

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

ZONING MAP AMENDMENT

A-10020

DECISION

Application:	I-3 to M-X-T
Applicant:	Ludlow King III
Opposition:	None
Hearing Date:	January 27, 2010
Hearing Examiner:	Joyce B. Nichols
Disposition:	Approval with Conditions

NATURE OF REQUEST

- (1) A-10020 is a request for the rezoning of approximately 46.2 acres of land located in the northwest quadrant of the intersection of Lottsford Road and Landover Road (MD 202), also identified as 9700 Ruby Lockhart Boulevard and 9800 Landover Road, Landover, Maryland, from the I-3 (Planned Industrial/Employment Park) to the M-X-T (Mixed Use-Transportation Oriented Zone) Zone.
- (2) The Technical Staff recommended approval, with conditions, and the Planning Board did not elect to hold a public hearing and in lieu thereof adopted the recommendation of the Technical Staff. (Exhibit's 14 & 40)
- (3) No one appeared in opposition to the Application. By letter dated 1/25/10 the Saint Joseph Catholic Church withdrew its request for a public hearing before the Maryland-National Capital Park and Planning Commission citing their belief that the Applicant would consider the Church's opinions during development. (Exhibit 32)
- (4) At the close of the evidentiary hearing the record as left open for the Applicant's submittal of proposed conditions, compliance with general purposes of the Zoning Ordinance, and the Planning Board's action letter, upon receipt of which the record was closed on May 26, 2010.

FINDINGS OF FACT

Subject Property

- (1) The subject property is approximately 46.2 acres in size, is undeveloped and is partially wooded with the remainder in old disused agricultural fields. The only existing structure is a dilapidated farm building (barn).

Neighborhood and Surrounding Uses

(2) The neighborhood is defined by the following boundaries:

- North - Ardmore-Ardwick Road
- East - Enterprise Road
- South - Landover Road
- West - Capital Beltway (I-495)

(3) The property is surrounded by the following uses:

- North --- Undeveloped land in the M-X-T Zone (Balk Hill Village)
- East ---- The Vistas at Regent Park Condominiums, a Planned Retirement Community, in the C-O (Commercial Office) Zone.
- South --- The Woodstream Church in the I-3 Zone
- West ---- Undeveloped land in the M-X-T Zone (Balk Hill Village), beyond which is the St. Joseph's Church in the R-R (Rural Residential) Zone and the Woodmore Town Center in the M-X-T Zone.

Master Plan and Sectional Map Amendment

(4) The subject property was retained in the 1990 Master Plan and Sectional Map Amendment for Largo-Lottsford, Planning Area 73, which classified the property in the I-3 Zone. The site is made up of four (4) parcels, none of which have been subdivided, and one (1) outlot. The subject Application comprises a portion of the following previous Applications:

- The District Council approved Zoning Map Amendment A-9604-C on April 15, 1988, rezoning approximately 111.12 acres of the larger Addison-King Property from the R-R Zone to the I-3 Zone. The subject property is a portion of that larger property.
- The District Council approved a Conceptual Site Plan for the Addison-King Property, CSP-96046 for approximately 109.46 acres on December 3, 1997.
- The Planning Board approved Preliminary Plan of Subdivision 4-97013 and Type I Tree Conservation Plan TCPI/05/97-01 for the Addison-King Property, which covered approximately 110± acres, on April 3, 1997. This Preliminary Plan created Lot 1, which contains the adjoining church, and Outlot A, which is part of this instant Application.

(5) The 2002 Prince George's County General Plan places the instant Application within 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 centers that are increasingly transit serviceable.

(6) The 1990 Largo-Lottsford Master Plan and Sectional Map Amendment retained the subject property in the I-3 Zone. Moreover, it placed the subject property in Employment Area 3. Employment Area 3 contains approximately 500 acres mostly located between MD 202 and Campus Way North. The area is readily accessible to the Capital Beltway (I-495) and is served by major mass transit. It recommends that office uses be a significant component of employment development in this area. The Master Plan also recommends a land use alternative for the majority of the subject property. This alternative encourages residential land use, which could be in addition to employment land use. Specifically, the Master Plan provides, “[i]ncorporation of a residential component could lead to a quality living and working environment as well as a more efficient use of land and the planned transportation system.” The Master Plan recommends that any residential alternative on the site be implemented through Comprehensive Design Zones or the M-X-T Zone.

Applicant’s Proposal

(7) The Applicant’s request is for the rezoning of the assembled properties from the I-3 Zone to the M-X-T Zone. The Applicant proposes to develop the property as a mixed-use residential/commercial development in two (2) phases. Phase I would include a planned residential retirement community, while Phase 2 would contain a mix of retail and office space. Access to the site is proposed via Ruby Lockhart Boulevard with no access from Landover Road (MD 202) or Lottsford Road.

The Conceptual Plan submitted by the Applicant proposes a retirement community of 150 single-family attached and 72 multifamily dwelling units on the north side of Ruby Lockhart Boulevard. The section of the site south of Ruby Lockhart Boulevard is proposed for two (2) three-story and one (1) five-story office/retail buildings with a combined square footage of 404,000 square feet. At present, a 50/50 mix of retail/office is contemplated. Access is envisioned from Ruby Lockhart Boulevard.

APPLICABLE LAW

(1) The Applicant’s request for approval of the M-X-T Zone must be found to satisfy the provisions of §27-213 of the Zoning Ordinance. This Section provides, in pertinent part, as follows:

(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).

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

(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.

(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.

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

* * * * *

(c) **Conditional approval.**

(1) When it approves a Zoning Map Amendment, the District Council may impose reasonable requirements and safeguards (in the form of conditions) which it finds are necessary to either:

(A) Protect surrounding properties from adverse effects which might accrue from the Zoning Map Amendment; or

(B) Further enhance the coordinated, harmonious, and systematic development of the Regional District.

(2) In no case shall the conditions waive or lessen the requirements of, or prohibit uses allowed in, the approved zone.

(3) All building plans shall list the conditions and shall show how the proposed development complies with them.

(4) Conditions imposed by the District Council shall become a permanent part of the Zoning Map Amendment, and shall be binding for as long as the Mixed Use Zone remains in effect on the property (unless amended by the Council).

(5) If conditions are imposed, the applicant shall have ninety (90) days from the date of approval to accept or reject the rezoning as conditionally approved. He shall advise (in writing) the Council accordingly. If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance and approving the Map Amendment, at which time the Council's action shall be final. Failure to advise the Council shall be considered a rejection of the conditions. Rejection shall void the Map Amendment and revert the property to its prior zoning classification. The Council shall enter an order acknowledging the rejection, voiding its previous decision, and reverting the property to its prior zoning classification, at which time the Council's action shall be final.

(6) All Zoning Map Amendments which are approved subject to conditions shall be shown on the Zoning Map with the letter "C" after the application number.

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(2) The instant Application must also be found to further the Purposes of the M-X-T Zone, §27-542(a), and the general Purposes, §27-102, of the Zoning Ordinance. Section 27-542(a) provides as

follows:

(a) The Purposes of the M-X-T Zone are:

(1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, 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;

(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;

(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;

(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;

(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;

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

(7) To create dynamic, functional relationships among individual uses within a 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;

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

(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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

(1) The instant Application is in conformance with Criterion 1 for the M-X-T Zone as the entire tract is located at the intersection of Landover Road (MD 202) and Lottsford Road, both of which are classified as arterial (Lottsford Road) or higher (Landover Road-classified as an expressway). §27-213(a)(1)(A)(i)

(2) The subject property is located approximately one (1) mile from the Largo Town Center Metro Station (WMATA Blue Line), however it cannot be found to be located “within the vicinity” of the transit station as it is located more than one-third of a mile away, as has been determined to be the appropriate distance criterion. §27-213(a)(1)(A)(ii)

(3) Although the Applicant is not required to meet both Criteria, Criterion 2 is also met. The subject property was retained in the I-3 Zone as part of the 1990 Sectional Map Amendment for Largo-Lottsford and is located in Employment Area 3. The 1990 Largo-Lottsford Master Plan

acknowledged development alternatives for Employment Area 3. (See MP, page 88.) These alternatives include incorporation of a residential component to promote a more efficient use of the area's transportation system. As the Master Plan states, "[i]ncorporation of a residential component could lead to a quality living and working environment as well as a more efficient use of land and the planned transportation system." Accordingly, the Master Plan recommended that any residential alternative be implemented through the M-X-T Zone. Thus, the Master Plan recommends the mix of uses now being proposed by the Applicant (i.e., a mixed-use office/employment and commercial/retail development with a residential component for a planned retirement community). Hence, the proposed development, while providing a stimulus for the employment and commercial/retail markets, also achieves the Master Plan's goal to carefully incorporate a residential component into the overall development pattern of the subject property. §27-213(a)(1)(B)

(4) The proposed location of the instant Application will not substantially impair the integrity of the General Plan or the Master Plan and is in keeping with the Purposes of the M-X-T Zone. This Application is located within 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 centers that are increasingly transit serviceable. The 1990 Master Plan and Sectional Map Amendment for Largo-Lottsford, Planning Area 73 (pp 85–90) included the proposed development site in Employment Area 3, one of four employment areas proposed in the Master Plan. The Plan recommended that Employment Area 3 contain primarily employment-generating commercial uses that could be served by enhanced public transportation service along the PT-1 transit alignment. The Plan also suggested a development alternative where a residential component could be developed along Campus Way North and designed to help promote more efficient use of the proposed transportation system (p 88). To further promote efficient use of the transportation system, the Plan (p 45) recommended the use of transportation systems management (TSM) measures to help reduce single-occupancy vehicle trips and promote public transit use.

Since the 1990 approval of the Largo-Lottsford Master Plan, development on and near the subject property has not resulted in the creation of a major employment center. The Largo Town Center Metro station opened in 2000, but the Washington Metropolitan Area Transit Authority (WMATA) has no plans to extend the Blue Line beyond Largo Town Center.

Major commercial/retail and residential development has taken place west of Largo Road in Employment Area 1, which is part of the area included in the 2004 Sector Plan and Sectional Map Amendment for the Morgan Boulevard and Largo Town Center Metro Areas. New development has also been approved for the Woodmore Towne Centre at Glenarden site just north of the subject property. In addition, the recently approved Landover Gateway Sector Plan recommends mixed-use residential and commercial/retail development at the Landover Mall site (northwest quadrant of the Capital Beltway/Landover Road interchange).

The concept of transit-oriented development had not been fully defined in 1990, the year that the Largo-Lottsford Master Plan was approved. Nevertheless, the Master Plan's recommendations for new development that would promote more efficient use of the area's multimodal transportation

system remain relevant to the instant Application. These recommendations will be even more important as major roads adjacent to the proposed development site are impacted by ongoing and future development in the Largo-Lottsford Master Plan area.

New development on the subject property should be configured as mixed-use in order to create a walkable, attractive new community and help mitigate the traffic congestion that might otherwise occur. In addition, Ruby Lockhart Boulevard will, when completed, connect this site to Woodmore Towne Centre. Therefore, new development on the subject property should complement the mixed-use development that has been approved for the Woodmore Towne Centre site. With these concerns addressed through the site plan approval process, this request will not impair the integrity of either the 2002 General Plan or the 1990 Master Plan. §27-213(a)(2)

(5) The instant Application is in conformance with the Purposes of the M-X-T Zone, §27-542(a) of the Zoning Ordinance as follows:

- (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 location of the subject Application is in keeping with this Purpose of the M-X-T Zone as (1) the land in question is located in the vicinity of a major intersection; and (2) the development proposed will provide space for both desirable employment and living opportunities, as well as a commercial component which will reinforce and enhance the other two components.

- (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 location of the subject Application is in keeping with this Purpose of the M-X-T Zone because it will allow for the creation of a mix of residential, commercial and employment uses in a compact, moderately-dense configuration, within short walking distance of bus transit facilities, and within easy distance of rail transit at Largo Town Center.

- (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;***

The location of the subject Application is in keeping with this Purpose of the M-X-T Zone because the site, situated in close proximity to higher-classification roadways, the Capitol Beltway, other complementary intensive development such as the (older) Inglewood office park and the (newer) Woodmore Town Center at Glenarden, and even to a reasonably-nearby Metrorail station, allows for the development of both a significant quantity of office space, an appropriate commercial component and a moderately-dense residential component.

- (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 Application is in keeping with this Purpose because the site, in keeping with Criterion 1 of §27-213(a)(1), is necessarily located in close proximity to transit facilities, and because it must also conform to the requirement of 27-547(d) to provide a mix of residential and non-residential uses.

- (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;***

The location of the subject Application is in keeping with this Purpose because the site, in conforming to the requirement of §27-547(d) to provide a mix of residential and non-residential uses, will contain both employment uses which will be active during the day, and commercial and residential uses which will be active in the evenings as well. In addition, the subject property's close proximity to commercial uses in the Woodmore Town Center and across MD 202 in the Inglewood Restaurant Park will foster the vibrant activity which was contemplated by the creation of the M-X-T Zone.

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

The density afforded by the M-X-T Zone's regulations will allow the location of the subject Application to be in keeping with the Purposes of the Zone by allowing for street-level commercial uses which complement the upper-level office uses, and by simultaneously allowing for an appropriately separated residential component which will be in sufficient proximity to afford the benefits of walkability to the whole, as well as visual relief and a lighter environmental footprint.

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

The location of the subject Application is in keeping with this Purpose of the M-X-T Zone because it will be able to take advantage of the Zone's unsurpassed flexibility in allowing differing uses to be appropriately co-located to reinforce one another while at the same time allowing for reasonable site planning responses to conditions such as: allowing the more-tolerant commercial and employment uses to bear the brunt of the greater noise and visual impacts from the abutting major roadways, at the same time as allowing the residential component to serve as an appropriate transition by conforming more closely to the scale and character of the surrounding residential development.

- (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;

The flexibility of land use and site planning regulations, as well as the permitted development density afforded by the M-X-T Zone allow the location of the subject site to be in keeping with this Purpose of the M-X-T Zone.

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

The location of the subject Application is in keeping with this Purpose because achieving the multiplicity of land use types required by the Zone's regulations more easily accommodates the cyclical variations in market demand for those different land use types.

(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.*

The location of the subject Application will be in keeping with this Purpose because the flexible land planning standards of the Zone allow for a flexible response to the numerous planning considerations which impact the site, specifically including: (1) presentation of an attractive aspect to the peripheral high-classification roadways, while simultaneously minimizing the effects of the adverse impacts from those roadways, including noise; and (2) providing an appropriate transition to the surrounding residential development which addresses density, scale and character. §27-213(a)(2)

(6) The following background and traffic analysis was provided by the Transportation Planning Section, Maryland-National Park and Planning Commission:

Growth Policy – Service Level Standards

The subject property is located within the Development Tier, as defined in the 2002 General Plan. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

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

Staff Analysis of Traffic Impacts

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

- MD 202 and Saint Joseph's Drive (signalized)
- MD 202 and Lottsford Road (signalized)
- Lottsford Road and Ruby Lockhart Boulevard/Palmetto Drive (unsignalized)
- Lottsford Road and Campus Way North (signalized)
- Saint Joseph's Drive and Ruby Lockhart Boulevard (future/signalized)
- Ruby Lockhart Boulevard and commercial site access (future/unsignalized)
- Ruby Lockhart Boulevard and residential site access (future/unsignalized)

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in April 2009 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 and Saint Josephs Drive	1,170	1,156	C	C
MD 202 and Lottsford Road	1,151	1,112	C	B
Lottsford Road and Ruby Lockhart/Palmetto	109.8*	41.0*	--	--
Lottsford Road and Campus Way North	838	651	A	A
Saint Josephs Drive and Ruby Lockhart	Future			
Ruby Lockhart Boulevard and commercial	Future			
Ruby Lockhart Boulevard and residential 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.				

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 twelve approved developments in the area and 2.0 percent annual growth rate in through traffic along all routes. Improvements to be done by the Woodmore Town Center development are bonded and are underway.

The critical intersections, when analyzed with background traffic and existing lane configurations, operate as follow:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 and Saint Josephs Drive	1,900	1,868	F	F
MD 202 and Lottsford Road	1,785	1,821	F	F
Lottsford Road and Ruby Lockhart/Palmetto	+999*	230.3*	--	--
Lottsford Road and Campus Way North	1,540	1,757	E	F
Saint Josephs Drive and Ruby Lockhart	Future			
Ruby Lockhart Boulevard and commercial access	Future			
Ruby Lockhart Boulevard and residential 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 Application has been analyzed in phases, with the residential component being Phase I and the commercial component being Phase II. The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements, with improvements being constructed by Woodmore Town Center, and Phase I future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follow:

TOTAL PHASE I TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 and Saint Josephs Drive	1,901	1,871	F	F
MD 202 and Lottsford Road	1,785	1,823	F	F
Lottsford Road and Ruby Lockhart/Palmetto	+999*	230.3*	--	--
Lottsford Road and Campus Way North	1,541	1,759	E	F
Saint Josephs Drive and Ruby Lockhart	1,355	1,398	D	D
Ruby Lockhart Boulevard and commercial access	Future			
Ruby Lockhart Boulevard and residential access	10.2*	11.7*	--	--
*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 the programmed improvements and Phase II future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follow:

TOTAL PHASE II TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 202 and Saint Josephs Drive	1,947	1,901	F	F
MD 202 and Lottsford Road	1,872	1,883	F	F
Lottsford Road and Ruby Lockhart/Palmetto	+999*	+999*	--	--
Lottsford Road and Campus Way North	1,584	1,847	E	F
Saint Josephs Drive and Ruby Lockhart	1,367	1,441	D	D
Ruby Lockhart Boulevard and commercial access	12.2*	78.9*	--	--
Ruby Lockhart Boulevard and residential access	14.6*	36.6*	--	--
*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.				

It is found that one of the critical intersections operates acceptably under existing, background, and total traffic in both peak hours, while the remaining two intersections operate unacceptably in both peak hours under total traffic. The recommendations are summarized below:

- MD 202 and Saint Josephs Drive—The intersection of MD 202 and Saint Josephs Drive operates below the appropriate standard under total traffic in both peak hours under Phase I and II. In view of the minimal impact of Phase I at this location, the traffic study recommends no improvements at this location. However, Phase I development would include full connection of Ruby Lockhart Boulevard between Saint Josephs Drive and Lottsford Road, and this connection would have a positive impact on traffic at this location. Under Phase II, the traffic study recommends an additional southbound left-turn lane along MD 202. Under total traffic with these improvements in place, it is determined that the MD 202/Saint Josephs Drive intersection would operate at LOS F with a CLV of 1,606 in the AM peak hour and LOS F with a CLV of 1,767 in the PM peak hour.

It is noted that even under total traffic, the operations are below the appropriate standard for the Developing Tier. Two facts are noted. The Woodmore Town Center, reviewed by the District Council as CSP-03006, was approved despite findings which noted that the level-of-service at this intersection was well below the LOS F threshold, and given that circumstance, it is not equitable to expect future applicants to fully resolve all adequacy issues. Also, it is noted that the District Council is given responsibility to find adequacy, but Section 27-213 of the Zoning Ordinance

provides no standard for making the determination. The lack of the standard provides a degree of leeway; if a given level of traffic operations was deemed adequate for a prior M-X-T application, a new site should be able to demonstrate adequacy by maintaining the same level of traffic operations. In this case, the connection of Ruby Lockhart Boulevard plus improvements proposed would provide a significant improvement in the CLV over the background situation.

- MD 202 and Lottsford Road—The intersection of MD 202 and Lottsford Road operates below the appropriate standard under total traffic in both peak hours under Phase I and II. In view of the minimal impact of Phase I at this location, the traffic study recommends no improvements at this location. However, Phase I development would include full connection of Ruby Lockhart Boulevard between Saint Josephs Drive and Lottsford Road, and this connection would have a positive impact on traffic at this location. Under Phase II, the traffic study recommends the following: (A) conversion of the existing eastbound right-turn lane to a shared through/right-turn lane; (B) conversion of the westbound shared through/left-turn lane to left-turn only (maintaining two through lanes and two left-turn lanes); (C) changing the existing split signal phasing to concurrent phasing on the Lottsford Road approaches; and (D) modifying the median and signals accordingly. Under total traffic with these improvements in place, it is determined that the MD 202/Lottsford Road intersection would operate at LOS F with a CLV of 1,607 in the AM peak hour and LOS F with a CLV of 1,614 in the PM peak hour.
- Lottsford Road and Ruby Lockhart/Palmetto—The intersection of Lottsford Road and Ruby Lockhart/Palmetto operates unacceptably as an unsignalized intersection under total traffic in both peak hours. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. As a result, it is recommended that a signal warrant study be completed at this location prior to the time of detailed site plan. With the installation of a signal and modification of the northbound leg to provide a two-lane approach, the intersection would operate at LOS D in both peak hours.
- Lottsford Road and Campus Way North—The intersection of Lottsford Road and Campus Way North operates below the appropriate standard under total traffic in both peak hours under Phase I and II. In view of the minimal impact of Phase I at this location, the traffic study recommends no improvements at this location. Phase I development would include full connection of Ruby Lockhart Boulevard between Saint Josephs Drive and Lottsford Road, and this connection would have a positive impact on traffic at this location. Under Phase II, the traffic study recommends the provision of a second left-turn lane on the southbound approach. Under total traffic with these improvements in place, it is determined that the Lottsford Road/Campus Way North intersection would operate at LOS E with a CLV of 1,480 in the AM peak hour and LOS E with a CLV of 1,501 in the PM peak hour.

- Ruby Lockhart Boulevard at commercial site access—The intersection of Ruby Lockhart Boulevard at the commercial site access operates unacceptably as an unsignalized intersection under total traffic in the PM peak hour. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal if it is deemed warranted by the appropriate operating agency. The warrant study is, in itself, a more detailed study of the adequacy of the existing unsignalized intersection. As a result, it is recommended that a signal warrant study be completed at this location prior to the time of any detailed site plan within Phase II. With the installation of a signal, the intersection would operate at LOS C or better in both peak hours.¹ (Exhibit 14)

(7) With the imposition of the transportation conditions, transportation facilities will be adequate to carry the anticipated traffic for the proposed development. §27-213(a)(3)(A)

(8) The Application is also in conformance with the general Purposes of the Zoning Ordinance, §27-102(a), as follows:

- (1) ***To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;***

The approval of the M-X-T Zone will allow for a complementary mix of land uses to be planned and constructed at the subject site, yielding benefits of efficiency to the surrounding transportation network, promoting pedestrian activity, providing the benefits and convenience of commercial activity in proximity to sufficiently densely-developed residences and employment areas. The review process inherent in the M-X-T Zone's regulations also provides for a higher level of both planning flexibility and public oversight to promote and protect the public health, safety and welfare. Approval of the subject Zoning Map Amendment is therefore in harmony with the Zoning Ordinance's Purpose of protecting and promoting the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County.

- (2) ***To implement the General Plan, Area Master Plans, and Functional Master Plans;***

This Purpose is largely replicated by the criteria for approval of the M-X-T Zone found in §27-213(a)(2) as has been discussed infra.

¹The Applicant's Amended Statement of Justification, Exhibit 136, increases the proposed number of residential units from 180 to 222 dwelling units. As provided in the Applicant's response to the Transportation Staff and State Highway Administration (Exhibits 34 & 35), this proposed increase does not affect or alter the findings of either Transportation Staff or State High Administration.

- (3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;*

As with the Purpose of implementing the General and Master Plans, this Purpose is largely replicated by the criteria for approval of the M-X-T Zone found in §27-213(a)(3)(A) addressing transportation facilities; the harmony of the request for approval of the M-X-T Zone with this Purpose of the Zoning Ordinance was discussed at length in the testimony of the transportation planning expert, Ms. Nancy Randall. School facilities will not be impacted by the proposed development, as the residential component of the proposal contains only senior housing. Fire and rescue facilities are nearby at the intersection of Largo Road and Campus Way, and a new fire station is being constructed even closer, on Lemontree Drive to the north of the subject site. As such, approval of the M-X-T Zone at this site will be in harmony with this Purpose.

- (4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;*

As noted in the discussion of the Purpose of protecting and promoting the public health and safety, above, the multi-stage public review process inherent in the M-X-T Zone's regulations affords a higher level of guidance for the development at the site (and therefore for its contribution to the growth and development of the County as a whole). Additionally, the necessarily-limited location of the higher densities permitted by the M-X-T Zone only to appropriate locations governed by the availability of transportation facilities further promotes the orderly growth and development of the County. As such, the approval of the M-X-T Zone at this site is in particularly close harmony with this Purpose of the Ordinance.

- (5) *To provide adequate light, air, and privacy;*

As with other zones, the approval of the M-X-T Zone at this location will ensure the provision of adequate light, air and privacy, both for the occupants of the subject property and for its neighbors, because it requires conformance with the Landscape Manual to insure the provision of sufficient distance and buffering between proposed uses and neighboring uses, and conformance with height limitations in order to allow for access to light and air.

The additional standards and design guidelines for the approval of Conceptual Site Plans and Detailed Site Plans which are required by the regulations for the M-X-T Zone afford further opportunities to ensure the provision of adequate light, air and privacy. As such, approval of the M-X-T Zone at this site will be in harmony with this Purpose.

- (6) *To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;*

As with other zones, the approval of the M-X-T Zone at this location will promote the most beneficial relationships between land and buildings, because it requires conformance with the Table of Permitted Uses and because it requires conformance with the provisions of the Landscape Manual

which provide for the screening of service functions and the buffering of incompatible adjoining uses.

Furthermore, the standards and design guidelines enumerated in the Zoning Ordinance to direct the approval of Conceptual Site Plans and Detailed Site Plans which are required by the regulations for the M-X-T Zone afford additional opportunities to promote the planning practices suggested by this Purpose. As such, approval of the M-X-T Zone at this site will be in harmony with this Purpose.

(7) *To protect the County from fire, flood, panic, and other dangers;*

The approval of the M-X-T Zone on the subject property will be in harmony with this Purpose because it will require the site to be developed in conformance with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the floodplain regulations, Stormwater Management regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

(8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;*

The approval of the M-X-T Zone at this location will be in harmony with this Purpose because it will enable the development of approximately 150 units of housing for senior citizens, a housing segment which is underserved in the County. The housing will further be located in close proximity to transportation facilities and to supporting commercial services, and as with other Purposes, the standards and design guidelines enumerated in the Zoning Ordinance to direct the approval of Conceptual Site Plans and Detailed Site Plans which are required by the regulations for the M-X-T Zone afford additional opportunities to promote the healthy living environment addressed by this Purpose.

(9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;*

The approval of the M-X-T Zone at this site will be in harmony with this Purpose because it will allow for intensive development (including a significant amount of employment space) which would augment the tax base of the County directly and provide for a significant amount of employment beginning with its development and construction, and extending to its final completed uses.

(10) *To prevent the overcrowding of land;*

The approval of the M-X-T Zone at this location will be in harmony with this Purpose because it will require the site to be developed in conformance with the various principles that have been codified in the Ordinance to ensure the prevention of overcrowding, including the provisions of

the Table of Permitted Uses that provides for the compatibility of uses, height limits, and setbacks.

- (11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;***

The approval of the M-X-T Zone at this site will be in harmony with this Purpose because of several factors. First, as noted above, the criterion of §27-213(a)(3)(A) ensures the adequacy of local public transportation facilities as a prerequisite to the approval of the Zone. Second, one of the principal criteria which the Zoning Ordinance requires for approval of the M-X-T Zone is specifically to ensure that transportation facilities that are either existing, or are to be provided for so as to be adequate to carry anticipated traffic for the proposed development. And third, the approval of the M-X-T Zone at this location will require the site to be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements for the provision of adequate off-street parking, and the separation of entrances from nearby intersections.

- (12) To insure the social and economic stability of all parts of the County;***

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this Purpose. Additionally, the approval of the M-X-T Zone at this site will promote the economic and social stability of the County by allowing for appropriately-sited intensive development to contribute to the tax base, and by providing sites for useful and convenient residences, employment and commercial services to the surrounding community.

- (13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;***

The approval of the M-X-T Zone at this site will have minimal impact to the natural features in the County: It will not itself generate noise pollution, and the uses will be in compliance with the County's Woodland Conservation policies by virtue of the required Tree Conservation Plan. No steep slopes, stream valleys or scenic vistas will be affected. By conformance to these principles and regulations, the approval of the M-X-T Zone will be in harmony with this Purpose.

The final two Purposes,

- (14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and***

- (15) To protect and conserve the agricultural industry and natural resources.***

are not directly applicable to the approval of the M-X-T Zone at this site, except to the extent that the concentration of residences, employment and commercial activity at a site located at a nexus of the County's established transportation network will minimize the pressure to develop the open lands where agriculture and the extraction of natural resources are practiced. §270-102(a)

RECOMMENDATION

APPROVAL of A-10020, subject to the following Conditions:

1. The following recommendations should be observed during the preparation and review of the Conceptual Site Plan (CSP):
 - a. The site plan shall provide adequate open space at the perimeter, as determined by the Urban Design Section, to serve as a buffer between the project and adjacent lower-density residential development and the church.
 - b. Wherever possible, living areas shall be linked to community facilities, transportation facilities, employment areas, and other living areas by a continuous system of pedestrian walkways and bike trails utilizing the open space network.
 - c. Buffering in the form of landscaping, open space, berming, attractive fencing, and/or other creative site planning techniques should be utilized to protect existing residential areas, particularly those interfaces with the multifamily buildings in Phase 1 and that adjoining the church in Phase 2.
2. All future submissions for development activities on the subject property shall contain the following:
 - a. A signed Natural Resources Inventory (NRI).
 - b. A Tree Conservation Plan that covers the entirety of the subject property.
3. At the time of CSP, the Applicant and staff of the Department of Parks and Recreation shall develop a mutually acceptable package of parkland, outdoor recreational facilities, fees, or donations to meet the future needs of the residents of the planned retirement community.
4. The Conceptual Site Plan shall show right-of-way along I-308 (Ruby Lockhart Boulevard) and I-310 (the ramp/roadway linking Ruby Lockhart Boulevard and MD 202) consistent with Master Plan recommendations. This right-of-way shall be shown for dedication at the time of Preliminary Plan of Subdivision.
5. Total development as proposed will generate 514 AM and 965 PM peak-hour vehicle trips, which has been found to be adequate at this time with the following Applicant provided improvements:

- a. MD 202 at Saint Joseph Drive – Provide a third southbound left-turn lane along the southbound MD 202 approach.
 - b. MD 202 at Lottsford Road – (i) Convert the existing eastbound right-turn lane to a shared through/right-turn lane; (ii) Convert the westbound shared through/left turn lane to left-turn only (maintaining two (2) through lanes and two (2) left-turn lanes; (iii) Change the existing split-signal phasing to concurrent phasing on the Lottsford Road approaches; and (iv) Modify the median and signals accordingly, as required by the operating agency.
 - c. Lottsford Road at Campus Way North -- Provide a second southbound left-turn-lane along Campus Way.
6. All required transportation facility improvements shall be determined at the time of subdivision approval.
7. Prior to the issuance of any commercial building permits within the subject property under Phase II, all required road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.
8. Prior to the approval of the initial Detailed Site Plan, the Applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Lottsford Road and Ruby Lockhart Boulevard/Palmetto Drive. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the improvements with DPW&T prior to the release of any building permits within the subject property, and complete installation at a time when directed by DPW&T. Such installation shall also include the restriping and/or minor widening of the northbound Palmetto Drive approach to provide two approach lanes to the intersection.
9. Prior to the approval of the initial commercial Detailed Site Plan under Phase II, the Applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Ruby Lockhart Drive and the commercial access. The Applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T, and examine alternatives to signalization for reducing delays from the minor street approaches. If signalization or other traffic control improvements are deemed warranted at that time, the Applicant shall bond the improvements with DPW&T prior to the

release of any commercial building permits under Phase II, and complete installation at a time when directed by DPW&T.

10. There shall be no direct driveway access between the subject property and Landover Road (MD 202).
11. Total development within the subject property shall be limited to uses which generate no more than 514 AM and 963 PM peak-hour vehicle trips. Any development generating a greater impact shall require an amendment of conditions with a new determination of the adequacy of transportation facilities.
12. The Applicant shall provide eight-foot wide sidewalks and designated bike lanes along both sides of the subject site's portion of Ruby Lockhart Boulevard (consistent with approvals for the Woodmore Town Center), unless modified by DPW&T.