

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

ZONING MAP AMENDMENT

DECISION

A-9998

Application:	R-R & C-O to M-X-T
Applicant:	JLB Partners Limited Partnership (The Landing at Camp Springs)
Opposition:	None
Hearing Date:	October 22, 2008
Hearing Examiner:	Joyce B. Nichols
Disposition:	Approval with Conditions

NATURE OF REQUEST

- (1) A-9998 is a request for the rezoning of approximately 13.052 acres of land located in the northeast quadrant of the intersection of MD 5 (Branch Avenue) and MD 337(Allentown Road), Camp Springs, from the R-R (Rural Residential) and C-O (Commercial Office) to the M-X-T (Mixed Use-Transportation Oriented) Zone.¹
- (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. (Exhibits 18 and 14)
- (3) No one appeared in opposition to the Application. The Branch Avenue Metro Focus Group proffered its support of the Application, contingent on the adoption of certain conditions. (Exhibits 21 and 36)
- (4) At the close of the evidentiary hearing the record as left open to allow the inclusion into the record of revised Site and Elevation plans, revised Statement of Justification, Disclosure and Application, revised Traffic Conditions and opinions from Mr. Tom Masog, Planner Coordinator, Transportation Planning Section, Countywide Planning Division, Maryland-National Capital Park and Planning Commission. Upon receipt of these documents the record was closed on December 18, 2008.

¹11.841 acres are zoned R-R and 1.211 acres are zoned C-O.

FINDINGS OF FACT

Subject Property

(1) The subject property is approximately 13.052 acres in size and is largely undeveloped and wooded. Three small commercial uses operate in converted single-family detached structures located along the subject property's frontage on Allentown Road. A small stream is located in the northeast corner of the subject site.

Neighborhood and Surrounding Uses

(2) The subject property is located within the Camp Springs Towne Center and is surrounded on the north and east by single-family detached dwellings in the R-R Zone along Robin Lane and Perrie Lane, on the south across Allentown Road by the former Allentown Mall currently occupied by consolidated storage, Dunkin Donuts and a restaurant/liquor store in the C-S-C (Commercial Shopping Center) Zone, and on the west by Branch Avenue, having strip commercial uses in the C-S-C Zone.

Master Plan and Section Map Amendment

(3) The subject property is located in the Branch Avenue/Allentown Road Corridor Node within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium – to high – density neighborhoods. Stated goals include: strengthen existing neighborhoods, encourage appropriate infill, encourage more intense high-quality housing and economic development in centers and corridors, capitalize on investments and transportation and other infrastructure, maintain and renovate existing public infrastructure, promote transit supporting mixed-use pedestrian-oriented neighborhoods and renew and redevelop commercial strip shopping centers. 2002 General Plan

(4) The 2006 Henson Creek-South Potomac Master Plan recommends medium-density, mixed-use for the subject property as part of the Camp Springs Town Center Area. The Master Plan recommends that higher density housing be located along the Branch Avenue frontage with lower densities along the boundaries of existing neighborhoods.

(5) The subject property is a compilation of five (5) separate deed parcels and has never been subdivided.

(6) The 2006 Henson Creek-South Potomac Sectional Map Amendment retained the subject property in the R-R and C-O Zones.

Applicant's Proposal

(7) The Applicant proposes to develop the assemblage of parcels as a mixed use residential/commercial development consisting of up to 370 multifamily dwelling units and up to 52,000 square feet of commercial retail and office space. Access to the subject property is proposed via Allentown Road and Perrie Lane, a substandard private road which runs along the rear of the lots along Robin Lane and provides access to numerous parcels located to the rear of the subject property.

(8) The Applicant's Illustrative Plan, Exhibit 53, proposes a central access street perpendicular to Allentown Road, passing between two (2) commercial buildings and terminating in the main entry courtyard of the residential development.

APPLICABLE LAW

(1) The Applicants' 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.

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(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.

* * * * *

(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.

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 Branch Avenue (MD 5) and Allentown Road (MD 337), both of which are classified as arterial (Allentown Road) or higher (Branch Avenue-classified as a freeway). §27-213(a)(1)(A)(i)

(2) Although the subject property is located 2.2 miles from the Branch Avenue Metrorail Station, it cannot be found to be located "within the vicinity" of the transit station. §27-213(a)(1)(A)(ii)

(3) The 2006 Henson Creek-South Potomac Master Plan and Sectional Map Amendment places the subject property within the Camp Springs Towne Center. M.P. pg. 39. This area is recommended for mixed-use transit and pedestrian oriented development in accordance with the articulated policies of the Developed Tier. M.P. pgs. 35-45. Of particular import are Policies 3 and 6.

Policy 3 states “Renew or replace declining small retail and commercial areas with more economically viable land uses.” Policy 3 strategies recommend a mix of commercial or residential uses to replace or supplement underutilized business areas similar to the three (3) small commercial uses located within single family structures on the subject property. M.P. p. 38. Policy 6 states “Encourage medium-density, mixed-use, transit- and pedestrian-oriented development at the Branch Avenue/Allentown Road General Plan Corridor Node.” Policy 6 strategies recommend an urban design that promotes small-scale, pedestrian-oriented, mixed-use redevelopment consistent with the best practices. Mp. pg. 30. §27-213(a)(1)(b)

(4) The instant proposal for the subject property is consistent with the 2002 General Plan designation of the Branch Avenue/Allentown Road Corridor in the Developed Tier with the recommendation for mixed residential and non-residential uses at moderate and high densities with a strong emphasis on transit-oriented development. The instant proposal is also in compliance with the 2006 Henson Creek-South Potomac Master Plan which includes the subject property within the Camp Springs Towne Center with the recommendation for medium-density mixed use development consistent with Policies 3 and 6 of the Developed Tier. Thus the approval of the M-X-T Zone for the subject property will not impair the integrity of either the 2002 General Plan or the 2006 Master Plan. §27-213(a)(2)

(5) The instant Application is in conformance with the purposes of the M-X-T Zone, §27-542, 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;***

Approving the M-X-T Zone for the subject property will provide for the orderly development of 11.8 undeveloped acres, and redevelopment of 1.4 acres of underutilized commercial/institutional development at a key location, in the northeast quadrant of the Branch Avenue/Allentown Road interchange. This location is part of the 2002 General Plan designated Corridor “node” and the Camp Springs Town Center Area, envisioned by the 2006 Henson Creek-South Potomac Master Plan and Sectional Map Amendment.

The mixed use development program proffered by the Applicant, consisting of up to 370 luxury dwelling units and up to 52,000 square feet of commercial retail and office floor space, is intended to 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;***

The Applicant's development program for this 13± acre site is a compact mixed use of up to 370 residences and 52,000 square feet of commercial retail and office space. The development has been designed to be walkable, as it incorporates a network of pedestrian walkways, including broad café sidewalks along storefronts of proposed eating establishments, connected to landscaped open spaces, a courtyard and recreational space and the adjacent neighborhoods and Allentown Road. The Applicant has proffered to provide a meeting room for use by civic associations in the greater Camp Springs area, and other institutional uses may occupy some of the 52,000 square feet of non-residential floor space.

- (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;*

The Applicant's proposed mixed residential and commercial development is located at a key General Plan designated Corridor "node," near several major places of employment, including Andrews Air Force Base, the Suitland Federal Center: Census Bureau and National Archives, and National Harbor, as illustrated on the aerial photo exhibit entered earlier. Also, the site is near major transportation facilities, especially the interchange of Branch Avenue with Allentown Road, the Capital Beltway/I-95, and the Branch Avenue Metro Station. The availability of public transit via Metrobus routes that run in front of the site and feed into the Metrorail system, approximately two (2) miles away, will have the effect of reducing autotrips, as will the opportunity for live/work without leaving the site.

- (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 Applicant's development proposal will facilitate and encourage a twenty-four (24) hour environment as it will have round-the-clock activity, primarily from its 370 residential units, and also with its commercial retail and office mix. Retail spaces planned to accommodate uses such as a grocery, a pharmacy, restaurants, coffee shop, bakery and other uses, will extend the business use of the property from the usual business office work day. It is important to note that the commercial activities will take place exclusively in the southern half of the property, so that only residential uses will adjoin the neighboring residential properties to the east and north.

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

The mix of uses has been appropriately located and portioned, both horizontally and vertically.

Horizontally, commercial uses are the exclusive use in the front half of the site, along Allentown Road, a busy arterial. Conversely, the quieter residential units will occupy the rear half of the property, adjacent to the residential neighborhoods to the north and east. Then, in the central portion of the property (from south to north) the residences are mixed vertically above first floor commercial space, integrating the two uses in an appropriate, harmonious blend.

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

The Applicant's development proposal is to create an urban main street setting in the Neo-traditional style. A central main street boulevard will carry vehicles into the site from Allentown Road, and will use pavement changes, curbing, and sidewalk areas to ensure the safety of pedestrians and give the development a distinctive visual character at the base plane. The vertical plane will be an assemblage of main street storefronts and multi-family residences. Vertical architectural elements, including towers, gables and raised roof portions will complement various fenestrations, awnings and doorway treatments to create 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;*

The Applicant's compact, Neo-traditional style proposal is very efficient, attaining an urban-like density and intensity of development. Three hundred seventy residential units yield an effective residential density of 28 dwellings per acre. Added to that, 52,000 square feet of commercial floor area and structured parking results in an economy of scale, savings in energy, and provision of public facilities and infrastructure beyond the scope of single-purpose projects. Stormwater management will be of the latest technology. Best management practices will be utilized by incorporating infiltration for water quality and ground water recharge to meet Maryland Department of the Environment requirements for channel protection. Also, underground detention facilities will be utilized, optimizing the utilization of the available land area.

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

The Applicant's proposal will increase the County's tax base and permit a flexible response to the market, promoting economic vitality and providing opportunities for single tenant through multi-tenant use of commercial spaces as large as 18,700 square feet, and as small as practicable. The commercial space will range from single story to multi-story, freestanding or connected in store fronts, beneath residential units.

- (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 Illustrative Site Plan and architectural elevations demonstrate a high level of design that integrates a horizontal and vertical mix of uses, the result of physical, social and economic planning. Residents, merchants and office workers can mingle on the walkways, at the restaurants, and in the parking facilities, contributing to a vibrant live/work community. §27-213(a)(2), §27-542(a)

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

Growth Policy - Service Level Standards

The subject property is located within the Developed Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, 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 preliminary plan would impact the following intersections, interchanges, and links in the transportation system:

- MD 337 (Allentown Road) and MD 5 ramps (signalized)
- Allentown Road and Old Branch Avenue (signalized)
- Allentown Road and Brinkley Road (signalized)
- MD 337 and site access (signalized)
- MD 337 and Perrie Lane (unsignalized)
- MD 337 and Auth Road (signalized)

Existing conditions in the vicinity of the subject property are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 337 (Allentown Road) and MD 5	1,198	1,384	C	D
Allentown Road and Old Branch Avenue	1,435	1,481	D	E
Allentown Road and Brinkley Road	1,103	1,256	B	C
MD 337 and site access	1,142	750	B	A
MD 337 and Perrie Lane	28.5*	74.4*	--	--
MD 337 and Auth Road	1,097	1,280	B	C
*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.				

A review of background development was conducted by the applicant, and five approved developments were located. The traffic study also includes a growth rate of 2.0 percent per year along MD 337. There are no funded improvements in either the County Capital Improvement Program or the State Consolidated Transportation Program that would improve roadway capacity in the area. Background traffic is summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 337 (Allentown Road) and MD 5	1,306	1,504	D	E
Allentown Road and Old Branch Avenue	1,581	1,638	E	F
Allentown Road and Brinkley Road	1,180	1,332	C	D
MD 337 and site access	1,235	808	C	A
MD 337 and Perrie Lane	34.5*	96.6*	--	--
MD 337 and Auth Road	1,202	1,390	C	D
*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 applicant proposes 370 multifamily residences, 48,000 square feet of retail space, and 4,000 square feet of office space in the traffic study. Site trip generation is summarized below:

	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
<i>Retail</i>	<i>48000 square feet</i>					
Total Trips	62	39	101	288	288	576
Pass-By	-37	-23	-60	-173	-173	-346
New Trips	25	16	41	115	115	230
<i>Office</i>	<i>4000 square feet</i>					
Total Trips	7	1	8	1	6	7
<i>Residential</i>	<i>370 multifamily residences</i>					
Total Trips	37	155	192	144	78	222
<i>TOTAL SITE</i>	69	172	241	260	199	459

Total traffic is summarized below:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 337 (Allentown Road) and MD 5	1,349	1,552	D	E
Allentown Road and Old Branch Avenue	1,594	1,666	E	F
Allentown Road and Brinkley Road	1,188	1,365	C	D
MD 337 and site access	1,453	1,292	E	C
MD 337 and Perrie Lane	11.8*	30.8*	--	--
MD 337 and Auth Road	1,242	1,479	C	E
*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 traffic analysis makes the following determinations:

MD 337 and MD 5 Ramps

At the MD 337 and MD 5 ramp intersection, the correct lane usage and corrected computations were utilized in this revised analysis, and the intersection operates at the policy level of

service LOS E in both peak hours under existing, background, and total traffic. No improvements are required at this time of this application.

Allentown Road and Old Branch Avenue

At the Allentown Road and MD 5 intersection, the applicant recommends restriping the northbound approach to provide a shared through/left-turn lane and an exclusive right-turn lane. In the AM peak hour, this would provide LOS C with a CLV of 1,237. In the PM peak hour, this would provide LOS E with a CLV of 1,477.

MD 337 and site access & MD 337 and Perrie Lane

The plan proposes to align the main site access at an existing traffic signal. The plan also proposes to provide a right-in right-out intersection along Allentown Road at Perrie Lane, with the provision of intraparcels access across the subject site to allow left-turn movements currently occurring at Perrie Lane to be made at the main site access.

SHA reviewed the traffic study and offered the following comments:

- SHA concurred with the improvements at the Allentown Road/Old Branch Avenue intersection.
- SHA concurred with the changes to site access along Allentown Road
- SHA requested that a Synchro analysis be done along Allentown Road for the AM and PM peak hours at the time of preliminary plan. A Synchro analysis is an operational analysis of capacity and signal timing. It is requested to be done as a means of ensuring that adequate traffic progression is occurring along Allentown Road and that traffic queuing is not producing conflicts. It is noted that Synchro is not currently a part of the Planning Board's Guidelines, and that any inadequacies noted within a Synchro analysis must be tied an inadequacy noted by the critical lane volume analysis (which does form the basis for Planning Board recommendations).

DPW&T reviewed the traffic study and offered two comments:

- DPW&T requested that the right angle parking along Perrie Lane be eliminated on the schematic plan submitted with the revised application. Given the function of Perrie Lane as a secondary public street, the right angle parking should be eliminated.
- DPW&T requested that Perrie Lane be widened to, at a minimum, the standard for a secondary residential street. While this request appears reasonable given the function of the roadway, the roadway currently exists as a 20-foot right-of-way adjacent to several back yards of residences that front onto Robin Lane. Typical dedication from the subject property would be a maximum of 25 feet. The limits of dedication, along with the typical section along Perrie Lane, should be determined at the time of

preliminary plan.

Plan Comments

MD 337 (Allentown Road) along the frontage of the subject property is a Master Plan arterial facility. Right-of-way consistent with the master plan recommendations will be required to be shown at the time of conceptual site plan and shown for dedication on the preliminary plan of subdivision. MD 5 is a Master Plan freeway facility. Adequate right-of-way consistent with master plan exists, and no further right-of-way dedication is required of this plan.

Approval of the M-X-T zone requires a finding that one of two criteria be met. The first criterion involves the location of the site, and requires that the site be located “within the vicinity” of (i) a major intersection or major interchange; or (ii) a major transit stop or station. The applicant argues that the location of the site at the intersection of MD 5 and MD 337, both roadways of arterial or higher classification, meets the location requirement, and this argument is found to be reasonable. (Exhibit 48) §27-213(a)(3)(A)

(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 Applicant is 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;***

This M-X-T Zoning proposal is for a pedestrian-oriented, transit-supporting, quality, infill and redevelopment mixed use project at the intersection of Branch Avenue and Allentown Road. The development will blend residential and commercial uses harmoniously with the surrounding residential and commercial land uses. The site is conveniently located near several major places of employment, including Andrews Air Force Base, the Suitland Federal Center and National Harbor. The site benefits from proximity to several major transportation facilities, including the Branch Avenue (MD Route 5)/Allentown Road interchange, the Capital Beltway/I-95, and the Branch Avenue Metro Station. The proposed development program will provide new and attractive, state-of-the-art residences for up to 370 households, and up to 52,000 square feet of commercial floor space to accommodate shopping, dining, business and institutional uses, creating a compact medium density, live/work environment. All design and construction will be in accordance with the applicable building codes, and permitting and inspection procedures, and this will assure the health, safety, comfort and welfare of the residents, workers and patrons of the development.

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

The proposed location of the Applicant's mixed use development is in agreement with the 2002 General Plan's designation of the Branch Avenue/Allentown Road interchange as a Corridor "node" in the Developed Tier, which is recommended for mixed residential and non-residential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

The 2006 Master Plan recommends that the site, as part of the Camp Springs Town Center Area, be developed with a medium density mixed-use development as recommended in Policies 3 and 6 for the Developed Tier.

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

The subject property is located within the Developed Tier, at a designated Corridor "node," where the 2002 General Plan calls for quality infill and redevelopment. Public water and sewer, storm drain and sidewalk, as well as electric, gas and telephone already exist at the site, within the right-of-way of Allentown Road. This mixed use development will utilize this existing infrastructure, and the developer will make improvements to the street system. Contributions will also be made for public schools, fire and rescue service, and police facilities as required during the building permit process.

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

Approving the M-X-T Zone for the subject property will provide for the orderly development of 11.8 undeveloped acres, and redevelopment of 1.4 acres of underutilized commercial/institutional development, at a key location, in the northeast quadrant of the Branch Avenue/Allentown Road interchange. This location is part of the 2002 General Plan designated Corridor "node" and the Camp Springs Town Center Area, envisioned by the 2006 Henson Creek-South Potomac Master Plan and SMA.

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

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

Even when this mixed use development is of moderate density and intensity, the uses are arranged on the site so as to be compatible with the adjacent single-family neighborhoods. The uses have been appropriately located and mixed, both horizontally and vertically. Horizontally, commercial uses are the exclusive use in the front half of the site, along Allentown Road, a busy arterial. Conversely, the quieter residential units will occupy the rear half of the property, adjacent to the residential neighborhoods to the north and east. Then, in the central portion of the property (from south to north) the residences are mixed vertically above first floor commercial space, integrating the two uses in an appropriate, harmonious blend.

Landscape open space areas will buffer the proposed denser residential from the residential street (Perrie Lane) and single-family detached lots beyond. Landscaped recreation area, walkways, and courtyards will provide attractive outdoor spaces to soften and provide relief from the building areas.

- (7) *To protect the County from fire, flood, panic, and other dangers;*
- (8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;*

The proposed development will be designed, agency reviewed and approved, and constructed in accordance with all applicable codes and regulations pertaining to site work, building construction, fire safety, erosion and sediment control and stormwater management. A maximum of 370 luxury multi-family rental units will be constructed in a range of sizes from a one-bedroom of approximately 700 square feet, to a two-bedroom with loft at 1,300 square feet floor area, targeted for the working professional.

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

The mixed use development program proffered by the Applicant, consisting of up to 370 luxury dwelling units and 52,000 square feet of commercial retail and office floor space, is intended to enhance the economic status of the County and provide a source of desirable employment and living opportunities for its citizens.

The Applicant's multi-million dollar proposed development program will increase the County's tax base and provide desirable employment during the design and construction phases, and then when completed, 52,000 square feet of commercial floor area suitable for accommodating a multitude of retail, office and institutional uses in a variety of business settings.

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

This proposal is for a transit supporting medium density mixed-use development within the 2002 General Plan designated Developed Tier, Corridor node, and the 2006 Master Plan designated Camp Springs Town Center Area, based on the site's prime location at the MD Route 5/Allentown Road interchange. The orderly development of this proposal at a location where the infrastructure is in place, in accordance with the current County planning policies, will help curtail the costly extension of public infrastructure, facilities, schools and services to other areas, thus contributing to preventing the overcrowding of land and the protection and conservation of agricultural lands in the Rural Tier.

- (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 residents and workers of this mixed-use development will be able to utilize the existing public transit system by taking the Metrobus routes C11 and C13 that run in front of the site and feed into the Metrorail system, approximately two miles away. Others, who may work at one of the nearby major places of employment, have ready access to Allentown Road (Andrews AFB), Branch Avenue (MD Route 5) and the Capital Beltway/I-95 (National Harbor and Suitland Federal Center). Finally, the opportunity for live/work without traveling off the site is also provided with this proposal.

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

As provided in Purpose 9 above, the instant Application is in conformance with this Purpose.

(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;

As provided in Purpose 8 above, the instant Application is in conformance with this Purpose.

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

This proposal will capitalize on a prime highway Corridor node location in the Developed Tier (not very scenic), and transform it to a mixed-use, urban Main Street setting in the Neo-traditional style. A distinctive visual character will be created by interesting store fronts and multi-family residences. Landscaped open space will complement the architectural elements and provide visual relief from the buildings. A recreation area and courtyards will provide opportunities to relax and enjoy the outdoors.

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

As provided in Purpose 10 above, the instant Application is in conformance with this Purpose.
§27-102(a)

RECOMMENDATION

APPROVAL of A-9998, subject to the following Conditions:

1. The Conceptual Site Plan shall show right-of-way along MD 337 (Allentown Road) consistent with Master Plan recommendations. This right-of-way, as may be revised during Conceptual Site Plan, shall be shown for dedication at the time of Preliminary Plan of Subdivision.
2. Allentown Road (MD 337) at Old Branch Avenue: Prior to the issuance of any building

permits within the subject property, the following 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:

- A. Restriping the northbound Old Branch Avenue approach to provide an exclusive right-turn lane and a shared left-turn/through lane.
 - B. This condition shall include any signalization changes that may be required by this improvement and other off-site improvements to improve operations and traffic progression through the area.
3. MD 337 (Allentown Road) at site access: Prior to the issuance of any building permits within the subject property, the following 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:
 - A. Provision of an exclusive left-turn lane along eastbound Allentown Road.
 - B. This condition shall include any signalization changes that may be required by this improvement and other off-site improvements to improve operations and traffic progression through the area.
4. MD 337/Perrie Lane: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have a agreed-upon timetable for construction with the appropriate operating agency:
 - A. The existing full movement MD 337/Perrie Lane intersection shall be modified to permit only right turns in and right turns out to/from Perrie Lane.
 - B. An inter-parcel access will be provided from Perrie Lane into the site allowing residents from the adjacent neighborhood to utilize the MD 337/Site Access Drive signalized intersection.
5. The schematic site plan submitted with the revised Application shall be modified to eliminate all right angle parking along Perrie Lane. In recognition of the function of the roadway as a secondary residential roadway, the limits of dedication, along with the typical section along Perrie Lane, shall be determined at the time of Preliminary Plan.
6. At the time of Conceptual Site Plan, DPW&T, M-NCPPC and the Applicant will determine

an acceptable pavement width for Perrie Lane within the subject t property.

7. At the time of Preliminary Plan, the Applicant will explore the feasibility of providing a westbound MD 337 right turn lane at the MD 337/Site Access Drive intersection.
8. The following recommendations should be observed during the preparation and review of the Conceptual Site Plan.
 - a. The Conceptual 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.
 - b. Multifamily development shall not have primary access through single-family residential streets.
 - c. 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.
 - d. 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 the interface along Perrie Drive.
9. A Type I Tree Conservation Plan (TCPI) will be required with the Conceptual Site Plan. The TCPI should propose the preservation of as much of the existing vegetation as possible (as deemed appropriate by the Environmental Planning Section) and should provide some areas of afforestation adjacent to the expanded buffer. If any off-site mitigation is proposed, the first priority will be within the Henson Creek or Tinkers Creek watersheds.
10. At the time of Conceptual Site Plan, 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 community.
11. All future submission packages shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout, which results in non-essential impact to the regulated features of the site.
12. At the time of Conceptual Site Plan, the Applicant shall submit a noise study and shall use the appropriate noise and vibration mitigation measures in developing the property. The Conceptual Site Plan and TCP1 shall show all unmitigated 65dBA Ldn noise contours, and

the TCP1 shall show conceptually how noise will be mitigated.

13. At the time of Conceptual Site Plan, the Applicant shall submit a Stormwater Management Concept Plan that maximizes appropriate density on the site through the use of underground facilities and bioretention.
14. The project will be designed to accommodate a grocery store of up to 18,000 gross square feet, should one be identified.
15. The project will be designed to accommodate a pharmacy of up to 15,000 gross square feet, should one be identified.
16. The commercial office square footage will be increased by an amount to be determined between the Applicant and the Planning Board.
17. A meeting room for use by civic associations in the greater Camp Springs area will be provided by the Applicant.
18. The Applicant agrees to construct the commercial/retail component which is vertically integrated with the residential portion of the project concurrently. This commercial/retail space approximates 15,000 square feet. The Applicant recognizes the community desires high end commercial tenants, which may include a grocery store or pharmacy, which may have specific design requirements. The Applicant will use its best efforts to attract such tenant, which may cause the development of the single story retail components fronting Allentown Road to trail slightly behind the start of the vertically integrated retail located in the middle and rear of the subject property, which will have more standardized space configured for a variety of uses.
19. Café sidewalks will be provided along the storefronts of proposed eating establishments to enhance the vitality of the area.
20. All HVAC units located on the rooftops of the single story retail buildings will be screened from view of the Branch Avenue-Allentown Road flyover and its access ramp.