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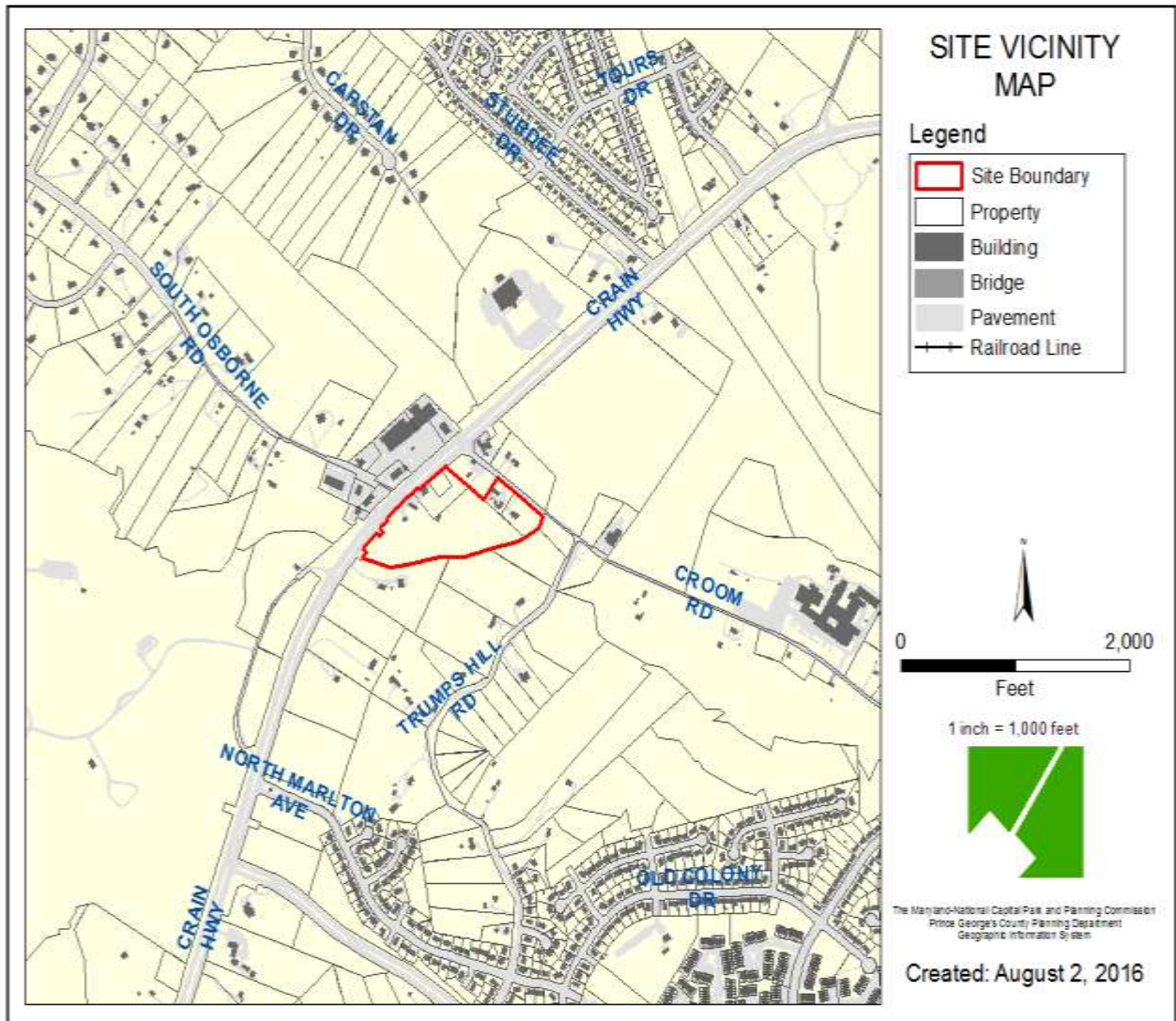
Zoning Map Amendment

A-10040

Application	General Data	
Project Name: PMG 7700 Crain Highway Location: East side of northbound US 301 (Robert Crain Highway), approximately 170 feet south of its intersection with MD 382 (Croom Road). Applicant/Address: Petroleum Marketing Group, Inc. 12680 Darby Brooke Court Woodbridge, VA 22192 Property Owner: 7700 SE Crain, LLC 2359 Research Court Woodbridge, VA 22192	Planning Board Hearing Date:	10/19/17
	Staff Report Date:	10/04/17
	Date Accepted:	05/08/17
	Planning Board Action Limit:	N/A
	Plan Acreage:	13.02
	Zone:	C-S-C and R-R
	Gross Floor Area:	N/A
	Lots:	2
	Planning Area:	82A
	Council District:	09
	Election District	15
	Municipality:	N/A
	200-Scale Base Map:	210SE11

Purpose of Application	Notice Dates	
Rezone property from the C-S-C and R-R Zones to the M-X-T zone.	Informational Mailing	03/16/17
	Acceptance Mailing:	04/25/17
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Taslima Alam Phone Number: 301-952-4976 E-mail: Taslima.Alam@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Sherri Conner, Acting Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: Taslima Alam, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: **Zoning Map Amendment Application No. A-10040**

REQUEST: **Rezone property from the C-S-C and R-R Zones to the M-X-T Zone.**

RECOMMENDATION: **DISAPPROVAL**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of October 19, 2017. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

- A. **Location and Field Inspection:** The subject 15.36-acre site is located in the southern quadrant of the MD 382 (Croom Road) and US 301 (Robert Crain Highway) intersection. More specifically, the site is located on the west side of US 301, approximately 170 feet south of its intersection with MD 382. The site has frontage on US 301 and MD 382. The site consists of four parcels and two lots within two zones. Parcels 53 and 64, and part of Parcel 47, are located in the Commercial Shopping Center (C-S-C) Zone; and the remainder of Parcel 47, Parcel 103, Lot 1 and Lot 3 are in the Rural Residential (R-R) Zone. Parcel 64 is currently improved with a gas station and a convenience store. Access to Parcel 64 is from US 301. Parcels 53, 47, and 103 are vacant, and Lots 1 and 3 are improved with existing single-family detached homes. Access to Lots 1 and 3 is from MD 382.

Most of the site is naturally wooded. There are heavily wooded lands to the east, north, and south of the subject properties. It is close to numerous important historic sites, resources, and rural landscapes such as the Star-Spangled Banner Scenic Byway (a designated national historic trail and scenic byway), the Patuxent River Park, the Merkle Wildlife Center, and Jug Bay.

This site is located within the Charles Branch watershed of the Patuxent River basin. The site contains regulated environmental features and is located entirely within the 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) network, but not within a special conservation area. The site has a stream system, floodplain, wetlands, and steep slopes.

- B. **History:** On April 24, 1961, Parcels 53 and 64 were zoned Local Commercial, Existing (C-1); and Parcels 47 and 103 and Lots 1 and 3 were zoned R-R. The 1994 Approved Subregion VI Master Plan and Sectional Map Amendment rezoned Parcels 53, 64 and part of Lot 47 to C-S-C and retained part of Parcel 47, Parcel 103 and Lots 1 and 3 in the R-R Zone. In April 2013, the Prince George's County District Council approved Special Exception SE-4549 to allow construction of a 4,700-square-foot gas station with a convenience store, eight multi-product fuel dispensers (MPDs) with 16 fueling positions covered by a canopy, and a 1,300-square-foot car wash on Parcels 53 and 64 and part of Parcel 47. This gas station was never constructed. In December 2013, the *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) retained the subject properties in the C-S-C and R-R Zones, as designated in 1994.
- C. **Neighborhood and Surrounding Uses:** In planning, a neighborhood is considered a smaller unit of a community. Communities tend to comprise several neighborhoods. Significant natural features or major roads normally define neighborhoods. The neighborhood boundary defined by the applicant in the SOJ is incorrect. Therefore, staff, with confirmation of the applicant, finds that the following boundaries create the actual neighborhood for the subject property:

North—	MD 382 (Croom Road)
West—	US 301 (Crain Highway)
South—	North Marlton Avenue
East—	Trumps Hill Road

Given the perimeter roadways, the property is surrounded by the following uses:

West—US 301 (Crain Highway) with existing Osborne Shopping Center beyond in the C-S-C Zone.

North (at the intersection of MD 382 and US 301)—a CVS Pharmacy in the C-S-C Zone north of MD 382, is a gas station with an auto services facility in the Commercial Miscellaneous (C-M) Zone. East of the gas station is a single-family house, vacant land, and a miniature golf course in the Residential Agricultural (R-A) Zone.

East—residential single-family detached development on large lots in the Residential-Estate (R-E) Zone.

South—residential single-family detached development on large lots in the R-E Zone.

- D. **Request:** The applicant's request is for the rezoning of the assembled properties from the C-S-C and R-R Zones to the M-X-T Zone, to facilitate a mix of development. The conceptually proposed development would consist of residential units in the current residentially-zoned portion of the site and commercial/retail pad sites along US 301. The applicant's statement of justification (SOJ) indicates that the residential component would include 82 townhouse units and the retail portion would include two retail pad sites that would accommodate approximately 12,000 square feet of commercial / retail spaces.

It is important to note that, although the applicant indicates a specific density of development, such information is immaterial in this request to change the 2013 zoning classification of the subject properties. Once the requested zoning is approved, the property owner is entitled to propose the maximum density permitted by the Zoning Ordinance in the M-X-T Zone (8.0 FAR).

- E. **General Plan and Master Plan and SMA Recommendations:**

General Plan: The subject properties are located within the 2014 *Plan Prince George's 2035 Approved General Plan's* (Plan Prince George's 2035) designated Established Communities policy area. Plan Prince George's 2035 defines Established Communities as "existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers." Plan Prince George's 2035's vision for Established Communities is "context-sensitive infill and low- to medium-density development." (page 20)

Pursuant to Section 27-213(a)(2) of the Zoning Ordinance, this proposed reclassification will substantially impair the Plan Prince George's 2035 policies for Established Communities areas suitable for context-sensitive infill and low- to medium-density development as discussed further.

Master Plan: The 2013 Subregion 6 Master Plan and SMA retained the subject properties in the R-R and in the C-S-C Zones. The master plan recommends residential-low land uses (defined as residential development of up to 3.5 dwelling units per acre) for the part of Parcel 47, Parcel 103, and Lots 1 and 3 located on MD 382; and commercial development (defined as retail, service, office) for the part of Parcel 47 and Parcels 53 and 64 located along US 301.

Pursuant to Section 27-213(a)(2), development at this location, under the Mixed Use Transportation-Oriented (M-X-T) Zone, would substantially impair the master plan recommendations for commercial and low-density residential land use by:

1. Permitting development at a scale, density, and a mix of uses that is in total opposition to the recommended land use;

2. Preventing the implementation of the master plan's land use recommendations for the Rosaryville area, by permitting development that is out of character and context with the surrounding development; and
3. Increasing the difficulty of implementing the plan's recommendations for realigning and improving US 301.

Section 27-213(a) of the Zoning Ordinance, sets forth the criteria for approval of the M-X-T Zone, and is further discussed below.

F. Zoning Requirements:

Section 27-213(a) 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**

Comment: The application does not satisfy the criteria in the section. The properties are not located within the vicinity of a major intersection or interchange (being an intersection or interchange in which at least two of the streets forming the intersection or interchange are classified in the master plan as an arterial or higher). Staff interprets "within the vicinity of" in the context of walkability and biking. The subject properties are located near the intersection of US 301 (a master plan freeway) and MD 382 (a master plan collector roadway). The closest major intersections to the subject property are located approximately seven miles south at the Mattawoman Drive and US 301 intersection, and approximately four miles north at the US 301 and MD 4 (Pennsylvania Avenue) interchange. These intersections and interchanges are not located within walkable distance from the site.

The applicant however, contends that the requirements of Section 27-213(a)(1)(A) will be satisfied when a planned single interchange is built off US 301 to serve both MD 382 and South Osborne Road. Section 27-213 requires a planned intersection or interchange to be "reasonably expected to be in place within the foreseeable future." Staff's research shows that the future interchange is not in the Maryland Consolidated Transportation Program or the subject of a detailed study, and is still a concept with low County priority, at this stage. While it is not unreasonable to expect some type of access point at this location, there is no guarantee whether or not an interchange will occur at this location. Furthermore, developing this location could impair the Maryland State Highway Administration's (SHA) ability to construct an

interchange at this location, impairing the master plan, as it amends the 2009 *Approved Master Plan of Transportation* (MPOT).

(ii) A major transit stop or station (reasonably expected to be in place within the foreseeable future).

Comment: The properties are not located within the vicinity of a major transit stop or station. The closest transit station is the Branch Avenue Metro Station, which is located more than seven miles from the subject site. Since the properties are far from the transit station and not walkable, as there are no continuous sidewalks, rezoning the subject properties to the M-X-T Zone will defeat one of the purposes of the M-X-T Zone. That purpose is to “promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit to facilitate walking, bicycle and transit use.” Staff believes that development at this location, pursuant to the M-X-T Zone, would not be in keeping with the concepts of walkability and increased transit and bicycle use. Rather, it would create isolated and stand-alone development.

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

Comment: The applicant contends that this criterion is met. The SOJ indicates “The 2013 Subregion 6 Master Plan and SMA recommended commercial and residential-medium land uses for the subject property (the properties retained in the C-S-C and R-R Zones). Both commercial and residential land uses are permitted in the M-X-T Zone and, therefore, the property complies with Criterion 2.”

However, staff disagrees with the applicant’s interpretation. The master plan and SMA does not recommend mixed land uses similar to those permitted in the M-X-T Zone.

Section 27-542(a)(2) of the Zoning Ordinance describes mixed use as “walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses.” The master plan and SMA defines mixed-use as: “Areas of mixed residential, commercial, employment, and institutional uses. Residential uses are expected to dominate overall land use in the designated area and may include a range of unit types” (Table 7, page 40). The master plan’s Future Land Use map shows that part or all of Parcel 47, Parcel 103, Lot 1, and Lot 3 are located entirely within the residential low-density land use category.

The future land use that the master plan recommends on part or all of Parcel 47, Parcel 103, Lot 1, and Lot 3 is “residential-low,” anticipating single-family detached residential development and a density of up to 3.5 dwelling units per acre. This is very different from townhouses or multifamily development, pursuant to the M-X-T Zone.

A portion of this application (part of Parcel 47 and Parcels 64 and 53), is zoned C-S-C, allowing certain commercial uses similar to those allowed in the M-X-T Zone. However, the C-S-C Zone differs from the M-X-T Zone in terms of density and use. Specifically:

- The C-S-C Zone does not allow the level of density permitted in the M-X-T Zone, which has a potential floor area ratio (FAR) of up to 8.0 if the optional method of development is used.
- The C-S-C Zone does not allow a mix of uses, while the M-X-T Zone mandates development in at least two of the following three use categories (1) Retail, (2) Office/Research/Industrial, and (3) Dwellings, Hotel, Motel.

The size of these parcels, and their location abutting US 301, clearly indicates the intent of the commercial land use designation, and C-S-C zoning is to support highway-oriented retail uses such as a convenience stores or gas stations. The master plan defines commercial as “Retail and business areas, including employment uses such as office and service uses.”

By contrast, the M-X-T Zone permits commercial, industrial, and institutional land uses not permitted in the R-R Zone. The M-X-T Zone was crafted to encourage intense development at appropriate locations, such as those designated for high-density growth in the County’s master plans.

- (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.**

Comment: Reclassifying the subject properties will substantially impair the integrity of the General Plan and Master Plan and is not in keeping with the purposes of the M-X-T Zone.

Master Plan

The master plan has designated certain properties within Subregion 6 for mixed-use zoning through the planning process, which is rooted in stakeholder input and market studies. For example, the master plan recommended mixed use at the northwest quadrant of the intersection of US 301 and MD 725 (Marlboro Pike), and the SMA reclassified these properties to M-X-T. Overall, based on the recommendations made in the master plan, the accompanying SMA rezoned 355.25 acres to M-X-T, resulting in a total acreage of 467.01 acres within the plan boundaries (page 168). The SMA did not rezone the subject properties nor did it recommend future rezoning of the subject properties. The plan also expressed apprehension in the use of the available mixed-use zones, such as M-X-T, stating that, “Although there are several mixed-use zoning categories defined in the County Zoning Ordinance, none contain an ideal combination of use, design, and administrative regulations necessary to efficiently and effectively implement the mixed-use, pedestrian and transit-oriented development pattern recommended...” (page 167). If the master plan supported mixed-use development at this location, it would

have been rezoned at the time in the accompanying SMA, or recommended for rezoning in the future.

In addition, a mixed-use zone, such as M-X-T, would directly contradict the goals of the master plan to achieve low-density residential land uses on the subject properties. The current zoning (R-R) yields densities up to 2.17 dwelling units per acre and the surrounding residential zoning (R-A and R-E) yield densities up to 0.5 and 1.08 dwelling units per acre, respectively. These zoning districts provide for low-density residential development appropriate in implementing the master plan's recommended residential low land use of up to 3.5 dwelling units per acre. Rezoning to M-X-T will inevitably result in an extremely large increase in the density over what is presently allowed or recommended for the properties. Given the low density of surrounding uses and the high density possible in the M-X-T Zone, the requested rezoning would be inappropriate and an abrupt transition in density and use. The character of M-X-T Zone development with a potential 8.0 FAR, whether it is composed of townhouses, multifamily, office, or commercial development, would be vastly different from the envisioned low-density residential uses. This proposed deviation in density and use of the property is a substantial impairment to the sector plan.

Furthermore, four of the subject properties are zoned C-S-C, with a master plan recommendation for retail development. Though the M-X-T Zone allows retail development and other commercial uses similar to C-S-C, the potential density is much greater and the potential mix of uses substantially different in the M-X-T Zone. Also, the fact that residential and commercial zoning are applied to properties that abut each other does not imply an opportunity for mixed-use development, as the applicant claims. Combining these properties into a single development proposal does not change the approved land use recommendations. The master plan is clear that the residential uses should be separated from the commercial uses at this location. The existing C-S-C and R-R zoning categories are best suited to achieve this recommendation, since they do not combine uses.

Lastly, rezoning to the M-X-T Zone would substantially impair the master plan by increasing the difficulty of implementing the plan's recommendations for realigning and improving US 301, a major link between Baltimore and Southern Maryland. The plan recommends upgrading US 301 to freeway status (future F-10) for its entire length, from Leeland Road to the Charles County line. The recommended alignment would run through the subject properties.

In summary, the goals and land use recommendations of the master plan were carefully crafted by stakeholders, planning staff, and the Planning Board, and reviewed and approved by the District Council in 2013, after many years of public engagement and participation, including community meetings, Planning Board and County Council work sessions, and public hearings. The future land use designations were carefully considered. Deviating from the master plan by redirecting mixed-use development away from the carefully planned mixed-use areas, increasing the intensity and density of uses different from the master plan's recommendation, and obstructing the future realignment of US 301, would substantially impair the master plan.

General Plan

The hallmark of Plan Prince George's 2035 is to concentrate mixed-use development, such as that permitted by, and encouraged in, the M-X-T Zone in designated regional

transit districts and local centers, rather than scattered throughout the County. Approval of the M-X-T Zone on the subject property would substantially impair Plan Prince George's 2035 by allowing mixed-use development outside of the designated regional transit districts or local centers. On page 114, Plan Prince George's 2035 states: "Limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers." The context for the subject properties is commercial land use along US 301 opposite the Osborne Road Shopping Center and low-density residential uses as a transition to the surrounding even lower density residential land uses.

The M-X-T Zone was crafted to encourage intense development at locations designated for high-intensity growth in the County's official plans. Within 14 miles of the subject properties, Plan Prince George's 2035 designates three local centers: Bowie to the north, Brandywine to the south, and Westphalia to the west. These local centers include M-X-T-zoned land. M-X-T zoning at this location would substantially impair the integrity of the approved General Plan by allowing a type and scale of growth that is planned for locations specifically designated for mixed-use development; and erode the General Plan's recommendations for this area.

Additionally, rezoning to the M-X-T Zone would impair Plan Prince George's 2035 as follows:

Established Communities Defined (page 20)

- **Existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development.**

Comment: In the context of the surrounding land uses, 3.5 dwelling units per acre is substantially less than what the requested M-X-T Zone permits.

Policy 9: Limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers to encourage reinvestment and growth in designated centers and in existing commercial areas. (Strategy LU 9.1 gives additional support to this policy) (page 116)

Comment: Rezoning properties from R-R to M-X-T exponentially expands the area of the subject property where commercial development is permitted.

Policy 1: Concentrate medium- to high-density housing development in Regional Transit Districts and Local Centers with convenient access to jobs, schools, child care, shopping, recreation, and other services to meet projected demand and changing consumer preferences. (page 187)

In summary, the requested rezoning of 12.72 acres of R-R-zoned land and 3.07 acres of C-S-C-zoned land to the M-X-T Zone substantially impairs the cited official planning policies and recommendations of Plan Prince George's 2035.

M-X-T Zone

This application is not in keeping with the purposes of the M-X-T Zone. The property is not located in the vicinity of a major interchange, transit stop, or center, and would not

provide optimum facilitation of reduced automobile use. Further, the rezoning would not implement the recommendations of the approved General Plan or Master Plan. The purposes of the M-X-T Zone and conformance with each purpose is further outlined in Finding G.

(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, will be funded by a specific public facilities financing and implementation program established for the area, or provided by the applicant, will be adequate to carry anticipated traffic for the proposed development.**

Comment: The applicant has submitted a traffic impact study (TIS) as part of this application, which was completed on March 2017. The purpose of the TIS was to identify and evaluate the critical intersections in order to determine the impact of the proposed zoning changes on the performance of these intersections, based on the development of 82 townhouses and 12,000 square feet of commercial/retail. According to the analysis of the trip generation and the traffic study analysis below, staff determined that, given the proposed uses and the associated traffic projection outlined in the TIS, the development would not bring a substantial impact on the existing transportation facilities in the area of the subject property in the near term. Regarding the intersection of US 301 and MD 382, the recommendations from the TIS demonstrate that, with some modest improvement by mitigation, as described in Section 24-124(a)(6) of the Subdivision Regulations, the transportation facilities would be adequate to carry anticipated traffic for the proposed development as required by Section 27-213(a)(3).

Trip Generation and Impacts

Since the C-S-C-zoned section of the property could be developed with medical office use, a table was prepared comparing the uses with the highest traffic generator for the current zoning against the zoning change being sought.

Zoning or Use	Units or Square Feet	AM Peak Hour Trips			PM Peak Hour Trips			Daily Trips
		In	Out	Total	In	Out	Total	
Existing Zoning (and maximum density)								
R-R (1.85 residences per acre)	23 dwellings	3	14	17	14	7	21	207
C-S-C (0.4 floor to area ratio)	49,568 sq. ft. office	114	27	141	60	129	189	1,986
Total 1		117	41	158	74	136	210	2,193
Proposed Zoning (and proposed density)								
M-X-T (retail)	12,000 sq. ft. retail less 40 percent pass-by	16	10	26	42	45	87	1,027
M-X-T (residential)	82 townhouses	11	46	57	43	23	66	656
Total 2		27	56	83	85	68	153	1,683
Difference (between totals 1 and 2)		-90	+15	-75	+11	-68	-57	-510

The comparison of estimated site trip generation indicates that the proposed development could have an impact on the critical intersections of about 75 fewer trips during the AM peak hour, 57 fewer trips during the PM peak hour, and an average decrease of weekday travel by about 23 percent or 510 daily trips.

It should be noted that the M-X-T Zone approval is not based upon a conceptual plan of development. The development yield shown in the TIS has been provided for evaluation purposes at this time, and the traffic-related findings can be amended at the time of preliminary plan of subdivision in accordance with Section 27-213(a)(3)(B). While staff has always interpreted this part of the law as to allow the scope of transportation improvements to be amended as future traffic patterns changes, it appears to also allow more intensive uses to be proposed at later review stages. The M-X-T Zone allows a range of uses and flexible density, depending on the development proposal. It is strongly advised that the plans be reviewed to ensure that the zone is appropriate, from a land use perspective, at this location.

Traffic Study Analyses

The TIS identified the following intersections as those upon which the proposed development would have the most impact:

Existing Traffic		
Intersection	AM LOS/Delay	PM LOS/Delay
US 301 @ MD 382 (Croom Road)	D/1406	C/1212
US 301 @ Osborne Road	C/1194	D/1320

The TIS identified two background developments whose impact would affect the study intersections. However, it did apply a growth rate of one percent to the existing traffic counts at the subject intersections. A second analysis was done to evaluate the impact of the background traffic on existing infrastructure. The analysis revealed the following results:

Background Traffic		
Intersection	AM LOS/Delay	PM LOS/Delay
US 301 @ MD 382 (Croom Road)	E/1495	C/1294
US 301 @ Osborne Road	C/1271	D/1405
US 301 @ Site Access *	Delay<50 Seconds	Delay<50 Seconds
MD 382 @ Site Access *	Delay<50 Seconds	Delay<50 Seconds
MD 382 @ Site Access *	Delay<50 Seconds	Delay<50 Seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

The TIS then evaluated a scenario where all of the existing uses were removed. Using a combination of trip generation rates from the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, as well as the "Transportation Review Guidelines," the study has determined that the proposed development would generate the following:

Zoning or Use	Units or Square Feet	AM Peak Hour Trips			PM Peak Hour Trips			Daily Trips
		In	Out	Total	In	Out	Total	
Existing Zoning – existing uses								
R-R	2 dwellings	0	2	2	1	1	2	18
C-S-C	Convenience Market with Gas Pumps (6 fueling positions) ITE-853	49	50	99	57	57	114	3,256
	with 60% pasty reduction	-29	-30	-59	-34	-34	-68	1,954
	Primary trips	20	20	40	23	23	46	1,302
TOTAL 1 (Existing Trips to be Removed)		-20	-22	-42	-24	-24	-48	1,320
Proposed Zoning – proposed uses								
M-X-T (retail)	12,000 sq. ft. retail less 40 percent pass-by	16	10	26	42	45	87	1,027
M-X-T (residential)	82 townhouses	11	46	57	43	23	66	656
Total 2		27	56	83	85	68	153	1,683
Net increase from rezoning (Total 2-1)								
		7	34	41	61	44	105	363

Using these projected site-generated trips, an analysis of total traffic conditions was done and the following results were determined:

Total Traffic		
Intersection	AM LOS/Delay	PM LOS/Delay
US 301 @ MD 382 (Croom Road)	E/1517 E/1471	C/1293 C/1300
US 301 @ Osborne Road	C/1280	D/1437
US 301 @ Site Access *	Delay<50 Seconds	Delay<50 Seconds
MD 382 @ Site Access *	Delay<50 Seconds	Delay<50 Seconds
MD 382 @ Site Access *	Delay<50 Seconds	Delay<50 Seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

The preceding results revealed that all of the study intersections would operate adequately, with the exception of US 301 and MD 382. To resolve this inadequacy, by mitigation as described in Section 24-124(a)(6) of the Subdivision Regulations, the TIS recommended that the intersection be restriped to show the following lane usage:

- An exclusive left turn lane on the eastbound approach.
- A shared through-right turn lane on the eastbound approach.

When reanalyzed with the proposed changes, the intersection was found to operate with acceptable levels of service.

In reviewing the TIS, staff agrees with the conclusions. In response to staff's request, the TIS was reviewed by SHA, which concurred with its findings also.

Master Plan, Right of Way Dedication

The property is located in an area where the development policies are governed by the 2013 Subregion 6 Master Plan and SMA. Two of the recommendations from the master plan are the upgrade of US 301 to a freeway (F-10) and the creation of a service road (MC-602). Based on the most recent project planning study for the US 301 corridor undertaken by SHA (1997), the proposed alignment for both F-10 and MC-602 will have a significant impact on the location of this proposed development. If that alignment becomes the selected alternate for the future facilities, approximately 60 percent (9.23 acres) of the 15.36-acre site will have to be acquired by SHA as part of the overall right-of-way. As of this writing, staff has no timetable on SHA's plans to move forward with any additional planning studies for this portion of the US 301 corridor.

Conclusions

Given the proposed uses and the associated traffic projection outlined in the TIS, it is determined that the proposed rezoning, with the proposed uses, would not

bring about a substantial impact on the existing transportation facilities in the area of the subject property in the near term. Regarding the intersection of US 301 and MD 382, the recommendations from the TIS demonstrate that, with some modest improvement through the use of mitigation, as described in Section 24-124(a)(6) of the Subdivision Regulations, the transportation facilities would be adequate to carry anticipated traffic for the proposed development as required by Section 27-213(a)(3).

Nevertheless, staff confirms that the location does not meet the criteria in Section 27-213(a)(1)(A) for the granting of the M-X-T Zone. The site is not within the vicinity of a major intersection or interchange (that being the intersection or interchange of two roadways of arterial or higher classification), nor is it within the vicinity of a major transit stop or station. The M-X-T Zone allows a range of uses and flexible density. Staff believes that it is the intent of Plan Prince George's 2035 to direct dense mixed-use zoning to designated centers, rather than to scatter such zoning around the County.

G. Conformance with the Purposes of the Zone:

Section 27-542(a) Purposes of the M-X-T Zone

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers 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;**

Comment: This location has none of the attributes where more intense, mixed-use development is justified and supports an intensification of development.

- (2) To implement recommendations in the approved General Plan, Master plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

Comment: The proposed zoning reclassification does not implement recommendations of either Plan Prince George's 2035 or the Subregion 6 Master Plan and SMA, and permits development that stands in complete contrast to those recommendations, and would be, at best, only internally-walkable due to the surrounding auto-dependent environment. It is important to note that any pedestrian access across existing US 301 could be compromised by improvements associated with the master-planned freeway currently envisioned to bisect the subject property.

- (3) 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;**

Comment: Staff believes that the intent of Plan Prince George's 2035 is to concentrate mixed-use development, such as that permitted by, and encouraged in, the M-X-T Zone should be located in designated regional transit districts and local centers, rather than scattered throughout the County. Mixed-use development at this location would contribute to the scattering of development that this zone seeks to reduce.

- (4) **To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

Comment: Rezoning the subject property to M-X-T would do little to promote transit or reduce automobile use. For example, access to commercial uses at Osborne Shopping Center requires crossing US 301, a high-speed highway, hardly the pedestrian-friendly environment needed to support and facilitate a mixed-use development. Developing at higher densities than envisioned by the master plan in a location that demands automobile use to reasonably access jobs will increase automobile use.

- (5) **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;**

Comment: The applicant suggests they could facilitate and encourage a 24-hour environment. Staff is unaware of other 24-hour commercial, retail, or office uses north of this site, as mentioned by the applicant. Insufficient daytime or residential population exists anywhere near the subject property to support a 24-hour environment, nor is it envisioned by Plan Prince George's 2035. The adjacent residents may find that the types of uses characterized by 24-hour businesses are nuisances and incompatible with the character of the community.

- (6) **To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;**

Comment: At this location, M-X-T Zone development would be isolated from the development on the east side of US 301 and the immediate surrounding community, and would exemplify sprawl development. Internal sidewalks would not connect or blend it with adjacent development. This M-X-T purpose presumes the zone is in an urban or urbanizing area and the development would become part of the urban fabric. The subject properties are in an exurban community.

- (7) **To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;**

Comment: This purpose of the M-X-T Zone addresses urban design features of development. At this rezoning stage, it is premature to evaluate the urban design features.

- (8) **To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;**

Comment: This is a single-purpose project. The applicant suggests that "economies of scale" are satisfied by constructing townhouses because they would be more dense than single-family houses and that the employment opportunities created would "reduce travel time." The short-term construction phase of this development is not the goal intended by using "economies of scale." The applicant cannot ensure that the employees who would work in the retail development would live nearby, thereby, reducing travel time of workers. The residents may need to drive further to commute to their places of employment, as there are few employers in this part of the County.

- (9) **To permit a flexible response to the market and promote economic vitality and investment; and**

Comment: This can be accomplished under the existing zoning of the properties.

- (10) **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.**

Comment: At this time, there is no architecture elevation or urban design features to be evaluate.

- H. **Other Planning Considerations:** Rezoning to the M-X-T Zone could affect the protection, preservation, and restoration of Charles Branch, as recommended in the Subregion 6 Master Plan and SMA.

Policy 1, Strategy 2 (page 69)

- **Protect primary corridors (Patuxent River, Charles Branch, Piscataway Creek, Gatewoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**

Policy 4, Strategies 1 and 2 (page 137)

- **Acquire land for active and passive parkland in the Collington Branch, Charles Branch, Western Branch, Hotchkins Branch, and Rock Branch Creek Stream Valley Parks.**
- **Acquire land for active and/or passive recreation along Charles Branch to help create a community focus and provide trails to connect the community.**

Since the approval of Plan Prince George's 2035 in 2014, no zoning map amendments have rezoned properties to the M-X-T Zone outside of designated centers or the Innovation Corridor. This application could set a negative precedent of substantially impairing Plan Prince George's 2035 and the area master plan, causing the County to grow haphazardly and not in the orderly fashion recommended in Section 27-542 of the Zoning Ordinance.

I. **Referrals:**

1. **Environmental**—Type II Tree Conservation Plan TCPII-161-06 for Parcels 47, 53, and 64, and Type II Tree Conservation Plan TCPII-095-95 for Lot 3 were previously reviewed for the subject site.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010 and February 1, 2012.

Site Description

According to available information, the site contains a stream system, floodplain, and wetlands. The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS) include Collington-Wist complexes and Widewater and Issue soils (frequently flooded). Marlboro Clay is not mapped on the site, but is mapped in the vicinity of the site. A review of available mapping information indicates the subject area is not within a sensitive species project review area; however, potential forest interior dwelling species (FIDS) habitat is mapped on this site. The site is located within the Charles Branch watershed of the Patuxent River basin.

Plan Prince George's 2035 Approved General Plan (2014)

The site is located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan Prince George's 2035.

Master plan Conformance

The master plan for this area is the Subregion 6 Master Plan and SMA. The Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to this site. The text in **bold** is the text from the master plan, and the plain text provides comments on the master plan conformance.

Policy 1: Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

Strategies:

1. **Protect priority areas that will meet multiple protection objectives such as those related to green infrastructure, the priority preservation area, and the Patuxent River Rural Legacy Program.**
2. **Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**
3. **Preserve and connect habitat areas to the fullest extent possible during the land development process.**
4. **Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.**
5. **Protect portions of the green infrastructure network outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**

- 6. Evaluate land development proposals in the vicinity of SCAs to ensure that the SCAs are not negatively impacted and that green infrastructure connections are either maintained or restored.**

The subject site is neither within a priority preservation area nor the Patuxent Rural Legacy Program. The project site is located in the Charles Branch watershed, which is a primary corridor. The site contains regulated environmental features and is located entirely within the Green Infrastructure Plan network, but is not within a special conservation area. Protection of green infrastructure elements and regulated environmental features of the site will be further evaluated in the sections for Green Infrastructure conformance and Environmental review.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Strategies:

- 1. Protect and restore groundwater recharge areas such as wetlands and the headwaters areas of streams and watersheds.**

Based on available information, the site contains wetlands and a stream, however, headwaters are not present on the site.

- 7. Require environmentally-sensitive site design which includes limiting impervious surfaces and implementing best practices in on-site stormwater management to reduce the impact of development on important water resources.**

Development of the site will be subject to the current stormwater management regulations, which require that environmental site design be implemented to the maximum extent practicable. Additional information regarding on-site regulated environmental features will be evaluated with future applications.

Policy 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.

Strategies:

- 1. Encourage the use of alternative and energy-saving lighting technologies for athletic fields, shopping centers, gas stations, and car Lots so that light intrusion on adjacent properties is minimized. Limit the amount of light output from these uses.**
- 2. Require the use of full cut-off optic light fixtures for all proposed uses to reduce sky glow.**

Any future landscape plans for the subject property should demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized.

Conformance with the Green Infrastructure Plan

According to the adopted Green Infrastructure Plan, the entire property contains both regulated and evaluation network features, based on the stream and associated wetlands, steep slopes, and buffers. No development of the site is shown at this time; however, the conformance with the Green Infrastructure Plan will be evaluated with any future applications.

Environmental Review

Existing Conditions/Natural Resource Inventory

The application has an approved Natural Resources Inventory (NRI-014-06) for Parcels 47, 53, and 64, which has expired.

All future development review applications for development activities on the subject property shall contain an NRI plan that covers the entirety of the subject property.

Woodland Conservation

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the County Code that came into effect on September 1, 2010 and February 1, 2012. This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), and future development of the site must be in conformance with an approved tree conservation plan.

Approximately three acres of the site are zoned C-S-C and the remaining 12.36 acres are zoned R-R. The C-S-C portion has a required woodland conservation threshold of 15 percent and R-R portion has a threshold of 20 percent of the net tract area. The site is characterized by an extensive wooded stream valley that should remain preserved and protected to the fullest extent possible. The requested zoning change to M-X-T would result in a reduction in the woodland conservation threshold to 15 percent. The 20 percent threshold should be retained for the entire property.

It is recommended that the woodland conservation threshold for the entire site be 20 percent, and shall be reflected on all future woodland conservation worksheets.

Specimen Trees

According to NRI-014-06, this site contains specimen trees. Any removal of specimen trees requires a variance from Section 25-122(b)(1)(G) of the County Code. The presence of specimen trees will be further determined during the review and approval of a new NRI.

If it is determined as part of the NRI review and approval that specimen trees exist on-site and, if the removal of specimen trees cannot be avoided, a variance from Section 25-122(b)(1)(G) must be submitted with the preliminary plan of subdivision application. The variance must be accompanied by an SOJ stating the reasons for the request and how the request meets each of the required findings in Section 25-119(d). A condition analysis for all specimen trees to be removed must be included.

Regulated Environmental Features

According to available information, the site contains a stream system, floodplain, wetlands and steep slopes. A final delineation of all regulated environmental features will be determined with the approval of an NRI under the current environmental regulations.

Impacts to any regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, an SOJ must be submitted in accordance with Subtitles 24 and 27. The justification must address how each impact has been avoided and/or minimized.

2. **Subdivision**—In order to facilitate a mixed-use development of residential units and commercial/retail, approval of a preliminary plan of subdivision will be required.

The Parcel Data table on the site plan incorrectly shows the size of the lots and parcels and the plan does not delineate the zoning lines with acreage in each zone. Prior to the Zoning Hearing Examiner (ZHE) hearing, both the site plan and the data table should be revised to show the correct acreage of each lot and parcel of the C-S-C and R-R Zones, and the acreage within each zone. The size of the lots and parcels shall be checked against the recorded plats and deeds to ensure that the sizes of the parcels and lots are correct.

3. **Prince George's County Department of Permitting, Inspection and Enforcement (DPIE)**—In a memorandum dated June 5, 2017, DPIE stated that they have no objection to this rezoning, provided safety is not compromised and there is no adverse effect in the surrounding areas. In addition, DPIE pointed out that the master plan reflects a relocated alignment of US 301 through the middle of the property and recommends that this zoning approval require the road alignment and dedication to be reflected on the zoning approval.

The property is impacted by 100-year-floodplain. DPIE recommends that approval of existing conditions/location of the 100-year floodplain be acquired and reflected as preserved on the zoning approval.

4. **Historic Preservation**—There are no historic resources on or adjacent to the subject property. This proposal will not impact any historic sites, historic resources, or known archeological sites.
5. **Public Facilities**—The requested rezoning will have no impact on public facilities.

RECOMMENDATION

The requested M-X-T Zone does not conform to the Plan Prince George's 2035 General Plan policies for Established Communities, areas suitable for context-sensitive infill and low- to medium-density development. It also does not conform to land use recommendations of the Subregion 6 Master Plan and SMA for commercial and low-density residential land use. In addition, deviating from the master plan by redirecting mixed-use development away from the carefully planned mixed-use areas, increasing the intensity and density of uses different from the master plan's recommendation, and obstructing the future realignment of US 301, would substantially impair the master plan.

As previously stated, the intent of the Prince George's 2035 General Plan is to direct mixed-use, high-intensity developments, such as that permitted by and encouraged in the M-X-T Zone, in designated regional transit districts and local centers, rather than scattered throughout the County. Since the subject array of lands are not located within any designated regional transit district or local center, the master plan envisioned these lots to be low-density residential and suburban strip retail development, rather than high-density mixed-used development. The intense character of M-X-T Zone development, whether it is composed of townhouses, multifamily, office, or commercial development, would be vastly different, inappropriate, and an abrupt transition in density and uses. Therefore, staff finds that reclassifying the subject properties to the M-X-T Zone will substantially impair the goals, policies, and purposes of the General Plan and the master plan. Consequently, staff recommends DISAPPROVAL of Zoning Map Amendment Application No. A-10040, PMG 7700 Crain Highway, for rezoning from the C-S-C and R-R Zones to the M-X-T Zone.