



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Zoning Map Amendment National View

A-10055

REQUEST	STAFF RECOMMENDATION
Rezone property from the R-R and R-55 Zone to the M-X-T Zone.	DISAPPROVAL

Location: Approximately 1,200 feet northwest of the I-495 (Capital Beltway) and MD 210 (Indian Head Highway) interchange.

Gross Acreage: 17.77

Zone: R-R/R-55

Gross Floor Area: N/A

Lots: 47

Parcels: 6

Planning Area: 76A

Council District: 08

Election District: 12

Municipality: Forest Heights

200-Scale Base Map: 208SE01

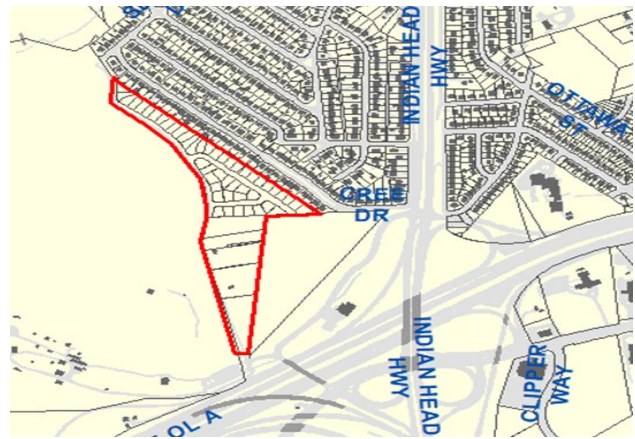
Applicant/Address:

Harbor View, LLC
1875 Connecticut Ave NW
Washington, DC 20009

Staff Reviewer: Thomas Sievers

Phone Number: 301-952-3994

Email: Thomas.Sievers@ppd.mncppc.org



Planning Board Date: 12/17/2020

Planning Board Action Limit: N/A

Staff Report Date: 11/24/2020

Date Accepted: 08/28/2020

Informational Mailing: 02/15/2019

Acceptance Mailing: 08/12/2020

Sign Posting Deadline: N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.

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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, Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: Thomas Sievers, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: **Zoning Map Amendment Application A-10055**
National View

REQUEST: **Rezoning from the R-R and R-55 Zone to the M-X-T Zone**

RECOMMENDATION: **DISAPPROVAL**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of December 17, 2020. 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, before 12:00 p.m. on Tuesday, December 15, 2020. All requests must specify the reasons for the public hearing. Any party requesting a hearing before the Planning Board should sign up to speak at the hearing scheduled for December 17, 2020 prior to 12:00 p.m. on Tuesday, December 15, 2020, via our website pgplanning.org. Parties of record 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 Zoning Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

1. **Location and Site Description:** This 17.77-acre site is located on Tax Map 95 in Grid F-4. The subject application is composed of two abutting sites. The first is in the One-Family Detached Residential (R-55) Zone within the Town of Forest Heights and is comprised of 47 platted lots. The second site is known as the Butler property, comprised of six parcels that were not previously platted. The property, as a whole, has access through the southern boundary of the Butler property to Bald Eagle Road via a driveway that serves Oxon Cove Park and Oxon Hill Farm, properties of the National Park Service.
2. **History:** The proposed National View site is composed of two sites: Forest Heights Subdivision, Section 16 within the Town of Forest Heights, and the adjoining Butler property to the south. The northern portion lies within the Town of Forest Heights and is in the R-55 Zone. This section was platted in April 1956 and is comprised of Lots 61-91 in Block 122, Lots 13-24 in Block 123, and Lots 8-14 in Block 124, recorded in the Land Records of Prince George's County, Maryland as Forest Heights, Section 16 at Plat Book 28, Page 5. The single-family lots on this site were never developed and the site has remained vacant.

The southern section of the proposed site is known as the Butler property and is located in the Rural Residential (R-R) Zone. The property is mostly wooded but has two historic residences and an existing electric utility right-of-way. The site is comprised of Parcels 26, 32, 33, 35, 36, and 37, which are not mapped within the Forest Heights municipal boundary. This section contains the Butler House (PG:76A-014/National Register), a Prince George's County historic site that was designated in 1981 and was listed in the National Register of Historic Places in March 2005. The Butler House property is adjacent to Mount Welby (PG:76A-013/National Register), also a Prince George's County historic site (designated in 1981), that is owned by the National Park Service and located within the Oxon Cove Farm. The Oxon Cove Farm property was listed in the National Register of Historic Places in September 2003. At least four outbuildings were located on the subject property from approximately 1965 until 1998, when the outbuildings were demolished.

3. **Neighborhood:** Significant natural features or major roads usually define neighborhoods. The following roadways define the boundary of the neighborhood:

North—	Federal parkland in the Reserved Open Space (R-O-S) Zone at the Prince George's County and District of Columbia boundary.
East—	MD 210 (Indian Head Highway), an existing master plan arterial roadway.
South—	I-495 (Capital Beltway), an existing master plan freeway.
West—	Federal parkland in the R-O-S Zone at the Potomac River waterfront (Oxon Cove Farm, Mount Welby).

Surrounding Uses and Roadways: The following uses and roadways immediately surround the subject site:

- North—** Single-family detached dwellings in the R-55 Zone and Federal parkland in the R-O-S Zone.
- East—** Single-family detached dwellings in the R-55 Zone and Federal parkland in the Open Space (O-S) Zone.
- South—** Bald Eagle Road.
- West—** Federal parkland in the R-O-S Zone (Oxon Cove Farm, Mount Welby).

4. **Request:** The subject application seeks rezoning of the subject site, 17.77 acres, from the R-R and R-55 Zones to the Mixed Use-Transportation Oriented (M-X-T) Zone in order to permit a mixture of residential dwelling types, commercial, retail, office, and institutional development.

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

Land Use

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

The northern and southern properties are in the Established Communities policy area. The vision for Established Communities is context-sensitive infill and low- to medium-density development (page 20). Plan 2035 specifically recommends Residential Low land use for the northern properties and Parks and Open Space land use for the southern properties, as seen in **Attachment A** below (Map 10, page 101). The properties are not within a Regional Transit District, Local Center, or an Employment Area, as defined in Plan 2035 (pages 19-12, 106, 109). In addition, the general plan makes the following recommendations that affect the subject property:

Plan 2035 established the following policies and strategies that are relevant to this application:

Policy LU 1: Direct a majority of projected new residential and employment growth to the Regional Transit Districts, in accordance with the Growth Policy Map (Map 11, pages 107-108) and the Growth Management Goals (Table 17, page 110) set forth in Table 17 (Land Use, page 110).

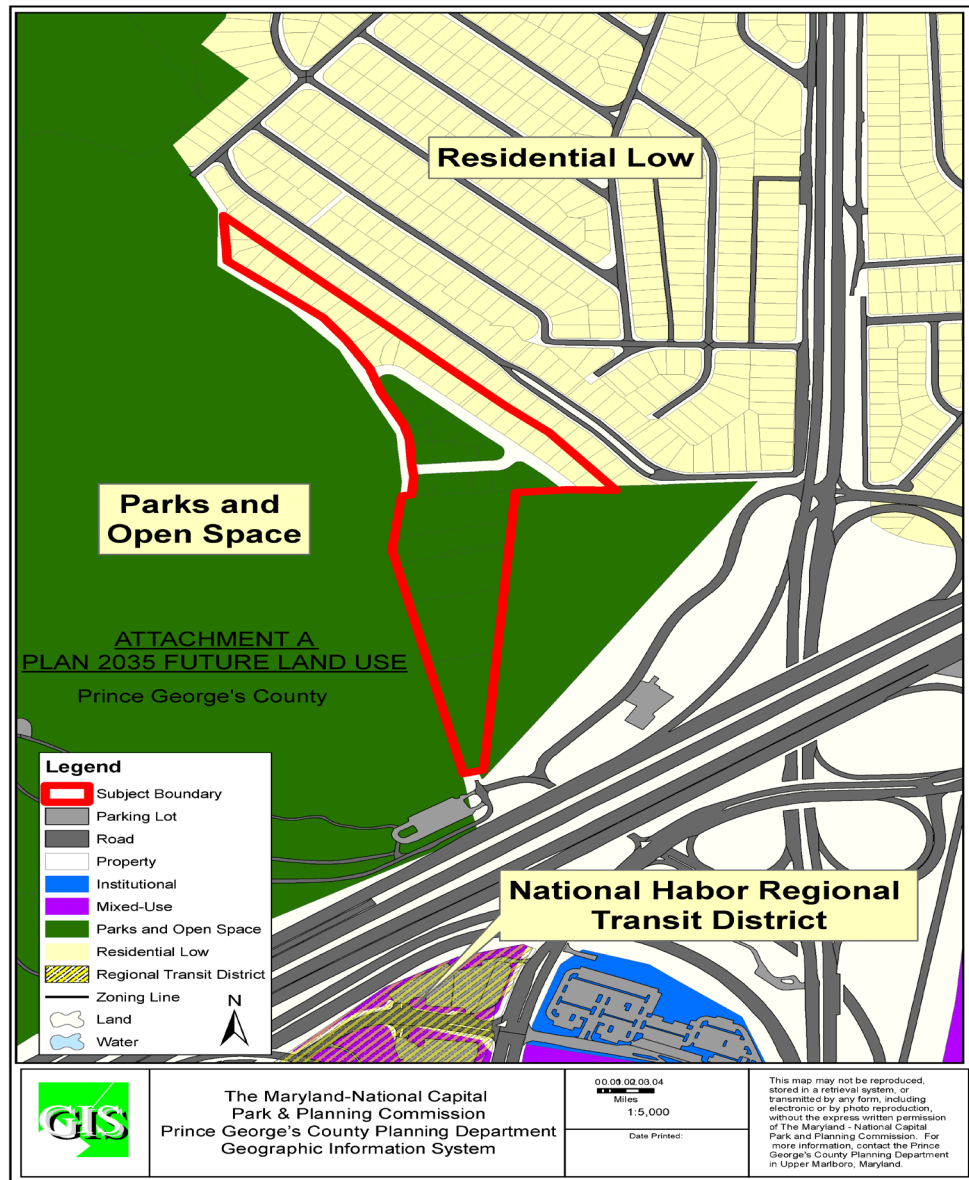
Strategy LU 1.1: To support areas best suited in the near term to become economic engines and models for future development, encourage projected new residential and employment growth to concentrate in the Regional Transit Districts that are designated as Downtowns (see the Strategic Investment Program under the Implementation section [pages 252-254]) (Land Use, page 305).

Policy LU 7: Limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers (Land Use, page 114).

Policy LU 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 (Land Use, page 116).

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

Strategy HD 9.9: Implement urban design solutions to ensure appropriate transitions between higher intensity and density development and surrounding lower-density residential neighborhoods. Urban techniques include decreasing (stepping down) building heights, reducing development densities, and otherwise modifying architectural massing and form (Community Heritage, Culture, and Design, page 215).



Area Master Plan

As shown in **Attachment B** below, the subject properties fall within two master/sector plans. The southern properties are in the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment* (2000 Heights and Vicinity Master Plan) and the northern properties are in the 2014 *The Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* (2014 Eastover/Forest Heights/Glassmanor Sector Plan).



The 2000 Heights and Vicinity Master Plan does not make a specific future land use recommendation for the southern properties. However, it does recommend that infill development be compatible with the low-density character of surrounding neighborhoods (page 13). In this case, the surrounding neighborhood is lower density housing and open space. Therefore, the subject properties should have similar land uses and densities.

The northern properties are in the 2014 Eastover/Forest Heights/Glassmanor Sector Plan area. The sector plan does not make a specific future land use recommendation but defines the area as Focus Area 5, Town of Forest Heights (page 55). Unlike the other focus areas, no recommendations are made to change the current land use. This indicates that the area's existing land use, described as dense single-family housing, should remain the same (page 12). In addition, the sector plan also makes the following recommendations that affect

the subject property. “The sector plan proposes completing sidewalks on each side of the streets” and that there must be “a study to address the open stormwater culverts” before sidewalks are implemented (page 55).

Staff finds that this application does not meet the requirements of Section 27-213(a)(1)(B) of the Prince George’s County Zoning Ordinance, as outlined further in the Zoning Requirements below, because the 2000 Heights and Vicinity Master Plan and the 2014 Eastover/Forest Heights/Glassmanor Sector Plan do not recommend mixed land uses for the subject properties which are, to the contrary, recommended and permitted in the M-X-T Zone. Instead, the 2000 Heights and Vicinity Master Plan and 2014 Eastover/Forest Heights/Glassmanor Sector Plan indicate maintaining low-density, single-use land uses.

Environmental

2014 Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment (North Area)

Recommendation 1: Reduce flooding and personal property damage due to flooding (Forest Heights, Rolph Road, and North Heron Drive).

Rolph Road and North Heron Drive are located north of the subject site. The topography shown on PGAtlas.com indicates the application area draining away from the identified roadways in a different drainage area. Drainage from the subject site is not expected to cause flood impacts to the above-mentioned roads.

The north area of the application is within the Forest Heights section, but not within a designated floodplain area. Any development of the site will require stormwater management (SWM) measures to prevent flooding through the review and approval of a SWM plan. This could be best achieved with development consistent with the current zoning which would result in less impervious area and more natural infiltration.

Recommendation 2: Restore ecological function and environmental diversity in streamways, woodlands, and other natural areas.

The site, as it exists today, is in its most natural condition, fully wooded with no development. A development plan has not been submitted at this time. Any development of the site would require the removal of some woodland; however, if the request is approved, significant negative impacts to on-site woodlands would occur due to a lower woodland conservation threshold and could significantly limit on-site woodland conservation. Opportunities for restoring vegetation would be very limited as well. These impacts would be more than impacts associated with development consistent with the current zoning. The requested zoning would be in conflict with this recommendation.

Recommendation 3: Maintain open space linkages, reduce gap distances between natural areas, and provide traversable pathways for plant and animal migration.

Currently, the area consisting of single-family lots is entirely wooded and is in an area identified as potential Forest Interior Dwelling Species (FIDS) habitat. Impacts to on-site woodlands and natural areas should be minimized and preservation or planting of these areas should be provided to the fullest extent possible. The species associated with FIDS habitat are very sensitive to development. Forest fragmentation eliminates the large contiguous woodland tracts that are essential for the survivability of these sensitive species. The zoning request from R-R/R-55 to M-X-T will have a negative impact on potential FIDS habitat due to the proposed zoning resulting in a lower woodland conservation threshold, which could result in more clearing.

Recommendation 4: Reduce and remove impervious cover and increase urban tree canopy.

Presently, there are no impervious surfaces within the northern half of the site. The proposed M-X-T zoning would allow for the creation of larger impervious areas for mixed uses and significant clearing of existing woodlands than what would occur with the current zoning. The proposed request, if approved would reduce the tree canopy coverage requirement from 15 percent to 10 percent. This reduction, along with a reduction of the woodland conservation threshold, does not support the recommendations of this master plan.

Recommendation 5: Incorporate Low Impact Development (LID) stormwater management to restore water quality and ecological function.

No development plan has been submitted at this time. Any future development plans must have SWM concept approval from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The current regulations required that Environmental Site Design (ESD), which is equivalent to LID, be implemented to the maximum extent practicable.

The Chesapeake Bay Critical Area (CBCA) portion of this area will be required to remove 10 percent nitrogen and phosphorous that is released back in the environment from a development associated with stormwater runoff. Various stormwater designs and structures may be required to achieve required pollutant reduction. The proposed M-X-T zoning would have a higher use density than the existing R-R and R-55 zoning, which would result in more impervious area and more stormwater control to ensure proper drainage and prevent flooding. The lower density of the current zoning (R-R and R-55) would allow for more on-site woodland conservation, less impervious surface, and more natural infiltration.

Recommendation 6: Encourage property owners to plant trees and other vegetation.

The entire area of platted lots is entirely wooded with no open area or structures. The proposed M-X-T zoning would be comprised of a mix of non-residential uses which would require more parking and increased impervious area. The design should seek to incorporate tree planting above what is required; however, opportunities for planting are significantly limited in zones with a mix of uses that result in high density development.

Development consistent with the current zoning would result in more preservation and/or planting of trees and vegetation. If the request is granted, the applicant should go above and beyond the minimal planting requirements.

Recommendation 7: Incorporate “green building” techniques in new and redevelopment construction.

Information regarding the use of green building techniques and the use of alternative energy are encouraged and will be evaluated with future applications by the Urban Design Section.

Recommendation 8: Reduce pollutants such as trash, nitrogen, and phosphorous in streams and the watershed.

The entire north area is wooded, and the northwest portion of those woodlands are located within the CBCA. The CBCA ordinance requires new development within the Intensely Developed Overlay (IDO) Zone, to reduce the amount of nitrogen and phosphorous that is released back in the environment from a development associated with stormwater runoff. The IDO zone requires that various techniques such as site design, infiltration practices, and structural stormwater treatment practices such as sand filters and swales be considered during the development design. A development with these techniques must be capable of reducing pollutant loads generated from a developed site to a level at least 10 percent below the loads generated at the same site prior to development. This requirement is commonly referred to as the "10 Percent Rule".

For development proposed in the area outside of the CBCA, SWM is required. DPIE will review for water quality and quantity control, in accordance with the SWM Act of 2007, which required a development of a site to implement ESD to the maximum extent practicable.

The proposed rezoning request, which would include of non-residential uses, would require more trash receptacles to reduce littering and the presence of in-stream waste.

2000 Approved Master Plan for the Heights and Vicinity (Butler Tract)

Goal: To protect and enhance the environmental qualities of the planning area by preserving natural environmental assets as an integral part of the community.

Recommendation 1: Woodland Preservation – The existing woodlands in Natural Reserve Areas must be retained. Other existing woodlands should be retained to the extent possible in order to maintain or increase the current percentage of woodland. Furthermore, the expansion of woodlands through afforestation and reforestation is encouraged in the implementation of the greenways and open space program linkages.

The master plan does not designate any areas on the site as Natural Reserve Area but does designate a portion of the area as wooded. The site also contains steep slopes in several locations, and these areas are underlain with Sassafras and Croom soils (15-25 percent and 25-40 percent slopes), which are highly erodible soils. One of these areas of steep slopes is adjacent to an ephemeral stream channel. The woodlands are contiguous with woodland on the north portion of the site, as well as woodlands extend west to the Potomac River, Oxon Run, and the CBCA. The woodland contributes to potential FIDS habitat. The only unforested area on-site is the southernmost area of the Butler Tract. This area was cleared of woody vegetation for an electric transmission line that is from a pole along Bald Eagle Road, which crosses the site to the Oxon Hill Farm National Park site to the west.

The master plan states that “Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation. To the extent practicable, large tracts of woodland should be conserved in both upland and bottomland (lowland) situations in order to reduce forest fragmentation to maximize woodland interiors and reduce edge area ratio.” The reduced woodland conservation threshold from 20 percent to 15 percent will result in significant clearing and more impervious area, thereby significantly diminishing the opportunity for preservation/planting of greenways and open space.

Recommendation 2: The County should pursue efforts to minimize development impacts on contiguous woodland areas adjacent to Henson Creek and the Oxon Run Tributary through land acquisition for parks, where feasible, and through appropriate land use recommendations.

The site is part of a large contiguous vegetated area with potential FIDS habitat. This site, and the site to the west have environmental settings associated with designated historic sites. The requested zoning change will result in more clearing and more uses, which will require more infrastructure to support the development. The significant increase in impervious area would significantly impact a contiguous area of woodland, potential FIDS habitat, viewshed and historic structures. The proposed zoning would not minimize impacts on woodland.

Recommendation 3: Stormwater Management – The County should ensure that stormwater is properly managed, and major streams and detention/retention basins should be monitored for water quality and flow characteristics. The plan recommends the development of five stormwater management ponds as shown on the plan map.

Recommendation 4: Alternative solutions to provide remedial action for on-site stormwater management may be necessary, until such time as the Department of Environmental Resources (DER) implements the proposed potential regional stormwater management ponds in the planning area.

No SWM has been proposed at this time, nor is it required with this application. Any development on-site will be subject to review by DPIE for SWM design, and the Prince George's County Soil Conservation District for sediment and erosion control. Subtitle 32, Water Quality Resources and Grading Code requires that ESD be implemented to the maximum extent practicable, in accordance with the SWM Act of 2007.

The lower density requirement of the current zoning (R-R and R-55) is more conducive with single family detached and rural residential uses and would allow for more woodland preservation or planting, other vegetative planting, and open space to serve as infiltration.

Recommendation 5: Noise Attenuation – In areas of 65 dBA (Ldn) or greater, residential development proposals should be reviewed and certified by a professional acoustical engineer stating that the building shell of habitable structures located within a prescribed noise corridor will attenuate ultimate exterior noise level to an interior level not to exceed 45 dBA (Ldn), especially in the AICUZ designated noise corridor.

The proposed M-X-T development is a mix of retail, commercial and residential uses. This application area is located adjacent to the Capital Beltway, which is designated as a freeway master planned roadway. This roadway is regulated for noise with respect to proposed residential development. A noise study may be required with future applications and will be evaluated by the Urban Design Section.

Recommendation 6: Air Quality: The County should continue to participate aggressively in metropolitan efforts to prevent further air quality deterioration and should support all available measures to improve local air quality.

Air quality is a regional issue that is currently being addressed by the Metropolitan Council of Governments.

Recommendation 7: Proposed developments should meet stringent standards and guidelines and the potential environmental impacts of human activities should be identified as early as possible in the planning process. The constraints of Natural Reserve and Conditional Reserve Area must be adhered to.

No development plan has been submitted at this time; however, the proposed change from residential to mixed use would increase the impacts associated with human activities by allowing higher density, more impervious surface, more litter and less woodland/planting.

The site is not in a Natural Reserve Area or Conditional Reserve Area, but the site is wooded and contains areas of steep slopes associated with highly erodible slopes. The on-site woodland should be preserved or planted to the fullest extent possible.

Based on the recommendations above of both area master plans, the proposed rezoning would not be consistent with environmental goals if the rezoning request is granted. The requested zoning change from R-R and R-55 to M-X-T will result in a reduction of the woodland conservation threshold from 20 percent to 15 percent, and reduction of the tree canopy coverage requirement from 15 percent to 10 percent. These reductions encourage, more woodland clearing, more impervious surface more stormwater runoff and more litter. On-site and off-site areas would be negatively affected due to impact to historic sites, viewshed, and potential FIDS habitat. The existing zoning will allow for more green area, open space, and more tree canopy.

2017 Countywide Green Infrastructure Plan

According to the 2017 *Countywide Green Infrastructure* (GI) Plan, the entire application area is mapped within the *Green Infrastructure Plan* network. Approximately 90 percent of the application area is located within the Regulated Area, and the remaining areas are within the Evaluation Area. The Regulated Area is identified on the northern portion of the site and a portion of the Butler Tract on the southern portion of the site. The Regulated Area incorporates FIDS habitat, CBCA, and the buffers associated with the mapped streams considered regulated environmental features and is part of a large continuous tract of existing woodlands.

No development plan has been submitted at this time; however, a change in zoning from less dense residential uses to the proposed mixed use will increase the likelihood of impacts to the on-site sensitive environmental features and will put added pressure on the functions of those sensitive environmental features located on adjacent properties. The following policies support the stated measurable objectives of the GI Plan:

Policy 1: Preserve, protect, enhance, or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The Potomac River Shoreline is identified in the GI plan as a Special Conservation Area. The National Park "Oxon Hill Farm" is located adjacent to the subject property and part of this Special Conservation Area needing preservation of existing woodlands. This application also contains land within the IDO zone of the CBCA, which is the most developed of the CBCA overlay zones.

The existing natural area and open space on the subject site complements the character of the area, specifically Oxon Hill farm. M-X-T development of the site would significantly limit opportunities for preservation, enhancement, and protection of the natural features of the site due to the amount of woodland loss and increase in impervious area.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

More impervious surface would result from the proposed request when compared to development consist with the current zoning. While some ecological functions would be compromised from any development of the site, less would occur with the current zoning, which would allow for more greenspace and planting and natural infiltration.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

As previously discussed, opportunities for preservation and planting would be significantly limited, due to the mix of uses and the needed infrastructure to support it. Both the tree canopy and woodland conservation threshold would be reduced. Development within this area is be preserved to the fullest extent possible.

The proposed rezoning would be in conflict with the GI Plan due to the reduction of the woodland conservation threshold and tree canopy requirement. The proposed rezoning will also result in a significant increase in impervious area. Woodland clearing could also significantly impact the onsite potential FIDS habitat and the CBCA portion of the site.

6. **Environmental Review:** This finding is provided to inform the existing site features on the subject property and impact of the requested rezoning as it pertains to environmental conformance.

Existing Conditions/Natural Resource Inventory (NRI)

An NRI is not required as part of a zoning amendment application. An NRI is necessary to confirm the presence or absence of regulated environmental features. Through various past proposals an NRI was submitted on the single-family lot area (north) and just recently with the Butler Tract (south).

On February 9, 2020, the single lot area NRI (NRI-184-14) expired and all future applications for this project, that includes all of the land area covered by the project, must have a revised NRI submitted covering the entire land area of the application. The expired NRI shows scattered specimen trees throughout the site that are identified as good to fair condition. No primary management areas (PMA) were identified on-site.

The Butler Tract has an approved NRI (146-2019) that expires on (3/25/2025). The NRI shows specimen trees throughout the site and no on-site PMA. This site contains steep slopes in several locations on-site, and these areas are underlain with Sassafras and Croom soils (15-25 percent and 25-40 percent slopes), which is a highly erodible soil. One of these steep slope areas goes off-site to a large swale that contains deep and expansive debris pile and at the bottom is an ephemeral stream channel. This debris pile also continues on-site. If any development occurs on this Butler Tract, all the debris should be removed and taken to a licensed landfill.

Woodland Conservation

The portion of the site located outside of the CBCA is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012. The requested zoning change from R-R and R-55 to M-X-T will result in a lowering of the woodland conservation threshold from 20 percent to 15 percent. This lower threshold would allow more woodland clearing and reduce the site's woodland conservation requirement. All future applications will require a Tree Conservation Plan covering the land area outside of the CBCA included in the application, in accordance with the current regulations.

The rezoning is not supported due to the significant impact on woodlands which conflicts with the area master plan and the *Green Infrastructure Plan*.

Chesapeake Bay Critical Area

This application also contains land within the IDO zone of the CBCA. Land within the CBCA is located in the northwestern section of application area. This platted area was approved in May 1956 and has remained wooded ever since. The State of Maryland Critical Area program became effective in November 1989, and Prince Georges County adopted their CBCA regulations in May 1990. As part of the mapping associated with the implementation of the CBCA regulations, CBCA zoning overlay designations were given to areas within the CBCA. The area to the north was already developed with small single-family lots and the area to the south was parkland owned by the federal government. The platted single-family lot area was designated IDO, and the adjacent federal park was designated as Resource Conservation Overlay (R-C-O) area. The 2014 CBCA mapping update retained these designations.

This on-site CBCA area is entirely wooded. Although there is no limit on lot coverage, the CBCA regulations have strict requirements on the amount of vegetation clearing. The woodlands are contiguous with areas of woodland associated with potential FIDS habitat, Oxon Run, GI Regulated Areas, and Special Conservation Areas. The CBCA regulations contain special provisions for the protection of FIDS habitat that must be met as part of any proposed development application. The on-site woodlands should be preserved to the fullest extent possible.

Special Roadways

Bald Eagle Road, an unimproved road, runs along the southwestern boundary adjacent to Oxon Hill Farm. While not a designated scenic or historic road, this old road has historically connected Oxon Hill to Washington DC as far back as 1850 and earlier. A portion of this road is within the environmental settings of both the Butler Tract and Mount Welby residence. The existing topography of this roadway is very unique in that it goes back to a time of horse and buggy use. The proposed rezoning may negatively impact this road to accommodate increased traffic. Appropriate buffering for special roadways should be considered for this road and maintained on future development applications. (See Historical Planning Memo for more on Bald Eagle Road).

Summary of Zoning Amendment Request

The current application as submitted does not meet the policies and strategies of the *Green Infrastructure Plan*, the environmental section of the 2014 Eastover/Forest Heights/Glassmanor Sector Plan, or the environmental section of the 2000 Heights and Vicinity Approved Master Plan. Development under the proposed zoning would make it

difficult to meet the technical requirements of Subtitle 5B (The Chesapeake Bay Critical Area Ordinance), and the requirements of Subtitle 25 (The Woodland and Wildlife Habitat Conservation Ordinance).

The zoning change from R-R and R-55 to M-X-T will result in a reduction of the woodland conservation threshold from 20 percent to 15 percent and a reduction of the tree canopy coverage requirement from 15 percent to 10 percent. This reduction in the woodland conservation threshold and the M-X-T zoning will result in significant woodland clearing and increased impervious area and increased stormwater runoff. Opportunities to maintain the Regulated Area connection would diminish greatly. Potential FIDS habitat will be impacted as well.

The existing zoning will allow the opportunity for more preservation and tree planting than would the proposed zoning request, which is typically characteristic of the high-density development. The proposed high-density could significantly impact the viewshed of Oxon Hill Farm National Park and several historic structures. The proposed rezoning is not supported.

7. 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**
- (ii) A major transit stop or station (reasonably expected to be in place within the foreseeable future).**

Most of the area of the subject site is not located within the vicinity of a major existing interchange and does not satisfy Criterion 1 for rezoning into M-X-T Zone. Specifically, a significant portion of the site is over one-half mile from the existing interchange of the Capital Beltway and Indian Head Highway. The second part of Criterion 1 involves the presence of a major transit stop or station. The applicant has not addressed the second part of Criterion 1. A major transit station does not exist near the subject site, and any plan for a future rail station in the area appears to be a long-term vision.

The phrase “within the vicinity” is not well-defined, but in terms of walkability, which supports M-X-T zoning, the Prince George’s County Planning Department uses a standard of one-half mile. If one-half mile is measured from the point that Indian Head Highway and the Capital Beltway cross, the entire tract is not within

one-half mile; the measured straight-line distance that would encompass the entire tract is approximately 3,250 feet (one-half mile is 2,640 feet). If one-half mile is measured from the nearest street forming the interchange of Indian Head Highway and the Capital Beltway – i.e., the nearest ramp associated with that interchange – the entire tract is still not within one-half mile. The measured straight-line distance that would encompass the entire tract is approximately 2,900 feet.

Based on the preceding findings, staff concludes that the above criterion is not satisfied and the request to rezone the subject property to the M-X-T Zone is deficient.

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

The applicant provided a description of how the proposed rezoning conforms with recommendations of the General Plan and is in keeping with the purposes of the M-X-T Zone. However, none of the governing plans recommend any mixed land uses similar to those permitted in the M-X-T Zone for the subject property or for the properties immediately surrounding the subject site as previously described by the findings above. Therefore, this rezoning application fails to meet Criterion 2.

Plan 2035 classifies this property within the Established Communities on the Growth Policy Map (page 18), which are most appropriate for context-sensitive infill development and low to medium density development. The Generalized Future Land Use Map retains this property as park and open space. The proposal does not present context-sensitive infill and the M-X-T zoning would allow for intense development, which does not comply with the goals set forth in the Established Communities provision of Plan 2035.

The 2014 Eastover/Forest Heights/Glassmanor Sector Plan applies to the northern portion of the site and the 2000 Heights and Vicinity Master Plan applies to the southern portion of the site. Regarding the 2014 Eastover/Forest Heights/Glassmanor Sector Plan, the applicant contends development of the subject site was not contemplated at the time the Plan was written and frames the proposed M-X-T rezoning as an opportunity to capitalize on the success of nearby developments at National Harbor. This Sector Plan placed a focus on revitalization opportunities, to include mixed-use developments, primarily along Indian Head Highway. The proposal does not comply with the sector plan as it does not have frontage to Indian Head Highway.

The 2000 Heights and Vicinity Master Plan recommends the southern portion of the site be used as parkland in the future. The proposed rezoning does not conform with this recommendation because the narrow boundary of this portion of the site will not be able to accommodate parkland after it is utilized for access. The applicant contends this Plan and its recommendation for the southern portion of the site are outdated and did not consider the nearby development of National Harbor. To note, Plan 2035 and other master plans are subjected to an extensive process of hearings and public input and should not be easily discarded as ‘outdated’.

Based on the preceding findings, staff concludes that the above criterion is not satisfied and the request to rezone the subject property to the M-X-T Zone is deficient.

- (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 applicant provided a statement of justification (SOJ) with this application, dated October 15, 2020, incorporated herein by reference. The SOJ acknowledges the residential low land use recommendations for the subject property but states that the proposed zoning will not substantially impair the general plan or the master plan and is in keeping with the purposes of the M-X-T Zone. However, staff does not find that the applicant's request is justified and further finds the following:

The Proposed Rezoning Substantially Impairs the Integrity of the General Plan
Staff finds that, pursuant to Section 27-213(a)(2) of the Zoning Ordinance, this application will substantially impair the integrity of Plan 2035, the County's general plan. As stated above, Plan 2035 recommends, "context-sensitive infill and low- to medium-density development" within the Established Communities policy area (page 20); and specifically recommends Parks and Open Space and Residential Low land use for the subject properties (Map 10, page 101).

Plan 2035 defines Parks and Open Space land use as publicly and privately-owned open space. The existing zoning, R-R and R-55 zones allows for residential development at a maximum of 2.17 and 6.7 dwelling units per net acre, respectively. The M-X-T zone allows for land uses, including multifamily, at much higher densities. This substantially impairs the general plan because it hinders the implementation of lower density residential land use and open space.

Furthermore, the rezoning of the subject property at this location contradicts the Plan 2035 County's growth policies regarding recommendations to limit higher density, mixed-use land uses to the Regional Transit Districts and Local Centers. There is currently one Regional Transit District and one Local Center nearby, the National Harbor Regional Transit District and Oxon Hill Local Neighborhood Center, where there is a substantial amount of property zoned for mixed-use and commercial use. Any additional mixed-use and commercial zoning would hinder commercial growth and revitalization in the area and pull mixed-use growth away from where it is more desirable. At this point in time, transit options do not exist to connect this site to National Harbor, which could in turn be perceived as aiding in the sprawl of the area when vehicular trips are the only option. This type of development in this area significantly impairs the County's growth policy goals.

Lastly, rezoning to M-X-T promotes a scale and mix of development that is out of context with the surrounding lower density residential neighborhood, the wooded areas, and the adjacent National Park (Oxon Cove Park and Oxon Cove Farm). The rezoning of the subject property challenges the general plan's recommendation to

ensure appropriate transitions between higher intensity and density development to the surrounding lower-density residential neighborhoods.

The Proposed Rezoning Substantially Impairs the Integrity of the Master Plan
Staff finds that, pursuant to Section 27-213(a)(2), this application will substantially impair the integrity of Plan 2035, the 2000 Heights and Vicinity Master Plan, and the 2014 Eastover/Forest Heights/Glassmanor Sector Plan.

2000 The Heights and Vicinity Master Plan

The proposed southern properties are in the 2000 Heights and Vicinity Master Plan. One of the key themes, noted in the plan on page 13, is to strengthen the character of the neighborhood by reducing potential for incompatible land uses in residential neighborhoods and prevent the encroachment of incompatible land uses. This is further emphasized on page 73, where the plan discusses that for properties in the general area of Eastover-Forest Heights (loosely shown on Map 9, page 70), infill development should occur and be compatible with the prevalent neighborhood character. The subject properties are in and just south of the Town of Forest Heights, characterized by lower density single-family housing, and surrounded by open space to the west and east. M-X-T zoning would allow for higher density mixed-use development that would be incompatible with the surrounding low-density neighborhood and create an inappropriate transition between high-density to low-density uses.

Furthermore, on pages 111-112, the master plan discusses perceptual assets, defined as areas having positive aesthetics, such as picturesque scenery and beautiful landscapes, and this is clearly stated as including woodlands, historic sites, ridgelines, and scenic vistas. The subject property is located to the west of a National Park which contains a County-Designated Historic Site (Mount Welby) and undeveloped wooded properties to the east. The subject properties are also wooded and contain a County-Designated Historic Site (The Butler House). Rezoning the property would allow for substantial residential and commercial development that would destroy the positive aesthetics of the area, including picturesque scenery as seen from Mount Welby, and would ultimately demolish the Butler House.

2014 Eastover-Forest Heights-Glassmanor Sector Plan

The properties to the north fall under the 2014 Eastover/Forest Heights/Glassmanor Sector Plan. Within this plan, the properties are in the Eastover-Forest Heights focus area. The recommendation for that area is the construction of sidewalks (page 38.) The redevelopment concept on page 55, only recommends sidewalk and a pedestrian bridge. No other development is recommended, which implies that this area is recommended to stay undeveloped or be developed under the current zoning. The sectional map amendment, that accompanied this plan, analyzed the zoning for the entire plan area and did not rezone the subject properties, but saw the current zoning of R-55 appropriate. Increasing the density of development or introducing non-residential uses to the property impairs the integrity of the sector plan by introducing land uses at densities deemed inappropriate.

Development Pattern and Intensity: The subject site is encumbered with significant regulated environmental features and is in a very narrow linear shape that results in limited buildable envelope. A northern portion of the site is also within the R-C-O Zone of the CBCA that is not intended for any urban development, not mentioning the intense development proposed in this zoning map amendment application.

The site is surrounded on the east side with lower density (6.7 dwelling units per acre) single-family detached established neighborhoods; on the west site by public park. The proposed gross residential density only in this zoning map amendment application is estimated at 85 dwelling units per acre, which is almost 13 times of the existing residential density. If up to 200,000 square feet of retail and up to 50,000 square of medical uses are taken into the density calculation, minus the environmental features from the developable envelope, the net density of this development will be much higher and that is totally out of character with the surrounding development patterns north of the Capital Beltway.

The proposed development includes multiple mid- to high-rise vertical mixed-use buildings. Given the constrained shape of the site, it is not possible to provide any transition in terms of building typology and density between the proposed development and the existing single family detached houses. The proposed development will be commanding, dominating, and overshadowing the existing neighborhood to the east that will create a stark visual contrast between the low, tiny single-family detached homes and the tall, massive mid- to high-rise buildings.

The Proposed Rezoning is not in Harmony with the Purposes of the M-X-T Zone

Pursuant to Section 27-213(a)(2), the proposed location is not consistent with the purposes of the M-X-T Zone. The complete list of purposes is copied below, followed by staff comment:

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;**

The subject property is not within the vicinity of a major interchange as indicated above. Rezoning the subject property to the M-X-T Zone does not embody orderly development; the proposal directs mixed-use, high-density land use away from the Regional Transit Districts, Local Centers and Employment Areas.

- (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;**

The proposed rezoning of the subject property does not implement the recommendations of the general plan or the master plan and permits development that contradicts those recommendations. With the M-X-T zone in place, the property could be compact, mixed-use, and internally walkable; however, the master plan does not recommend this density, land use, or type of development at this location.

- (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;**

As described in purpose three, the M-X-T zone strives to protect land and building values as well as increase development potential by concentrating M-X-T-zoned properties at strategic locations, such as the Regional Transit Districts, Local Centers and Employment Areas. Currently, the Subregion and adjacent Planning Areas already have a substantial amount of M-X-T-zoned properties concentrated in appropriate areas, such as National Harbor and Oxon Hill Shopping Center. The proposed location for the rezoning to M-X-T is not compatible with nearby land uses, such as the low-density residential community (Forest Heights) or the undeveloped land to the west and east.

- (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;**

The location of the subject property is not in proximity to other mixed-use developments. The northern properties have residential land use. The properties to the east (zoned O-S) and west (zoned R-O-S) are undeveloped. Although there are several properties to the south zoned for mixed-use, they are separated by the Capital Beltway. Also, the location of the property is not in proximity of transit facilities. The word transit, in this context, refers to non-automobile transit. Transit does not refer to a major intersection because a major intersection, intrinsically, promotes automobile use as opposed to discouraging it. Therefore, M-X-T-zoned property at this location cannot facilitate transit use or reduce automobile use.

Furthermore, no agency has plans to extend transit to serve this site. There are virtually no pedestrian or bicycle-serving uses within one-half mile of this site – only a large interchange which provides no access to this site (the Town of Forest Heights is adjacent to this site, but there is no plan for access between this site and Forest Heights). The applicant cites transit services along Oxon Hill Road, but the nearest part of this site to Oxon Hill Road contains no development per concepts provided with the submission.

- (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;**

An M-X-T zoned property at this location, with a 24-hour environment, is inappropriate and out of context. The subject property is surrounded by undeveloped land, and low- to -density residential communities. It is unlikely that there is a large enough daytime or residential population existing near the subject property to support a 24-hour environment and the residents of these neighborhoods may find it a nuisance and incompatible with the character of their neighborhood.

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

At this location, mixed-use development, either horizontal or vertical, may blend internally, but would not blend with adjacent uses. Instead, it would be isolated from the mixed-use zoned properties to the south due to the Capital Beltway. Purpose number six presumes the subject property is in an urban or urbanizing area and that the development would become part of the urban fabric. This is not the case for this property.

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

At this stage of the development review process, there are no urban design or site plans, or architectural drawings to review to determine functional relationships among uses or distinctive visual character and identity.

(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;

Mixed-use development is inherently more efficient by using economies of scale and typically provides energy savings during construction. However, with no plans for constructing or improving infrastructure or public facilities, the proposed development will most likely burden these systems which are already insufficient. At this stage of the development review process, there are no SWM plans, or public facilities recommendations to evaluate.

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

Mixed-use development is inherently flexible in terms of market response. However, with the chosen location, the project would shift economic vitality and investment away from where it is needed and desired, specifically the Regional Transit Districts, Local Centers and Employment Areas.

The applicant makes note of the proximity of this site to National Harbor. However, from a transportation standpoint one cannot travel easily between this site and National Harbor. It is approximately one mile from the middle of this site to the MGM casino. The two sites are connected by a Capital Beltway overpass with two travel lanes and a four-foot-wide sidewalk. The intersection of Oxon Hill Road and Bald Eagle Road has restricted movements; one cannot turn left from Bald Eagle Road onto eastbound Oxon Hill Road, and one cannot turn left from eastbound Oxon Hill Road toward the site. The applicant currently proposes no remedies to widen the Capital Beltway overpass or to modify the Oxon Hill Road/Bald Eagle Road intersection to provide full movements.

(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.

At this stage of the development review process, there are no architectural or urban design plans to evaluate.

(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.

Because the proposal is expected to generate more than 50 peak-hour trips, a traffic impact study (TIS) has been submitted. The traffic study was referred to the County (the Department of Public Works and Transportation) and DPIE, as well as the Maryland State Highway Administration.

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume of 1,600 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds

50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

The table below summarizes trip generation in each peak hour that will be used for the analysis. The proposed uses have the following trip generation (with the use quantities shown in the table as described in the submitted traffic study). The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines) and *Trip Generation* (Institute of Transportation Engineers (ITE)):

Trip Generation Summary, A-10055, National View									
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour			Daily Trips
			In	Out	Tot	In	Out	Tot	
Existing Zoning (and maximum density)									
R-R (1.85 residences per acre, 9.02 acres)	16	units	2	10	12	9	5	14	144
R-55 (4.20 residences per acre, 11.07 acres)	46	units	7	28	35	27	14	41	414
Total Trips Under Existing Zoning			9	38	47	36	19	55	558
Proposal Under M-X-T Zone									
Assisted Living	374	Beds	45	26	71	37	60	97	1,586
Hotel	204	Rooms	57	40	97	65	62	127	1,705
Less Internal Trips			0	-3	-3	-10	-3	-13	
Multifamily	1,402	Units	84	337	421	365	196	561	5,608
Less Internal Trips			-2	-3	-5	-47	-18	-65	
Retail/Commercial	120,000	Square Feet	70	43	113	143	182	325	4,530
Less Internal Trips			-6	-2	-8	-17	-53	-70	
Total Trips Under M-X-T Proposal			248	438	686	536	426	962	13,429
Difference: Existing Zoning Versus M-X-T			+239	+400	+639	+500	407	+907	+12,871

The comparison of estimated site trip generation indicates that the proposed rezoning could have an off-site impact of 600 to 900 additional trips, depending on the peak hour being considered. The daily trip impact could be as high as 12,900 daily trips.

The applicant provided staff with a July 2020 TIS as part of the application documentation. The purpose of the TIS was to identify and evaluate the critical intersections, in order to determine the impact of the proposed zone changes on the performance of these intersections.

It needs to be noted that the M-X-T Zone approval is not based upon a conceptual plan. The only development yield is shown in the TIS, 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) of the Zoning Ordinance. While the transportation staff has always interpreted this part of the law 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 no restriction on density. It is strongly advised that the plans be reviewed to ensure that the zone is appropriate from a land use perspective at this location.

The traffic generated by the proposed application would impact the following intersections, interchanges, and links in the transportation system:

- MD 210 at southbound (SB) I-95 Ramps/Bald Eagle Road (signalized)
- Bald Eagle Road at Oxon Hill Farm Driveway (unsignalized)
- MD 414 at MD 210 SB Ramps/Bald Eagle Road (signalized)
- MD 414 at MD 210 NB Ramps (signalized)
- Oxon Hill Farm Driveway at site access (future/unsignalized)

Existing Traffic

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
MD 210 at SB I-95 Ramps/Bald Eagle Road	696	1038	A	B
Bald Eagle Road at Oxon Hill Farm Driveway	9.9*	11.0*	--	--
MD 414 at MD 210 SB Ramps/Bald Eagle Road	584	492	A	A
MD 414 at MD 210 NB Ramps	913	889	A	A
Oxon Hill Farm Driveway at site access	Future			
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Due to the effects of the ongoing COVID-19 pandemic, the process of collecting traffic counts for traffic studies became problematic. In accordance with the Prince George's County Planning Board policy adopted on April 9, 2020, applicants were allowed to scope and prepare studies using older counts that are factored for annual traffic growth. That policy expired on September 10, 2020; studies that have been scoped and/or prepared between April 9 and September 10 using

pandemic-factored counts are allowed to be accepted during 2020. In the case of this TIS, it was scoped prior to April 2020 and completed during the summer of 2020, and all traffic counts utilized have been adjusted in accordance with the Planning Board's policy.

Background Traffic

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." Background traffic has been developed for the study area using 5 approved but unbuilt developments within the study area. A 1.0 percent annual growth rate for a period of six years has been assumed. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
MD 210 at SB I-95 Ramps/Bald Eagle Road	788	1171	A	C
Bald Eagle Road at Oxon Hill Farm Driveway	10.3*	11.7*	--	--
MD 414 at MD 210 SB Ramps/Bald Eagle Road	685	648	A	A
MD 414 at MD 210 NB Ramps	1024	1039	B	B
Oxon Hill Farm Driveway at site access	Future			
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges and links identified above, when analyzed with total future traffic as developed using the Guidelines including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
MD 210 at SB I-95 Ramps/Bald Eagle Road	1242	1659	C	F
Bald Eagle Road at Oxon Hill Farm Driveway (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	170.7*	+999*	Fail	Fail
Minor Street Volume Test (100 or fewer)	440	433	Fail	Fail
Critical Lane Volume Test (1,150 or fewer)	994	1459	Pass	Fail
MD 414 at MD 210 SB Ramps/Bald Eagle Road				
MD 414 at MD 210 NB Ramps	685	658	A	A
Oxon Hill Farm Driveway at site access	1109	1139	B	B
	11.9*	13.0*	--	--
*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, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The table above notes traffic inadequacies that require discussion in either peak hour.

MD 210 at SB I-95 Ramps/Bald Eagle Road

In the TIS, the applicant proposes improvement to the intersection to provide a second approach lane along Bald Eagle Road, to provide separate left-turn and right-turn lanes. With the second approach lane in place, the MD 210 at SB I-95 Ramps/Bald Eagle Road intersection would operate at LOS A, with a critical lane volume of 975, in the AM peak hour. In the PM peak hour, the intersection would operate at LOS E with a critical lane volume of 1,517.

Bald Eagle Road at Oxon Hill Farm Driveway

Oxon Hill Farm Driveway at site access

The applicant currently shows two concepts for this pair of intersections:

- A. The first concept would maintain existing Bald Eagle Road as the major through roadway, adding a right-turn lane at the approach to Oxon Hill Farm Driveway, and widening the Oxon Hill Farm Driveway to provide a left-turn and a right-turn lane. The site access would be about 220 feet west of the intersection along Oxon Hill Farm Driveway. Both the Bald Eagle Road at Oxon Hill Farm Driveway and the Oxon Hill Farm Driveway at site access would remain unsignalized.
- B. The second concept would involve some realignments to have Bald Eagle Road from the east become a through roadway onto Oxon Hill Farm Driveway. Existing Bald Eagle Road from the south would "tee" into this realignment through roadway. The Oxon Hill Farm Driveway would be widened to provide a through lane eastbound and a right-turn lane. The right-turn lane from Bald Eagle Road from the south would be channelized, and a left-turn lane would be added along westbound Bald Eagle Road. The

site access would be about 220 feet along Oxon Hill Farm Driveway. Both the Bald Eagle Road at Oxon Hill Farm Driveway and the Oxon Hill Farm Driveway at site access would remain unsignalized.

While the staff are inclined to accept these concepts as evidence that the two intersections nearest the site can be made to be adequate, the concept of creating access to this site needs greater thought. Both access concepts involve usage of a National Park Service roadway, and this applicant has not shown that the use of that roadway is feasible or permittable. One access concept involves all traffic entering and leaving the site to make two 90-degree turns; the other concept involves making a park road into a through roadway. Neither of these ideas is conducive to creating a dense mixed-use community. Also, given that there is potential for more than 13,000 daily vehicles accessing the site, more serious consideration must be given to signalization near the site access. There is not a viable vehicular access point to the site to handle the traffic of the proposed intense development at this time without generating significant negative impact on the abutting established traditional single-family neighborhoods.

Given the proposed uses and the associated traffic projection outlined in the traffic study, it is determined that the transportation facilities in the area would be adequate to carry anticipated traffic for the proposed development, as required by Section 27-213(a)(3) of the Zoning Ordinance.

Review of Plan/Request

Approval of the M-X-T Zone has some particular locational criteria as stated in Section 27-213(a)(1) of the Zoning Ordinance. The criteria have been addressed above as they relate to transportation. In summary, staff's review of the TIS finds adequate transportation facilities to support the request, however, staff did not find the criteria for Section 27-213(a)(1) and (2) to be met.

8. **Referral Comments:** Referral memoranda comments directly related to the request to rezone the property were included in the body of this technical staff report. Referral memoranda were received from the following divisions, all are included as backup to this technical staff report and are incorporated herein by reference:

- a. Transportation Planning Section, dated November 19, 2020 (Masog to Sievers)
- b. Trails Section, dated November 17, 2020 (Jackson to Sievers)
- c. Community Planning Section, dated November 16, 2020 (Lester to Sievers)
- d. Prince George's County Department of Permitting, Inspections and Enforcement, dated October 2, 2020 (Giles to Sievers)
- e. Urban Design Section, dated November 16, 2020 (Bossi to Sievers)
- f. Environmental Planning Section, dated November 20, 2020 (Schneider to Sievers)

- g. Special Projects Section, dated October 30, 2020 (Thompson to Sievers)
- h. Historic Planning Section, dated November 18, 2020 (Stabler to Sievers)
- i. Parks and Recreation, dated November 17, 2020 (Sun to Sievers)
- j. National Park Service, dated September 15, 2020 (Smith to Sievers)

CONCLUSION

This application does not meet the requirements of Section 27-213(a)(1)(B) of the Zoning Ordinance because the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment* and the 2014 *The Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* does not recommend mixed land uses for the subject property similar to those recommended in the Mixed Use-Transportation Oriented (M-X-T) zone.

This application does not meet the requirements of Section 27-213(a)(2) of the Zoning Ordinance. This application will substantially impair the integrity of Plan 2035 primarily because the proposed high-density mixed-use development is not supported by the recommended land use for Established Communities Growth Policy Area, as designated by Plan 2035. This application will also substantially impair the integrity the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment*, primarily because the proposed high-density mixed-use development does not conform to the recommended infill development that is compatible with the low-density character of the surrounding neighborhoods (The Heights, page 13). As previously stated, the intent of the master plan and the general plan is to direct mixed-use, high-intensity developments, such as that permitted by and encouraged in the M-X-T Zone, into designated regional transit districts and local centers, rather than scattered throughout the County. Since the subject properties are not located within any designated regional transit district or local center, the master plan envisioned this area for low- to medium-density residential neighborhood development, rather than high-density mixed-used development. In addition, pursuant to Section 27-213(a)(2), this application is not in harmony with the purposes of the M-X-T Zone.

This application meets the requirements of Section 27-213(a)(3) of the Zoning Ordinance, for transportation adequacy, based on the development proposal put forth in the transportation impact analysis at this time.

The intense character of M-X-T Zone development would be vastly different, inappropriate, and an abrupt transition in density and uses from what is envisioned in the 2014 *Plan Prince George's 2035 Approved General Plan*, the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment*, and the 2014 *The Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment*. 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 A-10055, National View, for rezoning from the R-R and R-55 Zones to the M-X-T Zone.