9901-01

Item: 5 11/17/2022 Slide 10 of 15

LANDSCAPE AND RECREATIONAL FACILITIES PLAN

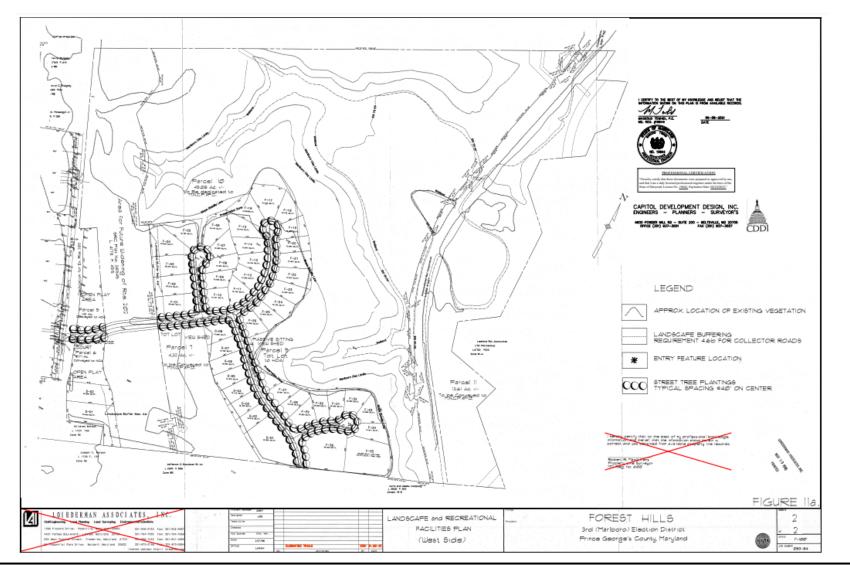
Case: CDP-9901-01



Item: 5 11/17/2022 Slide 11 of 15

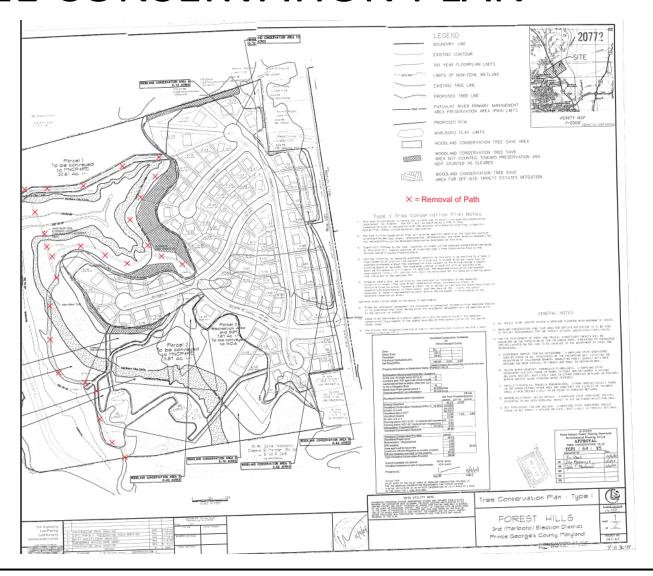
LANDSCAPE AND RECREATIONAL FACILITIES PLAN

Case: CDP-9901-01



Item: 5 11/17/2022 Slide 12 of 15

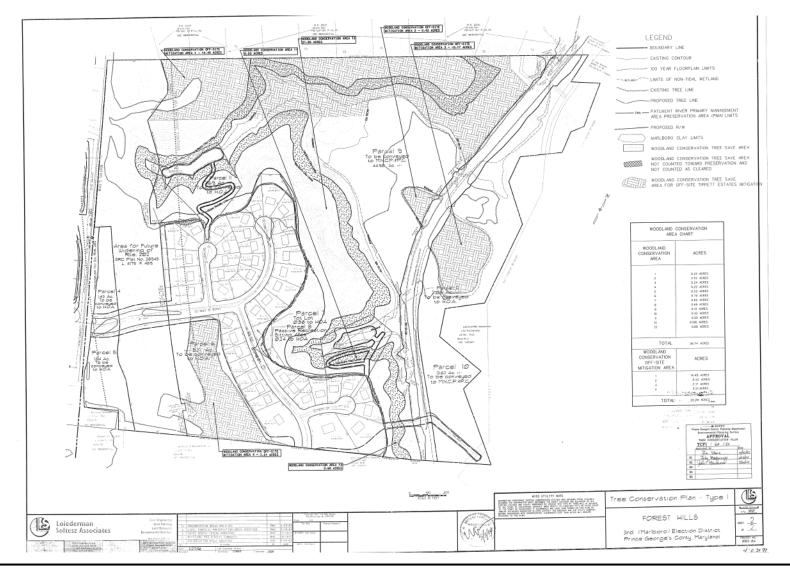
TYPE I TREE CONSERVATION PLAN



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 13 of 15

TYPE 1 TREE CONSERVATION PLAN



Case: CDP-9901-01

Item: 5 11/17/2022 Slide 14 of 15

STAFF RECOMMENDATION

APPROVAL with condition

Issues:

None

Applicant Required Mailings:

Case: CDP-9901-01

Informational: 6/6/21

Acceptance: 8/4/22