



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

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

Basic Plan Amendment

Forest Hills

A-9895-01

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

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

Gross Acreage: 169.12

Zone: R-L

Gross Floor Area: N/A

Dwelling Units: 153

Planning Area: 79

Council District: 06

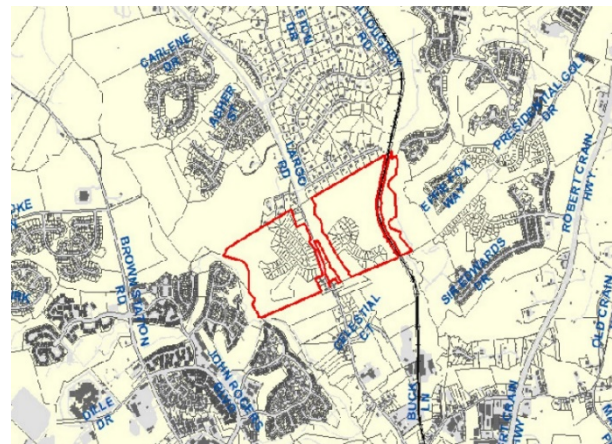
Election District: 03

Municipality: N/A

200-Scale Base Map: 206SE12

Applicant/Address:
Quad Construction Corporation
6110 Executive Blvd, Suite 310
Rockville, MD 20852

Staff Reviewer: DeAndrae Spradley
Phone Number: 301-952-4976
Email: DeAndrae.Spradley@ppd.mcnppc.org



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

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

January 28, 2021

REFERRAL MEMORANDUM

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

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

FROM: DeAndrae Spradley, Planner Coordinator, Development Review Division

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

REQUEST

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

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

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

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

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

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

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

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

Required Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Referrals

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

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

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

RECOMMENDATION

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

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