

THE TOWN OF FOREST HEIGHTS
RESOLUTION 13-21

A RESOLUTION TO APPROVE AND SUPPORT THE MIXED-USE DEVELOPMENT OF PROPERTY LOCATED WITHIN AND ABUTTING THE CORPORATE LIMITS OF THE TOWN OF FOREST HEIGHTS KNOWN AS NATIONAL VIEW

Introduced By: Mayor Habeeb-Ullah Muhammad

WHEREAS, Harbor View LLC (the "Developer") has purchased the Butler and the Habib Foundation properties south of Cree Drive along with other properties and wishes to develop the land in cooperation of the Town to obtain the necessary land use approvals from M-NCPPC and the County; and

WHEREAS, the development area is approximately ten (10) acres of land located inside the Town and ten (10) acres located outside of the Town including the Butler parcels and an SHA parcel near Beltway and Bald Eagle Dr.; and

WHEREAS, the rezoning application for National View (A-10055) proposes the rezoning of the subject properties from R-55 and R-R to M-X-T for the development of residential, retail, commercial, and medical uses, and the applicant is proposing 1,500-1,700 multi-family units (of which 600 may be dedicated to affordable senior and workforce housing), four assisted living buildings, 200,000 square feet of retail/commercial/office space (upscale dining options, and a hotel, all with spectacular water views), a 50,000 square-foot medical building, and a 3,000 square-foot police substation; and

WHEREAS, according to the Developer, National View, formerly known as "Harbor View," will be located proximately near National Harbor, one of the County's designated Regional Transit Districts, and will promote higher density by capitalizing on existing transportation networks, and continuing a trend of mixed-use development already taking shape in the area; and

WHEREAS, the Mayor and Council find that the Town of Forest Heights seeks to correct the imbalance between residential and commercial development, and conservative estimates indicate that the Town could realize approximately \$3M annually in additional tax revenue from National View, and the development will also feature a police substation to accommodate the growing needs of the Town's police force and transition to 24-hour operations; and

WHEREAS, the Developer has requested that the Town cooperate and show support in the form of the following activities and other expressions of support: (i) provide a letter of support executed by the Mayor in supporting M-X-T rezoning of the Development Site, (ii) express support to the County Council and/or Planning Board to initiate a resolution commencing a minor amendment to the area sector plan incorporating the Butler portion of the Development Site, and (iii) express support for a resolution supporting the Rezoning and request the County Council to initiate a minor map amendment process, and (iv) permit its authorized officials and spokespersons

THE TOWN OF FOREST HEIGHTS
RESOLUTION 13-21

to submit testimony regarding the Town Government's support for the project to land use officials and bodies at the County and M-NCPPC level; and

WHEREAS, the Mayor and Council have conducted several presentations at open meetings on the proposed project by Petra Development including a Public Forum on the Harbor View held on February 24, 2021; and

WHEREAS, the Town's Sustainable Plan mirrors many of the development and redevelopment concepts and infrastructure improvements contained in the Sector Plan, which the Town recognizes is in need of updates to allow the Town to more effectively take advantage of an opportunity that has been presented which will greatly enhance the lives of Town residents, bring much-needed services, amenities, retail and commercial options to our Town residents; and

WHEREAS, the Mayor and Council find that the developer shares the Town's vision regarding creating true sustainable communities and the development plans reflect responsible initiatives to implement green techniques, such as vegetative green roofs, community gardens, and use of pervious materials where appropriate, and they also understand the importance of health and wellness and are implementing and connecting walking trails and other amenities to advance the health of residents who will live, work and play there, and residents will be able to walk safely from this development site along a connecting trail that leads across the Beltway to the National Harbor and beyond; and

WHEREAS, the Mayor and Council further find that support for this project will be beneficial for the Town for the following reasons: (i) our Towns' relative lack of an economic base has been a Smart Growth barrier, (ii) Granting this rezoning will allow the Town to broaden its tax base, and the development of these properties is crucial to this effort, (iii) the proposed development will result in a necessary increase in the Town's housing options, attracting the kind of commercial and retail business that the Town seeks for its residents, sit down restaurants and upscale brand name retailers within the Town limits, want our seniors to be able to "age in place" so it will not be necessary for them to leave the community as the aging process progresses; and

WHEREAS, a hearing scheduled for this project before the County Zoning Hearing Examiner had been continued until March 24, 2021 at 9:30 a.m. **with an additional hearing date of April 28, 2021 at 9:30 a.m. for the application** entitled as A-10055 Harbor View, LLC, Application of Harbor View Development, LLC/ Petra Development/National View requesting a Zoning Map Amendment to rezone abutting properties (known as the Butler and Habib properties) of approximately 20.1+/- acres of land in the R-R (Rural Residential) and R-55 (One-Family Detached Residential) Zones to the M-X-T (Mixed Use-Transportation Oriented) Zone to provide a high-density mixed use development to be known as National View.

NOW THEREFORE BE IT RESOLVED, by the Mayor and the Town Council of the Town of Forest Heights, supports the rezoning of the subject properties from R-55 and R-R to

THE TOWN OF FOREST HEIGHTS
RESOLUTION 13-21

M-X-T for the development of residential, retail, commercial, and medical uses proposed by the Developer and hereby consents to and supports the approval of the proposed Development, the boundaries of which shall include such portions of land located within the boundaries of the Town along with other parcels or lots located outside the current corporate boundaries of the Town.

AND BE IT FURTHER RESOLVED, that the Mayor and her designees are further authorized to serve as spokespersons for the Town and provide written or oral testimony to public agencies, planning entities and other organizations and to the press or public regarding the Town's positions regarding the Project as expressed, supported and intended by this Resolution provided that any official correspondence is regularly shared and/or reported to the Council at its regular and special meetings.

AND BE IT FURTHER RESOLVED, that the Mayor and staff shall cause to be dedicated or created a centralized Town webpage page or pages on the Town's website (<https://forestheightsmd.gov/>) to the Town's monitoring, meeting announcements, plans, agreements, testimony, press releases, official positions and reporting of activities related to this Project so that the Townspeople may ready view information of interest and concern and so that the public may be informed of the various land use and municipal decisions involved in the Project.

AND BE IT FURTHER RESOLVED, that the Mayor and her designees are hereby instructed to continue and finish negotiations [forthwith] BY JUNE 16, 2021 so that the parties may enter into a pre-annexation agreement for review and approval by this governing body prior to the conceptual plan review phase of the Project; **AND THAT THE AGREEMENT SHALL INCORPORATE THE FOLLOWING ITEMS OR CONCESSIONS TO BE CONSIDERED AND ADDRESSED:**

1. **EXPLORE AN ALTERNATIVE EMERGENCY VEHICULAR ACCESS POINT TO SUPPLEMENT PRIMARY ACCESS THROUGH THE SOUTHERN BOUNDARY OF THE BUTLER PROPERTY TO BALD EAGLE ROAD VIA A DRIVEWAY THAT SERVES OXON COVE PARK AND OXON HILL FARM PROPERTIES OF THE NATIONAL PARK SERVICE; AND**
2. **PROVIDE FOR WAY FINDING MARKERS FROM THE TOWN PROPER TO THE BUTLER HOUSE (PG:76A-014/NATIONAL REGISTER), A PRINCE GEORGE'S COUNTY HISTORIC SITE THAT WAS DESIGNATED IN 1981; AND**
3. **SEEK DEVELOPMENT IMMEDIATELY ABUTTING THE LOTS ALONG CREE DRIVE IN THE NORTHERN PART OF THE PROPOSED DEVELOPMENT (PLATTED AS CHIPPEWA DRIVE) TO BE COMPATIBLE WITH THE LOW-DENSITY CHARACTER OF EXISTING SURROUNDING NEIGHBORHOOD IF**

THE TOWN OF FOREST HEIGHTS
RESOLUTION 13-21

NOT PREFERABLY SINGLE-FAMILY DWELLINGS, TOWNHOMES OR GARDEN APARTMENTS OF LOW-RISE BUILDINGS, USUALLY NO MORE THAN TWO OR THREE STORIES HIGH; AND

4. INCREASE THE TREE CANOPY COVERAGE WITHIN THE EXISTING TOWN INCORPORATED AREA BY 3 PERCENT; AND
5. CONDUCT A NOISE STUDY PRIOR TO SUBDIVISION APPROVAL TO BE EVALUATED BY THE URBAN DESIGN SECTION AND THE TOWN; AND
6. PRESERVE AT LEAST 10% OF THE SPECIMEN TREES FOUND THROUGHOUT THE SITE AS INDICATED ON THE UPDATED NATURAL RESOURCE INVENTORY (NRI); AND
7. ANY OTHER AMENDMENTS DEEMED NECESSARY BY STAFF TO IMPROVE THE TERMS OF THE DRAFT PRE-ANNEXATION AGREEMENT FORMULATED BY THE PARTIES AS OF DECEMBER OF 2019.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this 18 day of April 2021.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

KENNEDY II

NOBLE

BARNES

HINES

WASHINGTON

ATKINSON

Yea
Yea
Nay
Nay
Yea
Yea
Yea

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

The document was amended 4/21/2021 with changes to the 11th paragraph beginning with "Whereas" and the first sentence to the third paragraph beginning with "And be it further resolved"

THE TOWN OF FOREST HEIGHTS
RESOLUTION 13-21

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

By: **SIGNATURE ON FILE**

Mayor Habeeb-Ullah Muhammad, Mayor

SIGNATURE ON FILE

By: Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 12 day of April 2021 with 5 Aye votes and 2 Nay votes the aforesaid Resolution 13-21 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk