

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed Zoning Map Amendment Application No. A-9960 requesting a rezoning from the R-R (Rural Residential) to the M-X-T (Mixed Use Transportation) Zone in accordance with Subtitle 27 of the Prince George=s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on December 9, 2004, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located about 120 feet north of Berry Road (MD 228) about 2,300 feet east of the MD 210 (Indian Head Highway)/Berry Road intersection. The site is triangular in shape and is bisected by Manning Road. It is about 12.5 acres in size and is undeveloped and wooded.
- B. **History:** The site has been in the R-R Zone since prior to the last comprehensive rezoning of the area in 1993. At that time, the Subregion V Sectional Map Amendment retained the property in the R-R zone (CR-60-1993).
- C. **Master Plan Recommendation:** The 2002 General Plan places the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The 1993 Subregion V Master Plan recommends office and light manufacturing/business park employment uses for the western nine acres of the property. The eastern four acres are recommended for low-suburban residential uses with a density of up to 1.6 dwellings per acre.
- D. **Neighborhood and Surrounding Uses:** The neighborhood boundaries identified for this application are:

North—Livingston Road (MD 373)
East—Bealle Hill Road
South—Berry Road (MD 228)
West—Indian Head Highway (MD 210)

The middle one-third of the neighborhood is developed with single-family residential development in the R-R Zone, on lots ranging from one-half acre to two acres in size. With the exception of some scattered residential development along Bealle Hill Road, the eastern third of the neighborhood remains largely undeveloped. This portion of the neighborhood is in the R-A and R-L Zones with permitted densities equivalent to one- to two-acre lots. In the northern part of the neighborhood, on the south side of Livingston Road, are some older commercial businesses in the C-S-C Zone.

Much of the undeveloped land in the western portion of the neighborhood is in the M-X-T (Mixed-Use Transportation Oriented) Zone. Specifically, immediately to the west of the subject site is an undeveloped, 57.5-acre parcel in the M-X-T Zone, and the to east of the subject site is

an undeveloped 13-acre parcel in the M-X-T Zone. Immediately south of Berry Road is a 26-acre parcel of land in the M-X-T Zone developed with the Manokeek Village Center

- E. **Request:** The applicant is the owner of the M-X-T-zoned parcels to the east and west of the subject site. Access to those sites was limited by the State Highway Administration to Manning Road East, which bisects the subject property. The applicant purchased the subject site and has shown the site as providing access to those sites (Pods 2 and 3) in Conceptual Site Plan 99050, which was approved by the Planning Board on July 27, 2000. Because the site serves as a connection between the two M-X-T sites, the applicant requests this rezoning to create a more unified development scheme.

The applicant has submitted an Illustrative Plan with this application. The plan proposes a residential component, a live/work component, and a community center on the western portion of the property and a retail center with office pad sites on the eastern portion of the property.

- F. **Zoning Requirements:**

Section 27-213; Criteria for approval of the M-X-T Zone.

- (1) **The District Council shall only place land in the M-X-T Zone if at least one (1) of the following two (2) criteria is met:**

- (A) **Criterion 1. The entire tract is located within the vicinity of either:**

- (i) **A major intersection or major interchange (being an intersection or interchange in which at least two (2) of the streets forming the intersection or interchange are classified in the Master Plan as an arterial or higher classified street reasonably expected to be in place within the foreseeable future); or**
- (ii) **A major transit stop or station (reasonably expected to be in place within the foreseeable future).**

- (B) **Criterion 2. The applicable Master Plan recommends mixed land uses similar to those permitted in the M-X-T Zone.**

The entire tract is located within the vicinity of a major intersection and proposed future interchange. The site is located about 2,300 feet from the intersection of Indian Head Highway and Berry Road. The Subregion V Master Plan classifies Indian Head Highway as an existing expressway south of Berry Road and a freeway north of Berry Road. Berry Road itself is classified as an expressway. The subject site is the location for the access to 70 acres of M-X-T-zoned land in the vicinity of this intersection. Manning Road East provides the only access to the M-X-T-zoned land from Berry Road. The subject property is therefore clearly within the vicinity of a major intersection and meets the requirements of this criterion.

- (2) **Prior to approval, the Council shall find that the proposed location will not substantially impair the integrity of an approved General Plan, Area Master Plan, or Functional Master Plan and is in keeping with the purposes of the M-X-T Zone.**

In approving the M-X-T Zone, the District Council may include guidelines to the Planning Board for its review of the Conceptual Site Plan.

The planning chronology for this area is important to understanding the evolution of decisions pertaining to the existing property classified in the M-X-T Zone (referred to as the TSC/Muma property below) and the adjacent property that is the subject of application A-9960. The property subject to this application was acquired from former owner Mr. Vincent by TSC/Muma (the applicant in this case) to provide road access to their larger property holdings classified in the M-X-T Zone in 1993.

1974 Master Plan for Subregion V:

- Area encompassing both properties recommended for employment land uses along the then-proposed Outer Beltway freeway right-of-way.

1979 Accokeek, Tippet and Piscataway SMA:

- TSC/Muma (including the 70 acres to the east and west of the subject property)—Rezoned from the R-R to the E-I-A Zone per SMA Change P-15 (The southern boundary of the E-I-A Zone was the proposed Outer Beltway right-of-way.)
- Subject Property (Vincent)—Retained in the R-R Zone

1982 General Plan and Master Plan of Transportation:

- Deleted the Outer Beltway as a road proposal in the southern part of the county.

Late 1980s Maryland State Highway Administration Transportation Program

- TSC/Muma—SHA decides to relocate MD 228 from Charles County to MD 210 through the E-I-A Zone property in Accokeek as a divided, four-lane road.

1992 Subregion V Preliminary (May) and Adopted (November) Master Plan/SMA:

- TSC/Muma—Proposed a smaller employment area located west of Manning Road and on the north side of the proposed MD 228 right-of way; low-suburban residential land uses east of Manning Road on the north side of MD 228 and low-suburban or large-lot residential south of MD 228. The SMA recommended rezoning E-I-A to R-R and R-A Zones. The redefined employment area recommendations were to be implemented via a new/revised E-I-A Comprehensive Design Zone application.
- Vincent—Recommended for low-suburban residential use; SMA to retain the R-R Zone.

1993 Subregion V Master Plan/SMA Approved by Council Resolution CR-60-1993:

- TSC/Muma—CR-60-1993, Plan Amendment 12 approved mixed-use development for the north and south side of MD 228 west of Manning Road and for the north side of MD 228 east of Manning Road. Low-suburban or large-lot residential land use for southern parts of the property. SMA rezoned E-I-A to M-X-T, R-R and R-A Zones.
- Vincent—CR-60-1993 approved low-suburban residential land use/SMA retained the R-R Zone.

The boundary between the existing M-X-T Zone on the TSC/Muma property and the R-R Zone on the Vincent property (subject to application A-9960) is the result of a Council amendment to the proposed master plan and SMA at the end of the approval process. The Planning Board had

recommended employment land use for the area encompassing both properties on the northwest side of Manning Road East and Low-Suburban residential land use for both properties on the southeast side. The Council approved a request for mixed land uses and the M-X-T Zone on the TSC/Muma property that had not been recommended by the Planning Board in the transmitted master plan/SMA proposal. There were no requests for rezoning on the Vincent property and no testimony at public hearings regarding it. As such, the boundary between the M-X-T Zone and R-R Zone in this area was determined by ownership patterns in 1993, when the master plan and SMA were approved by the County Council.

The subject application (A-9960) consists of two tracts of approximately five and seven acres divided by Manning Road East that are located between the existing road and the two large parcels. The two adjoining larger parcels already classified in the M-X-T Zone are 57 and 13 acres, respectively, and have been approved for development of a senior housing complex (up to 800 units), commercial retail, and office land uses. The approved site plan for the existing M-X-T Zone (CSP-99050) indicates access roads across these two smaller tracts of land (A-9960) to intersect with Manning Road East. The applicant acquired these smaller tracts between the approved development proposal and Manning Road East to provide access because of State Highway Administration access restrictions associated with the other adjoining road (MD 228). Allowing the owner to incorporate the extra land area acquired to provide access into the larger development area is consistent with master plan concepts for future land use and development.

On the northwest side of Manning Road East, the master plan recommends mixed-use development and employment (Office/Light Manufacturing/Business Park) land use as part of a larger recommended business area extending to the north. Expansion of the existing M-X-T zoning onto the adjoining portion of this rezoning application would be consistent with the land use recommendations of the master plan.

On the southeast side of Manning Road East, the master plan recommends low-suburban residential land use at up to 1.6 dwelling units per acre and mixed-use development.

This application is located in the Accokeek Development Review District. The Accokeek Development Review District Commission (ADRDC) reviewed this application at several meetings in early 2004 and submitted comments by letters dated May 13, 2004, and June 10, 2004. Issues that were of concern in the ADRDC meetings were (1) whether there was a need for more commercial zoning or development in Accokeek, and (2) the compatibility of expanded commercial development with the existing residential land uses on Manning Road East.

The request for the M-X-T Zone will not substantially impair the General Plan or the Subregion V Master Plan. The subject property clearly lies within an area determined to be appropriate for the M-X-T Zone. The rezoning of this property will provide for the orderly development of this property as well as the properties already approved for the M-X-T Zone. Furthermore, the applicant proposes to limit the total development of this and adjoining M-X-T zoned property in the same ownership, to the development already approved as part of Conceptual Site Plan 99050. At the time of detailed site plan approval, the compatibility of the proposed M-X-T Zone with the existing residential community will be addressed by a condition requiring the provision of a 100-foot wide wooded buffer and the careful orientation of buildings and/or walls and parking lots to minimize the impacts of parking areas on the adjoining residential neighborhood.

The proposed rezoning meets the following purposes of the M-X-T Zone:

Sec. 27-542. (a) The purposes of the M-X-T Zone are:

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The Subregion V Master Plan provided for the orderly development of land near the Indian Head Highway/Berry Road intersection by placing land in the M-X-T Zone and using Manning Road East to provide access to the M-X-T development. The rezoning of the subject property will complete this development. With the recommended conditions, the rezoning of the eastern portion of the site will promote orderly development of the area, while minimizing its impacts on the adjoining residential area.

- (2) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The proposed rezoning conforms to the goal of concentrating development potential in areas recommended for mixed uses.

- (3) To promote the effective and optimum use of transit and other major transportation systems;**

The subject property will have access to a major intersection in conformance with this purpose.

- (4) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

Approval of the requested rezoning will facilitate a 24-hour environment.

- (5) To encourage diverse land uses which blend together harmoniously;**
- (6) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**
- (7) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;**
- (8) To permit a flexible response to the market; and**

(9) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

The mixture of uses and flexibility permitted by the M-X-T Zone will permit and encourage the purposes listed above. The conceptual site plan and detailed site plan approval process required for development in the M-X-T Zone will provide for an opportunity to examine future development proposals in greater detail and to determine their conformance with the purposes of the M-X-T Zone. As part of the conceptual site plan and detailed site plan approval process, the Planning Board will determine that:

- The proposed development has an outward orientation that either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;
- The proposed development is compatible with existing and proposed development in the vicinity;
- The mix of uses and the arrangement and design of buildings and other improvements reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;
- If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;
- The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;
- On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial).

Due to the potential for more intense development and a 24-hour environment, consideration should be given at the time of conceptual site plan approval to doubling the normal requirement for bufferyards between M-X-T uses and land uses in adjoining R-R-zoned properties. On the eastern portion of the site, a 100-foot wide wooded buffer will buffer the existing residential community from the impacts of the proposed development.

The Illustrative Plan shows a desire to provide a community-oriented use as well as a mixture of commercial and residential uses. A more prominent location for the community center could provide for a gateway use that sets the tone for the entire community, both existing and proposed.

(3) Adequate transportation facilities.

(A) Prior to approval, the Council shall find that transportation facilities

that are existing, are under construction, or for which one hundred percent (100%) of 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 anticipated traffic for the proposed development.

- (B) The finding by the Council of adequate transportation facilities at this time shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The applicant prepared a traffic impact study dated December 2003. The study has been prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The traffic study was referred to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA). Neither agency provided comments.

Growth Policy—Service Level Standards

The subject property is in the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better is required in the Developing Tier.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The following intersections have been analyzed in the traffic study:

- MD 228 and Manning Road (signalized)
- MD 210 and MD 228 (signalized)
- Manning Road and site access 1 (planned future roundabout)
- Manning Road and site access 2 (future unsignalized)
- Manning Road and site access 3 (future unsignalized)

Existing conditions are summarized as follows:

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