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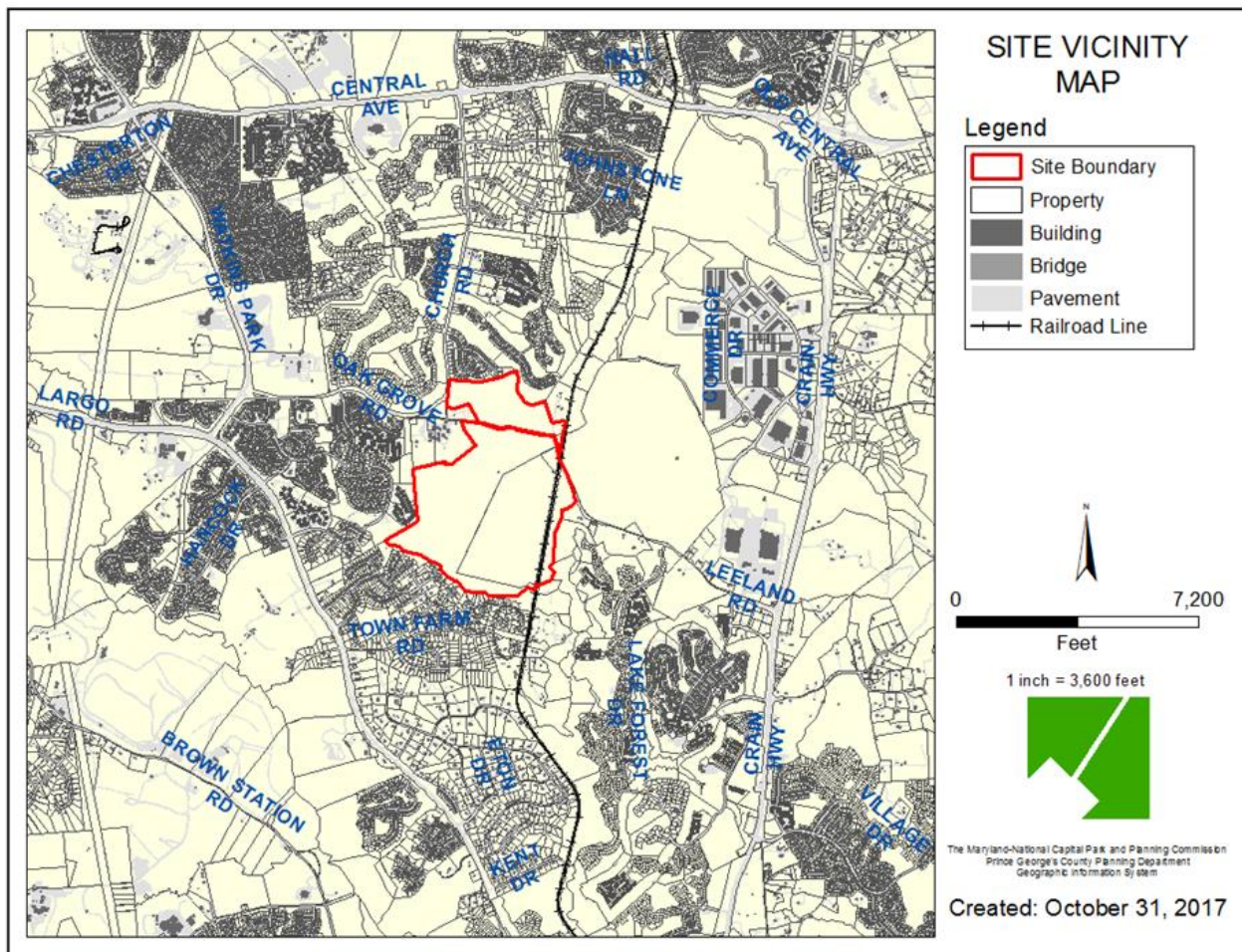
## Zoning Map Amendment

## A-9975-01

Application	General Data	
<b>Project Name:</b> Locust Hill  <b>Location:</b> On the north and south sides of Oak Grove Road, west of Leeland Road, and east of Church Road, approximately 1.2 miles west of US 301 (Robert Crain Highway).  <b>Applicant/Address:</b> WBLH, LLC 7164 Columbia Gateway Drive, Suite 230 Columbia, MD 21046  <b>Property Owner:</b> Same as applicant	Planning Board Hearing Date:	09/20/18
	Staff Report Date:	08/20/18
	Date Accepted:	03/12/18
	Planning Board Action Limit:	N/A
	Plan Acreage:	505.81
	Zone:	R-L
	Gross Floor Area:	N/A
	Lots:	N/A
	Parcels:	03
	Planning Area:	79 & 74A
	Council District:	06 & 04
	Election District	07 & 03
	Municipality:	N/A
	200-Scale Base Map:	202SE13

Purpose of Application	Notice Dates	
This case was continued from the Planning Board hearing date of July 19, 2018 to September 20, 2018.  Amend the approved basic plan to increase the number of dwelling units by 125 units, to increase the percentage of single-family attached dwelling units allowed, to add townhouses as an attached dwelling type, and revise the conditions of A-9975-C.	Informational Mailing:	12/19/17
	Acceptance Mailing:	03/06/18
	Sign Posting Deadline:	06/19/18

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Taslima Alam <b>Phone Number:</b> 301-952-4976 <b>E-mail:</b> Taslima.Alam@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	X		



THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board

VIA: Sherri Conner, Acting Supervisor, Subdivision and Zoning Section  
Development Review Division

FROM: Taslima Alam, Senior Planner, Subdivision and Zoning Section  
Development Review Division

SUBJECT: **Zoning Map Amendment A-9975-01  
Locust Hill**

REQUEST: **Amendment to the basic plan to increase the number of dwelling units by 125 units,  
to increase the percentage of single-family attached dwelling units allowed, to add  
townhouses as an attached dwelling type, and revise the conditions of A-9975-C.**

RECOMMENDATION: **APPROVAL with conditions**

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NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of September 20, 2018. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

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## FINDINGS

1. **Location and site description:** The subject property totals 505.81 acres and is located along both the north and south sides of Oak Grove Road, west of Leeland Road, and east of Church Road, approximately 1.2 miles west of US 301 (Robert Crain Highway). There are approximately 79.5 acres of land located along the north side of Oak Grove Road, abutting Church Road to the west and railroad tracks to the east. The remainder of the site, approximately 426.3 acres, is located on the south side of Oak Grove Road, extending south to abut the Rustic Ridge, Brock Hall Gardens, and Brock Hall Manor subdivisions. The property is comprised of three deeded parcels, Parcels 22, 23, and 30 recorded in Liber 35350 folio 319, which have never been the subject of a record plat, and are located on Tax Map 77, Grid E-4; Tax Map 76 Grid F-3; and Tax Map 77, Grid B-4.

The subject property is undeveloped and primarily wooded, with the exception of some cleared fields in the north-central area of the site, located south of Oak Grove Road. Although part of the site was cleared for agricultural production in the past, it is now characterized as undeveloped woodland. The site has frontage on and access from Oak Grove/future Leeland Road.

2. **History:**

**Original Basic Plan**— On October 31, 2006, the final conditional zoning (A-9975-C, Zoning Ordinance No. 19-2006) was approved by the Prince George’s County District Council to rezone the entire site from the Residential-Agricultural (R-A) and Residential-Estate (R-E) Zones to the Residential Low Development (R-L) Zone, a comprehensive design zone (CDZ). This resulted in an approved residential dwelling unit (DU) range of 475–581 DUs, subject to 18 conditions and five considerations. The surveyed site plan submitted with this instant application states that the gross acreage is 505.81 acres, not 507 acres as shown in the original basic plan, and makes an additional adjustment to the 100-year floodplain area, as discussed further.

**Comprehensive Design Plan**—On January 4, 2007, Comprehensive Design Plan CDP-0506, with Type I Tree Conservation Plan TCPI-4-06, was approved by the Planning Board (PGCPB Resolution No. 06-274), subject to 44 conditions. This decision was affirmed by the Prince George’s County District Council on April 19, 2007. This CDP was approved for 552 DUs, which included single-family detached and a maximum of 110 attached DUs on approximately 503.53 acres of land, which included 68.56 acres of land within the 100-year floodplain.

**Preliminary Plan of Subdivision (PPS)**—On March 15, 2007, Preliminary Plan of Subdivision (PPS) 4-06075, with Type I Tree Conservation Plan TCPI-024-06-01, was approved by Planning Board (PGCPB Resolution No. 07-28). The approval was for 554 lots and 24 parcels, subject to 26 conditions. In order to implement the increase in density (125 DUs) proposed with this application, including a significant change to the layout, a new PPS will be required.

3. **Neighborhood and Surrounding Uses:** The neighborhood boundary, as defined in the original Basic Plan approval (A-9975-C), was used with this amendment. The applicant did not propose any changes.
4. **Request:** The purpose of this request is to amend the Basic Plan (A-9975-C), approved by the District Council on October 31, 2006, in accordance with Section 27-195 of the Prince George’s County Zoning Ordinance. The amendment proposal includes the addition of 125 DUs. The

original approved DU range was 475–581. The newly proposed DU range is 471–706. In addition, the applicant proposes the following five amendments, as set forth in the statement of justification (SOJ) dated August 8, 2018:

1. To increase the allowable percentage of attached dwellings from 20% to 35%.
2. To introduce townhouse dwelling units into the mix of dwelling types.
3. To allow flexibility in locating the attached dwelling units “throughout” appropriate locations within the site.
4. To revise existing Basic Plan Conditions 1, 2, 13, and 17 (Zoning Ordinance No. 19-2006). Condition 1 is the trip cap for transportation, Condition 2 is the development data table, Condition 13 is trails related, and Condition 17 relates to stream mitigation.
5. Propose locations for potential park/trail facility locations within the project (denoted by asterisk on amended Basic Plan).

Amendment 1 is to revise the approved land use quantities to reflect a range of housing types, including 65–90 percent single-family detached houses and 10–35 percent attached dwellings, with the introduction of townhouses (Amendment 2). The applicant stated that the proposed change is requested to allow flexibility to meet residential market housing demands by allowing single-family detached and single-family attached dwellings and other types of permitted single-family attached units within the project, pursuant to Section 27-513(d)(3) of the Zoning Ordinance. This section of the Prince George’s County Code permits the applicant to increase the maximum number of single-family attached residential units from 20 percent to 35 percent of the total residential density within the R-S and R-L Zones, pursuant to the adoption of Prince George’s County Council Bill CB-91-2016 in 2016. The applicant also requests flexibility to locate attached units throughout the site (Amendment 3), a change from the original approval which limited attached DUs to the north side of Oak Grove Road. This integration will require careful site planning to ensure that the relationships between dwellings preserve privacy and improve the streetscape to promote the best relationships from one dwelling to another and the open space.

To accommodate the new proposal, revisions to four conditions of approval of the original Basic Plan (A-9975-C) are requested by the applicant, described above as Amendment 4. Amendment 5 pertains to the recreational needs for the proposed residents of this development. The applicant continues to denote approximately 10 acres of developable public park land located along the north side of Oak Grove Road, along the western side of the CSX rail road as required with the previous Basic Plan. Two new areas are denoted for public park dedication and/or trail connections, both on- and off-site. In addition, the proposed plan shows private recreational facilities and a clubhouse in seven locations indicated on the plan, to be constructed on homeowner association land throughout the site. While these facilities may contribute to the density increments sought for the proposed development, the applicant’s SOJ does not discuss the facilities, above those previously approved, which justify the additional density proposed.

The applicant proposes to carry forward the remainder of the previously approved conditions and considerations in Basic Plan A-9975-C. For clarification, all of the conditions from the original approval are carried forward in the Recommendation section of this report and include notations indicating additions and deletions in the four conditions specifically requested to be amended.

There are several revisions to the plan that are not addressed by the applicant in the SOJ that may have a significant effect on the layout and concept of the plan, which must be addressed by the applicant, as discussed further.

The applicant's requested amendments are recommended for approval, with conditions and additional considerations, as discussed in detail below.

5. **General Plan, Master Plan, and Sectional Map Amendment (SMA) Recommendations:**

**General Plan**—This application is located within the Established Communities growth policy area, as designated by the *Plan Prince George's 2035 Approved General Plan* (Plan 2035). The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development (page 20).

The project is also located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

**Master Plan**—The subject site is covered by two approved master plans. The 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B* (Bowie and Vicinity Master Plan and SMA) governs 79.5 acres located on the north side of Oak Grove Road, while the 2013 *Approved Subregion 6 Master Plan and Section Map Amendment* (Subregion 6 Master Plan and SMA) governs the remaining 426 acres located south of Oak Grove Road. Both master plans recommend R-L land uses on the subject property. The proposed Basic Plan amendment conforms to the densities specified by the R-L Zone (1.0–1.5 DU/acre) and the residential-low (3.5 DU/acre) land use recommendations of the master plans.

6. **Development Proposal:** The applicant has filed this Basic Plan amendment and included an SOJ dated February 21, 2018, which was superseded by a revised SOJ dated April 25, 2018, and further superseded by a revised SOJ dated August 8, 2018. The applicant also filed a supplemental memorandum SOJ dated April 17, 2018, a supplemental criterion for approval justification email dated June 8, 2018 (Antonetti to Alam), and a revised Basic Plan date stamped June 11, 2018.

The SOJ (August 8, 2018) requests five amendments to the Basic Plan, which are stated below, followed by staff discussion and recommendation:

1. To increase the allowable percentage of attached dwellings from 20% to 35%.
2. To introduce townhouse dwelling units.

The applicant is requesting to increase the total DUs by 125 and introduce townhouses, which were not a previously approved dwelling type. The current Basic Plan allows for a maximum of 20 percent attached DUs, and those attached units were further limited to “carriage homes” that are three-attached dwellings on 5,500-square-foot exterior lots and 4,000-square-foot interior lots, as approved with the CDP. The applicant is requesting the maximum of 35 percent attached DUs, consistent with the Zoning Ordinance, as amended pursuant to CB-91-2016, and is proposing the addition of the townhouse DU type. The Basic Plan, as requested by the applicant, does not provide lot size information, which is not specifically required with the Basic Plan. The SOJ dated August 8, 2018 notes that single-family detached units may include large-lot units, with dimensions to be

determined at the time of the CDP. For informational purposes, the approval of CDP-0506 required that the carriage homes were to be on large lots, and the CDP also required a large-lot component for single-family detached DUs. The original Basic Plan included single-family detached and attached carriage homes.

The addition of townhouses results in a much denser layout for the attached DUs. Townhouses, in general, allow for 6 to 12 units in a row, with lot sizes that range from the standard townhouse lot in the Townhouse (R-T) Zone of 1,800 square feet. The applicant is not proposing to retain any specific percentage of carriage homes of the maximum allowable attached DUs of 247 (35 percent).

Staff agrees with the applicant that a more varied DU type in the community, which would include townhouses, may be appropriate on lot sizes that are consistent with current townhouse lot sizes and standards in the R-T Zone. However, staff recommends that the approved carriage homes make up at least one-third (approximately 83 DUs) of the attached dwellings (247 DUs total) proposed by the applicant. Staff recommends that the applicant retain the carriage homes, with the introduction of townhouses to support the original intended character of the development and the low-density residential nature of the community, but also to allow the flexibility requested by the applicant. Staff recommends that the carriage home lot sizes be comparable to the CDP approved lot sizes, to be determined with the CDP. **Staff recommends approval of these two amendments with conditions and additional considerations.**

3. To allow flexibility to locate the attached dwelling units “throughout” appropriate location within the site, and

The approved Basic Plan limited the carriage homes (20 percent attached) to the north side of Oak Grove Road, which also included single-family detached dwellings as a mix. The south side of Oak Grove Road was entirely single-family detached dwellings. The CDP established a tiered lot size for single-family detached dwellings; estate lots (large lot) a minimum of 18,700 square feet, executive lots a minimum of 12,750 square feet, and point lots a minimum of 7,400 square feet. The carriage lots (attached dwellings) had a minimum of 5,500 square feet for end lots and 4,000 square feet for interior lots. The applicant has not provided proposed lot sizes with the introduction of this new DU type (townhouse) with this amendment, which would be informative to the analysis.

The applicant is requesting (SOJ dated August 8, 2018) approval to “allow flexibility to locate the attached units throughout appropriate locations within the site.” The SOJ indicates that this is necessary to preserve environmental features, to meet market housing demands, and to achieve desired density. Staff agrees that a more integrated layout with single-family dwellings on varying lot sizes, attached carriage homes on large lots, and townhouses on appropriate sized lots will provide for a varied ownership interest that will support an integrated development. However, to ensure that the housing stock is varied and that the residential low-density type community be maintained as recommended in the master plans and as originally approved, staff recommends a limitation on the percentage of townhouses, as discussed above. The increase in DUs and change in house types will require careful site planning to preserve the natural features of the site. **Staff recommends approval of this amendment with additional considerations.**

4. To revise existing Basic Plan Conditions, specifically Conditions 1, 2, 13, and 17 (Zoning Ordinance No. 19-2006). Condition 1 is the trip cap for transportation, Condition 2 is the development data table, Condition 13 is trails related, and Condition 17 relates to stream mitigation. The following is an analysis of each:

#### **Condition 1 Amendment**

The applicant has requested an increase of the transportation trip cap to accommodate the proposed increase in density. The condition currently states:

1. **Total residential development shall be limited to no more than would produce 5,229 daily vehicle trips, or 581 dwelling units. Because of extensive environmental constraints, the final location of dwelling types should be decided at the time of CDP review.**

The Transportation Planning Section has reviewed the applicant's request, including adequate transportation facilities required to support the proposed development, as required in accordance with Section 27-195(b)(1)(C), which is further outlined in this technical staff report. Because the proposed development is found to be adequately served, given the existing and proposed transportation facilities, and because the daily trip will be required to be reevaluated during the review process with the CDP and PPS. **Staff recommends that this condition be eliminated.**

#### **Condition 2 Amendment**

The following development table compares the approved Basic Plan (A-9975-C) and the applicant's proposal. For information and analysis purposes of this amendment, the minimum lot sizes for the carriage dwellings and large lot single-family detached dwellings are provided as approved with the CDP.



<b>A-9975-C</b>	<b>APPROVED</b>	<b>PROPOSED</b>
Zone(s)	R-L	R-L
Total Acreage:	503.5	505.81
Land in 100-year floodplain	55.8	69.21
Adjustable gross area for density calculation	475 acres (minus 50% of floodplain)	471.2 acres (minus 50% of floodplain)
Parcels	3	3
Single-family attached	20% maximum or 96–116 DU	35% Maximum or 165–247 DU
Carriage Homes	96–116 DU (CDP minimum lot size 4,000-5,500 sq. ft.)	No minimum
Townhouse	None	165–247 DU maximum
Single-family Detached	383–465 DU (based on 80%, excluding 20% allocated to attached DU)	306–459 DU (based on 65%, excluding 35% allocated to attached DU)
Large Lot	48–58 DU (approximately 10%) (CDP Minimum lot size 18,700 sq. ft)	No minimum (No lot size proposed)
		Note: The percentage of single-family detached may be increased with the reduction of attached units. The applicant is proposing a maximum of 90% detached units or 424–635 DU.
<b>Total Dwelling Units</b>	<b>475–581 DU</b> Maximum 1.224 DU/acre	<b>471–706 DU</b> Maximum 1.5 DU/acre
Public Open space (parkland and Parks)	58 acres	58 acres
Private open space buffer	65 acres	65 acres*
Church site	7.0 acres	None**

The following two proposed plan amendments, as reflected by an asterisk in the table above, require further discussion:

a.      \*Private open space buffer

The applicant has revised the Basic Plan to reflect a number of the revisions requested and several that have not been referred to in the SOJs. The plan no longer reflects a notation by asterisk (Exhibit 67, Revised Basic Plan dated 04/05/06) in the area of the private open space buffer along the west side of the site, south of Oak Grove Road, and no longer describes these areas as the “Church/School Program Facility,” but instead refers to it as “Open Space” on the revised plan. The Zoning Hearing Examiner (ZHE) decision on the original Basic Plan, dated June 7, 2006 and adopted by the District Council as its findings and conclusions in this case, states (page 3) that:

**(11) A portion of the site, identified as approximately 65 acres adjacent to the Queen Anne Parish School and the St. Barnabus Church, will be used for tree conservation and as a buffer from the School and Church (which is Historic Site 79-059). Within the 65-acre buffer are two (2) areas (delineated with stars on Exhibit 58) to be reserved for potential future church uses. (T. 15) This buffer will be dedicated back to the church.**

The Planning Board's resolution of approval (PGCPB Resolution No. 06-61), which is referred to in the ZHE decision (Exhibit 47(b)) provides the following findings regarding the 65 acres of "open space buffer":

**A 65-acre open space buffer area is provided adjacent to the St. Barnabas Church and Queen Anne School. This buffer area is intended to separate the church and school from residential areas in Locust Hill. The buffer strip will be retained by the Trust or one of the Trust beneficiaries (most likely the church or school). The buffer area will be used for tree conservation and *is not intended to be homeowner association open space. Some church and or school facilities may be constructed on it* where the symbols are located on the Basic Plan to make use of public benefit increment factors. *The applicant indicates density increment credits are not being claimed for the use of the 65 acres as open space, but rather as a public facility such as an activity center with space provided for quasi-public services (such as churches, community meeting rooms, and the like). (emphasis added)***

As the applicant stated (supplemental memorandum SOJ April 17, 2018), there is no requirement with the Basic Plan to demonstrate specific public benefit features to be utilized to calculate maximum density ranges, but chose to provide a chart to indicate the potential public benefit features and density increment factors that they may request. Therefore, staff will address the record and the statements.

The applicant's supplemental memorandum SOJ dated April 17, 2018 includes the 65 acres in their potential public benefit features as a part of "251.7 acres for open space" to achieve a full density bonus of 25 percent or 117 DUs.

The applicant's SOJ (dated August 8, 2018) provides that the intended purpose of the buffer was to protect and preserve the viewshed of the historic church from the developing subdivision. Although a 65-acre buffer will continue to be provided between the project and adjacent St. Barnabas Church and Cemetery historic site as requested by the Historic Preservation Committee, the sensitive environmental features and steep slopes that exist on the property would prevent any expansion of the existing church or construction of any new associated church facilities in this area. Therefore, 65 acres buffer will be retained and ultimately will be dedicated to the HOA to continue serve its purpose.

Staff is not in support of the full density range reflected as "potential" at this time, as stated in the SOJ. The density requested with this application includes 117 units associated with "open space," for a potential of a 25 percent density increment. Staff does not believe that the applicant has shown that this is feasible given that the intention in the finding of the District Council that the 65 acres was to be provided as buffering and not open space. The base density of 471 (1 DU/acre) plus the density increments feasible (SOJ dated April 17, 2018) at this time would indicate 765 DUs maximum. Although the requested density of 706 is justified based on the density increment calculation, the public benefit

features shall be staged with the residential development, at the time the CDP is approved.

b. **\*\*Potential Church Site**

The applicant has not proposed any additional improvements or dedications in exchange for the ability to increase the number of dwelling units with this basic plan amendment, and has in fact reduced what was original approved by removing the 7 acre church site. The applicant is conflating the issue of density increments awarded at the time of CDP with the approval of the basic plan for the original rezoning of the property to a comprehensive design zone. The dedications identified on the basic plan including the church site were a part of the request to rezone the property and not of the later CDP approval.

The applicant's SOJ dated August 8, 2018 states that the applicant has received no interest from potential church users for the seven-acre church site required in the original Basic Plan. Therefore, the applicant is proposing this area for residential development, so as not to impact previously proposed open space or land area to be dedicated for a public park. Staff does not support the modification of density which would result in impacting previously approved open space or public park areas.

It should be noted that the previously approved CDP-0506 did not award density increments for the seven-acre church site. Therefore, the proposal to remove the church site will not readily affect the density increments which may be awarded for the proposed development. However, the area planned for a church, at the northeast corner of the intersection of Oak Grove Road and Church Road, is now proposed for residential development which is a foundational change to the residential development envelope. Staff recommends that an alternative public benefit feature be offered in lieu of the seven acres previously indicated for a church site.

The modifications to the development data table, with conditions, are reflected in revised Condition 2, based on the findings, conditions, and considerations of this technical staff report. **Staff recommends approval of this amendment with considerations and conditions.**

**Condition 13 Amendment**

Condition 13 includes trail facilities to be constructed by the applicant (a-c), and includes public trail connections with standards required by the Prince George's County Department of Parks and Recreation (DPR), as follows:

**13. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following trail facilities:**

- a. **Construct the 8-foot wide master plan hiker-biker trail along the subject property's portion of the Collington Branch Stream Valley and 6-foot-wide feeder trails to the development pods in Locust Hill. Trail alignments shall be determined by the Department of Parks and Recreation.**

- b. Construct the 8-foot wide master plan hiker/biker trail (extension from Oak Creek development) along the Black Branch stream valley and 6-foot wide feeder trails to the development pods in Locust Hill. Trail alignments shall be determined by the Department of Parks and Recreation.**
- c. Construct a Class I master plan trail (or side path) along the subject property's entire frontage of both Oak Grove Road and Church Road.**

The applicant has requested the addition of the following to Condition 13:

- d. The location and dimensions of all trails and stream crossings referenced in this condition are subject to change at the time of specific design plan, based on field conditions and environmental constraints that may limit their feasibility.

The condition, as proposed by the applicant, provides too great an uncertainty, as it relates to the planning of the trail layout and alignment and the analysis of environmental impacts.

The District Council required (Zoning Ordinance No. 19-2006) these trail connections to assist in providing adequate pedestrian circulation and to connect these communities to one another and the public park. The condition proposed by the applicant allows for a deletion of any one of the trails based on environmental constraints at the time of SDP. Staff is also not certain what "field conditions" the applicant may be referring to and did not provide a description of what potential issues they anticipate.

While staff does agree with the applicant that providing greater flexibility in the location of the master plan trails should be provided, at a minimum, the establishment of the location and width of the trails should be developed with the CDP, PPS, and tree conservation plan (TCP) where Section 24-130 of the Subdivision Regulations requires an analysis of environmental impacts. At the time of PPS, clearing and coordination with the lotting pattern for locations of connections can be reviewed and will continue to be developed and finalized with the specific design plan (SDP).

Staff recommends the following:

- d. The location of trail facilities shall be determined at the time of Comprehensive Design Plan and Preliminary Plan of Subdivision review. Any realignment of trails and/or relocation of stream crossings required under this condition, due to existing environmental constraints, shall be reviewed and approved by the Prince George's County Department of Parks and Recreation (DPR). Any structures required to ensure dry passage shall be reviewed and approved by DPR at time of specific design plan.

**Staff recommends approval of the amendment to Condition 13 with the addition of (d), as proposed by staff.**

#### **Condition 17 Amendment**

- 17. All stream and wetland mitigation for impacts to environmentally regulated site features shall be provided within the Collington Branch watershed, or, if mitigation sites cannot be found, within the Western Branch watershed.**

The applicant has requested, in their SOJ dated August 8, 2018 (starting on page 22), an amendment to this condition “to allow for mitigation for stream and wetland impacts beyond the Collington and Western Branch Watersheds.” However, the applicant did not provide and specific language for consideration.

The Environmental Planning Section has reviewed the applicant’s request and notes that the environmental consultant for the Locust Hill project has confirmed that there are no on-site or off-site wetland mitigation banks within the Collington Branch watershed, or within the Western Branch watershed. The absence of available banks does not mean that there are no potential mitigation//restoration sites. In fact, the *Western Branch Watershed Characterization* (December 2003) prepared in support for *The Prince George’s County and City of Bowie Watershed Restoration Action Strategy (WRAS) for the Western Branch Watershed* identifies numerous project locations within the Western Branch watershed.

The Wetlands and Waterways Program of the Maryland Department of the Environment (MDE) is responsible for the review of stream and wetlands permits and the determination of appropriate quantity, type, and location for the mitigation of impacts, in accordance with the Maryland Nontidal Wetland Mitigation Guidance document (Second edition, January 2011).

While it is desirable to have the mitigation occur in the same subwatershed where the impacts occur, especially because of the water-dependent rare, threatened, and endangered species (RTE) that occur on-site, in the end, the most appropriate mitigation methods and location will be determined by MDE, which will issue the appropriate required permits.

Based on this analysis, staff recommends that the following additional language be added to Condition 17, as underlined:

17. All stream and wetland mitigation for impacts to environmentally regulated site features shall be provided with the Colington Branch watershed, or, if mitigation sites cannot be found, within the Western Branch Watershed, to the fullest extent possible, as determined by the permitting agency.

**Staff recommends approval of amended Condition 17 as stated above.**

#### **Consideration**

**Public Benefit Features and Density Increment Factors:** The CDZ encourages

amenities and public facilities, in conjunction with awarded density increases. Section 27-195(a)(1) requires that the Basic Plan include the base, minimum, and maximum densities, including the specific land use types and their general location. To inform the maximum land use densities, Section 27-514.10(b) of the Zoning Ordinance provides guidelines and criteria for calculating the density increases for the R-L Zone, which is determined at the time of approval of the CDP. The applicant has filed a list of potential public benefit features in the supplemental SOJ dated April 17, 2018, which will be reviewed at the time of CDP and the densities requested will be evaluated based on the specific proposals at that time. Staff does agree with the applicant that they have the potential to obtain those increment factors, with the exception of the open space land analysis as described above.

The current proposal calculates the base density as 471 units (1.0 x 471.2 acres), then lists the following potential density increase allowances. The supplemental SOJ proposes open space set aside, but does not distinguish between the public and private open space. The analysis of the appropriate locations and configuration of open space set asides to be credited to density increases will be further reviewed with the CDP for the increase in the overall density of 125 DUs, an increase of 21.5 percent.

Supplemental SOJ dated April 17, 2018 indicates that the applicant may request the following potential density increments at the time of CDP:

<b>Amenity/public facility</b>	<b>Size</b>	<b>Allowance</b>	<b>Calculation</b>	<b>Resultant density increments</b>
Open space land (HOA)	251.76 acres	25% dwelling units	471 x .25	117.75 units
Existing physical features	4.21 acres	2.5%	471 x .025	11.78
Pedestrian system	To be required at the time of the CDP	5%	471 x 0.05	23.55
Public facilities	17.60	30%	471 x .30	141.3
<b>Total Bonus Increment</b>				294.38

The proposed development can utilize numerous density increment factors for a potential total of 765 units to justify a maximum density of 706 DUs requested. In accordance with Section 27-514.10(b), Regulations—Public Benefit Features and Density Increment Factors, of the Zoning Ordinance, the density increment is earned at the time of CDP. The open space, in order to be considered as a basis for a public benefit feature and density increment, must be provided at a ratio of at least 3.5 acres per 100 DU, or for the subject application, approximately 22 acres. The provision of 251.7 acres for open spaces in this application may exceed this requirement for open space and has not been thoroughly explained. The applicant is claiming the full bonus density increment of 25 percent or 117.25 additional units, which staff is not in support of without further clarification from the applicant.

The applicant's concept is to address steep slopes susceptible to erosion within the Locust Hill project, which may equate to 4.21 acres. As such, the applicant is proposing a potential density increment of 2.5 percent or 11.73 units. The applicant's supplemental SOJ dated April 17, 2018 states that the site will provide substantial pedestrian facilities separated from the future and existing roadway. As such, it will be seeking the full 5 percent or 23.45 additional units. The applicant is proposing 17.6 acres of parkland to claim 30 percent or 140 additional residential units.

The maximum number of DUs will be determined on the basis of public benefit features that the applicant will provide, pursuant to Section 27-514.10(b), at the time of approval of the CDP.

5. Propose locations for potential park/trail facility locations within the project (denoted by asterisk on amended Basic Plan).

The approved Basic Plan showed a 65-acre buffer along the western boundary of the property with the potential to develop a church and/or school program facility within the area, a seven-acre church site at the northwest corner of the site and area to be dedicated to M-NCPPC along the entire eastern boundary of the site (both north and south of Oak Grove Road). The applicant is proposing on the revised Basic Plan to retain the 65-acre buffer, however, the buffer is now proposed to be dedicated to the future HOA as undisturbed area which will protect and preserve the environmental setting and historical viewshed of St. Barnabas Church and Cemetery abutting to the west. The seven-acre church site has been removed and is proposed for residential development.

Amendment 5 seeks to identify potential park/trail facilities on the basic plan. The applicant continues to denote approximately 10 acres of developable public park land located along the north side of Oak Grove Road, along the western side of the CSX rail road, consistent with the previous Basic Plan approval. Two new areas are denoted for public park dedication and/or trail connections, both on- and off-site. In addition, private recreational facilities and a clubhouse are proposed in seven locations indicated on the plan, to be constructed on Homeowner Association land throughout site. Although the facilities proposed may contribute to the density increments sought for the proposed development, there is not enough information provided at this time to demonstrate that additional public benefit features can be provided to justify the increase in density. The density increments awarded for public benefit features will be determined at the time of CDP and may require additional facilities as discussed further in Parks, Recreation and Trails memorandum referenced in this technical staff report. At the time of CDP, the applicant shall demonstrate that public benefit features above those previously required will be provided to justify the additional density proposed with this application. **Staff recommends approval of the Basic Plan amendment which proposes locations for potential park/trail facility locations.**

## 7. **Basic Plan Compliance with the Zoning Ordinance:**

### **Section 27-197(a). Amendment of approved Basic Plan.**

- (1) **If an amendment of an approved Basic Plan involves a change in land area or an increase in land use density or intensity for the overall area included in the approved Basic Plan, the Plan shall be amended only in accordance with all the provisions of this Subdivision which apply to the initial approval of the Basic Plan by Zoning Map Amendment application, except as provided in this Section.**

The subject Basic Plan amendment does involve a 21.5 percent increase (125 DUs) in the overall land use density approved for the Locust Hill development. The original Basic Plan (A-9975-C) approved a maximum of 80 percent single-family detached DUs and a 20 percent maximum of single-family attached DUs, known as carriage homes, with the CDP reflecting 5,500–4,000 square-foot lot sizes with no townhouses. Specifically, Basic

Plan A-9975-C approved a dwelling range of 475 to 581 DUs.

The amendment to the approved Basic Plan is now proposing small- to medium-sized single-family detached units, as well as introducing townhouse DUs with a 35 percent maximum of the total DUs. The applicant has not quantified the reduction in lot sizes from those lot sizes approved on the CDP.

The combination of the reduction of large estate-type lots (attached and detached), coupled with the introduction of small single-family detached and townhouse units, establishes a foundation that would allow Locust Hill to develop with a residential unit count up to 706 DUs. This, in turn, will increase the DU range to 471–706. While this proposed unit range represents an increase of 125 DUs over the initial Basic Plan approval, the density range is within the 1.0 –1.5 DUs per gross acre, as allowed pursuant to Section 27-514.10(d)(1). Council Bill CB-91-2016, adopted on November 15, 2016 for the R-S and R-L Zones, permitted an increase in the percentage of attached DUs from 20 percent to 35 percent.

The amendment requested requires that the criteria of an initial approval be met per Section 27-195(b) for approval of the Basic Plan. The following is an analysis of conformance for the subject application, which includes the supplemental SOJ dated April 17, 2018, the August 8, 2018 Basic Plan amendment text, and a supplemental criterion for approval justification email dated June 8, 2018 (Antonetti to Alam).

#### **Section 27-195(b). Criteria for Approval**

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

**(A) The proposed Basic Plan shall either conform to:**

- (i) The specific recommendations of a General Plan map or Area Master Plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the development, and the impact which the development may have on the environment and surrounding properties; or**
- (ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity or nonresidential buildings, and the location of land uses.**

The applicant addresses conformance to the requirement in Section 27-195(b)(1)(A)(i), which allows for the project to be designed to the specific recommendations of an area master plan. The subject project is covered in two approved master plans. The Bowie and Vicinity Master Plan and SMA governs roughly 80 acres on the north side of Oak Grove Road, and the Subregion 6 Master Plan and SMA governs the remaining roughly 420 acres south of Oak Grove Road.



The master plans both recommend low- to moderate-density land uses in the area of the Locust Hill project. The Bowie Master Plan encourages development to preserve and enhance environmentally sensitive areas, while providing development that meets the needs for greater diversity of housing types within the planning area. The future land use map designation in the Subregion 6 Master Plan also qualifies the site for the residential low category as “residential areas of up to 3.5 DUs per acre, primarily single-family detached dwellings” (see Subregion 6 Master Plan page 40). The proposed land use quantities set forth in the instant application propose residential-low densities between 1.0–1.5 DUs per acre. The adjusted gross acreage for Locust Hill equals approximately 471.2 acres. Pursuant to Section 27-514.10(a)(2), the base residential density for the R-L Zone is approximately one DU per adjusted gross acre. As such, the base residential density equals to approximately 471 DUs. Further, Section 27-514.10(a)(3) states that the maximum residential density for the R-L Zone is 1.5 DUs per adjusted gross acre. The maximum residential density permitted for the subject site is approximately 706 residential units, with the approval of density increments as discussed.

The approved Bowie and Vicinity Master Plan offers the following policy and strategy (pages 36 and 37) in the Environmental Infrastructure section:

**Policy 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area:**

**Strategy 2: Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors (Horsepen Branch, Northeast Branch, Black Branch, Mill Branch, and District Branch) to restore and enhance environmental features and habitat.**

The application is located within the Collington Branch watershed.

The Subregion 6 Master Plan encourages CDZs or planned community zones. They provide “for a wide variety of density and housing including condominium units in multi-family buildings, townhouses, and single-family detached houses.” “They may also contain commercial uses intended to serve the needs of residents and the surrounding communities and offer various recreational amenities, such as a golf course, swimming pools, and community parks” (page 178).

The density proposed for the Basic Plan amendment is consistent with the Subregion 6 Master Plan recommended density for the area. The proposed residential development represents single-family attached and detached DUs that would meet the needs of residents within the County, with conditions to require a variety of lot sizes for both the single-family detached and attached dwellings. The Subregion 6 Master Plan policy also states to “Continue to build high-quality, suburban development organized around a network of open space with attention to the site design” (page 179). Based on this policy, staff recommends that, at the time of revised CDP review, the applicant provide carriage homes consistent with the currently approved CDP, at lot sizes as

approved, which are a larger single-family attached product constructed in a group of three DUs that convey the character of a single-family dwelling. In doing so, the site will provide a wider variety of housing that may be compatible with the land uses in the area. Staff recommends that the increase of attached DUs from 20 percent to 35 percent (of the total approved DUs) include retaining the carriage home dwelling type, to comprise at least one-third of the attached DUs on lots comparable to the CDP approval.

The development proposal for Locust Hill conceptually reflects the preservation of environmentally sensitive areas within the original development envelope approved. In order to maintain, preserve, and enhance the environment on this site, careful site layout will be required. The applicant's ability to fit the amount of density on-site, in keeping with the original concept, may not be achievable. The applicant is proposing reduced lot sizes with the addition of townhouses, and not providing a commitment to large-lot single-family at this stage in the planning process. The increase in densities, if approved, will require careful site planning at future stages of development to reach densities, as proposed. This is to be achieved primarily through avoidance and careful placement of development pods within the overall project that allow existing environmental features to be retained and enhanced for the density increments requested.

Staff finds that the applicant's proposal is in conformance with the recommendation of the master plan at this stage in the planning process.

**(B) An economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan.**

The instant application does not contain a proposal for retail commercial development. Therefore, an economic analysis is not required for this application.

**(C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans; Transportation facilities (including streets and public transit);**

The existing property is governed by a Basic Plan approval by the District Council in 2006. Based on that approval, the maximum density allowed is 475 to 581 DUs. The current application proposes an increased density to 471–706 dwellings. If approved, this new density could allow the applicant to construct an additional 125 dwellings.

To meet the legal threshold cited in section 27-195(b)(1)(C) above, the applicant has provided a traffic impact study (TIS) dated July 2018. Using data from this

TIS, the following results were determined:

EXISTING CONDITIONS		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301 and Trade Zone Avenue	C/1269	C/1175
US 301 and Leeland Road	A/922	A/857
US 301 and Beechtree Parkway	E/1490	D/1352
US 301 and Village Drive	B/1093	C/1244
US 301 and MD 725	D/1348	C/1275
Leeland Road and Safeway Access	<50 seconds	<50 seconds
Leeland Road and Moores Plains Boulevard	<50 seconds	<50 seconds
Oak Grove Road and Church Road	A/766	A/606
Oak Grove Road and Whistling Drive	A/604	A/496
MD 193 and Oak Grove Road	D/0.88 v/c	B/0.81 v/c
MD 202 and MD 193	D/1366	C/1248

In evaluating the effect of background traffic, 11 background developments were identified in the TIS, including the pending Willowbrook proposal. A background scenario analysis, based on future developments, yielded the following results:

BACKGROUND CONDITIONS		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301 and Trade Zone Avenue	F/1672	E/1579
US 301 and Leeland Road	D/1323	E/1494
US 301 and Beechtree Parkway	E/1925	F/2053
US 301 and Village Drive	D/1329	F/1663
US 301 and MD 725	F/1664	F/1661
Leeland Road and Safeway Access	<50 seconds	<50 seconds
Leeland Road and Moores Plains Boulevard	<50 seconds	<50 seconds
Oak Grove Road and Church Road	C/1186	D/1310
Oak Grove Road and Whistling Drive	B/1028	A/935
MD 193 and Oak Grove Road	F/1.64 v/c	F/1.29 v/c
MD 202 and MD 193	E/1458	C/1511

In order to evaluate the traffic impact of 706 dwellings, the TIS assumed a worst case scenario based on all single-family DUs. That option of 706 single-family units (and no other housing types) would generate 530 (106 in, 424 out) AM and 635 (413 in, 222 out) PM peak-hour trips. Based on this traffic projection, the following results were generated:

TOTAL CONDITIONS		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301 and Trade Zone Avenue <i>With CIP improvements</i>	F/1689 A/933	E/1588 C/1209
US 301 and Leeland Road <i>With CIP improvements</i>	D/1342 B/1019	E/1529 C/1243
US 301 and Beechtree Parkway <i>With CIP improvements</i>	F/1929 C/1152	F/2060 D/1334
US 301 and Village Drive <i>With CIP improvements</i>	D/1332 A/951	F/1676 C/1247
US 301 and MD 725 <i>With CIP improvements</i>	F/1675 C/1160	F/1684 C/1289
Leeland Road and Safeway Access	<50 seconds	<50 seconds
Leeland Road and Moores Plains Boulevard	<50 seconds	<50 seconds
Oak Grove Road and Church Road	C/1224	D/1349
Oak Grove Road and Whistling Drive	B/1060	A/969
MD 193 and Oak Grove Road <i>With 2-lane approaches on all three legs</i>	F/1.69 v/c B/0.72	F/1.32 v/c B/0.69
MD 202 and MD 193 <i>With additional improvement by Applicant</i>	E/1463 D/1362	E/1542 D/1385
Leeland Road and Willowbrook (East entrance)	>50 seconds	>50 seconds
Leeland Road and Willowbrook (West entrance)	<50 seconds	<50 seconds
Leeland Road and Locust Hill (East entrance)	<50 seconds	<50 seconds
Leeland Road and Locust Hill (East entrance)	<50 seconds	<50 seconds

The results of the TIS under total traffic conditions show that all of the intersections will operate adequately, provided that certain improvements are made. Along the US 301 corridor, all of the intersections will be improved to adequate levels of service based on a combination of construction funds that are allocated in the current adopted Prince George's County Capital Improvement Program (CIP), as well as additional funding from the development community. In January 2007, the Planning Board approved a PPS for the subject property (4-06075). Pursuant to PGCPB Resolution No.07-28, Condition 2, the subject property was required to pay \$1,550 per DU (indexed to 1989) as its share of the CIP-funded program. Staff is recommending that the amount be maintained for the current application if it is ultimately approved.

Along the Leeland Road/Oak Grove Road corridor, the applicant will be required to make improvements at the following intersections:

- Oak Grove Road and MD 193
- MD 202 and MD 193

Depending on the dwelling type, these 125 additional units could generate as many as 94 AM peak trips, 113 PM peak trips, and 1,125 daily trips. It must be noted that there is a similar Basic Plan amendment application (A-9968-01, Willowbrook) that is currently going through the review process, where a similar expansion is being sought. In that case, the applicant is seeking an increase of

313 DUs. If both applications are approved, the net increase will be 3,942 daily trips along the Oak Grove Road/Leeland Road corridor.

The current master plans that govern the property recommend Oak Grove Road/Leeland Road to be upgraded to a major collector standard. Pursuant to the Transportation Review Guidelines, Part 1, this type of road can handle average daily traffic (ADT) of up to 39,460 vehicles, while maintaining level of service (LOS) D. Given the current ADT of approximately 6,000 vehicles along the Oak Grove Road/Leeland Road corridor, it is not likely that the increase in density on this site will be sufficient to lower the projected LOS that was anticipated in the master plans.

Based on the preceding findings, staff concludes that existing transportation facilities and those to be provided by the applicant will be adequate to carry the anticipated traffic generated by the development, based on the maximum proposed density. Furthermore, the uses proposed will not generate traffic, which would lower the LOS anticipated by the land use and circulation systems shown on the approved area master plan, in accordance with Section 27-195.

- (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;**

Police, fire and rescue, school, water and sewer, parks, recreational and trail facilities were evaluated for the subject site and will be adequate for the proposed development as provided in the referral memorandums incorporated into this technical staff report by reference, outlined in Finding 9 below.

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

The Locust Hill project is surrounded by the following developments that are relevant to the analysis of the compatibility between the proposed land uses and density ranges. These developments are the Oak Creek project to the north, zoned R-L and has a density range from 1.0–1.3 DUs per acre. This site was approved for a total of 1,148 DUs, of which 219 or 19 percent are single-family attached units. The Beech Tree project is located in the southeast of the site and is zoned R-S. This project has a density range of 1.6–2.6 DUs per acre. That development was approved for 2,400 DUs, of which 37 percent is single-family detached, 37 percent is single-family attached, and 36 percent is multifamily units. The Beech Tree development is separated from the Locust Hill development by the Collington Branch stream valley. The Perrywood project is located to the west of the subject property and is zoned R-S and Residential Medium Development (R-M). The density limit for the R-S-zoned portion of the site is 1.6 to 2.6 DUs per acre. The site was approved for 1,385 DUs, of which 176 or 16 percent are single-family attached lots that are grouped in 4 DUs in a row.

There are additional subdivisions located to the south of Locust Hill, including Brock Hall Manor and Brock Hall Gardens in the R-E Zone, and the Rustic Ridge in the R-R Zone comprised of only single-family lots. Willowbrook development to the east has three different zones: R-L, Light Industrial (I-1), and R-A. Willowbrook is currently under review and is also requesting an increase in single-family attached DUs, consistent with the 35 percent allowance now provided for in CB-19-2016 and the instant application.

The applicant states, in a supplemental criteria for approval justification email dated June 8, 2018 (Antonetti to Alam), that all of the density and unit types proposed in the Locust Hill development are permitted “by right” in the R-L Zone. However, the CDZ, as a floating zone, allows for density increments to be determined at the time of CDP and are negotiated through the plan review process, in accordance with the required standards. The density proposed is within the acceptable range allowed for in the Zoning Ordinance for the R-L Zone. As such, the density and unit types are generally compatible with the surrounding development, subject to conditions. The layout of the development pods, while intended here to be flexible, will be subject to further review and refinement at the time of CDP, PPS, and SDP, as a more detailed analysis is conducted. This analysis indicates that the densities are supportable with appropriate conditions related to lot sizes, environmental protection, buffering, and open space located in strategic areas of the site.

The Locust Hill project involves pockets of residential development surrounded by what is intended to be large expanses of open space, woodland conservation, and environmental protected areas. It is this open space that is intended to provide a substantial natural buffer between the proposed development and adjacent projects, and internally create natural buffers between development pods. This open space should contain ample woodlands, stream valleys, and undulating topography that nestles around the proposed development and should provide buffering to surrounding properties. The developed areas of the site must be situated to preserve and protect the natural features and the health of the streams and woodlands.

In addition to these natural buffers, the project must provide sufficient buffering from adjacent development by several man-made features. These include an existing (and active) CSX Rail Line to the east of the project and the St. Barnabas Church historic site to the west of the project. The single-family detached product will be primarily located in the southwest portion of the site to provide an appropriate transitional buffer between the project and the adjacent St. Barnabas Church historic site. Similarly, the higher density product, such as single-family attached, will be mostly located in the southern portion of the site, but the higher densities should not be located adjacent to the railroad, which would result in a larger number of residents being impacted by nuisance, including particulate matter and noise associated with the railroad operations. Condition 12 of the Basic Plan (Zoning Ordinance No. 19-2006) states that “No residential lots shall be located within 150 feet of the centerline of the CSX Railroad tracks.” Staff would also note that, at the time of PPS, a 300-foot lot depth (Section 24-121(a) of the Subdivision Regulations) is required from the edge of the right-of-way of the railroad, and a noise and vibration study will be required. The Basic Plan approved single-family DUs along the railroad. Staff

does not support the introduction of attached DUs, along that edge of the development, resulting in an increase in the DUs that would be exposed to possible impacts of noise and vibration.

The master plan applicable to this property anticipates the land use densities proposed in this Basic Plan amendment. Specifically, page 178 of the Subregion 6 Master Plan and SMA provides the following statement concerning the Locust Hill project:

**CDZs provide for a wide variety of density and housing including condominium units in multifamily buildings, townhouses, and single-family detached houses. Another new CDZ, Locust Hill, is currently in the development approval process. Locust Hill is located on the northern border of the subregion on Leeland Road and is proposed for low-density development with a range of unit types and sizes.**

The policies and strategies on page 179 of the Subregion 6 Master Plan encourages the following:

#### **Policy**

**Continue to build high-quality, suburban development organized around a network of open space and community facilities with attention to site design.**

#### **Strategies**

- 9. Provide green edges (woods, and landscaping) in new developments to provide a buffer that blends naturally into surrounding wooded areas.**

The density and unit types proposed are consistent with the R-L Zone, are within the acceptable ranges of density allowed in the development, and are in conformance with the master plan land use policy and strategies, subject to conditions and considerations. Staff agrees that the subject site has an extensive network of streams and wetlands that will be retained and provide natural buffering to adjacent residential development, as well as the St. Barnabas Church historic site. The development will preserve, and should enhance, environmentally sensitive areas by careful placement of development envelopes within the overall project, while providing water quality benefits for the sensitive Colington Branch subwatershed, and provide extensive green space for future residents of the Locust Hill development, as well as adjacent existing neighbors.

However, staff believes that a higher number of single-family attached units can significantly change the character of the general neighborhood. Staff believes that the only way the applicant can fit the 125 additional units is by significantly reducing prior approved single-family lot sizes and carriage homes, while keeping the number of attached lots as proposed. In doing that, staff is not certain if providing smaller single-family and carriage homes lots will demonstrate compatibility between the existing and surrounding land uses, to promote the welfare of the residents of the present and future inhabitants of the regional district. Although the applicant stated in the supplemental SOJ that the existing

lots sizes will be reduced to achieve the proposed number of DUs, at this stage of review, the applicant did not specify the lot sizes for the subject development. Therefore, staff is unable to evaluate whether the increase from 20 percent to 35 percent in single-family attached units will continue to provide a high-quality suburban development that will be in keeping with surrounding developments, in terms of site design, lot size, DU size, and even “architecture and scale” (master plan page 179). It is therefore recommended that, at the next stages of the review process, CDP, PPS, and SDP, the development proposal be carefully reviewed and attention given to the design of the project, to make sure the site provides various lot sizes, house types, and architectural design that is compatible with the surrounding land uses, in order to verify if an additional 125 units, as requested, can be achieved.

- (2) **Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.**

The applicant anticipates the construction schedule for this project to not be more than six years. The adequacy analysis provided with the subject application is based on the full density proposed. Findings of adequate public facilities will also be required at the preliminary plan of subdivision stage which will contribute to ensuring adequacy through the approval and development process.

8. **Compliance with the existing Basic Plan (A-9975-C) conditions and considerations:** The following identifies all 18 conditions and five considerations approved in Zoning Ordinance No. 19-2006 and identifies which conditions require amendment, to accommodate the proposed development. The existing conditions are shown in **boldface** type, followed by the amendment requested (underlined), and the justification in plain type discusses how the condition has been changed or addressed with the current application.

1. **Total residential development shall be limited to no more than that which would produce 5,229 daily vehicle trips, or 581 dwelling units. Because of extensive environmental constraints, the final location of dwelling types should be decided at the time of Comprehensive Design Plan (“CDP”) review.**

The applicant requests amendment to this condition, as underlined. The applicant states that, based on the increased density range for residential units, the peak-hour trip cap set forth in the above condition needs to be revised to increase the trip cap. Notwithstanding, the transportation facilities identified in the applicant’s TIS (either existing or proposed to be improved by the applicant) will be more than capable of accommodating the additional peak-hour trips needed for the proposed development. As such the trip cap approved in the initial Basic Plan should be revised to allow for 530 AM peak-hour trips and 635 PM peak-hour trips. This revised trip cap conservatively assumes that the project



will be developed with 706 single-family detached units.

A revised TIS has been submitted with this application. The results of this TIS demonstrates transportation adequacy, given the existing transportation facilities and those proposed, based on the maximum density proposed. This application will be reevaluated again at the CDP and PPS stages of the development review process. It is recommended that, at the time of the PPS, a new trip cap be established based on information in the TIS at that phase, and that the current Basic Plan trip cap be eliminated.

**2. The basic plan shall be revised to show the following land use locations, types and quantities:**

<b>Total area:</b>	<b>503.5 acres</b>
<b>Land in the 100-year floodplain:</b>	<b>55.8 acres</b>
<b>Adjusted Gross Area: (total area less half the floodplain (27.9 acres))</b>	<b>475.0 acres</b>
<b>Density Permitted under the R-L Zone:</b>	<b>1.0–1.5 dwellings (d.u.)/ac</b>
<b>Permitted Dwelling Unit Range:</b>	<b>475–713 d.u.</b>
<b>Approved Land Use Types and Quantities:</b>	
<b>Approved Dwelling Unit Range:</b>	<b>475–581 d.u</b>
<b>Residential single-family detached:</b>	<b>383–465 du</b>
<b>Residential attached dwellings (carriage homes) (Not exceeding 20 percent):</b>	<b>96–116 du</b>
<b>Residential large lot (approximately 10 percent)</b>	<b>48–58 du</b>
<b>Total dwellings</b>	<b>479–581du</b>
<b>Public Open Space (parkland and parks):</b>	<b>58 acres</b>
<b>Private Open Space Buffer:</b>	<b>65 acres</b>
<b>Church Site:</b>	<b>7.0 acres</b>

The information in Condition 2 above, is proposed to be replace in totality given the revised development proposal. The applicant has proposed modifications (provided in Finding 6 of this technical staff report) to this condition, however, staff recommends additional modifications to ensure an appropriate mix of dwelling units types as previously discussed. The following revisions to this condition are recommended:

<u>Total area:</u>	<u>505.81 acres</u>
<u>Land in the 100-year floodplain:</u>	<u>69.21 acres</u>
<u>Adjusted Gross Area: (total area less half the floodplain (34.60 acres))</u>	<u>471.21 acres</u>
<u>Density Permitted under the R-L Zone:</u>	<u>1.0–1.5 dwelling units (d.u.)/ac</u>
<u>Permitted Dwelling Unit Range:</u>	<u>471–706 du</u>
<u>Approved Land Use Types and Quantities*:</u>	
<u>Approved Dwelling Unit Range:</u>	<u>471-706 d.u.</u>
<u>Residential single-family detached:</u>	
<u>Minimum range (65%)</u>	<u>306–459 d.u.</u>
<u>Maximum range (90%)</u>	<u>424-635 d.u.</u>
<u>Residential attached dwellings (a minimum of one-third of the attached dwelling units be carriage homes, attached dwellings shall not exceeding 35 percent of the maximum density):</u>	

<u>Minimum range (10%)</u>	<u>47-71 d.u.</u>
<u>Maximum range (35%)</u>	<u>165-247 d.u.</u>
<u>Public Open Space (parks and parkland, a minimum of 10 acres shall be developable)</u>	<u>58 acres</u>
<u>Private Open Space Buffer</u>	<u>65 acres</u>

\*Maximum achievable density shall be determined at the time of CDP, not to exceed 706 du.

(Note-single-family detached should include large lot units, with dimensions to be determined at the time of CDP)

3. **Development shall preserve the Patuxent River Primary Management Area (PMA) to the fullest extent possible. Impacts to the PMA shall be minimized by limiting the number of road crossings, by making all necessary road crossings perpendicular to the streams, and by using existing road crossings to the extent possible.**

The primary management area (PMA) has been correctly shown on the most current NRI. However, staff is currently unable to evaluate conformity of this condition. This condition will be carried forward and will be evaluated at the time of the amended CDP and PPS applications.

4. **Alignment of the master planned collector roadway (MC-600) shall be evaluated in detail to determine the location that results in the preservation of the existing natural resources to the fullest extent possible.**

On page 10 of the applicant's SOJ, an assertion is made that MC-600 needs to be downgraded. The evidence presented to support this assertion is based on the revised TIS dated July 2018. While the methodologies utilized in this TIS are appropriate for making adequacy findings in the development review process, these methodologies are not appropriate for testing the adequacy of a countywide transportation network. Those area-wide analyses are generally undertaken by the use of computer modelling and simulation, designed to analyze many transportation links covering much larger areas than the scope of the revised TIS. Therefore, staff does not believe that sufficient evidence is provided to support the downgrade. The buildout of large developments, like Beechtree, Oak Creek Club, Willowbrook, Locust Hill, and the traffic from other developments beyond the scope of the current TIS could generate ADT exceeding 28,000 vehicles. Even though a portion of these vehicles will use other roadways, this traffic and existing traffic, plus the added 3,942 daily trips generated by the increases sought for the subject site and Willowbrook, will require a four-lane road.

Staff therefore fully supports the MC-600 designation for the roadway, and the plan shows dedication of the correct right-of-way. Nevertheless, the decision of the cross-section to be built within the dedicated right-of-way is the ultimate responsibility of the County (DPW&T/DPIE). Upon dedication, the County will make determinations regarding the number of lanes to be built at various stages of the proposed development. For these reasons, staff supports the retention of this condition, with its exact wording.

5. **Natural Resources Inventory (NRI), signed by appropriate staff, shall be submitted with the CDP. All subsequent plan submittals shall clearly show the PMA as shown on the signed NRI.**

Signed Natural Resources Inventory, NRI-047-06-01, is included with the subject application. An -03 revision to the NRI was recently approved to replace the expired NRI and will be applied during the review of revised CDP and PPS applications.

All environmental features of the property, which include stream buffers, wetlands, and floodplain, are correctly delineated on the most current NRI, and the PMA has been correctly shown on the NRI. When a revised TCPI is submitted with the amended CDP and PPS, consistency with the current NRI will be confirmed.

6. **A protocol for surveying the locations of all rare, threatened and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources prior to acceptance of the CDP and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.**

This condition was addressed when a complete survey of RTE plant species was submitted as part of the prior CDP application. The protocol described in the survey was found to address the above condition, and the RTE survey updated recently responds to the 2016 Stream Monitoring Report for submittal at the time of CDP.

7. **The Woodland Conservation Threshold (WCT) shall be 25 percent. The WCT requirements shall be met on-site. The Type I Tree Conservation Plan required with the CDP application shall focus on the creation of contiguous woodland. Priority areas for tree preservation shall be concentrated in areas within the framework of the approved Green Infrastructure Master Plan. No woodland conservation shall be provided on any residential lot.**

This condition was addressed in the prior approvals of the TCPI, and this condition will be retained in the review of proposed revisions to the TCPI and future Type 2 tree conservation plans (TCP2).

8. **Woodland cleared within the PMA's Preservation Area shall be mitigated on-site at a ratio of 1:1 for all impacts associated with development of the subject parcels. Woodland cleared within the PMA for the construction of the master planned roadway shall be mitigated in conformance with the standards of the Woodland Conservation Ordinance. This note shall also be placed on all tree conservation plans.**

This condition was previously addressed with the approved TCPI. All areas proposed for clearing were identified, including areas of clearing on the net tract, within the PMA, off-site, and areas within the PMA for the master-planned roadway, and the note was correctly shown on the TCPI. This condition will be carried forward with any revisions to the TCPI and future TCP2s.

9. **A Marlboro Clay geotechnical report that identifies the location and elevation of the Marlboro Clay layer throughout the site shall be submitted as part of the CDP application package.**

This condition was previously addressed with CDP-0506, Condition 17. However, due to the site layout changes proposed, the submittal of updated information and studies related to Marlboro clay on-site should be submitted with the amended CDP.

10. **A Phase I noise study shall be submitted with the preliminary plan application package. The noise study should address the location of the 65 dBA Ldn noise contour related to the CSX Railroad tracks, and what mitigation measures, if any, will be required to reduce noise impacts to 65 dBA Ldn in outdoor activity areas.**

This condition was addressed with the prior CDP and PPS applications, but will need to be revisited in future applications to reflect the lotting pattern now proposed. Staff does not recommend that attached DUs be located in the vicinity of the railroad right-of-way. Submittal of a revised noise and vibration study with the PPS will be required.

11. **If noise mitigation is required to reduce noise levels to below 65 dBA Ldn in outdoor activity areas, a Phase II noise study shall be submitted with the preliminary plan application package. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn in outdoor activity areas and 45 dBA Ldn interior.**

Appropriate noise mitigation measures for the site will be determined with future development applications, based on submittal of a revised noise study reflecting changes proposed and approved to the site layout.

12. **No residential lots shall be located within 150 feet of the centerline of the CSX Railroad tracks.**

The amended Basic Plan is in general conformance with this condition. The condition will be specifically addressed with the amended CDP and PPS applications, where a 300-foot lot depth is required, along with a noise and vibration analysis. While the applicant is requesting flexibility in locating the attached DUs throughout the site, staff does not support an increase in density near the railroad, and recommends that single-family detached dwellings be located along that edge of the property.

13. **The applicant and its heirs, successors, and/or assignees shall provide the following trail facilities:**

- a. **Construct the 8-foot wide master plan hiker-biker trail along the subject property's portion of the Collington Branch Stream Valley and 6-foot-wide feeder trails to the development pods in Locust Hill. Trail alignments shall be determined by the Department of Parks and Recreation of the M-NCPPC.**
- b. **Construct the 8-foot wide master plan hiker/biker trail (extension from Oak Creek development) along the Black Branch stream valley and 6-foot wide feeder trails to the development pods in Locust Hill. Trail alignments shall be determined by the Department of Parks and Recreation.**
- c. **Construct a Class I master plan trail (or side path) along the subject property's entire frontage of both Oak Grove Road and Church Road.**

The applicant states that a detailed analysis of the master plan trails, internal trail network, sidewalk network, and neighborhood connector trails will be completed at the time of SDP. Trail locations may be affected by the location of environmental buffers, stream valley corridors, water quality, and identified RTE species, as well as another site constraints. Connector trails to the master plan trails, to other park and recreation facilities, and between neighborhoods will be provided. It should be noted that the location and dimensions of all trails and stream crossings referenced in Condition 13 are conceptual and subject to change, based on field conditions that may limit their feasibility. As such, the applicant is proffering subcondition (d) to Condition 13 above, which is discussed in the Amendment section of this report.

- 14. The Applicant shall submit for DPR's approval, prior to the time of CDP approval, appropriate covenants that shall be recorded in the County Land Records at final plat for both the Locust Hill and Willowbrook properties. The covenants are to ensure that residents within both the Locust Hill and Willowbrook communities will have equal access to membership in and use of open space and recreational facilities in both developments.**

This condition should be carried forward.

- 15. At the time of CDP and Preliminary Plan of Subdivision submissions, the applicant or its heirs, successors, and/or assignees shall provide a traffic study that analyzes the following intersections:**

- US 301/MD 725
- US 301/Village Drive
- US 301/Leeland Road
- US 301/Trade Zone Avenue
- Leeland Road/Safeway Access
- Oak Grove Road/Church Road
- Oak Grove Road/MD 193
- MD 202/MD 193
- Link of Leeland Road-Oak Grove Road, between US 301 and MD 202.

This condition will remain valid when the applicant files a CDP and PPS application and should be carried forward with the exact wording.

- 16. A qualified archeologist shall prepare a Phase I archeological report in accordance with approved Planning Board Guidelines for Archeological Review (May 2005). The draft report must also follow The Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole, 1994). Following approval of the draft report, four (4) copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations shall be required prior to signature approval.**

**The design of a Phase I archaeological methodology should be appropriate to identify slave dwellings, burial grounds, the presence of Native American peoples, or other significant archeological resources. Documentary research should include an examination of known slave dwellings and burial grounds in the surrounding area, their physical locations as related to known structures, as well as their cultural**

**interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs. The Historic Preservation Commission (HPC) may have further comments after the applicant has provided the Phase I Archeological Investigation Report.**

**If the Planning Department determines from the report that potentially significant archaeological resources exist in the project area, then the applicant shall provide a plan, prior to approval of the preliminary plan of subdivision that shall:**

- a. Evaluate the resource at the Phase II level, or**
- b. Avoid and preserve the resource in place.**

Four copies of the final report for Phase I archeological investigations on the Locust Hill Property, Phase IB Archaeological Survey of the Locust Hill Property in Prince George's County, Maryland, Preliminary Plan 4-06075, were received and accepted by the Planning Department on January 5, 2007. All comments were addressed. Staff concurs that no further archeological work is required by the Planning Department on the property. With the submittal of the final report, the applicant has satisfied Condition 16 of the Zoning Ordinance No. 19-2006, dated November 28, 2006, in relation to Zoning Map Amendment A-9975-C and Condition 1 of PGCPB Resolution No. 06-274, dated January 4, 2007, for CDP-0506.

#### **Possible Cemetery**

No archeological sites were recorded in the vicinity of the area where there is believed to be a slave cemetery on the subject property. Historic cemeteries are difficult to identify through traditional archeological survey methods. Staff recommends additional non-invasive archeological investigations on the wooded knoll on the southern portion of Parcel 30 to determine if burials may be present, which has been included in this application.

- 17. All stream and wetland mitigation for impacts to environmentally regulated site features shall be provided within the Collington Branch watershed, or, if mitigation sites cannot be found, within the Western Branch watershed.**

The applicant has requested an amendment of this condition, as discussed above in the Amendment section of this report.

- 18. These conditions of approval shall be printed on the face of the basic plan prior to approval and submitted to the Office of the Zoning Hearing Examiner for inclusion in the record.**

This condition should be carried forward.

- 9. Referrals:** Referral memorandums were received, as follows, and are included as backup to this technical staff report and adopted by reference herein:

Community Planning dated April 17, 2018, Wooden to Alam.

Historic Preservation dated April 18, 2018, Stabler to Alam.

Transportation dated August 3, 2018, Burton to Alam.

Trails dated April 5, 2018, Shaffer to Alam.

Environmental dated April 25, 2018, Finch to Alam.

Special Project dated August 9, 2018, Mangalvedhe to Alam

Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) dated May 5, 2018, Giles to Alam

Department of Public Works and Transportation (DPW&T), March 24, 2006, Abraham to Baxter Urban Design Section dated May 10, 2018, Grover to Alam

Prince George's County Department of Parks and Recreation dated August 7, 2018, Zyla to Alam

## CONCLUSION

Based on the analysis and findings, staff recommends APPROVAL of Zoning Map Amendment A-9975-01, Locust Hill, subject to the following conditions and considerations, as modified by underlining for additions and brackets and strike through [-] for deletions:

### Conditions:

[1. ~~Total residential development shall be limited to no more than that which would produce 5,229 daily vehicle trips, or 581 dwelling units. Because of extensive environmental constraints, the final location of dwelling types should be decided at the time of Comprehensive Design Plan ("CDP") review.~~]

1.[2.] The basic plan shall be revised to show the following land use locations, types and quantities:

Total area:	[503.5] <u>505.81</u> acres
Land in the 100-year floodplain:	[55.8] <u>69.21</u> acres
Adjusted Gross Area: (total area less half the floodplain (27.9 acres))	[475.0] <u>471.21</u> acres
Density Permitted under the R-L Zone:	1.0–1.5 dwellings (d.u.)/ac
Permitted Dwelling Unit Range:	[475–713] <u>471–706</u> d.u.

#### Approved Land Use Types and Quantities\*:

Approved Dwelling Unit Range:	[475–581] <u>471–706</u> d.u.
Residential single-family detached:	[383–465 <del>du</del> ]
<u>Minimum range (65%)</u>	<u>306–459 d.u.</u>
<u>Maximum range (90%)</u>	<u>424–635 d.u.</u>

#### Residential attached dwellings [~~carriage homes~~]

~~(Not exceeding 20 percent):~~ 96–116 du]

(a minimum of one-third of the attached

dwelling units be carriage homes, attached dwellings shall not exceeding 35 percent of the maximum density):

<u>Minimum range (10%)</u>	<u>47–71 d.u.</u>
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<u>Maximum range (35%)</u>	<u>165-247 d.u.</u>
<del>[Residential large lot (approximately 10 percent)]</del>	<del>48-58 du]</del>
Total dwellings	<del>[479-581]</del> <u>471-706 du</u>
Public Open Space (parkland and parks, <u>a minimum of 10 acres shall be developable</u> ):	58 acres
Private Open Space Buffer:	65 acres
<del>[Church Site:]</del>	<del>[7.0 acres]</del>

\*Maximum achievable density shall be determined at the time of CDP, not to exceed 706 du.  
(Note-single-family detached should include large lot units, with dimensions to be determined at the time of CDP)

- 2.[3.] Development shall preserve the Patuxent River Primary Management Area (PMA) to the fullest extent possible. Impacts to the PMA shall be minimized by limiting the number of road crossings, by making all necessary road crossings perpendicular to the streams, and by using existing road crossings to the extent possible.
- 3.[4.] Alignment of the master planned collector roadway (MC-600) shall be evaluated in detail to determine the location that results in the preservation of the existing natural resources to the fullest extent possible.
- 4.[5.] Natural Resources Inventory (NRI), signed by appropriate staff, shall be submitted with the CDP. All subsequent plan submittals shall clearly show the PMA as shown on the signed NRI.
- 5.[6.] A protocol for surveying the locations of all rare, threatened and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources prior to acceptance of the CDP and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.
- 6.[7.] The Woodland Conservation Threshold (WCT) shall be 25 percent. The WCT requirements shall be met on-site. The Type I Tree Conservation Plan required with the CDP application shall focus on the creation of contiguous woodland. Priority areas for tree preservation shall be concentrated in areas within the framework of the approved Green Infrastructure Master Plan. No woodland conservation shall be provided on any residential lot.
- 7.[8.] Woodland cleared within the PMA's Preservation Area shall be mitigated on-site at a ratio of 1:1 for all impacts associated with development of the subject parcels. Woodland cleared within the PMA for the construction of the master planned roadway shall be mitigated in conformance with the standards of the Woodland Conservation Ordinance. This note shall also be placed on all tree conservation plans.
- 8.[9.] A Marlboro Clay geotechnical report that identifies the location and elevation of the Marlboro Clay layer throughout the site shall be submitted as part of the CDP application package.
- 9.[10.] A Phase I noise study shall be submitted with the preliminary plan application package. The noise study should address the location of the 65 dBA Ldn noise contour related to the CSX Railroad tracks, and what mitigation measures, if any, will be required to reduce noise impacts to 65 dBA Ldn in outdoor activity areas.



10.~~[44.]~~ If noise mitigation is required to reduce noise levels to below 65 dBA Ldn in outdoor activity areas, a Phase II noise study shall be submitted with the preliminary plan application package. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn in outdoor activity areas and 45 dBA Ldn interior.

11.~~[42.]~~ No residential lots shall be located within 150 feet of the centerline of the CSX Railroad tracks.

12.~~[43.]~~ The applicant and its heirs, successors, and/or assignees shall provide the following trail facilities:

- a. Construct the 8-foot wide master plan hiker-biker trail along the subject property's portion of the Collington Branch Stream Valley and 6-foot-wide feeder trails to the development pods in Locust Hill. Trail alignments shall be determined by the Department of Parks and Recreation of the M-NCPPC.
- b. Construct the 8-foot wide master plan hiker/biker trail (extension from Oak Creek development) along the Black Branch stream valley and 6-foot wide feeder trails to the development pods in Locust Hill. Trail alignments shall be determined by the Department of Parks and Recreation.
- c. Construct a Class I master plan trail (or side path) along the subject property's entire frontage of both Oak Grove Road and Church Road.
- d. The location of trail facilities shall be determined at the time of Comprehensive Design Plan and Preliminary Plan of Subdivision review. Any realignment of trails and/or relocation of stream crossings required under this condition, due to existing environmental constraints, shall be reviewed and approved by the Department of Parks and Recreation (DPR). Any structures required to ensure dry passage shall be reviewed and approved by DPR at time of specific design plan.

13.~~[44.]~~ The Applicant shall submit for DPR's approval, prior to the time of CDP approval, appropriate covenants that shall be recorded in the County Land Records at final plat for both the Locust Hill and Willowbrook properties. The covenants are to ensure that residents within both the Locust Hill and Willowbrook communities will have equal access to membership in and use of open space and recreational facilities in both developments.

14.~~[45.]~~ At the time of CDP and Preliminary Plan of Subdivision submissions, the applicant or its heirs, successors, and/or assignees shall provide a traffic study that analyzes the following intersections:

- US 301/MD 725
- US 301/Village Drive
- US 301/Leeland Road
- US 301/Trade Zone Avenue
- Leeland Road/Safeway Access
- Oak Grove Road/Church Road
- Oak Grove Road/MD 193
- MD 202/MD 193
- Link of Leeland Road-Oak Grove Road, between US 301 and MD 202.

15.~~[46.]~~ A qualified archeologist shall prepare a Phase I archeological report in accordance with approved Planning Board Guidelines for Archeological Review (May 2005). The draft report must also follow The Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and

Cole, 1994). Following approval of the draft report, four (4) copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations shall be required prior to signature approval.

The design of a Phase I archaeological methodology should be appropriate to identify slave dwellings, burial grounds, the presence of Native American peoples, or other significant archeological resources. Documentary research should include an examination of known slave dwellings and burial grounds in the surrounding area, their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations should include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs. The Historic Preservation Commission (HPC) may have further comments after the applicant has provided the Phase I Archeological Investigation Report.

If the Planning Department determines from the report that potentially significant archaeological resources exist in the project area, then the applicant shall provide a plan, prior to approval of the preliminary plan of subdivision that shall:

- a. Evaluate the resource at the Phase II level, or
- b. Avoid and preserve the resource in place.

16.[47]. All stream and wetland mitigation for impacts to environmentally regulated site features shall be provided within the Collington Branch watershed, or, if mitigation sites cannot be found, within the Western Branch watershed, to the fullest extent possible, as determined by the permitting agency.

17.[48.] These conditions of approval shall be printed on the face of the basic plan prior to approval and submitted to the Office of the Zoning Hearing Examiner for inclusion in the record.

18. Prior to any ground disturbance or the approval of any grading permits, the applicant shall ensure that all artifacts recovered from the archeological survey on the subject property are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, MD. Proof of disposition of the artifacts shall be provided to the Historic Preservation Section.

19. Prior to approval a preliminary plan of subdivision for that portion of the subject property that is believed to include a cemetery in the southern portion of Parcel 30, the applicant shall perform archeological investigations of the site to include geophysical survey(s), such as ground-penetrating radar, electrical resistivity and/or magnetometer survey, or limited shovel testing, hand excavation, and selected shallow surface removal, to determine the possible existence of burials. If it is determined that burials are present, the applicant shall avoid the area defined as containing burials.

20. If a determination is made at the time of comprehensive design plan, based on the proposed total density, that the proposed dedication of public parkland and public recreational facilities are insufficient, additional on-site and/or off-site dedication of public parkland and/or public recreational facilities shall be provided to satisfactorily meet the recreational needs of this community.

21. A minimum of one-third of the single-family attached dwelling units shall be carriage homes (no more than three attached dwelling units on large lots).

22. At the time of CDP, the applicant shall demonstrate that public benefit features above those previously required will be provided to justify the additional density proposed with this application.
23. An alternative public benefit feature shall be provided in lieu of the church site previously approved with A-9975-C.

### **Considerations**

The following considerations were adopted with the original approval and are carried forward with this amendment of the Basic Plan. The additional considerations are indicated by underline:

1. A detailed analysis of parkland, master plan trails, internal trail networks, sidewalk networks, and neighborhood connector trails should be completed at the time of Specific Design Plan review.
2. At the time of CDP review, specific acreage of parkland dedications shall be determined. Such dedication should include the Collington Branch and Black Branch stream valleys and 10 acres of developable land for active recreation as provided in the January 27, 2006, memo from the Department of Parks and Recreation ("DPR"). (Exhibit 30(a)) This area should include a 1.7+ acre parcel of land from the Willowbrook project area which was not previously committed for parkland dedication. The conditions of conveyance shall be determined by appropriate staff of M-NCPPC.
3. At the time of CDP review the applicant shall address its plan to grade a 10-acre developable portion of the dedicated parkland (including a 1.7+ acre parcel of land from the adjacent Willowbrook project area which was not previously committed for parkland dedication) on the northeast corner of the property next to the Pennsylvania Railroad right-of-way to accommodate ball fields and a parking lot. The parkland shall have a direct frontage on proposed Oak Grove Road.
4. At the time of CDP review the applicant shall provide adequate, private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be constructed in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
5. The applicant shall obtain approval from the Planning Board for any transfer of Locust Hill recreation facilities/funds to be used at the Willowbrook property at the time of CDP approval.
6. Single-family dwelling units shall have a range of lot sizes and lot standards to ensure a variety of housing types.
7. To ensure that the increase from 20 percent to 35 percent in single-family attached units will continue to provide a high-quality suburban development and will be in keeping with previous approvals and surrounding developments in terms of site design, lot size, dwelling units size, even "architecture and scale" (master plan page 179), at the next stages of the review process, such as at the time of the CDP, PPS, and SDP, the development proposal shall be carefully reviewed and attention should be given to the design of the project to ensure the site provides various lot sizes, house types, and architectural design that is compatible with surrounding land uses, in order to verify if the additional 125 units, as requested, can be achieved.

To support the residential low (R-L) zoning of the community, but also allow the flexibility requested by the applicant, a varied housing stock is appropriate. The carriage home lot sizes

shall be comparable to the CDP approved lot sizes, to be determined with the CDP. This will ensure a more integrated layout with single-family dwellings on varying lot sizes, attached carriage homes on large lots, and townhouses, which will provide for a varied ownership interest that will support an integrated development. The increase in dwelling units and change in house types will require careful site planning to preserve the natural features of the site.

8. The higher density product, such as single-family attached, will be mostly located in the southern portion of the site, but the higher densities shall not be located adjacent to the railroad, which would result in a larger number of residents being impacted by nuisance, including particulate matter and noise associated with the railroad operations.