



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

April 28, 2021

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

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

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

CERTIFICATE OF SERVICE

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

A handwritten signature in cursive script, reading "Donna J. Brown".

Donna J. Brown
Clerk of the Council

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

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

Applicant: Quad Construction Corporation

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

ZONING ORDINANCE NO. 4 -2021

AN ORDINANCE to amend the Basic Plan, to remove/revise certain conditions of approval set by the District Council in its approval of A-9895-C as part of its adoption of CR-34-1994, on the subject property which consists of approximately 169.12+ acres in the R-L (Residential Low Development) Zone located on both sides of Largo Road (MD 202), south of Kent Drive and approximately 3,000 feet north of Old Marlboro Pike, and identified as 14300-14318 Rubens Court, 4100-4219 Taleen Court, 4000-4114 Gorky Drive, 4000-4007 Liza Lane and 14702-14805 Agassi Court, Upper Marlboro, Councilmanic District 6.1

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

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

WHEREAS, Conditions 15 and 16 read as follows:

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

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	2 percent	3 additional
dwelling units		

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

II. Conditions:

1. Prior to the issuance of any building permits on the subject property, the widening of MD 202 to a four-lane divided highway from south of MD 193 to White House Road (as shown in the Secondary Development and Evaluation Program of the proposed FY 1994-99 Consolidated Transportation Program), shall be in place, under construction, or programmed with 100% construction funding in the next five years in the current Maryland Department of Transportation

Consolidated Transportation Program or the Prince George's County Capital Improvement Program; or, in the event that a fair share contribution is made by the applicant and/or the applicant's heirs, successors, or assigns, 100% of the remaining construction funds will be committed in writing by the SHA, the DPW&T, or both agencies.

2. Access to the E-6 facility from the subject property shall be limited to a single location at or near the applicant's proposed south site entrance, as shown on the Basic Plan.
3. At the time of Comprehensive Design Plan submission, the applicant and/or the applicant's heirs, successors, or assigns shall show a stub connection to the property immediately to the south (Robert L. Wurtz and Weeks Company, Liber 4620, Folio 929 on Tax Map 92, Grid F-3).
4. Only two lots shall be permitted in the area between existing and proposed MD 202. These lots shall be located in the southernmost area of this land.
5. The area marked "B" just south of the Thorn Hills subdivision in the northwest corner of the site, and the area marked "A" in the southeast corner of the site, east of the preservation zone, shall be reserved for lots with an approximate area of 40,000 square feet.
6. The applicant shall work with the Department of Parks and Recreation in creating a Type I Tree Conservation Plan to adequately allow for improvements (such as trails) in any forest preservation proposal.
7. The Basic Plan shall be revised to show the "building area envelopes" coincident with or outside the Preservation Zone, to the greatest extent possible.
8. The applicant shall prepare a geotechnical study of the Marlboro Clays on site, in accordance with Department of Environmental Resources Criteria, and submit it with the Comprehensive Design Plan. Special attention should be paid to locating headwalls of previously failed slopes; the approximate locations should be shown on the plan delimiting the 1.5 safety factor line.
9. A Stormwater Management Concept Plan shall be approved prior to the approval of the Comprehensive Design Plan.

10. As part of the submittal of the Comprehensive Design Plan, the applicant shall include a conceptual layout of water and sewerage service to and within the site and an analysis of the impact of the construction of these facilities. The applicant shall minimize the impact of construction.
11. The applicant shall obtain approval of the 100-year floodplain elevations from the Department of Environmental Resources, prior to preliminary plat approval.
12. Lots shall be adjusted to allow a structure to be placed outside of the noise zone (at least 395 feet from the centerline of proposed MD 202) or the applicant shall provide a noise impact study, including applicable mitigation measures, with the Comprehensive Design Plan.
13. The applicant shall dedicate 105 acres to the M-NCPPC as shown on Exhibit B (in file).
14. Land to be dedicated shall be subject to Conditions 1 through 7 of Exhibit C (in file).
15. In lieu of construction of the Western Branch Trail, improvements of the trails system to the east of the property shall be funded in part by the total payment of \$200,000 by the applicant, its heirs, successors and/or assignees to the Prince George's County Department of Parks and Recreation, which shall be indexed to the Bureau of Labor and Statistics Consumer Price Index (CPI) in 2021 dollars as of the payment date, and ultimately paid in full, prior to approval of a building permit exceeding 50 percent of the dwelling units approved with the Specific Design Plan for the site.
16. The location of the trail improvements funded by Condition 15 shall be solely at the discretion of the Prince George's County Department of Parks and Recreation provided the trail improvements are done in the Collington Trail system and in conformance with the Department of Parks and Recreation's Guidelines for Park and Recreational Facilities.
17. The "A" development pod east of realigned MD 202 and south of the proposed access road shall not include any land in the Preservation Zone. The area west of the Preservation Zone and east of realigned MD 202 shall not be included in any development pod (see area marked "1" on Staff Exhibit A). The area currently shown east of the Preservation Zone, just south of the proposed access road and just west of development Pod "C" may be incorporated into Pod "C" (see area marked "2"). South of Pod "C", the western boundary of development

Pod "A" shall be the eastern boundary of the Preservation Zone (see area marked "3".)

18. On the west side of MD 202, Pod "B" in the southwest portion of the property shall be eliminated. Pod "C" maybe expanded to include the area of Pod "B" that is outside the Preservation Zone (see area marked "4" on Staff Exhibit "A").

III. Considerations:

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

SECTION 4. The Ordinance shall become effective upon enactment.

ENACTED this 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: Calvin S. Hawkins, II
Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown

Donna J. Brown
Clerk of the Council