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## Zoning Map Amendment

**A-9970**

| Application  | General Data                     |
|--|----------------------------------|
| <b>Project Name:</b><br>Renard Lakes<br><br><b>Location:</b><br>Northwest corner of US 301 and Dyson Road, known as 12401 Southwest Crain Highway.<br><br><b>Applicant/Address:</b><br>SCAD, LLC<br>5450 Branchville Road<br>Branchville, Maryland 20740 | Date Accepted: 4/18/05           |
|  | Planning Board Action Limit: N/A |
|  | Plan Acreage: 167.84             |
|  | Zone: I-1                        |
|  | Dwelling Units: 429              |
|  | Square Footage: N/A              |
|  | Planning Area: 85A               |
|  | Tier: Developing                 |
|  | Council District: 09             |
|  | Municipality: N/A                |
|  | 200-Scale Base Map: 216SE08      |

| Purpose of Application  | Notice Dates   |
|---|--|
| Rezoning from I-1 Light Industrial) to R-S (Residential Suburban 2.7) Comprehensive Design Zone | Adjoining Property Owners<br>Previous Parties of Record<br>Registered Associations: 3/3/05<br>(CB-12-2003) |
|   | Sign(s) Posted on Site and<br>Notice of Hearing Mailed: 9/29/05  |

| Staff Recommendation |                          | Staff Reviewer: Jimi Jones |            |
|----------------------|--------------------------|----------------------------|------------|
| APPROVAL             | APPROVAL WITH CONDITIONS | DISAPPROVAL                | DISCUSSION |
|                      |                          | X                          |            |

October 12, 2005

**TECHNICAL STAFF REPORT:**

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

FROM: Jimi Jones, Acting Zoning Supervisor

SUBJECT: **Zoning Application No. A-9970**  
**Amendment of Zoning Map (A-9970)**

REQUEST: **Zoning Map Amendment to rezone the subject property from the existing I-1 (Light Industrial) Zone to R-S 2.7-3.5 (Residential Suburban) Zone, a Comprehensive Design Zone (CDZ)**

RECOMMENDATION: **DISAPPROVAL**

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NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

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## **FINDINGS:**

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

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

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

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

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

- D. Request:** The application is for approval of rezoning 167.84 acres from the existing I-1 (Light Industrial) Zone to R-S 2.7-3.5 (Residential Suburban) Zone, a Comprehensive Design Zone (CDZ).

1. DEVELOPMENT DATA

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

**R-S Zone Land Use Quantities**

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

Density permitted under the R-S (Residential Suburban 2.7) Zone

|   |           |
|---|-----------|
| Base Density (2.7 DU/Ac)                | 424 units |
| Maximum residential density (3.5 DU/Ac) | 550 units |
| Proposed residential development        | 405 units |

2. CONCEPTUAL DESIGN FEATURES

**Site conditions:** The subject site is comprised of wooded areas, open sand and gravel surface mining pits, and on-site storage of sand and gravel materials. Three man-made wash ponds are also located on the property. The asphalt and concrete production facilities have been dismantled and removed. No existing residences or barns or associated outbuildings exist on the site. Unimproved driveways originating from Dyson Road and US 301 provide access to the subject property.

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

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

This amenity complex is planned to be neighborhood-oriented and to complement other public centers in the area. It will feature a community clubhouse, outdoor swimming pool, tennis courts, and other recreational facilities. The lake will feature perimeter hiker-biker

trails, public art, and other passive recreational opportunities. Additional recreational sites will be located within the individual neighborhoods.

**E. Neighborhood and Surrounding Uses:**

The property is surrounded by the following uses:

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

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

**South**—Dyson Road and commercial uses in the C-M (Commercial-Miscellaneous) Zone along the south side of Dyson Road.

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

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

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

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

**Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:**

**(A) The proposed Basic Plan shall either conform to:**

- (i) The specific recommendation of a General Plan map; Area Master Plan map; or urban renewal plan map; or the principles and guidelines of the plan text, which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or**
- (ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.**

**Applicant's Position:** The applicant is requesting a rezoning of the property from industrial to residential in order to accommodate 405 residential units on the subject property. The following statements were provided to demonstrate the application's compliance with the above approval criteria:

"The proposed development is in accordance the General Plan's goals and policies of the Developing Tier including: the maintenance of low to moderate-density land uses and preservation of environmentally sensitive areas. The Basic Plan also fulfills a number of the objectives of the Master Plan for Living Areas including: the removal of incompatible uses (i.e. sand and gravel mining and an asphalt mixing plant) within living areas, preservation of natural and scenic assets as an integral part of residential areas to enhance the character, quality and livability of the Subregion, and to provide a wide range of housing opportunities and neighborhood choices which meet the needs of different age groups, family sizes, lifestyles and incomes.

"Less than three years ago, the subject property was placed in the 'Developing Tier' of the Prince George's County Approved General Plan (October 2002). A developing tier designation indicates those areas where the county anticipates and encourages new development in 'contiguous and compatible growth patterns.' The specific enumerated goals in the Developing Tier which support this map amendment are to maintain a pattern of low to moderate density land uses (except in Centers and Corridors), reinforce existing suburban residential neighborhoods and to preserve and enhance environmentally sensitive areas. The Renard Lakes community is proposed to be developed at approximately 2.7 dwelling units per acre (low to moderate density) and will preserve and enhance over 40 acres of open space including the environmentally sensitive areas such as streams, steep slopes, and forested areas. Contrary to the contention of staff, the General Plan does not encourage the development of employment areas outside of the identified Centers and Corridors. The General Plan specifically designates Maryland Route 5 (not U.S. Route 301) as the growth corridor in the area and specifically designates the Brandywine Center (#25) as the appropriate location for employment uses.

"The General Plan's location of future employment uses in the Brandywine Center is consistent with recommendations of the 1993 Subregion V Approved Master Plan and Sectional Map Amendment. On pages 82-88 the Plan discusses the vision for the 'Brandywine Special Study Area', which is located along the west side of MD 5 between Accokeek Road and the Charles County border south of the subject site. Of significance to the Applicant's argument that the only reason the subject property was designated as Employment Area 'L' was to accommodate the existing sand and gravel extraction, and concrete and asphalt production uses on-site is the fact that the subject property was not shown for employment uses on the Brandywine Special Study Area 'Vision Concept' on page 85.

"In order to quantify the impact of the ZMA application the Applicant has analyzed the M-NCPPC Round 6.3 data and the information presented in the Subregion V Master Plan and SMA and offers the following:

"Based on total number of projected employees divided by the number of zoned acres the yield of employees per acre is relatively low over the twenty year period of 2005-2025.

$(8,525 \text{ employees} \div 2,791.1 \text{ acres} = 3.05 \text{ employees per acre}),$   
 $168 \text{ acres} \times 3.05 \text{ employees per acre} = 512 \text{ employees};$

“The impact of rezoning the property to residential would at most decrease the number of employees in Planning Areas 85 A&B over a 20 year period by six percent (6%) ( $512 \times 100 \div 8525 = 6.00$ ) based on M-NCPPC’s own projections;

“Further reducing the actual employment yield on the subject 168 +/- acre parcel is the fact that the Applicant has a valid use and occupancy permit for the extraction of natural resources (i.e. sand and gravel) for a period of twenty (20) years until 2025. If the rezoning is not approved and the extraction operations were to continue there would be no appreciable employment associated with the subject property.

“As such the only economic benefit to Prince George’s County would continue to be the Real Property Tax. The property taxes would yield approximately \$766,495.00 over a 20 year period as opposed to revenues of approximately \$84,598,795.00 from the proposed upscale residential development.

“The Subregion V Master Plan places the Property in the Gwynn Park neighborhood of the North Village of the Brandywine Community. The triangular shaped neighborhood is defined by Piscataway Creek and the PEPCO transmission line right of way to the north, U.S. Route 301 to the east, and Maryland Route 5 to the west. This neighborhood is generally rural and sparsely populated with a number of commercial properties and light industrial uses along U.S. Route 301. The Master Plan on page 80 states that the three neighborhoods which comprise the North Village are primarily recommended for low-suburban residential development and that the extensive use of cluster and comprehensive design zones techniques is advocated to achieve diversity in construction styles and lot sizes.

“The Residential Planning Guidelines on page 86 of the Master Plan specifically encourage the type of development proposed by the Applicant. The Renard Lakes community plan does: preserve sensitive natural features, is developed with a clear identity and architectural theme, provides a variety of home designs, building styles and housing types, and trails and open spaces are an integral part of the neighborhood design. The density proposed for Renard Lakes is also in full accordance with ranges set forth on page 86 of between 1.6 and 7.9 dwelling units per acre for single family attached and detached units.”

**Staff Comment:** The Community Planning Division, in a memo dated October 11, 2005, submits that:

“This application is not consistent with the principles and guidelines of the 2002 General Plan. One of the goals in the Developing Tier is to ‘develop compact, planned employment areas.’ A major objective of the general plan is to increase the jobs-to-population ratio (J:P) by 39 percent over the next 25 years (p. 75). The rezoning would remove a planned compact employment area of 167.84 acres in the Brandywine community.

“The Council designated this area as an industrial employment area in response to the owners’ request.

“The subject site is suitable for light industrial development because it is well buffered from residential development in the general area of the site. Proposed Brandywine

Road/Brandywine Road Relocated, shown as a new Collector Road (C-613), the M-NCPPC lands to the west, and the electrical transmission line to the north provide substantial buffers from future residential development in the North Village.

“Employment Area L has excellent access via US 301 and Dyson Road, and the frontage properties will be highly visible to the traveling public.

“There are potential long-term land use compatibility issues with respect to proposed residential uses adjacent to the light industrial I-1 Zone along US 301, the commercial miscellaneous C-M Zone on the south side of Dyson Road, the public recycling depot, and the M-NCPPC firing range to the west of the subject site.

“In order to achieve the General Plan objective of improving this ratio by 39 percent by the year 2023, the rate of new employment creation must be substantially increased. A higher jobs-to-population ratio is an indicator of fiscal health and balance between the locations of jobs and housing, which helps reduce vehicle miles traveled and air pollution from automobiles.

“The data in the table below indicates that the estimated jobs/population ratio has stayed the same at 0.37 from 2002 to 2004. This suggests that, in order to achieve the General Plan objective of improving this ratio by 39 percent by the year 2023, the rate of new employment creation must be substantially increased. Policy 3, Strategy VIII, establishes an essential tool to encourage the creation of new employment opportunities in the county.

| <b>Prince George's County</b>   | <b>Average Employment</b> | <b>Population</b> | <b>Jobs/Population Ratio</b> |
|---|---------------------------|-------------------|------------------------------|
| 2004  | 312,994                   | 850,384*          | .37                          |
| 2003  | 311,428                   | 837,879*          | .37                          |
| 2002  | 305,229                   | 825,578*          | .37                          |
| 2000 Census   |                           | 801,515           |                              |
| *2000 Census + 1.49 percent per year  |                           |                   |                              |
| Sources: State Department of Labor, Licensing and Regulation; Prince George's County Demographic Characteristics, McComb Group, Ltd., Oct. 2004; U. S. Census |                           |                   |                              |

“Policy 3, Strategy VIII, states that the county will ensure that adequate amounts of properly zoned land are available for economic development activities.

“The applicant was advised to provide the Community Planning Division with an economic study indicating that there is an adequate supply of zoned lands available in the county for a sufficient number of employment opportunities to meet the jobs-to-population ratio improvement objective. While this includes more intensive land uses in the designated corridors and centers, it also includes less intensive employment areas, such as sites zoned I-1. These less-intensive areas are intended to provide employment locations for a range of industries and services that require large amounts of land for their operations (i.e., warehousing, trucking companies, heavy equipment sales and service, self-storage facilities, work yards, bus depots, etc.) but do not necessarily employ a lot of people. Nevertheless, these industries and services are essential for attracting other employers that need such services to operate efficiently.



“The employment study failed to examine how much vacant land was available in the county for employment activities. It did confirm that the jobs per acre that would be generated in lands zoned light industrial would be in the order of 2.77-3.05. This implies the county may require even more I-1 lands to ensure that adequate amounts of properly zoned lands are available for economic development activities, as per Policy 3, Strategy VIII, above.

### “Master Plan Conformity

#### “Issue of Interpretation

“• In the statement of justification, the report comments,

“The 1964 adopted General Plan placed the subject property into the R-R (Rural Residential) Zone. In 1978, the property was rezoned through the adopted sectional map amendment to R-A (Residential Agriculture). Most recently, the parcel was placed into the I-1 (Light Industrial) Zone through the adopted and approved Subregion V master plan and sectional map amendment in 1993.” (See page 2.)

“The site was zoned for residential development in the 1978 adopted sectional map amendment; however, it was rezoned for industrial development in the 1993 approved master plan and sectional map amendment **at the request of the owner’s agent**. The owner’s agent testified that the site was unsuitable for residential development.

“• Further, on page 3 of the statement of justification, the applicant states,

“The Subregion V master plan places the property in the Gwynn Park neighborhood of the North Village of the Brandywine Community.”

“— The basis for this assertion is found on page 10 of the statement of justification, which states,

“— ...The site is within an area designated on page 53, Map 7, as a ‘Suburban Living Area.’ Suburban Living Areas are defined as the primary locations for housing in the Subregion. Additionally, the master plan calls for development of primarily single-family detached homes to achieve low-suburban and suburban densities of 1.6-3.5 dwelling units per acre, and states that townhouses may be included in comprehensive design zone development areas.

“The applicant has drawn attention to an apparent contradiction between the 1993 sectional map zoning of Light Industrial I-1, and Map 7 ‘Living Areas Concepts,’ which shows the site as part of a “Suburban Living Area.”

“• The problem is not one of a mapping error on Map 7 (See page 53). If you compare the more detailed maps for Accokeek and the accompanying text (See pages 89-90), Brandywine (See pages 79-81), Clinton (See pages 69-76), and Tippet (See pages 93-95) you will find that there are at least 16 employment areas (most of them

industrial) that are identified on the smaller maps but are not identified on Map 7. Map 7 was intended to show living areas, while Map 9 on page 67 was intended to show employment areas. All maps in the master plan must be read together to understand the land use policies of the document. You will note that Map 9 on page 67 includes the subject site known as Area “L,” which is correctly shown as an employment area on both the small Brandywine map on page 79 and on Map 9. These small maps are merely locator maps that generally portray the areas subject to discussion in the plan text.

- “• The light industrial land use designation was clearly established through the following:
  - “— Employment Industrial on the plan entitled, "Approved Master Plan for Land Use and Transportation" dated September 1993, which is the operative master plan map.
  - “— The site is clearly identified as Employment Area L on page 67 and 79 of the master plan.
  - “— “SMA Amendment 19,CR-60-1993 (See Plan pages 289 and 317) clearly identifies this site for:
    - “— Plan: Employment-Industrial
    - “— SMA: I-1.
  - “— Map 38 on page 218 identifies the zoning on this site as being changed from R-A to I-1 by SMA Change B-17.
  - “— The text for SMA Change B-17 (See page 226) indicates the site is reclassified from the R-A to the I-1 Zone in accordance with plan recommendations for Employment-Industrial land use.

#### **“Issue of Conformity**

“In support of the requested residential zoning, the owner contends that there is sufficient planning rationale for stating that this application conforms with the principles, guidelines and recommendations of the 1993 Subregion V Master Plan with respect to land use, the number of dwelling units, and the location of land uses.

- “• The justification statement goes into some detail on how the proposed development will be designed, but it fails to recognize that the subject site is designated for employment uses, not residential uses.
- “• With respect to residential land use in the North Village of Brandywine where this industrial property is located, the master plan recommends a residential density of 1.6 to 2.6 dwelling units per acre, utilizing the R-S (1.6-2.6) Comprehensive Design Zone. This application is for the R-S (2.7-3.5) Comprehensive Design Zone. As such, the application does NOT conform to the density recommendations of the master plan for residential land use in this part of the village.

- “• The principle of light industrial development was clearly established in the approved master plan in the Master Plan for Land Use and Transportation, Employment Area L on pages 67 and 79, and Employment-Industrial SMA I-1 on pages 218, 226, 289 and 317, as noted above. As such, this application does not conform to the master plan location for residential uses, since the subject site is identified as an Employment Area.
- “• The owner has not provided (1) sufficient justification as to why this Employment Area should be allowed to convert to residential uses, (2) the availability of additional lands in the county for residential development at more suitable locations, or (3) what impact such a change would have on the county’s General Plan objective of improving the jobs to population ratio.

**“Issue of Land Use Compatibility**

“The existing floodplain area and steep slopes effectively act as a buffer between the subject site and the lands in the I-1 Zone which front US 301. The area between US 301 and the subject property could remain in the Light Industrial I-1 Zone. Due to the heavy industrial nature of the on-site asphalt plant, some portions of the subject property may not be suitable for some of the proposed uses.”

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

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

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

**(C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;**

The applicant has prepared a traffic impact analysis as well as additional information to demonstrate conformance with this section of the Ordinance.

**Applicant's Position:** The March 11, 2005, Traffic Impact Analysis study provided by the applicant concluded that: "(b)ased upon the results of this study, it can be seen that the intersection of US 301 & Dyson Road is currently operating with minor street delays in excess of the threshold of 50 seconds per vehicle (Level of Service 'F'). Based upon the County Guidelines, when minor street movement exceed 50 seconds of delay, a Traffic Signal Warrant Analysis is required.

"The requirements of the Basic Plan submittal also require an evaluation to determine if the proposed uses will generate traffic that would result in lower levels of service than the current zoning. It is understood that the property is currently zoned I-1 and totals approximately 167.84 acres. With a Floor-Area-Ratio of 0.2 the property could develop almost 1.5 Million Square Feet of Office/Flex space. The Basic Plan submittal involves a proposal to re-zone the property to CDZ 2.5-3.5. It should be noted that the existing zoning of I-1 could generate as much as 5 to 10 times more traffic than the proposed residential zoning depending on the mix of the 1.5 Million Square Feet of Office/Flex space.

"In light of the data and recommendations contained in this report, the Renard Lakes proposal will satisfy the transportation requirements established through the Prince George's County Guidelines for Traffic Impact Studies. Furthermore the proposed re-zoning will generate less traffic than the existing zoning, resulting in better levels of service than would be expected if the site develops under the current I-1 zoning."

**Staff Comment:** The Transportation Planning Section has reviewed the March 11, 2005, zoning map amendment application referenced above. The subject property consists of approximately 164.84 acres of land in the I-1 Zone. The property is located on the west side of US 301 and north of its intersection with Dyson Road. The applicant proposes to develop the property under the R-S (Residential Suburban) zone with 429 single-family dwelling units and townhouses. The purpose of the zoning map amendment is to rezone the subject property from the I-1 (light industrial) Zone to the R-S (residential suburban) Zone.

The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The basic plan lists 429 units; the submitted traffic study analyzed the impacts of 345 single-family dwelling units and 84 townhouse units. All access to the site is proposed along the north side of Dyson Road. The traffic study contains an analysis of the two Dyson Road intersections at US 301, where the northbound and southbound lanes of US 301 are divided by a wide median strip. These two intersections are currently unsignalized.

The traffic study did not contain a scoping agreement that specifies the intersections to be included, background development, and trip distribution percentages, or the number and percent of trips expected to and from nearby roadways. The study will have to be revised to include additional intersections. Staff recommends that the following additional intersections be included in a revised traffic study:

US 301 and MD 381 (Brandywine Road)  
 Brandywine Road and Dyson Road  
 MD 5 and Brandywine Road  
 US 301 and Frank Tippet Road

Based on the number of dwelling units included in the traffic study, more than 300 peak-hour trips are expected at the site entrance during the AM and PM peak hours. The additional intersections cited above need to be included in the traffic study.

The current zoning on the property is I-1; it is anticipated that the site would be developed as flex/office space, which is a combination of general office and warehouse space. It is not anticipated that the property would be developed solely as office space, but more likely a combination of light service industrial, heavy industrial, and/or warehousing. The table below shows development potential of various land uses on the site compared to the residential component being proposed.

| <b>Comparison of Estimated Trip Generation, A-9970 (Renard Lakes), 167.84 acres</b> |                             |                  |            |                  |             |
|---|-----------------------------|------------------|------------|------------------|-------------|
| Zoning or Use   | Units or Square Feet        | AM Pk. Hr. Trips |            | PM Pk. Hr. Trips |             |
|   |                             | In               | Out        | In               | Out         |
| <b>Proposed Zoning</b>  |                             |                  |            |                  |             |
| R-S (residential)   | 345 SF, 84 TWH              | <b>64</b>        | <b>254</b> | <b>246</b>       | <b>132</b>  |
| <b>Existing Zoning</b>  |                             |                  |            |                  |             |
| I-1 (industrial)  | 1,000,000 sq.ft. warehouse  | 320              | 80         | 80               | 320         |
| I-1 (industrial)  | 1,000,000 sq.ft. light ind. | 690              | 170        | 170              | 690         |
| I-1 (industrial)  | 1,000,000 sq.ft. ind.park   | 550              | 180        | 200              | 550         |
| <b>Difference (highest existing - proposed zoning)</b>                              |                             | <b>+626</b>      | <b>-84</b> | <b>-46</b>       | <b>+558</b> |

During the AM peak hour there are substantially more inbound trips (over 600 AM peak hour) and during the PM peak hour there are more outbound trips (over 500 PM peak hour) under the existing I-1 Zone compared to the proposed R-S Zone.

#### **Basic Plan Comments**

An access study should be conducted by the applicant and reviewed by SHA and DPW&T to determine the adequacy of any proposed access points and the need for acceleration/deceleration lanes and other improvements.

The Subregion V master plan (1993) lists Dyson Road as a four-lane collector roadway between A-63 (Brandywine Employment Spine Road) and Cherry Tree Crossing Road. It is currently two lanes in the vicinity of the site. Dedication of 40 feet from the master plan centerline of Dyson Road would be required at the preliminary plan stage.

## Transportation Staff Conclusions

1. The traffic study is not acceptable and needs to be revised to include additional intersections (US 301 and MD 381, Brandywine Road and Dyson Road, MD 5 and Brandywine Road, and US 301 and Frank Tippet Road) and trip distribution percentages.
2. The access and circulation plan is also not acceptable and should be revised. Issues such as the *U.S. 301 Access Control Study Final (March 1999)* need to be addressed. There are also DPW&T site access and roadway issues that need to be addressed.

The second finding, that the uses would not generate traffic which would lower the level of service anticipated by the land use and circulation systems on the master plan, appears to be met.

The access and circulation plan has been revised to the satisfaction of DPW&T and SHA. A revised traffic impact analysis study, which includes the additional information requested by staff, has been prepared and submitted. Staff is currently reviewing the additional information requested.

- (D) **Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;**

## Parks and Recreation and Trails

The following master plan trail facilities impact or are in the vicinity of the subject site:

- A proposed Class II Trail along Dyson Road
- A proposed trail within the adjacent PEPCO right-of-way
- A proposed trail along A-613

The trail along A-613 will be completed at the time of road construction. The side path along Dyson Road can be completed at the time of road frontage improvements. This trail will accommodate residents on the site walking along Dyson Road to the nearby Gwynn Park Middle School, Gwynn Park High School, and the adjacent Piscataway Creek Stream Valley Park.

No recommendations are made regarding the planned trail within the PEPCO right-of-way. Due to liability concerns, PEPCO does not want to encourage or promote trail use within the right-of-way.

The applicant reflects an internal pedestrian circulation system on the site. This network should be comprehensive, connect to all portions of the subject property, and provide access to internal recreational facilities. Trail access to the adjacent M-NCPPC parkland may also be appropriate. A detailed analysis of the trail and pedestrian facilities will be completed at the time of CDP and SDP.

## RECOMMENDATION:

A detailed analysis of trail and pedestrian facilities will be completed at the time of CDP and SDP.

### **Fire and Rescue**

“The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has service travel time of 3.78 minutes, which is within the 5.25-minute travel time guideline. The facility also provides ambulance paramedic service within response time standards. The above findings are in conformance with the *Approved Public Safety Master Plan* (1990) and *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.”

### **Public Schools**

“Students in the subject area are assigned to attend Brandywine Elementary, Gwynn Park Middle, and Gwynn Park High Schools. An adequate public facility schools test will be conducted at time of subdivision application”

### **Police Facilities**

“The proposed development is within the service area for Police District V-Clinton. The Planning Board’s current test for police adequacy is based on a standard complement of officers. As of January 2, 2005, the county had 1,302 sworn officers and 43 student officers in the academy for a total of 1,345 personnel, which is above the standard of 1,278 officers. This police facility will adequately serve the population generated by the proposed suburban density residential complex.”

### **Water and Sewer**

The 2001 water and sewer plan designates this property in Water and Sewer Category 5. An application, 05/P-07, is included in the August cycle of amendments requesting Category 4. Water lines abut the property and a sewer line traverses the property.

- (E) **Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.**

**Applicant’s Position:** The applicant proposes to create a community that helps to further the goals of the Countywide Green Infrastructure Plan and the General Plan by preserving and enhancing many of the natural features existing within the subject property. The internal road network has been designed to minimize impacts and reduce stream crossings. The proposed development will meet the requirements of environmental regulations such as Woodland Conservation Ordinance. A natural resources inventory has been conducted and filed with this application, which better identifies environmental features that may be affected by the proposed development and thus helps to plan for inclusion of those features

in the planning of the Renard Lakes community.

**Staff Comment:** The 167.84-acre property in the I-1 Zone is located northwest of the intersection of US 301 and Dyson Road is in the Developing Tier according to the adopted General Plan. There are streams, wetlands and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on-site. US 301 is a nearby existing source of traffic-generated noise. The proposed development is not a noise generator. Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” there are no rare, threatened or endangered species found to occur in the vicinity of this property. No designated scenic or historic roads are affected by this development. The property is located in the Piscataway Creek watershed in the Potomac River basin.

#### RECOMMENDATIONS:

1. An approved natural resources inventory (NRI) shall be required as part of any application for a comprehensive design plan (CDP).
2. As part of the NRI a soils study shall be submitted.
3. A Phase I noise study shall be required as part of any application for a CDP.

#### **Archeological Resources and Architectural Historic Assessment**

The applicant has submitted a Phase I archeological survey and architectural history assessment report with this rezoning application. The draft report concludes that no further archeological investigation is necessary. The Historic Preservation and Public Facilities Planning Section in a memorandum dated August 25, 2005, noted that:

1. The subject application will have no impact on the John Townshend Gravesite (Historic Resource 85A-005) and no impact on the other cemeteries known to be located on the adjacent M-NCPPC property.
2. Additional background information on the history of the subject property should be included in the final version of the Phase IA report.

#### RECOMMENDATIONS:

1. The applicant should consult with Historic Preservation staff and Robertson family descendants to include additional historical information in the Phase IA final report, to develop historically appropriate street names for the community, and to develop markers or signage describing the history of the area.

#### **Surrounding Development**

The issue of compatibility with the built environment and with the surrounding approved development in the area is also relevant to the eventual determination of the most



appropriate densities, housing types, locations, and zoning. The surrounding properties, which are in the I-1, R-O-S, R-R and C-M Zones, have a wide variety of densities and permitted land uses. The instant zoning map amendment application requests to rezone the subject property from the existing I-1 (light Industrial) Zone to Comprehensive Design Zone R-S Residential Suburban 2.7. The base density for the R-S Zone is 2.7 dwelling units per acre and the maximum density can be up to 3.5 dwelling units per acre. Comments from the Community Planning Division (memo dated October 11, 2005, point out that the appropriate density for the North Village of Brandywine is 1.6 to 2.6 dwellings per acre.

The Maryland-National Capital Park and Planning Commission Fire Arms Range is located in the Piscataway Creek Stream Valley Park. Even though the facility is located over 650 feet west of the common property line, buffered and screened by existing dense evergreen forested area, and is significantly lower in elevation, the M-NCPPC Department of Parks and Recreation has raised safety concerns regarding its proximity to the proposed development. The applicant is currently discussing various options with the users of the range.

- (2) Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.**

The applicant has provided a statement that the construction schedule will not be more than six years.

**G. Conformance with the Purposes of the Zone Requested:**

**Sec. 27-511. Purposes.**

**(a) The purposes of the R-S Zone are to:**

- (1) Establish (in the public interest) a plan implementation zone, in which (among other things):**

**A. Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**

The development of Renard Lakes at Smith Bond farm has been designed to provide significant public benefit features including over 46 acres (27 percent of the gross tract area) of quality open space. Active recreation facilities planned include a community center with clubhouse and outdoor pool, activity center, spa, tennis

courts, open play areas, and tot lots. The density proposed (2.7 dwellings per acre) is within the range permitted in the R-S Zone. However, based on comments from the Community Planning Division, staff believes the appropriate density ratio is 1.6 to 2.7. The extent to which proposed benefit features will allow additional density will be determined during the review of the comprehensive design plan.

**(A) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;**

According to the master plan, the subject property is located with the Gwynn Park neighborhood of the Brandywine Community in the North Village. The site is within an area designated on page 53, Map 7, as a “suburban living area.” Suburban living areas are defined as the primary locations for housing in the subregion. Additionally, the master plan calls for development of primarily single-family detached homes to achieve low-suburban and suburban densities of 1.6 to 3.5 dwelling units per acre, and states that townhouses may be included in Comprehensive Design Zone development areas.

**(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, and public urban renewal plans) can serve as the criteria for judging individual development proposals;**

Both the General Plan and the master plan can serve as the criteria for evaluating the instant application. The proposed development is not in accordance the General Plan’s goals and policies of the Developing Tier. The basic plan fulfills a number of the objectives of the master plan for living areas including the removal of incompatible uses (i.e., sand and gravel mining and an asphalt mixing plant) within living areas, preservation of natural and scenic assets as an integral part of residential areas to enhance the character, quality and livability of the subregion, and to provide a wide range of housing opportunities and neighborhood choices which meets the needs of different age groups, family sizes, lifestyles and incomes.

**(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**

Low-suburban to suburban density residential development is the dominant land use type throughout the subregion and immediately surrounding the site. The subject property, due to its topography and the adjacent roadway network, is isolated from the adjoining properties to the south (isolated commercial), east (light industrial) and north (publicly owned reserved open space). The contiguous properties along the western property line are all zoned residential and owned by M-NCPPC. The basic plan’s proposed density of 2.7-3.0 dwelling units per acre is slightly higher than what is recommended for this area.

**(4) Encourage amenities and public facilities to be provided in conjunction with residential development;**

On-site amenities including hiker-biker trails and an extensive pedestrian circulation system, passive open space public areas surrounding the rehabilitated lake features, and preservation of sensitive environmental features have been designed as integral components of the proposed residential development.

**(5) Encourage and stimulate balanced land development; and**

Development of the subject property at low-suburban to suburban densities could serve to provide a transition from the more intensely developed industrial properties along US 301 to the east and the commercial properties to the south along Dyson Road. The immediate area surrounding the site is more diverse than much of the North Village of the Brandywine Community that is dominated by residential land uses.

**(6) Improve the overall quality and variety of residential environments in the Regional District.**

The applicant has submitted an economic analysis of the positive impacts that the proposed development will have on the region, Prince George's County and the surrounding neighborhood. Of the 405 residential units proposed, 79 will be attached units and the remaining 345 will be single-family detached residences varying in size and price. Overall, the development could add to the variety and choices of housing types in the area and will improve the quality of choices within the county and the Regional District.

**CONCLUSION:**

This application is inconsistent with the 1993 approved Subregion V master plan, which identifies the subject site as part of Employment Area L. The subject rezoning will eliminate land reserved for planned compact employment areas in the Brandywine community. Staff therefore recommends DENIAL of this application.