

Case No. A-9975-C

Applicant: Mercantile Safe Deposit  
& Trust Company  
(Locust Hill)

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

ZONING ORDINANCE NO. 19 - 2006

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, with conditions.

WHEREAS, Application No. A-9975-C was filed for approximately 425.2 acres of land in the R-A Zone and 91.8 acres of land in the R-E Zone, north and south of Oak Grove Road and south of Leeland Road, Upper Marlboro, to rezone the property to the R-L Zone, with a basic plan; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Technical Staff and the Planning Board have transmitted recommendations on the application, and the District Council has considered them; and

WHEREAS, the Zoning Hearing Examiner held a public hearing and filed a report with the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that the subject property should be classified in the R-L Zone, with the applicant's basic plan; and

WHEREAS, the District Council adopts the report of the Zoning Hearing Examiner as its findings and conclusions in this case; and

WHEREAS, to protect adjacent properties and the neighborhood, the Council approves this rezoning, and the basic plan, subject to conditions.

SECTION 1. The Zoning Map for the Maryland-Washington regional District in Prince George's County, Maryland, is hereby amended by reclassifying the property which is the subject of application No. A-9975-C from the R-A and R-E zones to the R-L Zone, with the applicant's basic plan.

SECTION 2. The basic plan for Application No. A-9975-C is hereby approved, subject to the following 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.
2. The basic plan shall be revised to show the following land use locations, types and quantities:

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

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.

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

Applicant will be required to show that these transportation facilities will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density.

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.
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.
  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.

Considerations:

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 Parks 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.

SECTION 3. This Ordinance shall become effective when the applicant accepts in writing the conditions in Section 2.

Ordered this 31st day of October, 2006, for initial approval, by the following vote:

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

Opposed:

Abstained:

Absent: Council Member Campos

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON  
REGIONAL DISTRICT IN PRINCE GEORGE'S  
COUNTY, MARYLAND

By: \_\_\_\_\_  
Thomas E. Dernoga, Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

Case No.: A-9975-C

Applicant: Mercantile Safe Deposit  
& Trust Company  
(Locust Hill)

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDER to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council approved Application No. A-9975-C to rezone the subject property from the R-A and R-E zones to the R-L Zone with a basic plan, attached conditions; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

IT IS, THEREFORE, ORDERED:

1. Final conditional zoning approval of Application No. A-9975-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional rezoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

2. Use of the subject property as conditionally rezoned shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and



occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

3. This Ordinance is effective on November 28, 2006, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

BY: \_\_\_\_\_  
Thomas E. Dernoga  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council