

PGCPB No. 05-229

File No.A-9970

## R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed A-9970 requesting rezoning from the I-1 to the R-S (1.6 –2.6) 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 November 3, 2005, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property, consisting of 167.84 acres, is located on the west side of US 301 (Crain Highway), north of its intersection with Dyson Road. Access to the property is proposed from Dyson Road. The property has approximately 1,200 feet of frontage along Dyson Road. The subject property has been permitted for use as a sand and gravel surface mining site, a gravel wash plant, a concrete plant, and an asphalt batching plant.
- B. **History:** The site was designated by the 1974 Subregion V master plan as a “staged future development/suburban living area,” with recommended ultimate densities up to 2.6 dwelling units (DU)/acre. Through the 1978 Brandywine sectional map amendment (SMA) and in accordance with staged future development area SMA policies, the zoning was changed from R-R (Rural Residential) to R-A (Rural Agricultural). In 1992 the preliminary master plan again recommended low suburban living area densities of up to 2.6 DU for the subject property. A zoning change from R-A back to R-R was recommended by the 1992 proposed SMA.

In the June 1992 public hearings the property owners, Alfred and Harry Smith, through counsel, requested the I-1 (Light Industrial) zone solely to validate the existing sand and gravel mining operation and asphalt and concrete manufacturing plants operating on-site as permitted uses rather than continue as nonconforming uses. The Planning Board did not grant the Smiths’ request to rezone the property to I-1. Instead, the Board adopted the 1992 master plan and endorsed the SMA, which recommended rezoning the property from R-A to R-R, designating the site as a low suburban living area at up to 2.6 DU/acre.

At the behest of the owners the District Council amended the master plan and SMA by proposing industrial zoning for the site. (CR-17-1992, Amendment 19). The 1993 approved Subregion V master plan and sectional map amendment rezoned the subject property from the R-A Zone to the I-1 Zone (CR-60-1993).

**C. Master Plan and General Plan Recommendations:**

1. Master Plan: The 1993 approved Subregion V master plan and sectional map amendment placed the subject property in the I-1 (Light Industrial) Zone to validate the established sand and gravel extraction operation and asphalt and concrete production uses operating on-site. While the master plan identifies the subject site as part of Employment Area “L,” the plan does not provide any vision for the development of the property after the existing uses ceased to operate.
2. 2002 General Plan: This application is located 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. Growth policies in the Developing Tier encourage compact residential neighborhood design and limit commercial uses to the designated centers and corridors. The Brandywine Center (25) in the Branch Avenue Corridor (F) has been designated as the employment and commercial center for this area of the county.

**D. Request:** The application is for approval of rezoning 167.84 acres from the existing I-1 (Light Industrial) Zone to R-S 2.7-3.5 (Residential Suburban) Zone, a Comprehensive Design Zone (CDZ). Subsequent to the release of the Technical Staff Report, the applicant amended their request to the lower density R-S 1.6 –2.6 Zone.

1. DEVELOPMENT DATA

The proposed basic plan reflects the following land use types and quantities:

**R-S Zone Land Use Quantities**

Total gross area	167.84 acres
Land in the 100-year floodplain	21.65 acres
Net area (gross minus ½ floodplain)	157.02 acres

Density permitted under the R-S (Residential Suburban 2.6) Zone

Base Density (1.6 DU/Ac)	251 units
Maximum residential density (2.6 DU/Ac)	408 units

Proposed residential development	405 units
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2. CONCEPTUAL DESIGN FEATURES

**Site conditions:** The subject site is comprised of wooded areas, open sand and gravel surface mining pits, and on-site storage of sand and gravel materials. Three man-made wash ponds are also located on the property. The asphalt and

concrete production facilities have been dismantled and removed. No existing residences or barns or associated outbuildings exist on the site. Unimproved driveways originating from Dyson Road and US 301 provide access to the subject property.

The topography of the site is gently to moderately sloping with the majority of the site draining toward the east, to an unnamed tributary that flows north into Piscataway Creek. Severe slopes (25 percent and greater) are found along the stream valleys and moderate slopes associated with natural and man-made landforms are found throughout the site. Site topography estimated from Maryland Geological Survey topographic data indicates that ground surface elevations range from a high of approximately elevation 240 feet above mean sea level (MSL) along the western site boundary to a low of approximately 150 feet MSL where Piscataway Creek crosses the northwestern property corner.

**General layout:** The proposed basic plan shows one vehicular access point connecting to Dyson Road and one emergency access to US 301. The primary internal spine road will run north from a monumental entrance at Dyson Road approximately 650 feet west of the interchange with US 301. The road will continue roughly parallel to the western property boundary and will feature a series of roundabouts, cross streets and cul-de-sacs accessing the various neighborhoods. One major east-west connector will provide access from the main spine road, across the dam at the north end of the lake feature to the amenity complex and the town homes located in the east central portion of the site. A series of hiker-biker trails will also provide access from the neighborhoods to the amenity complex, the lake features, and the steam valley.

This amenity complex is planned to be neighborhood-oriented and to complement other public centers in the area. It will feature a community clubhouse, outdoor swimming pool, tennis courts, and other recreational facilities. The lake will feature perimeter hiker-biker trails, public art, and other passive recreational opportunities. Additional recreational sites will be located within the individual neighborhoods.

**E. Neighborhood and Surrounding Uses:**

The property is surrounded by the following uses:

**North**—PEPCO transmission line right-of-way and R-O-S (Reserved Open Space) zoned land owned by the Maryland Veterans Commission.

**East**—Developed and vacant properties in the I-1 (Light Industrial) Zone and US 301, Robert Crain Highway, beyond the industrial properties.

**South**—Dyson Road and commercial uses in the C-M (Commercial-Miscellaneous) Zone

along the south side of Dyson Road.

**West**—Piscataway Creek Stream Valley Park owned by M-NCPPC, zoned R-O-S and R-R (Rural Residential). The county recycling drop-off facility is located on the 3.7±-acre, southernmost R-R parcel (P.22) across from Missouri Avenue. The M-NCPPC Police Fire Arms Range is located on the north central portion of the 182.1±-acre R-O-S parcel (P.98).

The Subregion V master plan places the property in the Gwynn Park neighborhood of the North Village of the Brandywine community. The triangularly shaped neighborhood is defined by Piscataway Creek and the PEPCO transmission line right-of-way to the north, US 301 to the east, and MD 5 to the west.

- F. **Zoning Requirements:** The zoning map amendment application is subject to Part 3, Subdivision 3, Comprehensive Design Zone, and Part 8, Comprehensive Design Zones, of the Zoning Ordinance. Specifically the application has been reviewed for compliance with the following regulations:

**Section 27-195(b):**

**Prior to the approval of the application and the 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 recommendation of a General Plan map; Area Master Plan map; or urban renewal 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 proposed 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 of nonresidential buildings, and the location of land uses.**

The Planning Board finds that the Residential Planning Guidelines on page 86 of the Master Plan specifically encourage the type of development proposed by the Applicant. The density proposed for Renard Lakes is also in full accordance with ranges set forth on page 86 of between 1.6 and 7.9 dwelling units per acre for single family attached and detached units. The Basic Plan also fulfills a number of the objectives of the Master Plan for Living Areas including: the removal of incompatible uses (i.e. sand and gravel mining and an asphalt mixing plant) within living areas, preservation of natural and scenic assets as an integral part of

residential areas to enhance the character, quality and livability of the Subregion, and to provide a wide range of housing opportunities and neighborhood choices which meet the needs of different age groups, family sizes, lifestyles and incomes.

The proposed development is also in accordance the General Plan's goals and policies of the Developing Tier. A developing tier designation indicates those areas where the county anticipates and encourages new development in 'contiguous and compatible growth patterns.' The specific enumerated goals in the Developing Tier which support this map amendment are to maintain a pattern of low to moderate density land uses (except in Centers and Corridors), reinforce existing suburban residential neighborhoods and to preserve and enhance environmentally sensitive areas. Contrary to the contention of staff, the General Plan does not encourage the development of employment areas outside of the identified Centers and Corridors. The General Plan specifically designates Maryland Route 5 (not U.S. Route 301) as the growth corridor in the area and specifically designates the Brandywine Center (#25) as the appropriate location for employment uses. While the General Plan calls for an increase in the jobs-to-population ratio, this goal applies to an area wider than the subject neighborhood. The Board believes that the subject I-1 Zoned site, with a location north of the Brandywine Center, is not suited to yield quality employment development. Further, with a recent Round 7 Forecast which anticipates an increase in jobs in the Washington Metropolitan Area, the Board is concerned that there may not be enough housing to accommodate the new workers in the region.

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

While an economic analysis is not formally required for a comprehensive design zone that does not propose to include a retail commercial area, the applicant prepared a study to illustrate the positive economic impacts of the proposed rezoning from I-1 to R-S on the regional and countywide economies. The applicant submits that:

"If the rezoning is not approved and the extraction operations were to continue there would be no appreciable employment associated with the subject property. As such the only economic benefit to Prince George's county would continue to be the Real Property Tax. The property taxes would yield approximately \$766,495.00 over a 20 year period as opposed to revenues of approximately \$84,598,795.00 from the proposed upscale residential development."

**(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;**

The Transportation Planning Section has reviewed the Zoning Map Amendment application and provided the following analysis in a memo dated October 27, 2005:

“The applicant proposes to develop the property under the R-S (Residential Suburban) zone with 429 single-family dwelling units and townhouses. The purpose of the zoning map amendment is to rezone the subject property from the I-1 (light industrial) zone to the R-S (residential suburban) zone.

“The applicant prepared an initial traffic impact study dated March 11, 2005. A revised traffic study, dated August 29, 2005, was submitted along with additional traffic counts. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

#### **“Traffic Analysis**

“The basic plan proposes 429 dwelling units, the submitted traffic study analyzed the impacts of 345 single-family dwelling units and 84 townhouse units. Only one access point to the site is proposed on the north side of Dyson Road. The initial traffic study contained an analysis of the two Dyson Road intersections at U.S. 301, where the northbound and southbound lanes of U.S. 301 are divided by a wide median strip. These two intersections are currently unsignalized. This traffic study was subsequently revised to include the signalized intersections of U.S. 301/ Frank Tippet Road and U.S. 301/MD 381/Brandywine Road.

“With the development of the subject property, the traffic consultant concluded that two unsignalized intersections within the study area would have side street vehicle delays exceeding 50.0 seconds, an unacceptable operating condition. These include the intersections of southbound U.S. 301 and Dyson Road and northbound U.S. 301 and Dyson Road. The signalized intersection of U.S. 301 and MD 381 (Brandywine Road) would also exceed the threshold for signalized intersections as defined in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

“The site is within 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.

**“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.

“The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

- “U.S. 301 SB/Dyson Road (unsignalized)
- “U.S. 301 NB/Dyson Road (unsignalized)
- “U.S. 301/Frank Tippet Road (signalized)
- “U.S. 301/MD 381/Brandywine Road (signalized)

“The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
U.S. 301 SB/Dyson Road	49.4*	200.7*	--	--
U.S. 301 NB/Dyson Road	275.9*	39.7*	--	--
U.S. 301/Frank Tippet Road	874	1,090	A	B
U.S. 301/MD 381/Brandywine Road	1,456	1,196	E	C
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.</p>				

“Background developments included 1,178 single-family units, 340 apartments, 839 townhouse units, 1,297,500 square feet of office, 1,900,500 square feet of warehouse, 4,270,000 square feet of industrial, 2,484,000 square feet of heavy industrial, and 107,850 square feet of medical/office space. Background traffic along the study area roads was also increased by two percent each year to account for overall growth up to the design year 2008. This is the expected year of full build-out. Given these assumptions, background conditions are summarized below:

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