

Case No. CDP-9901-01
Forest Hills

Applicant: Quad Construction Corporation

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

FINAL DECISION – ORDER AFFIRMING PLANNING BOARD

IT IS HEREBY ORDERED, after review of the administrative record and conducting oral argument on February 13, 2023, that Comprehensive Design Plan (CDP)-9901-01 for Forest Hills, a request for approval to amend the conditions and plans to reflect the changes made by Zoning Map Amendment (Basic Plan) A-9895-C-01, relative to the removal of the Western Branch Trail through the west side of the property, which subject property is located on both sides of MD 202 (Largo Road), approximately one mile north of its intersection with MD 725 (167.70 Acres; LCD Zone), in Planning Area 79 and Council District 6, be and the same is hereby AFFIRMED.

The District Council approved the original CDP-9901 on March 24, 2003, for a total of 116 single-family detached residential dwelling units on approximately 167 acres of land, with 8 conditions. The following is a list of conditions from the original CDP-9901, which are relevant to the Western Branch Trail that the Applicant has requested to be removed:

1. Prior to certification of the Comprehensive Design Plan (CDP)-9901:
 - a. The Comprehensive Design Plan (CDP) drawings and text shall be revised to incorporate the following:
 - (11) eight-foot-wide asphalt hiker/biker trail along the Western Branch and a minimum of two 6-foot-wide asphalt connector trails providing access to the Western Branch from the proposed community as shown on the Department of Parks and Recreation Exhibit "A". One connection shall be oriented towards the southern end of the trail and the other connection shall be oriented towards the northern end of the trail.

- (12) a ten-foot-wide equestrian trail along the Western Branch if determined to be feasible by the Department of Parks and Recreation at the time of Specific Design Plan (SDP).
3. Prior to approval of any final plats for this development, the Applicant shall:
 - d. Submit three original, executed Recreational Facilities Agreements (RFA) for trail construction to the Department of Parks and Recreation for their approval at least three weeks prior to a submission of a final plat of subdivision. Upon approval by the Development Review Division, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland. The RFA shall state that the trail construction shall be completed prior to issuance of the 58th building permit.
5. Prior to approval of the first Specific Design Plan (SDP) for the development on the west side of the MD 202, the Applicant shall:
 - a. Submit detailed construction drawings for trail construction to the Department of Parks and Recreation for review and approval. The recreational facilities on park property shall be designed in accordance with the applicable standards in the Parks and Recreation Facilities Guidelines. The trail construction drawings shall ensure the following:
 - (1) dry passage for all the trails. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed by Department of Parks and Recreation.
 - (2) handicapped accessibility of all trails in accordance with applicable ADA guidelines.
 - b. If determined to be necessary by the Department of Parks and Recreation, submit construction drawings for a ten-foot-wide equestrian trail along the Western Branch. The trail shall be turf surfaced, the trees and branches shall be cleared a total of 12 feet in height along the trail. The location of the trail shall be determined by the Department of Parks and Recreation.
 - c. Submit drawings showing the exact location of the two trail connections.
7. No building permit shall be issued for the lots directly adjacent to the trail until the trail is under construction.

The District Council and Department of Parks and Recreation, through the approval of A-9895-C-01, have agreed to allow the Applicant to pay a fee-in-lieu of construction of the Western Branch Trail on the subject property. Therefore, the Planning Board approved the removal of the above conditions as requested because they are no longer required. Finding that the Planning Board's approval of CDP-9901-01 was not arbitrary, capricious, or otherwise illegal, the District Council hereby adopts the findings and conclusions set forth by Planning Board in Resolution No. 2022-120 ("PGCPB No. 2022-120").

Approval of CDP-9901-01 is subject to the following condition:

1. All of the previous conditions of approval of Comprehensive Design Plan (CDP)-9901 remain in full force and effect, with the exception of the following conditions, which are deleted in their entirety: Conditions 1(a)(11), 1(a)(12), 3(d), 5, and 7 of the District Council's approval of the original CDP-9901.

Ordered this 27th day of February 2023, by the following vote:

In Favor: Council Members Burroughs, Blegay, Dernoga, Fisher, Harrison, Hawkins, Ivey, Olson, Oriadha, Watson.

Opposed:

Abstained:

Absent: Council Member Franklin.

Vote: 10-0.

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, Chair

ATTEST:

Donna J. Brown
Clerk of the Council