

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



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

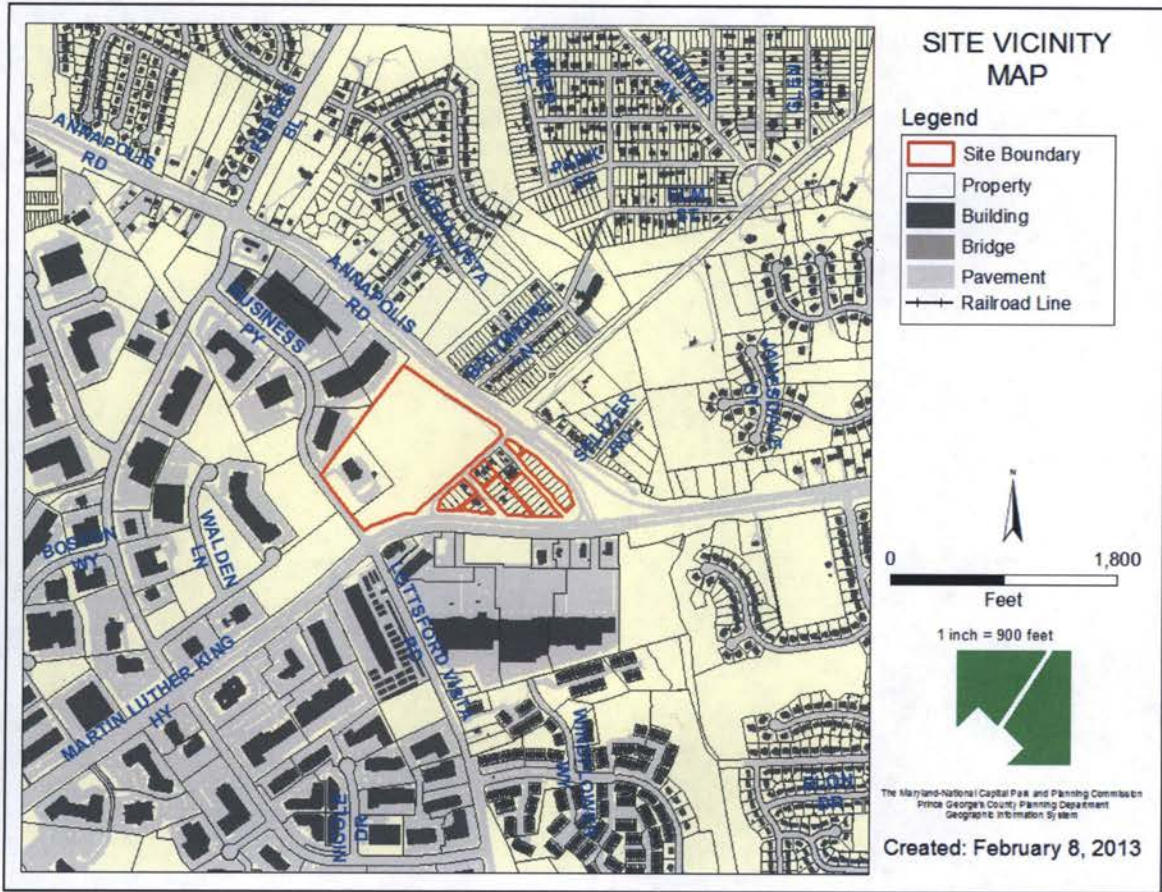
Zoning Map Amendment

A-10028

Application	General Data	
Project Name: Buena Vista West Location: Northwest quadrant of the intersection of Annapolis Road (MD 450) and Martin Luther King Jr. Highway (MD 704) on both sides of Lottsford Vista Road and north of Business Parkway. Applicant/Address: Buena Vista West, LLC. 10100 Business Parkway Lanham, MD 20706 Property Owner: Buena Vista West, LLC et al.	Planning Board Hearing Date:	01/30/14
	Staff Report Date:	01/15/14
	Date Accepted:	05/31/13
	Planning Board Action Limit:	N/A
	Plan Acreage:	30.62 acres
	Zone:	I-1 & R-R
	Gross Floor Area:	N/A
	Lots:	43
	Parcels:	1
	Planning Area:	70
	Tier:	Developing
	Council District:	05
	Election District:	20
Municipality:	N/A	
200-Scale Base Map:	207NE09	

Purpose of Application	Notice Dates	
Rezone multiple properties from the I-1 and R-R Zone to the M-X-T Zone.	Informational Mailing	09/21/12
	Acceptance Mailing:	05/24/13
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

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

VIA: Jimi Jones, Zoning Supervisor

FROM: Tom Lockard, Planner Coordinator

SUBJECT: **Zoning Application A-10028**

REQUEST: **Rezone from the I-1 Zone and R-R Zone to the M-X-T Zone**

RECOMMENDATION: **APPROVAL, with conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of January 30, 2014. If the Planning Board decides to hear the application, it will be placed on a future agenda.

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

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

- A. **Location and Field Inspection:** This 30.62 +/- acre site is located on the northwest corner of the intersection of Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450). The site is bisected by a portion of Lottsford Vista Road and has frontage on both MD 704 and MD 450, both of which are master planned arterial roadways. It comprises one outparcel and one lot in the I-1 Zone (Outparcel B, Block A and Lot 44 of Washington Business Park [22.62 acres]) and 42 lots in the R-R Zone (Parts of Blocks C, D & E, Buena Vista Subdivision [8.00 acres]). Lot 45 in the Washington Business Park is developed with a 14,881-square-foot office building, while Outparcel B is vacant and appears to have been used for stockpiling of dirt and as a borrow pit. The residentially-zoned section of the site has a cluster of ten residences, most of which are seemingly still occupied. Near the center of the subject property is a cluster of five lots (Lots 4-8, Block D, Buena Vista Subdivision) which are not part of this application. Two are owned by the applicant, the remaining three are privately owned by members of the Jones family. A significant wetland area is located in the northwest corner of the property.
- B. **History:** The March 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (portion of Planning Area 70)* retained the subject property in the R-R and I-1 Zones. The industrially-zoned portion of the site was subdivided in 1996 (Preliminary Plan 4-96086) creating Lot 44 and Outlot A. That portion was then re-subdivided the next year, creating Lot 45 and Outparcel B in accordance with Section 24-108(a)(3) of Subdivision Regulations, which did not require a new preliminary plan. The following condition of the adopted resolution from the preliminary plan relate to the review of this application:
5. **Total development within Lot 44 of the subject property shall be limited to 15,000 square feet of general office space; or different uses generating no more than the number of peak hour trips (30 AM peak hour trips and 29 PM peak hour trips) generated by the above development. Development within Lot 44 beyond the limits set by this condition, or any development within Outparcel A, shall require a new preliminary plan of subdivision a new finding of adequate public facilities for transportation.**

Because the applicant proposes development on Outparcel B, a new preliminary plan of subdivision will be required. If the applicant proposes a development of more than 5,000 square feet of gross floor area (GFA) on the residentially-zoned portion of the site, a preliminary plan of subdivision will be required.

C. **Master Plan Recommendation:**

2002 Prince George's County Approved General Plan: The subject property in this application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The 2002 *Prince George's County Approved General Plan* also designates this portion of MD 450 as a corridor, and promotes new commercial development primarily in designated Centers and Corridors.

According to the General Plan, Developing Tier Corridors should generally contain less intense residential and nonresidential land uses than the Developed Tier Corridors while containing a mix of uses that are more community-oriented in scope. The plan recommends that this type of development should occur at designated Corridors and should be planned as transit-oriented development.

Master Plan: The 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity* recommends a future land use change for the subject property and

designates it and the Vista Gardens Marketplace to the south as a Corridor Node. The plan recommends creating a mixed-use center containing neighborhood-serving retail, higher density residential offering more housing choices, public open space, civic uses, and safe connections to nearby employment uses and open space amenities.

- D. **Request:** The applicant's request is for the rezoning of the assembled properties from the I-1 and R-R Zones to the M-X-T Zone. The applicant proposes a mix of development including 75,200 square feet of retail commercial, a 126-room hotel, a gas station/convenience store and the existing 14,881-square-foot office building. Access to the site is proposed to be from both MD 450 and MD 704. Two points of access are shown along MD 450, one full-movement, light-controlled driveway opposite Baltimore Lane and a second right-in, right-out driveway near the intersection with MD 704. Two access drives are shown along MD 704, one full-movement, light-controlled driveway opposite the existing drive into Vista Garden Marketplace and a second right-in, right-out driveway closer to the intersection with MD 450. The existing driveway from Business Parkway to the office building on Lot 45 is also retained. The single-family residences will retain their access from Old Lottsford Vista Road.

E. **Surrounding Uses:**

- North—** Single-family residences and undeveloped lots in the in the R-R (Rural-Residential) Zone.
- East—** Single-family residences in the R-R Zone and the Folly Branch Stream Valley Park (M-NCPPC) in the R-O-S Zone.
- South—** Across Martin Luther King, Jr., Highway (MD 704) is the Vista Gardens Marketplace in the C-S-C (Commercial Shopping Center) Zone.
- West—** The Washington Business Park in the I-1 Zone and the Cabot-Forbes Industrial Park in the I-2 Zone.

F. **Zoning Requirements:**

Section 27-213(a) Criteria for approval of the M-X-T Zone.

- (1) **The District Council shall only place land in the M-X-T Zone if at least one (1) of the following two (2) criteria is met:**

(A) **Criterion 1. The entire tract is located within the vicinity of either:**

- (i) **A major intersection or major interchange (being an intersection or interchange in which at least two (2) of the streets forming the intersection or interchange are classified in the Master Plan as an arterial or higher classified street reasonably expected to be in place within the foreseeable future); or**

Comment: The subject property is located at the intersection of Annapolis Road (MD 450) and Martin Luther King, Jr., Highway (MD 740), Both of these highways are classified as arterials. The site meets this locational standard.

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

Comment: There are no major transit stops or stations either existing or expected

to be in place within the foreseeable future within the vicinity of this property. The site does not meet this locational standard.

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

Comment: The 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity* recommends a future land use change for the subject property and designates it and the Vista Gardens Marketplace to the south as a Corridor Node. The plan recommends creating a mixed-use center containing neighborhood-serving retail, higher density residential offering more housing choices, public open space, civic uses, and safe connections to nearby employment uses and open space amenities. The plan (p. 196) recommends:

Encourage mixed-use development at the terminus of the Annapolis Road (MD 450) Corridor. The 2002 General Plan defines Annapolis Road (MD 450) as a corridor that extends through both the Developed and Developing Tiers, with a termination point at the intersection of MD 450 and Martin Luther King Jr Highway (MD 704). The Washington Business Park, Vista Gardens Marketplace, low- to medium-density residential development, and several vacant parcels currently form the terminus of this corridor. Future mixed-use development is recommended for a strategically located seven-acre triangular block of properties zoned R-R (Rural Residential) and bounded by MD 704, MD 450, and Lottsford-Vista Road. A conceptual urban design plan for this area is presented in Chapter 11 on page 199. Further rezoning of this block should be contingent on the development of a more detailed plan for this intersection and surrounding properties that transition from the predominantly R-R and O-S (Open Space; former Glenn Dale Hospital property) Zones to the industrially and commercially zoned Washington Business Park and Vista Gardens Marketplace.

The proposal satisfies this criterion.

(2) Prior to approval, the Council shall find that the proposed location will not substantially impair the integrity of an approved General Plan, Area Master Plan, or Functional Master Plan and is in keeping with the purposes of the M-X-T Zone. In approving the M-X-T Zone, the District Council may include guidelines to the Planning Board for its review of the Conceptual Site Plan.

The 2002 General Plan placed the subject property in a Developing Tier Corridor. This application is generally consistent with the Development Pattern policies for the Developing Tier. The 2010 master plan recommends creating a mixed-use center containing neighborhood-serving retail, higher density residential offering more housing choices, public open space, civic uses, and safe connections to nearby employment uses and open space amenities. As such, this request furthers the integrity of those two plans rather than impairing them. The 2010 master plan also contains a Natural Resources/ Environment chapter which contains goals, policies and strategies, as does the June 2005 *Approved Countywide Green Infrastructure Plan*. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from these plans and the plain text provides comments on plan conformance.

Goal 1: Restore and enhance water quality in areas that have been degraded.

POLICY 1: Decrease the amount of pollutants from both storm and nonstorm events entering sector plan area wetlands and waterways.

POLICY 2: Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.

Development of the subject site will be required to be in conformance with a stormwater management plan approved by the county. The application package included an approved Stormwater Management Concept Plan and Approval Letter; case 39406-2005-00. The approval includes the use of an existing regional pond to meet quantity and quality requirements. The use of conservation landscaping techniques to reduce water consumption should be encouraged. A wetland is located on the northwestern corner of Outparcel B which must be preserved; this area is currently within a recorded floodplain easement.

Goal 2: Prevent flooding associated with new and redevelopment.

POLICY 1: Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.

POLICY 2: Ensure that the quantity of stormwater discharged from a site post-development does not exceed predevelopment conditions.

No streams are located on-site. The stormwater management plan approval addresses water quantity and quality discharged from the site. Environmental site design techniques (ESD) such as green roofs, bioretention, rain gardens and infiltration areas should be encouraged.

Goal 3: Preserve, enhance, and restore the existing tree canopy within the sector plan area.

POLICY 1: Focus tree and forest preservation and restoration efforts in appropriate areas.

POLICY 2: Encourage the application of urban forestry principles to landscaping and reforestation efforts, while increasing opportunities for incorporating tree planting into the existing landscape.

POLICY 3: Ensure that no net loss of forest cover occurs within the boundaries of the sector plan area.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). Development of the site must be in conformance with an approved Tree Conservation Plan. The woodland conservation threshold for the I-1 zone is 15 percent and the R-R Zone is 20 percent. Based on the net tract area of the site and the current zoning, the site currently has a 16.31 percent threshold, or 4.99 acres. The woodland conservation threshold for the proposed M-X-T zone is 15 percent. Rezoning to the M-X-T would change the threshold for the entire property to 15 percent, or 4.59 acres. The I-1 portion of the site is currently subject to an approved Type I Tree Conservation Plan, TCPI-048-96, and an approved Type II Tree Conservation Plan, TCPII-094-96.

In addition to the forest preservation and restoration requirements of the Woodland Conservation Ordinance, the site is also subject to the Tree Canopy Cover (TCC) Ordinance. In the M-X-T Zone, the TCC requirement is ten percent, or 3.06 acres.

According to Type II Tree Conservation Plan TCP11-94-96, the floodplain easement on Outparcel B is approximately 3.79 acres and is almost entirely wooded. While this area cannot be counted toward meeting the woodland conservation requirement because floodplain cannot be used to meet the requirement, the area can and should be used to meet the tree canopy requirement. Preservation of woodland within this sensitive area should be encouraged in keeping with state wetland permitting requirements, the sector plan goals and policies, the Green Infrastructure Plan goals and policies, and in keeping with stormwater management requirements.

Given the site's location on the corner of a prominent intersection, Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450), and in support of meeting the high density development goals of the M-X-T Zone, clearing the central areas of the site and preserving the existing woodland within the floodplain area and sensitive wetland area should be the main environmental focus of the project moving forward. The floodplain easement comprises approximately 12 percent of the gross tract site area.

Based on the high-density goals of the M-X-T Zone and the configuration and location of the site, it would be challenging to meet the minimum woodland conservation threshold on-site in addition to preserving the floodplain. It should be noted that the woodland conservation requirement resulting from clearing below the threshold is likely to result in a significant woodland conservation requirement that should be met off-site.

It is recommended that the tree canopy requirement be met with existing woodland within the floodplain. This requirement would meet Policy 1 above by focusing forest preservation efforts in an appropriate area (floodplain). The timing of implementation of Policy 2 would be most appropriately addressed thru the Landscape Manual requirements at time of Detailed Site Plan review. Because this project is likely to result in a considerable off-site woodland conservation requirement, the applicant must show due diligence in securing off-site woodland conservation within the boundaries of the sector plan to meet Policy 3. This should also be considered at time of Detailed Site Plan review.

Goal 4: Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.

POLICY 1: Require stormwater to be treated nonstructurally to the maximum extent practicable.

As discussed under Goals 1, 2, and 3 above, development of the subject site will be required to be in conformance with an approved stormwater management plan approved by the county. Preserving the existing woodland within the floodplain easement would provide a method of nonstructural treatment of stormwater. Additional ESD should be encouraged such as the use of green roofs, bioretention, rain gardens and infiltration areas.

Goal 5: Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.

POLICY 1: Increase opportunities for utilizing green building opportunities in

the sector plan area.

POLICY 2: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.

POLICY 3: Reduce air pollution to support community health and wellness and champion nonmotorized transportation alternatives.

POLICY 4: Reduce adverse noise impacts to meet State of Maryland noise standards.

The use of green building techniques should be utilized to the extent practicable. Full cut-off optic light fixtures should be used to reduce skyglow for all outdoor fixtures; especially in close proximity to the sensitive on-site floodplain and wetland system. As a mixed-use development, pedestrian connectivity and bike routes should be incorporated into the site design to reduce air pollution and promote community health and wellness. Also as a mixed use development, noise impacts from the adjacent arterial roadways must be considered in the site design. All residential type uses must be located outside of any areas designated as 65 dBA Ldn, or mitigation must be demonstrated such that all outdoor activity areas are below 65 dBA Ldn and all interior residential noise levels are below 45 dBA Ldn.

The Detailed Site Plan should demonstrate the use of green building techniques for all commercial buildings. LEED certification should be demonstrated for all commercial buildings to the extent practicable.

Conformance with the 2005 Approved Countywide Green Infrastructure Plan

The site is within the network of the Approved Countywide Green Infrastructure Plan and includes areas designated as Regulated areas, Evaluation areas, and Network Gap areas. The Regulated areas include the floodplain and wetland system on-site. The Evaluation areas are the forested areas contiguous with the Regulated areas. The Network Gap areas include the fringe woodlands and open space adjacent to the Evaluation areas. The Regulated areas containing special environmental features should be considered for preservation. The following policies support the stated measurable objectives of the Approved Countywide Green infrastructure Plan:

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

The subject property contains Regulated areas, Evaluation areas, and Network Gap areas. The preservation of priority woodlands within Regulated Areas and adjacent Evaluation Areas should be a focus of future development for conformance with the Countywide Green Infrastructure Plan.

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

Preservation of water quality should be provided through the protection of the on-site wetland and floodplain system and thru the application of best stormwater management practices.

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

Clearing the central areas of the site and preserving the existing woodland within the floodplain area and sensitive wetland area should be the main environmental focus of the project moving forward. It is recommended that, at a minimum, the ten percent tree canopy requirement be met with existing woodland on-site.

POLICY 4: Promote environmental stewardship as an important element to the overall success of the Green Infrastructure Plan.

The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques and overall energy consumption should be addressed.

POLICY 5: Recognize the green infrastructure network as a valuable component of the county's Livable Communities Initiative.

The development is conceptual at the present time. The preservation of priority woodlands within Regulated Areas and adjacent Evaluation Areas should be a focus of future development for conformance with the Countywide Green Infrastructure 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.

The applicant has submitted a transportation impact study that was completed in October 2013. The proposed development includes 75,200 square feet of retail, a 126-room hotel, and a convenience market with fueling stations. Existing zoning could support up to 15 residential units in the R-R Zone and 365,000 square feet of general office space, warehousing, light industrial, and/or medical office in the I-1 Zone. The uses in the table below reflect a mix of uses totaling approximately 365,000 square feet, the uses reflect a lower intensity than a maximum of 365,000 square feet of general office or medical office space. The mix of uses depicted is a likely scenario on how the site would develop under existing zoning.

The trip generation of the site, in consideration of trip rates taken from "Transportation Review Guidelines, Part 1 (Guidelines)" with a pass-by trip rate of 40 percent applied to the retail use, is summarized below under existing and proposed zoning:

Comparison of Estimated Trip Generation, A-10028								
Zoning or Use	Units/SqFt/Acres	AM Peak-Hour Trips		PM Peak-Hour Trips		Peak-Hour Total Trips		Weekday Trips
		In	Out	In	Out	AM	PM	
Existing Zoning								
I-1 light industrial	139,392 sq.ft. (gen.office)	251	28	49	209	279	258	1,951
	139,392 sq.ft. (med.office)	320	77	167	363	397	530	5,576
	43,255 sq.ft. (warehouse)	14	3	3	14	17	17	134
	43,255 sq.ft. (industrial)	30	7	7	30	37	37	208
	365,294 sq.ft. (total)							
R-R rural residential	15 lots (residential)	2	9	8	5	11	13	133
TOTAL		617	124	234	621	741	855	8,002
Proposed Zoning								
M-X-T mixed use	75,000 sq.ft. (retail) less 40% pass-by rate	49	30	143	154	79	297	3,386
	126 room hotel	40	27	39	37	67	76	1,029
	Convenience store with fueling stations less 60% pass-by rate	53	53	61	61	106	122	3,473
	14,800 sq.ft. existing (gen.office)	27	3	5	22	30	27	207
TOTAL		169	113	248	274	282	522	8,095
Difference (proposed vs. existing zoning)		-448	-11	14	-347	-459	-333	93

The comparison of estimated site trip generation indicates that the proposed amendment would decrease trip generation by 481 trips during the AM peak hour and by 360 trips during the PM peak hour. Weekday average daily travel would increase by 93 daily trips. Pass-by trips are accounted for in the table above. Overall the proposed zoning will not significantly change the number of trips at nearby intersections. However, the traffic impact study identifies nearby critical intersections that require mitigation. These critical intersections are discussed below.

The subject property is located within the Developing Tier, as defined in the 2005 *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to 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 subject to meeting the geographical criteria in the "Transportation

Review Guidelines, Part 1.”

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, and (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, and (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this 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.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in September and October 2013 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
	1 MD 704 & Forbes Blvd – signal	1,301	1,318	D
2 MD 704 & Lottsford Vista Rd./Business Pkwy.	917	1,222	A	C
3 MD 704 & Site Access – Vista Gardens – no signal	10.1*	17.9*	--	--
4 MD 704 & MD 450 - signal	901	1,468	A	E
5 MD 450 & MD 953 - signal	1,157	950	C	A
6 MD 450 & Site Access – no signal	< 50.0*	< 50.0*	--	--
7 MD 450 & Baltimore Ln. – no signal	14.3*	11.9*	--	--
8 MD 450 & Forbes Blvd. - signal	884	814	A	A
9 MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , 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 critical intersections identified above are not programmed for improvements 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.”

Under existing conditions all of the intersections are operating at acceptable levels of service and/or intersection delay as defined by the “Transportation Review Guidelines, Part 1 with the exception of the signalized intersection of MD 704 and MD 450. For background traffic conditions a growth rate of 1.0 percent per year was used. The growth rate was projected for six years, the expected build-out date for the site. Background development included the Washington Business Park, Glenn View, and Buckner. Background conditions are shown in the chart below.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
	MD 704 & Forbes Blvd - signal	1,478	1,433	E
MD 704 & Lottsford Vista Rd./Business Pkwy.	984	1,285	A	C
MD 704 & Site Access West – no signal	10.2*	19.8*		
MD 704 & MD 450 - signal	984	1,559	A	E
MD 450 & MD 953 - signal	1,230	1,019	C	B
MD 450 & Site Access – no signal	< 50.0	< 50.0	--	--
MD 450 & Baltimore Ln. – no signal	15.8*	12.5*	--	--
MD 450 & Forbes Blvd. - signal	939	970	A	A
MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , 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.				

Under background conditions all of the intersections are operating at acceptable levels of service and/or intersection delay with the exception of the signalized intersections of MD 704 and Forbes Blvd. and MD 704 and MD 450.

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
	MD 704 & Forbes Blvd - signal	1,495	1,468	E
MD 704 & Lottsford Vista Rd./Business Pkwy.	1,043	1,373	B	D
MD 704 & Site Access – Vista Gardens -no signal	62.5*	230.6*	--	--
MD 704 & MD 450 - signal	1,015	1,609	B	F
MD 450 & MD 953 - signal	1,256	1,061	C	B
MD 450 & Site Access – no signal	9.3*	11.3*	--	--
MD 450 & Baltimore Ln. – no signal	18.0*	34.8*	--	--
MD 450 & Forbes Blvd. - signal	954	1,007	A	B
MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines</i> , 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.				

Under total conditions without any adjustments to traffic or improvements three intersections are operating at unacceptable levels of service and/or intersection delay. These include the two signalized intersections of MD 704 and Forbes Blvd. and MD 704 and MD 450 and the unsignalized intersection of MD 704 and the Vista Gardens shopping center. The table below shows these intersections with adjustments to traffic and improvements. All intersections are operating at acceptable levels of service and/or intersection delay.

TOTAL TRAFFIC CONDITIONS (Improvements/Adjustments)				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
	MD 704 & Forbes Blvd - signal	1,442	1,404	D
MD 704 & Lottsford Vista Rd./Business Pkwy.	1,005	1,349	B	D
MD 704 & Site Access – Vista Gardens – signalized	780	811	A	A
MD 704 & MD 450 - signal	875	1,421	A	D
MD 450 & MD 953 - signal	1,256	1,061	C	B
MD 450 & Site Access – no signal	< 50.0*	< 50.0*	--	--
MD 450 & Baltimore Ln. – signal	599	608	A	A
MD 450 & Forbes Blvd. - signal	954	1,007	A	B
MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the *Guidelines*, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

The intersection of MD 704 and Forbes Boulevard includes a recommendation for a new northbound left turn lane on Forbes Boulevard resulting in two left turn lanes and one shared right/through lane. A new four-way intersection and traffic signal is proposed at the intersection of MD 704 and Vista Gardens shopping center driveway. This will require Maryland State Highway Administration approval. At the intersection of MD 704 and MD 450 a third left-turn lane is proposed within the median on the eastbound approach of MD 450.

DPW&T Comments

DPW&T commented about proposed improvements at the intersection of MD704 and MD 450. They also recommended a queuing analysis on MD 704 at the proposed site entrance to ensure a sufficient length of lane storage on MD 704. These issues will be reviewed at the preliminary plan stage.

SHA Comments

The developer will be required to go through the SHA process to relocate the existing controls of access and establish new controls of access along the MD 450 frontage. Modifications to the existing MD 450 median break at Baltimore Lane may be required. SHA requires additional documentation for the proposed MD 704 full movement intersection opposite the Vista Gardens Shopping Center. At this time only a right-in/right-out configuration is approvable. SHA has concerns about the two proposed right-in/right-out entrances on MD 704 and MD 450 to serve the proposed convenience store with fueling stations. These are proposed near the intersection of MD 450 and MD 704, the intersection of two heavily traveled arterial roadways.

Master Plan Roads

The site is adjacent to two master plan roadways, MD 450 and MD 704, both master plan arterial facilities. Adequate right-of-way consistent with master plan recommendations exists along these two facilities. Therefore, no further dedication is required of this plan along MD 450 and MD 704.

The applicant submitted an illustrative site plan showing the location of proposed

buildings, parking areas, and driveways. Access, parking, and circulation patterns will be reviewed at the conceptual and detailed site plan stages.

Conclusions

Based on the preceding findings, staff would conclude that existing transportation facilities and those to be provided by the applicant will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. Furthermore, the uses proposed on this basic plan revision will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved Area Master Plan, in accordance with Section 27-195 of the Prince George's County Code. Staff is recommending conditions of approval consistent with the above transportation findings.

(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.

G. Conformance with the Purposes of the Zone:

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

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**
- (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.**

Staff makes the following findings relative to the purposes of the M-X-T Zone (some of the findings apply to more than one purpose):

1. The variety of the proposed commercial, office and hotel uses will generate increased tax revenues for the County and promote orderly development by locating development at a major intersection in an area recognized as appropriate for mixed-use development.
2. The master plan designation of the subject property and the Vista Gardens Marketplace to the south as a Corridor Node directs this property to be developed in the manner herein described. Focusing such a mixed-use community within a corridor node maximizes the development potential of the property.
3. The proposed community will provide retail, office and residential (hotel) uses in close proximity to each other, promoting a pedestrian-oriented mode of transport.
4. The concentration of development and mix of uses on a single site will reduce sprawl. Walkways will be designed to facilitate access around and through the property. Connections to nearby properties will be required and analyzed at later stages of the review process
5. The visual character and identity of the project will be an element of the architecture of the buildings, entrance features, and landscape plantings. The orientation of the buildings and their relationship with open spaces and the pedestrian system will be important aspects of the final design. Buildings will be required to be designed with high-quality detailing and design variation, and will be appropriate in scale with their location. The architecture, street furniture, landscape treatment, signage, and other elements will be coordinated to give the development a distinctive visual character. These will be further analyzed during the site plan review processes.
6. A number of factors help make this design a multipurpose energy-efficient plan. The mixture of uses proposed will provide employment opportunities to nearby residents and help reduce travel to work. The retail opportunities will be available in close proximity to the large employment areas to the west.
7. The project is responsive to the existing market and needs of county residents and to the goals of the county. The master plan recommends a mixed-use for this site in recognition of the fact that a mix of office and residential (the hotel) makes the retail component more viable.
8. The development is intended to be compatible with and an integral part of existing neighborhoods. Linkages to adjacent employment areas, neighborhoods and activity centers will be provided so that pedestrians have safe and efficient access into and out of the site. High-quality architecture and resource- and energy-efficient building design, materials, and practices will be required. This development will seek to achieve

excellence in planning and design so that the health, safety, and welfare of workers and residents in the region are improved.

H. **Historic Preservation:** The staff of the Historic Preservation Section, in a memorandum dated June 13, 2013, offered the followed assessment of historic resources on and around the subject property:

1. Phase I archeological survey is not recommended on the above-referenced 30.62-acre property located at the intersection of Annapolis Road (MD 450) and Martin Luther King Highway (MD 704), on both sides of Lottsford Vista Road and north of Business Parkway in Lanham, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low.
2. There are three Historic Sites, Thomas J. Calloway House (70-049-33), Buena Vista (70-017), and Crandell-Cook House (70-010), and two Historic Resources, Glen Dale Hospital (70-050) and Burke-Jackson House (70-037), located within one mile of the subject property.
3. The subject property includes a portion of Buena Vista, which was subdivided by Robinson White in 1916. Buena Vista is located to the southwest of Lincoln, an early planned residential and retreat community for African Americans. Buena Vista also developed as a small African American residential community adjacent to the Washington, Baltimore, and Annapolis Electric Railroad (W.B. & A.), which provided convenient transportation to and from these cities. Early development of the community concentrated along the W. B. & A. Railroad and Defense Highway, now MD 450.

One Historic Resource, the Burke-Jackson House (70-037), is located in the Buena Vista Community and is adjacent to the subject property. The Burke-Jackson House was constructed for Edwin and Georgia Burke about 1918 by Frank and Benjamin Holland, along with Isaiah T. Hatton and a man named Clark. Mrs. Georgia Burke was a prominent community activist in the Lincoln-Vista community and taught school in her home until a school was constructed by the Board of Education (BOE). She taught upper grades in the Lincoln school once it was completed in 1921. Isaiah T. Hatton was one of a rising generation of African American architects in the Washington, D.C. area and built several of the houses in the Lincoln and Buena Vista communities. The Burke-Jackson House was demolished in April 2010, but remains listed as a Historic Resource in the *Prince George's County Historic Sites and Districts Plan*. Three houses located on the subject property are more than 50 years old: 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955).

With the advent of the automobile, ridership on the W.B. & A. Railroad declined and service was ceased in 1935. The Buena Vista community was further impacted by the construction of Defense Highway (now MD 450) in the early 1930s and George Palmer Highway (now MD 704 or Martin Luther King Highway) in the 1940s. Both of these highways have been expanded and have further encroached on the Buena Vista community.

To the north of Lottsford Vista Road, the Vista Raceway was established by the Land and Sea Sportsmen's Club, Inc. about 1951. The Vista Raceway was a half-mile dirt oval that operated from the early 1950s until the early 1970s. The Maryland State Highway Administration (SHA) acquired the 24 acres comprising the Vista Raceway in 1975. When MD 450 was expanded in the late 1990s, the northeastern edge of the raceway was destroyed. A stormwater management pond has obliterated the northern section of the raceway. The southern end of the race track is now overgrown, but may still be intact.

Historic Preservation Conclusions

1. Phase I archeology survey is not recommended on the subject property. Modern disturbance has likely disturbed any intact cultural resources that may have been present on the property.
2. The houses located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955) and any remnants of the Vista Raceway should be recorded on a Maryland Inventory of Historic Properties (MIHP) form prior to demolition or any grading. The documentation should include floor plans and representative interior and exterior photographs of all structures.

CONCLUSION

The requested M-X-T Zone conforms to the land use recommendations of the 2010 master plan for medium-density, mixed-use development for the site as part of the, as well as, the 2002 General Plan for the Developing Tier, generally. However, the development of these uses will require close attention to be paid to buffering and screening at later stages of development review to ensure compatibility with the remaining residences in the Buena Vista subdivision. Also, close attention will need to be paid to ensure that the development becomes a truly integrated mixed-use and not just another retail shopping center. In addition, conditions have been recommended to ensure that the conceptual site plan review takes into account important environmental issues as raised in the referral from the Environmental Planning Section dated July 2, 2013.

In order to provide flexibility to design a mix of uses as advocated by General Plan policies, the M-X-T Zone is appropriate for this property. Staff therefore recommends **APPROVAL** of the M-X-T Zone, subject to the following conditions:

1. The following road improvements shall be constructed as a part of the subject development, with timing to be determined at the time of preliminary plan of subdivision:
 - a. Martin Luther King Highway (MD 704) and Forbes Boulevard: Construction of an additional northbound left turn lane on Forbes Boulevard (resulting in two left-turn lanes and one shared right/through lane on the approach).
 - b. Martin Luther King Highway (MD 704) and Vista Gardens shopping center driveway: Construction of a new approach from the north and a new traffic signal.
 - c. Martin Luther King Highway (MD 704) and Annapolis Road (MD 450): Construct a third left-turn lane within the median on the eastbound approach of MD 450.
 - d. The applicant shall conduct a traffic study which shall include an evaluation of all site access points. Direct access to MD 450 and MD 704 will require approval of a variation.
2. The following recommendations should be observed during the preparation and review of the conceptual site plan (CSP) and preliminary plan of subdivision:
 - a. The site plan shall provide adequate open space at the interface, as determined by the Urban Design Section, to serve as a buffer between the project and abutting residential development.

- b. Wherever possible, existing 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 the interface along Old Lottsford Vista Road.
 - d. Provide a bikeway through the subject property that connects the Washington, Baltimore & Annapolis (WB&A) Trail to internal streets and area roads, and connect specifically to Annapolis Road (MD 450) and Martin Luther King Junior Highway (MD 704). Also provide pedestrian and bicycle connections to the adjacent sidewalks, transit stops, bikeways, and roads. All bikeway location recommendations shall be approved by the Department of Public Works and Transportation (DPW&T) and shall be designed to meet or exceed County and State standards.
 - e. Provide sidewalks on both sides of all proposed internal streets. Right of way dedication and locations for sidewalks shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation and shall be designed to meet or exceed County and State standards.
 - f. Provide sidewalks on the adjacent roadways that abut the subject property, including Annapolis Road (MD 450) and Martin Luther King Junior Highway (MD 704). Right of way dedication and locations for sidewalks shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation and shall be designed to meet or exceed County and State standards.
 - g. Provide right-of-way dedication along Martin Luther King Junior Highway (MD 704) that is sufficient for the inclusion bicycle lanes and a sidepath. Right of way dedication and locations for sidepaths and bike lanes shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation (DPW&T) and construction shall be designed to meet or exceed County and State standards.
3. All future submissions for development activities on the subject property shall contain a Natural Resources Inventory (NRI) plan that covers the entirety of the subject property. The NRI shall be used by the designers to prepare a site layout, which results in nonessential impact to the regulated features of the site.
 4. The Detailed Site Plan shall demonstrate the use of full-cut off optic light fixtures to the extent practicable.
 5. The Preliminary Plan application package shall contain a Phase I noise study, certified by a professional acoustical engineer, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours associated with Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450).
 6. Prior to signature approval of any preliminary plan, the applicant, the applicant's heirs, successors and or assignees, shall record the existing dwellings located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955) and any remnants of the Vista Raceway on a Maryland Inventory of Historic Properties (MIHP) form. Two copies of the MIHP form shall be submitted to and approved by the Historic Preservation Section prior to signature approval of the preliminary plan.

ITEM:

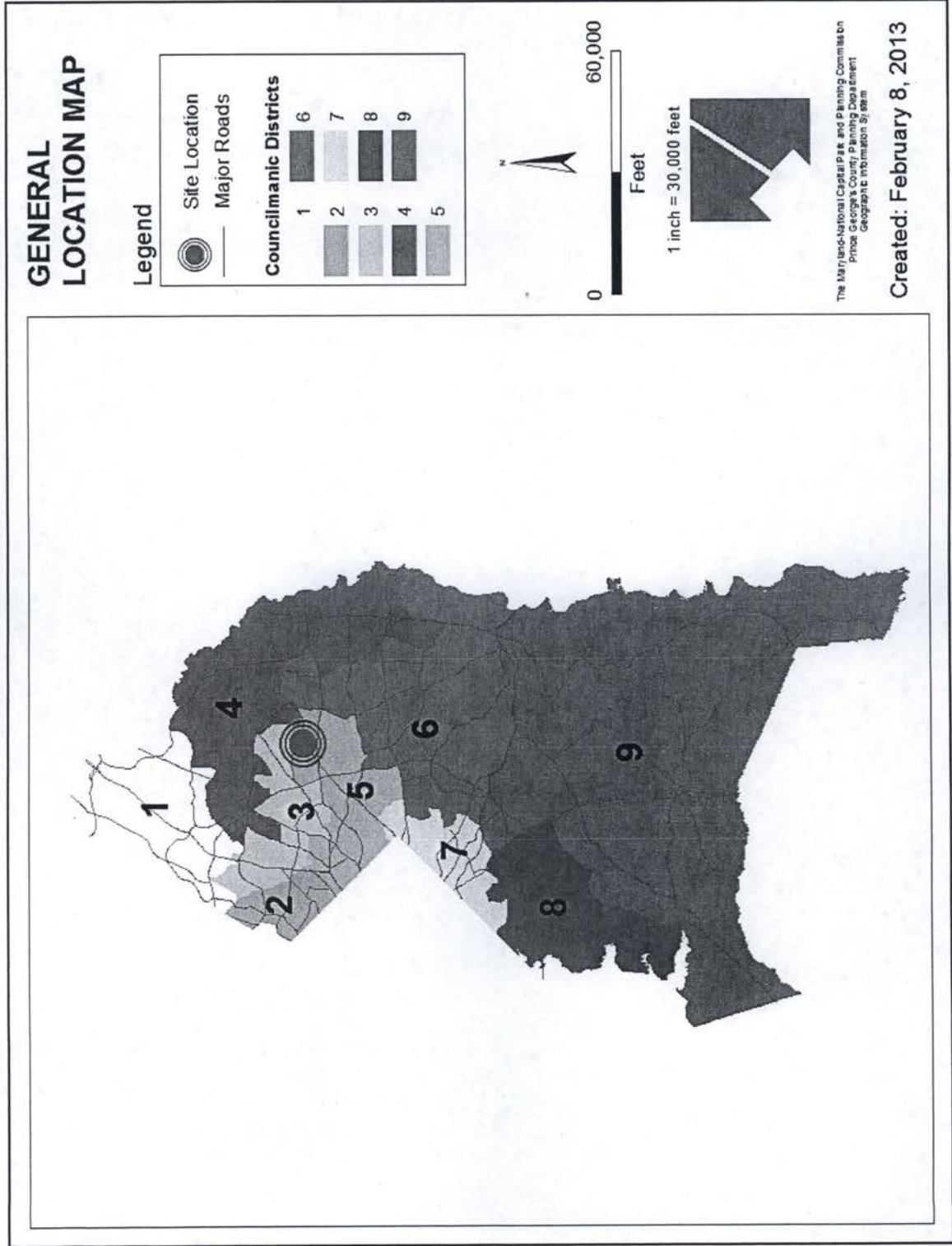
CASE: A-10028

BUENA VISTA WEST

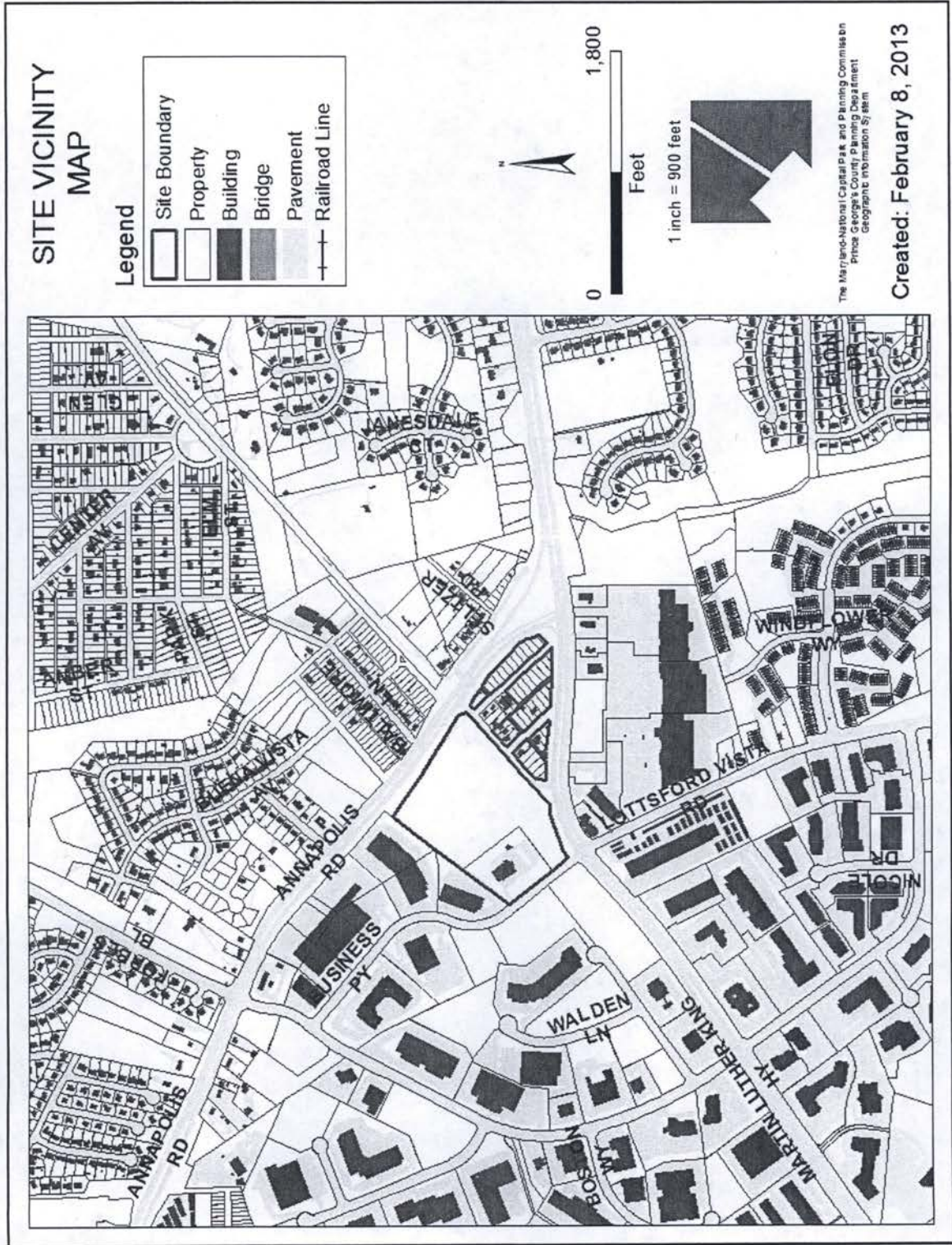
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



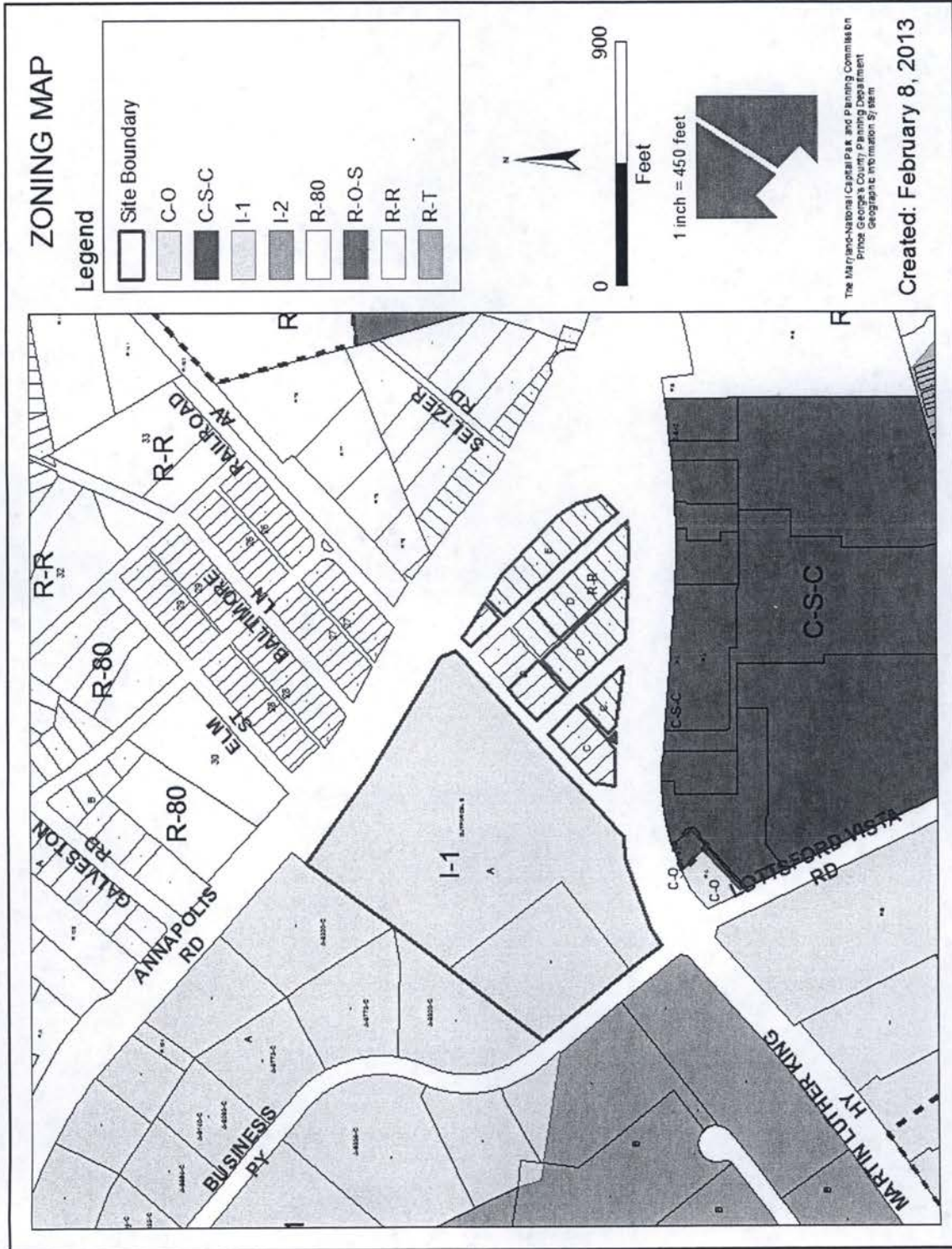
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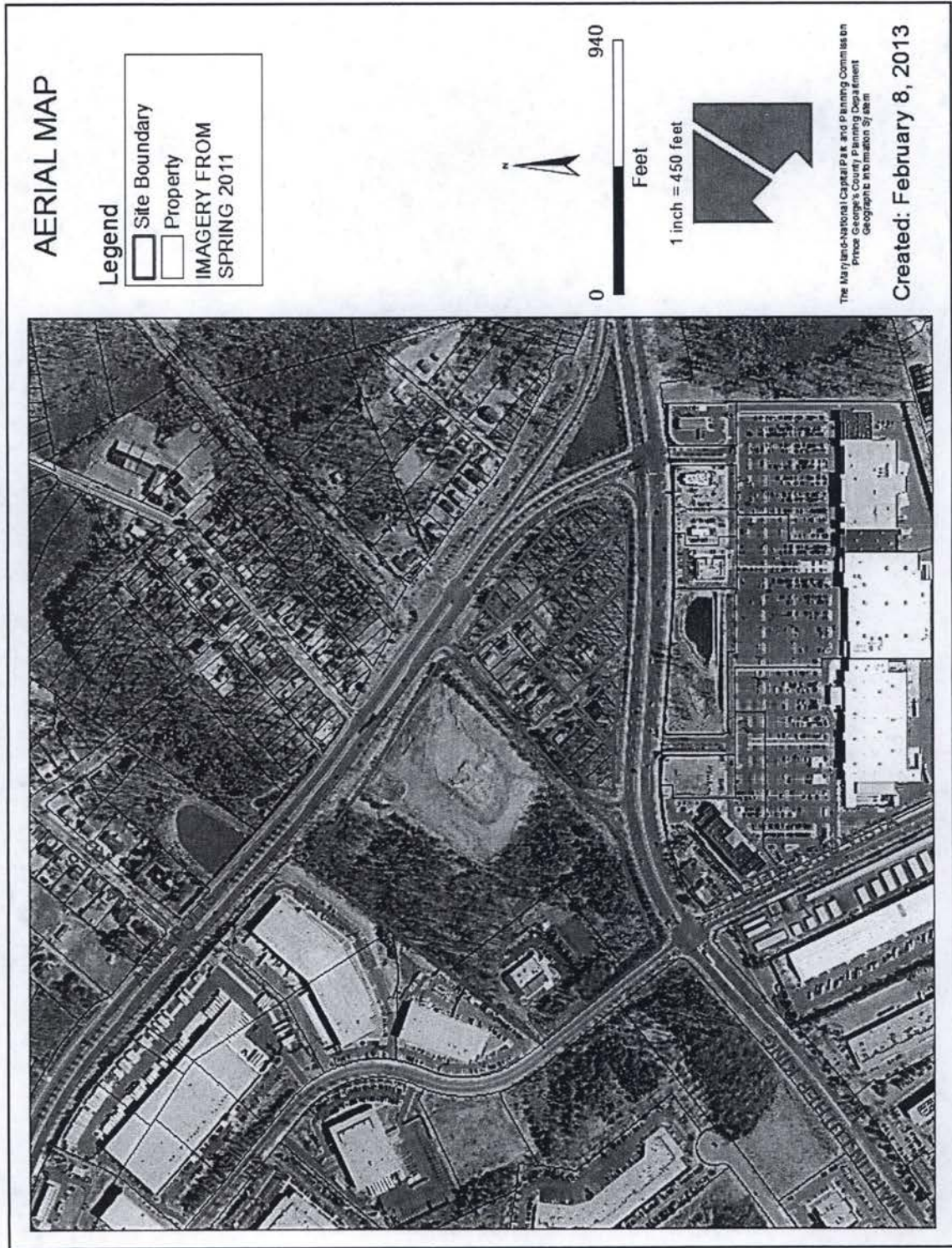
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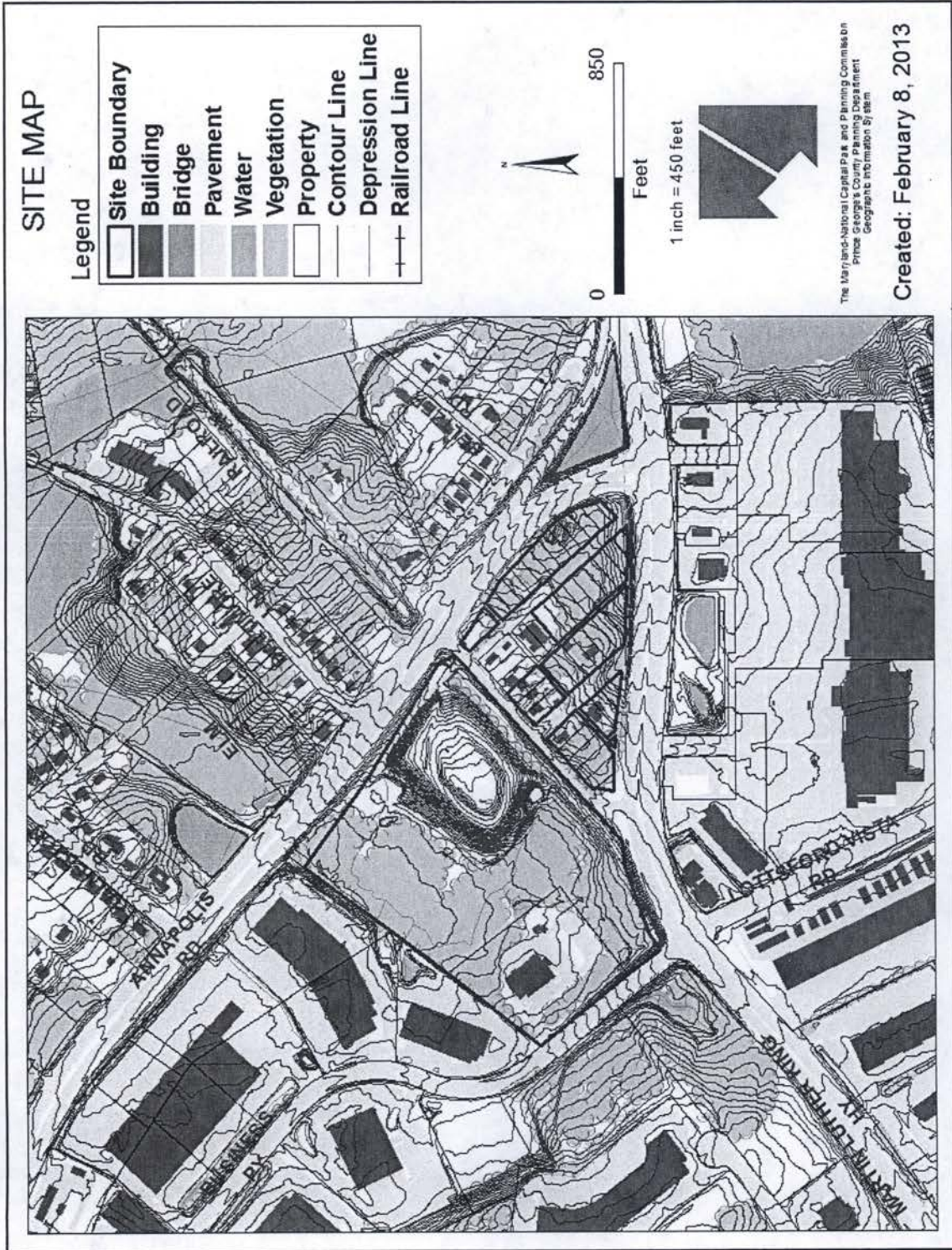
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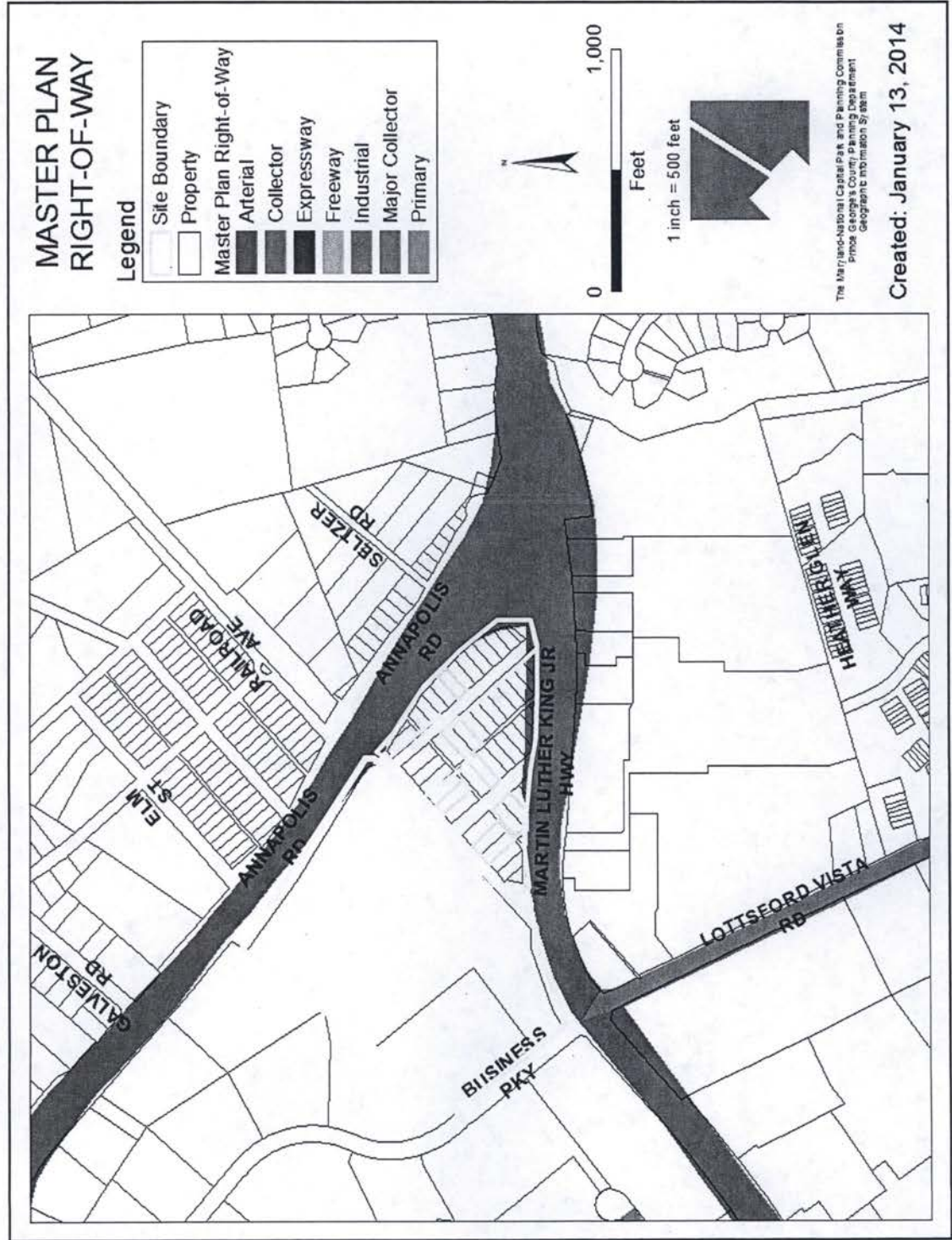
AERIAL MAP



SITE MAP



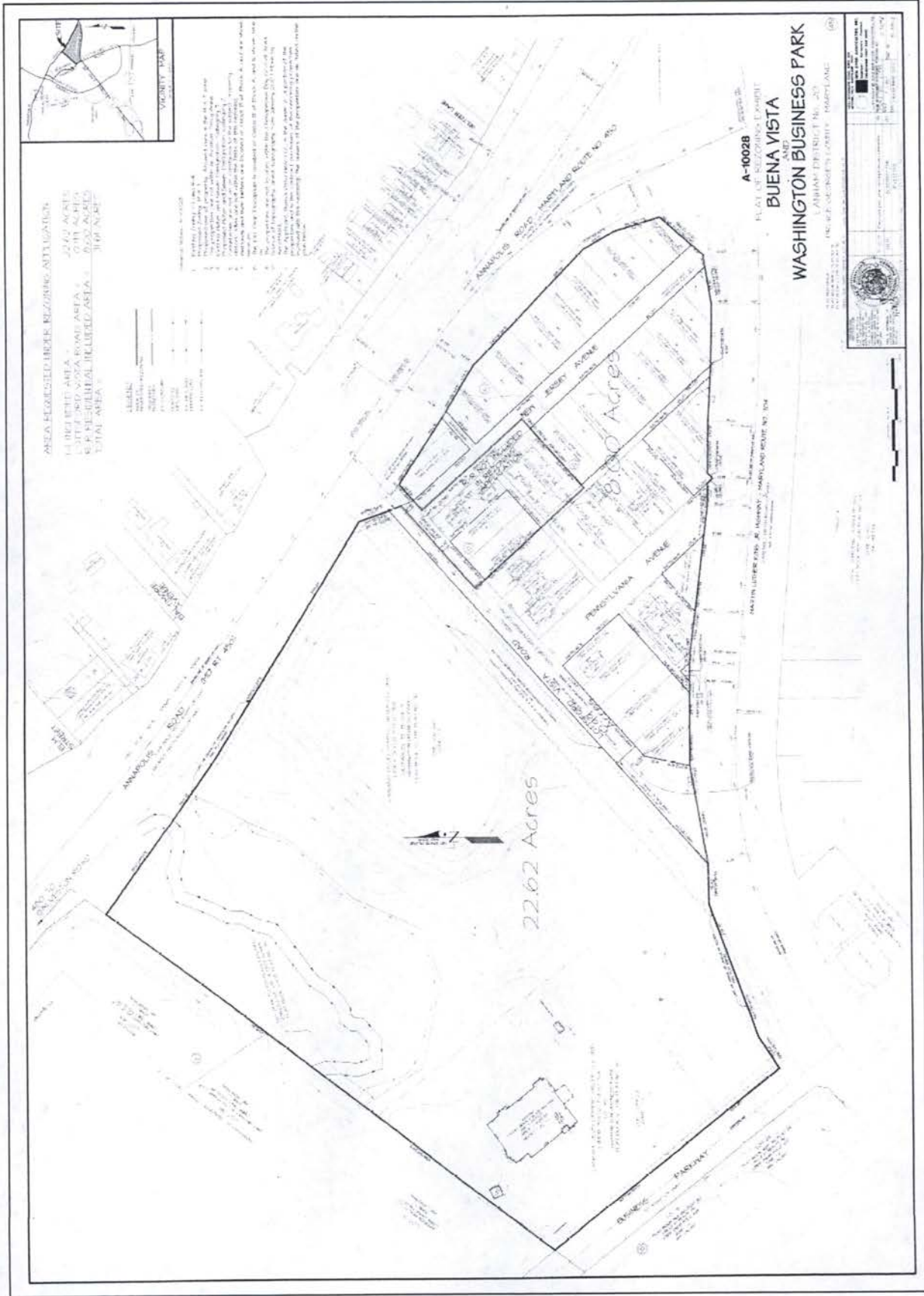
MASTER PLAN RIGHT-OF-WAY MAP



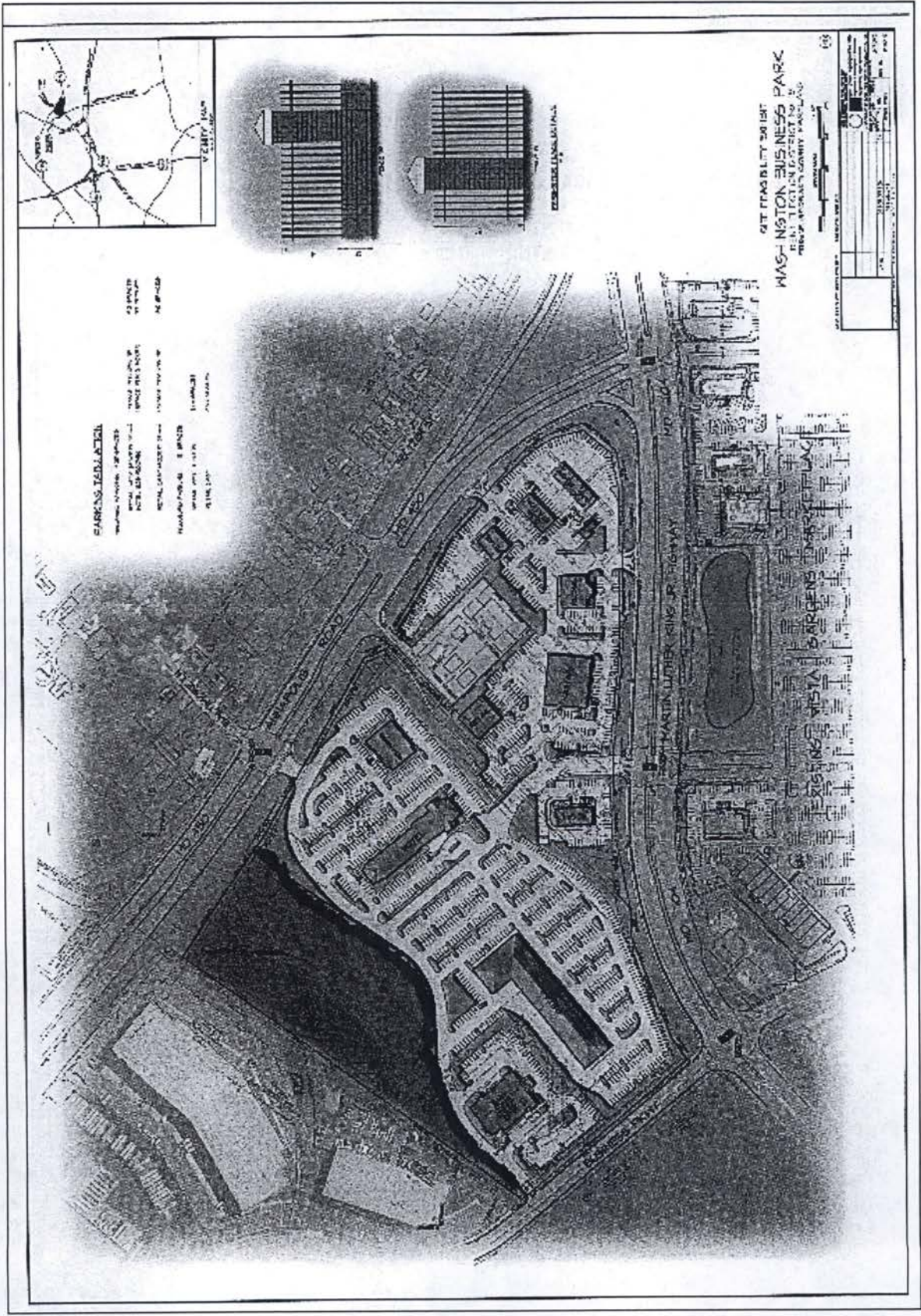
SITE PLAN



SITE PLAN



SITE DEVELOPMENT CONCEPT



LAW OFFICES
SHIPLEY & HORNE, P.A.

1101 Mercantile Lane, Suite 240
Largo, Maryland 20774
Telephone: (301) 925-1800
Facsimile: (301) 925-1803
www.shpa.com

Russell W. Shipley
Arthur J. Horne, Jr.*
Dennis Whitley, III*
Robert J. Antonetti, Jr.

Bradley S. Farrar

* Also admitted in the District of Columbia

May 13, 2013

A-10028

VIA HAND DELIVERY

Mr. Edward Holley
Development Review Division
Prince George's County Planning Department
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Re: Buena Vista West Zoning Map Amendment (A-10028)

Dear Mr. Holley:

On behalf of our client, Buena Vista West, LLC, please accept this Revised Statement of Justification in support of the above captioned application for rezoning. This revision replaces the justification statement submitted and dated April 5, 2013 and reflects information requested in the pre-acceptance comments returned to us on April 25, 2013. This application is filed in accordance with Section 27-143 of Subtitle 27 of the Prince George's County Code, also known as the Zoning Ordinance for Prince George's County, for the purpose of rezoning the subject property from the R-R (Rural-Residential) Zone and the I-1 (Light Industrial) Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone. The application is based on the fact that there were a series of mistakes or errors made by the District Council in approving the current 2010 Glenn Dale Seabrook Lanham & Vicinity Sector Plan and Sectional Map Amendment (SMA), pursuant to Section 27-157 (a)(1)(B)(ii) of the Zoning Ordinance.

A. Location and Site Description:

The subject property is shown on Exhibit 1 (Plat of Rezoning and aerial photo) located on both sides of a segment of Lottsford Vista Road that connects Annapolis Road (MD 450) with Martin Luther King, Jr. Highway (MD 704). The R-R zoned area to the southeast of this road is comprised of the older Buena Vista Subdivision of approximately 9.23± acres total that contain 48 full or partial remainder lots, each containing approximately 0.17 acres or less. Within the R-R area, 45 of the lots or approximately 8.0± acres are owned by or under the control of the Applicant. This area forms a triangle of relatively level land bordered by two major arterial highways (Martin Luther King Jr. Highway and Annapolis Road). Lottsford Vista Road is a residential street connecting both arterial highways and separates the R-R and I-1 zoned portions of the subject

property.

As stated above, the Applicant owns or has under contract 45 of these lots, all of which are adjoining as defined in Section 27-143 (a)(6) of the Zoning Ordinance, separated only by a public right-of-way. The area is developed with eight (8) scattered single-family dwellings, six (6) of which are currently owned or under contract to the Applicant. Overall, the Applicant has acquired or has under contract ninety-four percent (94%) of the total number of lots or partial lots. Three (3) lots developed with two (2) residences remain to be acquired by the Applicant (Lots 6-8 in Block D). Lots 4 and 5 in Block D are owned by the Applicant but are not included within the application at this time. The Applicant is in continuous negotiations to purchase these remaining lots and reserves the right to include these, as well as lots 4 and 5 in Block D, in an amended application. Access into the R-R zoned triangular area is via Lottsford Vista Road from both Annapolis Road and Martin Luther King, Jr. Highway. The Applicant has been actively consolidating property ownership for the purpose of developing an integrated commercial complex since prior to this Applicant's development of the Vista Gardens Shopping Center located across Martin Luther King, Jr. Highway.

The R-R zoned portion of the subject property forms an island of rural residential development, wedged between significant commercial and industrial developments at the intersection of two major arterial highways. Across Martin Luther King Jr. Highway are the Vista Gardens Shopping Center in the C-S-C Zone, the Lottsford-Palmer building in the C-O zone, and the Hanson Palmer Business Park in the I-1 Zone. The Washington Business Park, including the I-1 zoned portion of the subject property, is adjacent to the west across Lottsford Vista Road and is in the I-1 and I-2 Zones. Across Annapolis Road are two small subdivisions containing single-family dwellings in the R-R Zone.

The portion of the subject property in the I-1 Zone is located northwest of Lottsford Vista Road and contains 22.6± acres. Lot 45 therein contains 4.5± acres and is developed with an office building located along Business Parkway used as the Applicant's corporate headquarters. This application contemplates that the office use will remain as part of the overall mix of uses. Outlot B therein is to the rear of the office building and contains 18.1± acres and is undeveloped.

B. Background:

On October 20, 2009, during preparation of the Preliminary Glenn Dale Seabrook Lanham & Vicinity Sector Plan and Sectional Map Amendment (SMA), the Applicant submitted a letter into the record for the October 6, 2009 public hearing (See Exhibit 2; referencing Exhibit 39 from the Glenn Dale Seabrook-Lanham Joint Public Hearing). The letter requested rezoning from the R-R Zone to the C-S-C Zone for the R-R zoned portion of the subject property. The hearing record closed on October 21, 2009. The exhibit also explains that the small size of the R-R zoned area does not meet the minimum acreage required for development in the M-X-T Zone. At the time the exhibit was submitted, the Applicant had not requested the inclusion of the I-1 Zoned portion of the subject property in the rezoning request.

Following the hearing, the Planning Staff in the December 3, 2009 Transcript Analysis (Exhibit 3) summarize hearing testimony and conclude (Pages 39-41) that:

“... any rezoning of the triangle [R-R portion of the subject property] would be premature. The issues of storm-water management, traffic access and circulation, pedestrian connectivity, and site design should be addressed.”

The Planning Board ultimately adopted this finding in the “Endorsed Sector Plan” and retained the R-R Zone as did, ultimately, the District Council in approving the SMA in Council Resolution CR-21-2010 on March 16, 2010. Upon approval of the SMA resolution, the applicant had assembled approximately seventy percent (70%) of the lots in the R-R zoned area. Currently, ninety-four percent (94%) of the lots have been assembled and land assemblage negotiations continue.

Subsequently during the SMA approval process, after continuing progress in assembling property, the Applicant rescinded the original C-S-C Zone request described in Exhibit 2 (Exhibit 39 from public hearing) and requested the M-U-I Zone in a Petition for Revision submitted to the Clerk of the County Council on April 15, 2010 for all of the subject property (I-1 and R-R zoned areas (See Exhibit 4). The Applicant believed placement of the entire property in the M-U-I Zone as part of the SMA would also ensure implementation of the mixed-use character and “urban node” development recommended by the sector plan for the general area identified as the Vista Gardens Focus Area.

The District Council’s Principal Counsel reviewed the Revisory Petition and advised the Council in a May 14, 2010 memorandum that the petitioner owners (instant Applicant) “do appear able to prove facts sufficient to satisfy Zoning Ordinance error or mistake standards” (See Exhibit 5). However, due to a flawed hearing and SMA adoption process (discussed in Item 4 below) the Council failed to act on the Revisory Petition in the time allocated, denying the Applicant and interested citizens the opportunity to be fully heard.

Absent a reasonable zoning remedy following approval of the sector plan and SMA there is no possible way the Applicant can move forward without requesting the M-X-T Zone at this time. Rezoning the property will enable the applicant to begin resolving the various issues identified in the sector plan through several required development approval phases.

C. Basis for Mistake:

The Applicant believes the record in this case demonstrates that a mistake was made by retaining the subject property in the R-R and I-1 zones during the Sectional Map Amendment. The Zoning Ordinance provides that any rezoning of a property following approval of a SMA must demonstrate one or more of the following:

Section 27-157(a) of the Zoning Ordinance provides that no application shall be granted without the applicant proving that either:

- (A) *There has been a substantial change in the character of the neighborhood; or*
- (B) *Either*
 - (i) *There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment, or*
 - (ii) *There was a mistake in the current Sectional Map Amendment.*

RESPONSE: Maryland case law describes that a “mistake” or “error” in the latest comprehensive rezoning may either arise from a mistake of fact made by the legislative body or by a failure of the legislative body to foresee or take into account trends reasonably foreseeable so that the action taken was based on misapprehension. *Kracke v. Weinberg*, 197 Md. 339, 79 A.2d 387 (1951); *People’s Council of Baltimore County v. The Prosser Co. Inc.*, 119 Md. App. 150, 704 A.2d 483 (1998); and *Dill v. Jordan Corp.*, 242 Md. 16, 217 A.2d 564 (1966).

There have been numerous decisions by the Maryland Court of Appeals over the years that clearly acknowledge that “Planning and Zoning” are not exact sciences and that “Master Plans” and “Sector Plans” must recognize that subsequent further reflections can sometimes reveal that the original document, though valid and appropriate in many respects, can represent a mistake in planning for a particular property. In such cases, it is appropriate to consider an application for rezoning and having found that a mistake occurred, determine what classification would be appropriate, *Peoples Counsel for Baltimore County v. Williams*, 45 Md. App. 617, 415 A.2s 585 (1980); *Jobar Corp. v. Rodgers Forge Community Association, Inc.*, 236 Md. 106, 202 A.2d 612 (1964); *Rohle v. County Board of Appeals for Baltimore County*, 234 Md. 259, 199 A.2d 16 (1964). The applicant recognizes that one must demonstrate that the “underlying assumptions or premise relied upon by the legislative body were incorrect as a mistake in fact or law. *Mayor & City Council of Rockville v. Rylyns Enterprises*, 372 Md. 514, 814 A.2d 469 (2002).

In addition, it must be remembered that if the “M-X-T” Zone is considered to be a “floating zone”, as that term applies to the plan in question, then the “mistake or change” rule (which applies to piecemeal zoning) does not apply. An applicant for a “floating” zone is just required to prove that the property in question meets all of the conditions and guidelines of the zoning classification in question *Mayor & City Council of Rockville v. Rylyns Enterprises, supra*.

Even if the “mistake” rule applies, the Applicant believes the District Council made several errors of misapprehension during the SMA process that lead to their failure to rezone the subject property. Primarily, the Council mistakenly relied upon unsubstantiated assumptions by the planning staff and Planning Board that rezoning the subject property through the SMA process was premature. This mistake, together with the Council’s flawed hearing process, prevented Council from adequately considering or realizing the following facts:

1. The progress made by the Applicant in assembling numerous individual residential lots as a prerequisite to zoning;

2. The viability of zoning options (C-S-C Zone and M-U-I Zone) proposed during the SMA process that demonstrate rezoning the subject property was not "premature" as assumed by the Planning Board;
3. The inappropriateness of the Sector Plan's textual recommendation that the area around the Vista Gardens Focus Area be "formally designated as a corridor node" when the sector plan's Land Use Map makes no such designation and the Council failed to implement the new Urban Corridor Node zoning as part of the SMA; instead retaining the R-R zoned area in the R-R Zone;
4. The sequence of events during the SMA approval process was procedurally flawed and denied the Applicant and citizens their rights to due process in expressing their opinions regarding the subject property's zoning; and
5. Lastly, having established that the Council erred during the SMA approval process, evidence is presented that the M-X-T Zone is an appropriate zone for the subject property and that its required development approval process will ensure that the various issues identified in the Sector Plan for mixed-use development are adequately resolved.

Each of the above arguments is discussed in detail below:

1. The progress made by the Applicant in assembling numerous individual residential lots as a prerequisite to zoning.

The participatory sector planning process and the Council failed to recognize the Applicant's progress made in consolidating multiple residential lots within the subject property and moving development forward. Despite the laudable intentions of involving the public in formulating land use policies on an area-wide basis, the reality is that very often the details and progress of bringing a specific project to fruition get lost. It is quite possible that within the scope of reviewing the area-wide sector plan, the Council may not have considered the fact that land assembly involving individual residential lot and dwelling unit owners is a long, laborious, and expensive process; a process that does not and did not fit precisely into the mandated public planning and zoning cycle for the Sector Plan. Thus, the Applicant believes that had the Council been aware of the land assembly progress made, the nature of the specific mixed commercial development proposed for the subject property, and the demonstrated capability of the Applicant to address identified development issues in the sector plan they would have approved the requested C-S-C Zone or the M-U-I Zone in the SMA. During the SMA consideration period and the time that this Applicant's request for Reconsideration of the SMA approval, the applicant had already assembled over several years thirty-nine (39) full and partial lots, or eighty-one percent (81%) of the R-R zoned lots. Presently, ninety-four percent (94%) of the lots have been assembled and aggressive negotiations continue for the remaining lots.

2. The viability of zoning options proposed by the Applicant during the SMA process that demonstrate rezoning the subject property was not “premature” as assumed by the Planning Board;

The Planning Board endorsed the staff’s finding that it was premature to rezone the R-R portion of the subject property. This finding was premised on the need discussed in the December 3, 2009 Transcript Analysis to address “*the issues of storm-water management, traffic, access and circulation, pedestrian connectivity, and site design.*” The Applicant believes that the Planning Board’s acceptance of the staff’s assumptions, findings and recommendations in the Transcript Analysis (pp. 39-41) was invalid because there is no factual evidence in the record supporting the claims of prematurity. Unfortunately, the Council, without adequate evaluation and due consideration, accepted the analysis and recommendations of planning staff and the Planning Board and subsequently denied the rezoning based on the mistaken assumption that the subject property was not in a position to move forward with development.

There is no indication in the record that the Council specifically discussed the Applicant’s initial request for the C-S-C Zone submitted into the public hearing record (Exhibit 39 in public hearing). Certainly, they did not discuss the Revisory Petition request for the M-U-I Zone as explained below.

Similarly, the Applicant believes the prematurity issues italicized above relate more to determining when zoning is appropriate (timing) rather than when such development issues are actually resolved - during the development review process. It appears that the prematurity issues were gleaned by staff from their review of some of the testimony received into the record that is not based on any studies (Hearing Record Exhibits 26, 27, 30, 45, 46, 48, and 50; many focusing primarily on stormwater issues). The result is that Council erred in not recognizing that the Applicant was willing and able to move forward with the development review process where identified issues would be resolved and other sector plan design concepts incorporated in plans. Had the rezoning been granted in the SMA, the Applicant would have completed land assembly negotiations and various technical studies required as part of the development review process. The Applicant believes that the District Council erred in not recognizing that the SMA was the proper time to rezone the subject property.

Moreover, it was a mistake to retain the R-R zoning on a portion of the property because the existing small R-R zoned lots are out of character with the surrounding commercial and employment uses. Potential development of residential uses in this old subdivision could be problematic for encouraging the desired mixed-use development. This is because the old subdivision lots do not meet the minimum requirements for single family homes, though the lots could be combined in some instances in order to build houses. Also, if the neighborhood was built out following the current platting and R-R zone, there would be numerous additional roadway access points onto MD 450 and MD 704 due to the existing platted, public streets. If the neighborhood were to be developed in this hodgepodge fashion, dictated by the current plat and zoning, it would be extremely unsafe and detrimental to the welfare of the community and potentially could lead to piecemeal development that would hinder further land assembly.

However, due to a flawed hearing and SMA adoption process (discussed in Item 4 below) the Council failed to act on the Revisory Petition in the time allocated, or as could have been extended. This resulted in the petition being nullified by operation of law. Thus, by no fault of the Applicant, the District Council failed to establish a logical procedural schedule whereby they could timely consider the merits of rezoning the subject property to the M-U-I Zone or alternatives as part of the SMA process, thereby denying the Applicant and interested citizens the opportunity to express their opinion on the rezoning of the property and the due process of law.

3. The inappropriateness of the sector plan's textual recommendation that the area around the Vista Gardens Focus Area be "formally designated as a corridor node" (Page 208) when the sector plan's Land Use Map makes no such designation and the Council failed to implement the new Urban Corridor Node zoning as part of the SMA.

The sector plan describes the subject property and surrounding area as the Vista Gardens Focus Area and recommends intensive mixed-use development as illustrated on the Proposed Land Use Map (41) in the Approved Sector Plan (CR-21-2010). Two conceptual urban design plans (short and long-range) are shown on Pages 211 and 212 of the Approved Sector Plan and are intended (for illustrative purposes only) to suggest the type of development envisioned. The plan text recognizes that this focus area forms the terminus of the 2002 General Plan's designated Annapolis Road Corridor and recognizes the area as a corridor node where mixed-use development should be intensified. However, the sector plan's text recommendation to designate the Vista Gardens Focus Area as a corridor node was never brought forward by the Council in approving the plan (CR-21-2010). Such a designation is not indicated on the Proposed Land Use Map (41) in the Approved Sector Plan (Page 243).

Although the Urban Corridor Node Zoning Ordinance (Subtitle 27A) was adopted by the Council on March 9, 2010, one week prior to sector plan adoption (March 16, 2010), the Council in their wisdom did not place the Vista Gardens Focus Area in any Urban Corridor Node Zone (UC 1-4). The Applicant can only speculate that the District Council considered the urban corridor zoning inappropriate because a required "Regulating Plan" had not been prepared as part of the SMA process. Nevertheless, the Council intended that any future development would be informed by the conceptual urban design plans included in the sector plan.

The Applicant also believes the UC-4 Zone is inappropriate as a development tool because the Urban Corridor Node concept for the Vista Gardens Marketplace area includes a much larger area and numerous properties not under the Applicant's control. Without the involvement of adjacent landowners who are prepared to develop their properties, it is illogical for the Applicant to propose a required "Regulating Plan" for the subject property when it will have prejudicial impacts upon these other land owners when and if they develop their respective Regulating Plans through individual Zoning Map Amendment applications. The subject property comprises only a small portion of the larger Vista Gardens Marketplace and Vicinity and the Applicant has no authority to propose a Regulating Plan for other properties included in the designated area. Moreover, the process for developing a Regulating Plan requires Planning Director approval of a public

participation process. Such a process can alternatively be ensured through the several subsequent development approval phases required for development in the M-X-T Zone. Therefore, the Applicant believes the requested M-X-T Zone provides an excellent alternative zone that will ensure the type of intensive mixed-use development envisioned by the conceptual urban design plans.

4. The sequence of events during the SMA approval process was procedurally flawed and denied the Applicant and citizens their rights to due process in expressing their opinions regarding the subject property's zoning;

The District Council hearing on the Applicant's Revisory Petition requesting the M-U-I Zone for all of the subject property (R-R and I-1 zoned areas) was scheduled for June 15, 2010 but was deferred to and commenced on July 12, 2010, the last meeting date before the Council's summer recess. As the Council's Principal Counsel explains in a November 5, 2010 memorandum to Council Chairman Thomas E. Dernoga, the hearing was not completed that day. (See Exhibit 6). The Principal Counsel explains that:

"The Applicants' representatives were completing their case when the Chair [Councilman Dernoga] called for a continuance, because of the need to complete other Council business pending that day."

Counsel goes on to explain that:

"A number of neighborhood residents, some for and some against the petition, had still not testified, when the Chair continued the case until September."

In accordance with Section 27-228 (e) (10) of the Zoning Ordinance,

"... the District Council shall issue its decision on all revisory petitions within five (5) months after the date of adoption of the SMA. A revisory petition not acted upon within this time period shall be considered denied."

However, the month of August was not counted as part of the five (5) month period because Section 27-291 (a) of the Zoning Ordinance provides that all such time limits are postponed during August and December when the Council is in recess. The final day for Council action on the Applicant's Revisory Petition, then, was September 16, 2010, the end of the limitation period set out in Section 27-228 (e) (10), as extended by Section 27-291 (a) of the Zoning Ordinance.

Unfortunately, the District Council did not meet in September until September 20, 2010 because of primary elections held on September 14th. That date (September 20) was past the time when action could be taken on the Applicant's Revisory Petition. In essence, the District Council was effectively in recess during the time period of the primary elections. Procedurally, the Applicant believes the District Council displayed misapprehension in scheduling the hearing

process and failed to extend the time period for final action on the SMA and should have extended it another 16 days past the first Council meeting on September 20, 2010 in order to give the Applicant's representatives and interested citizens time to present their opinions. The Applicant believes the statutory requirements of a fair "hearing", where all evidence can be presented were overlooked by the District Council and resulted in a flawed process.

Counsel then explains in the memorandum: "*Because of the lapse of time, the petition was not decided on the merits, but was denied by operation of law.*" He concludes by informing the Chairman that the Applicant owners may still apply for one or more individual zoning map amendments.

Therefore, the failure of the Council to act on the Revisory Petition in the time allocated, or as could have been extended by the Council Chairman, resulted in the petition being denied. Thus, by no fault of the Applicant, the District Council failed to establish a logical procedural schedule whereby they could timely consider the merits of the Applicant's rezoning request for the subject property to the M-U-I Zone or alternatives as part of the SMA process, thereby denying the Applicant and interested citizens the opportunity to express their opinion on the rezoning of the property and the due process of law. *White v. Spring, 109 MD. App. 692, 675 A.2d 1023 (1996).*

5. Lastly, having established that the Council erred during the SMA approval process, evidence is presented that the M-X-T Zone is an appropriate zone for the subject property and that its required development approval process will ensure that the various issues identified in the Sector Plan are adequately resolved.

As discussed in preceding Item 4, the Applicant believes the failure to properly schedule and hear the merits of the case constitute mistake on the part of the District Council. The result is that the Applicant is now excluded or prohibited from filing a Zoning Map Amendment to request the M-U-I Zone by application of Section 27-546.16 (a) of the Zoning Ordinance which specifies under what circumstances the M-U-I Zone may be approved:

"27-546.16(a) - The District Council may approve the M-U-I Zone in a Sectional Map Amendment, a T-D-O Zone map amendment, a D-D-O Zone map amendment, an individual map amendment requested by a municipality or the Prince George's County Redevelopment Authority."

Notwithstanding the failure of the District Council to act on the Revisory Petition within the allotted time, Section 27-228(e) (7) of the Zoning Ordinance provides that such denial does not prejudice consideration of a subsequent Zoning Map Amendment application.

Therefore, given recent progress in acquiring and consolidating additional residential lots, conducting meetings with community organizations, and responding to changing market forces, the Applicant is now requesting rezoning from the R-R and I-1 Zones to the M-X-T Zone for the subject property and demonstrates that alleged elements of prematurity can be reasonably

resolved during the development approval process. Specifically, the M-X-T Zone requires approval of the zoning, followed by Conceptual Site Plan approval, subdivision approval, Detailed Site Plan approval, final subdivision plat approval, all followed by grading, building and use and occupancy permits. During these development approval phases, the adequacy of public facilities must be demonstrated and issues of stormwater, pedestrian connections, and numerous other development regulations must be met. The Applicant believes the strategic location of the subject property lends itself to providing the neighborhood-serving retail, office, employment, residential and open space elements for the greater mixed-use Vista Gardens Marketplace Focus Area as illustrated in the sector plan's urban design conceptual plans.

It is the Applicant's firm belief that had the District Council fully considered the earlier Revisory Petition request for rezoning they would have approved the M-U-I Zone as the first step in sector plan implementation. However, the M-U-I Zone is now precluded pursuant to Section 27-546.16(a) and the M-X-T Zone is requested as an appropriate alternative.

D. Conformance to the Purposes of the M-X-T Zone:

The Applicant believes the subject property is uniquely located and of the proper size to become the central mixed-use component within the sector plan's Vista Gardens Marketplace Focal Area. As the following indicates, the subject property is appropriate for and meets the purposes of the M-X-T Zone.

The purposes of the M-X-T Zone are contained in Section 27-542 (a) of the Zoning Ordinance.

(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;*

RESPONSE: Consolidation of the subject property into the M-X-T Zone will ensure orderly and balanced development of the subject property that is located at the intersection of two major arterial highways and in an area identified as the terminus of the General Plan's Annapolis Road Corridor. Moreover, the area is identified in the current Sector Plan for intensive mixed-use development as part of the urban corridor node concept. While it may be fairly debatable as to the proper zone to place the property in, there remains no doubt that the M-X-T Zone is a viable and realistic zone in which the development of this property can be vetted with the community through a series of subsequent development review procedures. The M-X-T Zone will enable the Applicant to immediately begin a mixed-use development that will surely contribute to expanding desirable employment opportunities.

(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;*

RESPONSE: The Applicant will develop plans through the Conceptual and Detailed site plan approval process required in the M-X-T Zone that will demonstrate a compact mixed-use development capable of complementing nearby residential, commercial and employment areas with a variety of mixed commercial uses. The subdivision process will ensure the adequacy of public facilities and services. The project will provide appropriate open space and recreational amenities that will enhance pedestrian connections and promote walkability to and from the subject property and among the variety of mixed land 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;*

RESPONSE: Rezoning to the M-X-T Zone will increase the value and tax base of the subject property by providing a properly sized development envelope at a location capable of accommodating more intensive development. Mixed-use development will meet several sector plan policies and strategies for mixed-use development at strategic locations; providing supporting services within walking distance to the adjacent Washington Business Park such as retail, restaurant, lodging, health, fitness, business and employment services, including residential uses, for the purpose of reducing vehicle trips.

(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;*

RESPONSE: The proposed development will be accessible to Metro Bus Routes B-24 and B-25 along Annapolis Road and are proximate to Metro Bus Route F-13, serving the Washington Business Park. Both routes service the New Carrollton Metro and MARC rail stations. Facilities for pedestrians and bicyclists will be proposed in subsequent development review stages. New intensive mixed-use development in the Vista Gardens Focus Area should support the extension of bus service from the current terminus within the Washington Business Park.

(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;*

RESPONSE: The ranges of uses proposed are anticipated to include open space, recreation, residential, office, hotel, and various retail and entertainment uses. The proper arrangement and mixing will these uses will promote maximum interaction.

(6) *To encourage an appropriate horizontal and vertical mix of land uses which*

blend together harmoniously;

RESPONSE: Any one or a mixture of the sector plan's suggested use components on the subject property can be designed in general accord with the plan's "Scenario Principles" and "Scenario Highlights" (pp. 208 -209) in such a manner as to support the general horizontal mixed-use character envisioned across the subject and other Vista Garden Focus Area properties.

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

RESPONSE: This purpose will be implemented specifically during subsequent development review approvals for the required Conceptual and Detailed Site Plans.

(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;

RESPONSE: The Applicant has a demonstrated history of improving the commercial market and aesthetics in the area by building environmentally sound developments in this and many other areas of Prince George's County, including the Vista Gardens Marketplace immediately across Martin Luther King Jr. Boulevard. As a land developer and property owner, there is a compelling interest in seeing the subject property complement that development.

The development will be comprehensively-planned and include a mix of uses that, when considered in context of nearby residential, office and employment land uses will increase opportunities for around-the-clock activities as envisioned by the Sector Plan. Also, the site will be developed with appropriate sidewalks and pedestrian connections to adjacent land uses and will incorporate open space elements geared to enhancing the pedestrian experience. Most importantly, the site will be developed in a manner that will enhance stormwater management in the area.

The Applicant has already designed and obtained stormwater management concept approval (Case # 47327-2007-01) from the County's Department of Public Works and Transportation. Stormwater will be directed into the existing Vista Gardens Marketplace stormwater management pond, allowing drainage to be directed away from the downstream Lincoln subdivision. A Natural Resources Inventory (NRI/025/09) is submitted herewith for the I-1 zoned portion of the property.

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

RESPONSE: The M-X-T Zone ideally is suited to flexibly respond to market and economic variability in that it allows a variety of building forms and mix of uses.

(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.

RESPONSE: Approval of the M-X-T Zone will finally allow the Applicant to begin designing implementing many of the development concepts, and guidelines in the sector plan.

E. Section 27-544 – M-X-T Regulations:

(a) Except as provided in Subsection (b), additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual. Sub-sections (b), (d) and (e) in Section 27-544 do not apply to the instant request. Sub-section (c) allows the issuance of a grading permit as long as it is in conformance with an approved Conceptual Site Plan, notwithstanding the provisions of Section 27-270.

RESPONSE: Division 3 contains the Table of Uses (b) for the M-X-T Zone. Only uses that are permitted or permitted by Special Exception will be proposed during subsequent review processes. Table of Uses (d) requires at least two (2) of the following three (3) uses (retail businesses; office, research, or industrial; and dwellings, hotel or motel) be shown on a subsequent Conceptual Site Plan and provided in the ultimate development. The subject property is anticipated to include uses from at least two (2) if not all three (3) categories. Division 4 of this Part contains regulations for development in the M-X-T Zone and includes the following:

Section 27-548 – M-X-T Zone

(a) Maximum floor area ratio (FAR):

- (1) Without the use of the optional method of development -- 0.40 FAR; and**
- (2) With the use of the optional method of development -- 8.00 FAR.**

RESPONSE: The proposed development will not utilize the optional method of development will have an overall floor area of 0.40 or less which will be determined at time of Conceptual or Detailed Site Plan review.

(b) The uses allowed in the M-X-T Zone may be located in more than one (1) building, and on more than one (1) lot.

RESPONSE: Proposed uses will be located in more than one (1) building, and on more than one (1) lot.

(c) Except as provided for in this Division, the dimensions for the location, coverage, and height of all improvements shown on an approved Detailed Site Plan shall constitute the regulations for these improvements for a specific development in the M-X-T Zone.

RESPONSE: These bulk requirements will be provided at time of conceptual and Detailed Site Plan review.

(d) Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone

and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.

RESPONSE: This is understood, landscaping will be in accordance with all requirements.

(e) In addition to those areas of a building included in the computation of gross floor area (without the use of the optional method of development), the floor area of the following improvements (using the optional method of development) shall be included in computing the gross floor area of the building of which they are a part: enclosed pedestrian spaces, theaters, and residential uses. Floor area ratios shall exclude from gross floor area that area in a building or structure devoted to vehicular parking and parking access areas (notwithstanding the provisions of Section 27-107.01). The floor area ratio shall be applied to the entire property which is the subject of the Conceptual Site Plan.

RESPONSE: This is understood, gross floor area will be determined during Conceptual Site Plan review.

(f) Private structures may be located within the air space above, or in the ground below, public rights-of-way.

RESPONSE: No such structures are proposed.

(g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

RESPONSE: This is understood.

(h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand eight hundred (1,800) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than six (6) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-

half (1/2) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width. The minimum building width in any continuous, attached group shall be twenty-two (22) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages are preferred to be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the District Council may approve a request to substitute townhouses, proposed for development as condominiums, for multifamily dwellings that were required as a condition of approval in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, such townhouses are subject to all other requirements of the Zoning Ordinance.

RESPONSE: Townhouse residential dwellings are not envisioned at this mixed use development.

(i) The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.

RESPONSE: Multifamily residential dwellings are not envisioned at this mixed use development.

(j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff

prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).

RESPONSE: The proposal for mixed-use development in the M-X-T Zone is not based on any comprehensive land use planning study conducted by the Technical Staff prior to or concurrent to initiation of the sector plan. The sector plan contains illustrations and planning principles that will help inform the development as the project moves through the Conceptual and Detailed Site Plan review processes.

Section 27-546 – Site Plans:

This section establishes regulations pertaining to the preparation, review, and findings required for approval of both the Conceptual and Detailed Site Plan that must be approved prior to development in the M-X-T Zone. It is noted that other sections of the Zoning Ordinance pertaining to off-street parking, loading, signs and landscaping will be followed during preparation of the respective Conceptual and Detailed Site Plans.

Section 27-213 – Criteria for approval of the M-X-T Zone:

- (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).

RESPONSE: The subject property has frontage on two major arterial highways (Martin Luther King, Jr. Highway and Annapolis Road).

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

RESPONSE: As discussed herein, the subject property is recommended in the 2010 Approved Sector Plan for Glen Dale-Seabrook-Lanham for a mixed-use

development scenario.

- (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.

RESPONSE: As discussed in Section D of this justification statement, the proposed rezoning to the M-X-T Zone is both a viable and logical zone that will implement the mixed-land use recommendations contained in the 2010 Sector Plan as they pertain to the subject property. The M-X-T Zone and its required approvals for conceptual and detailed site plans will ensure that many of the concerns discussed in the sector plan will be addressed. As discussed earlier, the Corridor Node recommendation was not implemented by the Sector Plan and the M-X-T Zone is a much more practical means to achieve the plans vision for mixed-use on the subject property.

- (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.

RESPONSE: A 2009 traffic study has been submitted by the Applicant to demonstrate the adequacy of the surrounding roadway system.

(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.

RESPONSE: This is understood by the Applicant.

Conclusion:

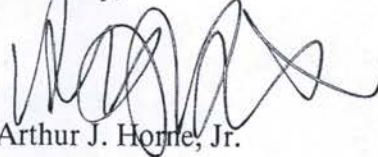
The Applicant believes the evidence presented herein is sufficient to demonstrate that the District Council may have mistakenly retained the R-R Zone by determining development was premature. Such a determination itself was premature because the District Council did not provide sufficient time to hear the Applicant or citizens discuss the Revisory Petition nor did the Council attempt to evaluate the Applicant's proposal or the Planning Board's recommendation. Had the District Council reasonably considered the effort and long lead time it takes a private developer to assemble individual residential lots and the fact that subsequent development phases would address the issues identified in the Sector Plan, they would have approved the M-U-I Zone for the subject property. Absent that possibility now, we believe the requested M-X-T Zone will allow the

Applicant to satisfactorily address the issues identified in the Sector Plan in future development approval phases, ensuring that the subject property will function as the mixed-use core for the Vista Gardens Marketplace Focus Area.

For the specific reasons and statements of fact noted above, and for reasons set forth in the entirety of the record of the Sectional Map Amendment proceedings, we respectfully request on behalf of our client that the District Council approve this application for the M-X-T Zone. We believe that this application falls within the classic definition for rezoning based on "mistake" as discussed by the leading Maryland cases and therefore is appropriate for rezoning to the M-X-T Zone.

Therefore, on behalf of the Applicant, we respectfully request that the District Council approve this Zoning Map Amendment application for rezoning from the R-R and I-1 Zones to the M-X-T Zone. Zoning approval will allow the Applicant to complete land assembly and move into the development approval process where issues identified in the sector plan can be comprehensively evaluated. The Applicant anticipates that the few properties remaining to be assembled will be acquired prior to final action on this Zoning Map Amendment.

Sincerely,



Arthur J. Horne, Jr.

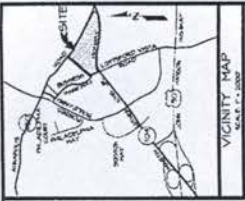
Enclosures

Cc: Mr. Kenneth H. Michael
Mr. Tom Lockard

May 13, 2013
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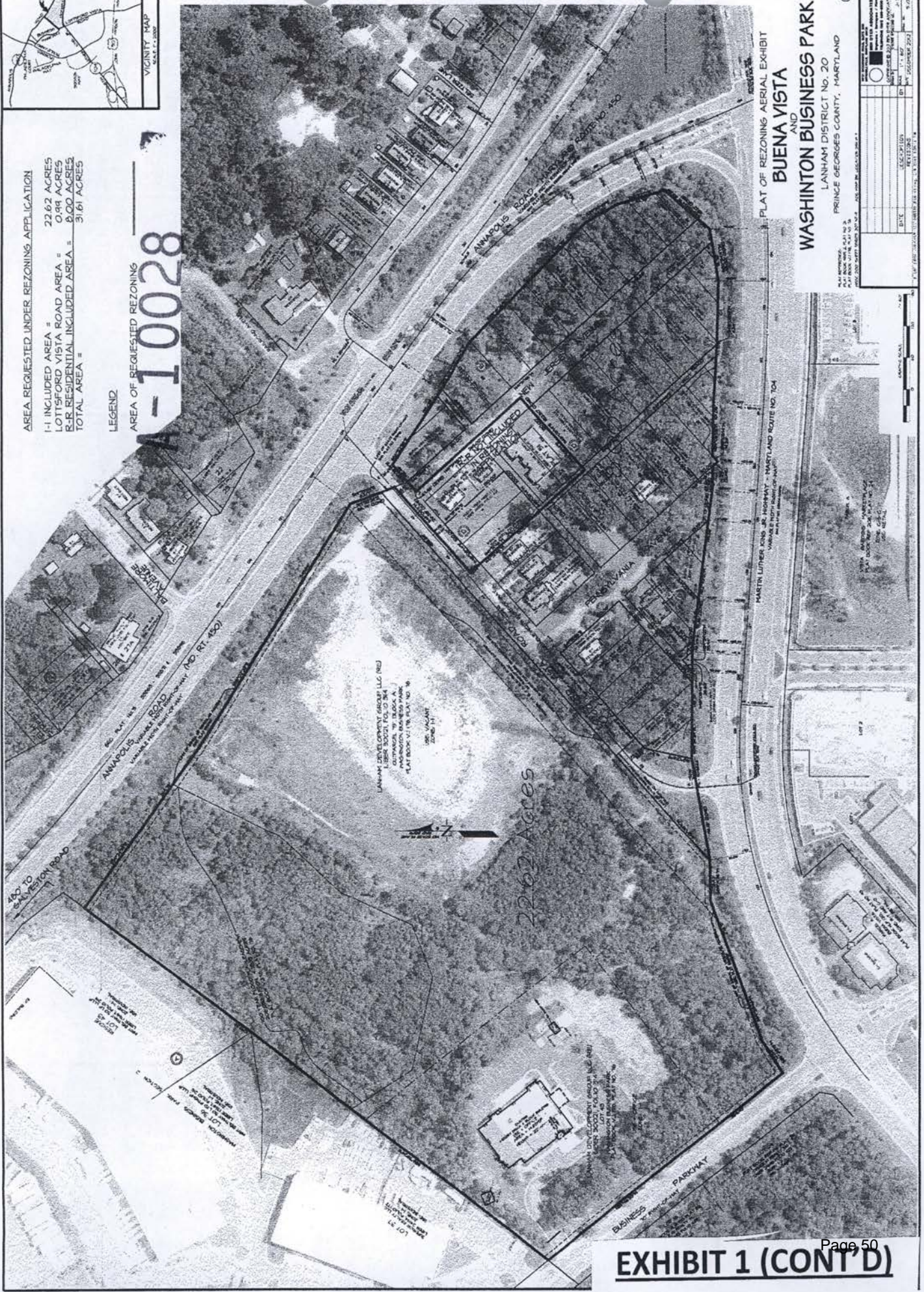


AREA REQUESTED UNDER REZONING APPLICATION

I-1 INCLUDED AREA = 22.62 ACRES
 LOTTSFORD VISTA ROAD AREA = 0.99 ACRES
 R-2 RESIDENTIAL INCLUDED AREA = 8.00 ACRES
 TOTAL AREA = 31.61 ACRES

LEGEND

AREA OF REQUESTED REZONING
-10028



PLAT OF REZONING AERIAL EXHIBIT
**BUENA VISTA
 AND
 WASHINGTON BUSINESS PARK**
 LANHAM DISTRICT NO. 20
 PRINCE GEORGES COUNTY, MARYLAND

DATE	DESCRIPTION	BY

PREPARED BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 SCALE: [Scale]
 SHEET NO. 50 OF 50

A-10028

GLENN DALE-SEABROOK-LANHAM
Sector Plan & SMA

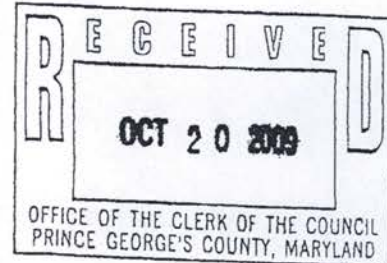
Joint Public Hearing, October 6, 2009

Exhibit 39



October 20, 2009

Ms. Redis C. Floyd, Clerk of the County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772



Re: Glenn Dale/Seabrook/Lanham and Vicinity Master Plan

Dear Ms. Floyd:

Please accept this letter as a request to rezone the triangle of land formed by Lottsford Vista Road, Maryland Route 450 and Maryland Route 704, as depicted on the attached map and outlined in red from the RR to the CSC zone.

This triangle is discussed in the Master Plan on page 278 in the Vista Gardens Marketplace and Vicinity section. As stated on page 278 of the text, the success of Vista Gardens Marketplace has lead to developer interest in underutilized properties lying to the north of the shopping center across Martin Luther King Highway. In fact, the developer of the Vista Gardens Marketplace has acquired most of the small residential lots within this triangle and is requesting rezoning in order to ensure that this property is developed in the same high quality that is recognized at the Vista Gardens Marketplace. The text further states that the site's location at the intersection of Annapolis Road (Maryland Route 450) and Maryland Route 704 makes development of this parcel in the near future highly probable. This section further states that given the circumstances, the Sector Plan recommend's that a future land use change for this area will help shape this important redevelopment opportunity in ways that meet Sector Plan goals.

We concur with the staff recommendation with the exception that we believe the property should be rezoned from RR to CSC under the present Sector Plan and Sectional Map Amendment. While staff is recommending a mixed use zoning classification of the property (Map 29 proposed land use), it is our considered opinion that the same could be accomplished under the CSC Zoning Classification due to its size, configuration and strategic location between the Vista Gardens Marketplace, the Washington Business Park and the surrounding residential communities. Further, the subject property consists of only approximately 8 acres of land which is considerably less than the minimum required to develop in the MXT zone.

We are asking that the Prince George's County Planning Board and the Prince George's County Council kindly accept this request to rezone the aforementioned



Ms. Redis C. Floyd, Clerk of the County Council
October 20, 2009
Page 2

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property to the CSC (Commercial Shopping Center) zone during the present Master Plan and Sectional Map Amendment process.

Sincerely,



Thomas Milbourne
Vice President

TM4770/ad
Attachment

Implementation Plan

A-10028

Exhibit 3

#	TESTIMONY	SPEAKER EXHIBIT	DISCUSSION/RECOMMENDATION
2.	<p>Topic: Rezoning/SMA (Vista Gardens II)</p> <p>Location: Triangle of land formed by Lotsford Vista Road, Annapolis Road (MD 450) and Martin Luther King Jr. Highway (MD 704)</p> <ul style="list-style-type: none"> Request to rezone the triangular property from R-R to C-S-C. <p>Summary of comments from other speakers and exhibits:</p> <ul style="list-style-type: none"> Likes the concept of the shopping center planned for Vista Gardens but feels it would be better implemented at Enterprise Shopping Center. Vista Gardens II is not in best interest of the community but of further development. Opposed to the proposed placement of Vista Gardens II Marketplace on the property at the intersection of Route 450 and Route 704. Will severely increase traffic and congestion. Will increase crime, noise and loitering. Concerned that traffic is bad in the Vista Gardens Marketplace area, along Martin Luther King Boulevard, and MD 450. States that it takes longer and longer to get out onto MD 450 from Galveston Road. This is that area's only ingress and egress. Vista Gardens II is being proposed near two shopping centers (Enterprise Plaza and Duvall Center) that are underused and should be refurbished to serve the community as they did before falling into disrepair. 	<p>Exhibit 39 Thomas Milbourne, Vice President, NAI The Michael Companies, Inc.</p> <p>Exhibit 30 Lillian Becker (Citizen Advisory Group)</p> <p>Speaker 3 Exhibit 46 Elaine K. McGinnis</p> <p>Exhibit 45 Henry Wixon, President, Glenn Dale Citizens Association</p> <p>Speaker 2 Exhibit 48 Kym D. Taylor, Glenwood Park Civic Association</p> <p>Speaker 11 Exhibit 50 Nora Wixon</p>	<p>Discussion:</p> <p>Exhibit 39 requests that the subject triangle of land be rezoned from R-R to C-S-C. The exhibit states that "the developer of the Vista Gardens Marketplace has acquired most of the small residential lots within the triangle and is requesting rezoning in order to ensure that this property is developed in the same high quality that is recognized at the Vista Gardens Marketplace." The exhibit further notes that "the subject property consists of only eight acres of land which is considerably less than the minimum required to develop in the MXT zone."</p> <p>The Vista Gardens Marketplace, which is currently zoned R-T, was developed pursuant to CB-70-2003 that enabled C-S-C uses within the R-T district subject to specific criteria (See Sec. 27-441(b) Table of Uses, Footnote 73). Based in part on the preliminary conclusions of the ongoing comprehensive analysis of the Prince George's County zoning ordinance (Draft Second Report, Consistency and Gap Analysis, page 25), which suggests simplification and recodification of the structure and application of the commercial table of use regulations, the preliminary sector plan recommends that the Vista Gardens Marketplace be rezoned (Sectional Map Amendment GD-1, page 319) to C-S-C to reflect the actual uses constructed.</p> <p>The preliminary sector plan reinforces the 2002 General Plan's designation of Annapolis Road (MD 450) as a corridor (C) that terminates at the intersection with Martin Luther King Jr. Highway (MD 704). The sector plan recognizes the significant and strategic location of the subject triangle due to not only its status as the terminus of the Annapolis Road corridor, but also the important transitional role this location plays between the low density pattern of uses to the east, including the former Glenn Dale Hospital property, and the employment and commercial uses anchored by the Washington Business Park and the Vista Gardens Marketplace, respectively.</p>

Implementation Plan

A-10028

#	TESTIMONY	SPEAKER EXHIBIT	DISCUSSION/RECOMMENDATION
2. cont.	<ul style="list-style-type: none"> • Opposed to the proposed placement of Vista Gardens II Marketplace on the property at the intersection of Route 450 and Route 704. • No need for another shopping center. • Proposed to benefit through traffic and commuters using the corridor. • Currently zoned RK and designated for single family and townhouse use only • Page 52 of the plan states that population will decline in approximately 10 years; therefore, there is no need for high density in the planning area. • No reason to change the R-T zone of the 26-acre R-R parcel that was contemplated as a transitional zone in the 1991 plan. • Opposes the change in zoning from Rural Residential to a future land use change as described on pages 278 through 286, which allows commercial development in the area of Vista Garden 2 or "Village Green". • The document must make clear that development of new parcels for shopping centers, business or office parks, or any mixed use centers will not be allowed until the blighted, empty or underused centers are revitalized and the available spaces centered. • Prefers to adaptive reuse of shopping centers and opposes GD1 rezoning from the R-R zone to the C-S-C zone. 		<p>Discussion (cont.):</p> <p>The Future Land Use chapter (pages 278 – 286) of the preliminary sector plan further defines the planning context of this eight acre site and key issues, site planning and design principles, and a potential conceptual and illustrative development program that is designed to serve as a framework for the future of this area. While the plan's primary focus is on strengthening and improving existing commercial centers within the planning area, the potential for future well planned and designed mixed use development at strategic locations, such as the subject property, is also acknowledged and further defined.</p> <p>The properties that form the triangle present more than an opportunity to create a commercial center. This location presents a unique opportunity to address this gateway-like area in a manner that introduces a truly integrated and unifying project that is both environmentally sensitive in terms of storm-water management within the Folly Branch watershed and responsive in terms of design and orientation to the road corridor, surrounding neighborhoods, and the employment and commercial centers.</p> <p>The preliminary sector plan, while recommending that both the triangle and Vista Gardens Marketplace be defined in terms of future mixed land use (Map 29 Proposed Land Use, page 269) opportunities, any rezoning of the triangle would be premature. The issues of storm-water management, traffic access and circulation, pedestrian connectivity, and site and project design should be addressed.</p> <p>Galveston Road serves a community that is well in excess of 100 homes. Ideally, a community of this size should be served by more than one access point. Unfortunately, the proximity to a local park as well as environmental constraints makes it unlikely that a second access point will be provided to serve this community.</p>

#	TESTIMONY	SPEAKER EXHIBIT	DISCUSSION/RECOMMENDATION
2. cont.			<p>Staff Recommendation: Retain existing R-R zoning on the subject properties.</p> <p>As a strategy, the Maryland State Highway Administration (SHA) should study the feasibility of signalization at the intersection of Galveston Road and MD 450 (from Glen Burton in response to traffic).</p> <p>Planning Board Action:</p>
3.	<p>Topic: Rezoning/SMA (SW Quadrant of MD 193 and MD564 and Intersection of MD 193 and MD 564)</p> <p>Location: 10810 Duvall Street and 1101 Lanham Severn Road; 7009 Glenn Dale Road; northwest quadrant of the intersection of Glenn Dale Boulevard (MD 193) and Annapolis Road (MD 450)</p> <p>Request: C-O and C-S-C to CM; R-R to R-T</p> <ul style="list-style-type: none"> Request to rezone three properties located at the southwest quadrant of MD 564 and MD 193: the Cooper-Smith properties from C-S-C to C-M and the Kaiser property for C-O to C-M. Request to rezone the Zoglio property located on the Northwest quadrant of MD 193 and MD 450 from R-R to R-T. 	<p>Speaker 6 Exhibit 29</p> <p>Michael S. Nagy; Ritkin, Livingston, Levitan & Silver (Representing multiple property owners)</p>	<p>Discussion: <u>Kiser and Coopersmith Properties</u></p> <p>The subject properties (see Exhibit 29) together form approximately 1.8 acres. These properties adjoin a 2.21-acre parcel zoned C-M that has frontage at the intersection of MD 564 and MD 193 and is subject to approved Preliminary Plan 4-95045 and Detailed Site Plan DSP-95082. The adjoining site has been cleared, graded and on-site storm-water management facilities are substantially completed. The remaining two properties within the block formed by MD 564 (north), MD 193 (east), Duvall Street (south) and Glen Avenue (west) consist of a vacant parcel and the Glenn Dale U.S. Post Office.</p> <p>The preliminary sector plan's primary focus is the condition, occupancy, accessibility and vitality of existing commercial centers or focus areas such as the Eastgate Shopping Center, which is directly north of the subject properties. This center serves as the terminus of the Greenbelt Road (MD 193) corridor recognized by the 2002 General Plan. While the plan supports limiting the growth of auto-oriented commercial uses and fragmented site planning that may contribute to commercial sprawl, further consideration has been given to the subject properties.</p>

LAW OFFICES
SHIPLEY, HORNE & HEWLETT, P.A.

1101 Mercantile Lane, Suite 240
Largo, Maryland 20774
Telephone: (301) 925-1800
Facsimile: (301) 925-1803
www.shhpa.com

Russell W. Shipley
Arthur J. Horne, Jr.*
Elizabeth M. Hewlett *†

Dennis Whitley, III*
Robert J. Antonetti, Jr.

* Also admitted in the District of Columbia
† Also admitted in Massachusetts

April 15, 2010

A-10028

VIA HAND DELIVERY

Ms. Redis Floyd
Clerk of the County Council
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

**RE: Petition for Revision of the Approved March 2010 Glenn Dale
Seabrook Lanham & Vicinity Sector Plan and Sectional Map
Amendment**

Dear Ms. Floyd:

Please accept this petition to revise the above captioned Sectional Map Amendment (SMA) for our client's, the Lanham Development Group, LLC (hereinafter LDG, LLC) and the Buena Vista West, LLC. (hereinafter BVW, LLC). This petition is filed in accordance with Section 27-228 of the Prince George's County Zoning Ordinance for the purpose of rezoning the subject properties from the R-R and I-1 Zones to the M-U-I (Mixed Use Infill) Zone, in accordance with the short and long-term recommendations of the Sector Plan.

The subject property comprises approximately 35 acres located along the north side of Martin Luther King Jr. Highway, between Business Parkway (southwest) and MD 450 (northeast). The subject property contains two distinct areas on each side of Lottsford Vista Road as follows:

- The I-1 Zoned area to the west of Lottsford Vista Road is owned by the LDG, LLC and comprises 22.6± acres. Lot 45 contains 4.5± acres and is developed with an office building located along Business Parkway. Outlot B contains 18.1± acres and is undeveloped and contains a stormwater pond.
- The R-R Zoned area to the east of Lottsford Vista Road comprises the Buena Vista Subdivision of 48-50 full or partial lots, each being approximately 0.17 acres

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or smaller in size. Approximately 70 percent of the lots are owned by BVW, LLC, and the remainder by about ten other local landowners. There are approximately 8 dwellings in this area.

Exhibit 1 is the tax map identifying the subject properties. Exhibit 2 shows existing zoning and Exhibit 3 is a 2009 aerial photograph. Exhibit 4 is the proposed conceptual development plan that includes a mix of office, retail, high density residential and hotel uses currently contemplated.

Additionally, the proposed redevelopment concept accommodates the redirection of drainage associated with all new development away from the Folly Branch floodplain area to the east of MD 450 and into the existing storm water pond within the Vista Gardens Marketplace across MD 450. Exhibit 5 confirms that this drainage design has received DPW&T Stormwater concept and technical design approval. The proposal also strives to incorporate many of the commercial and employment center design principals discussed on Pages 95-100 in the approved Sector Plan, including constructing the same type wall of surrounding brick that exists at the Vista Gardens Marketplace. The M-U-I Zone is requested in recognition that all development and redevelopment of the subject property will be subject to subdivision approval and Detailed Site Plan (DSP) approval. Our client's are prepared to respond to the development scenario outlined in the Sector Plan for the Vista Gardens Marketplace and Vicinity and all DSP and subdivision requirements.

Basis for Petition of Revision

Our client owns the I-1 zoned portion of the subject property and along with BVW, LLC has been in the process of acquiring the R-R zoned residential lots since prior to development of the Vista Gardens Shopping Center across the street. Currently, BVW, LLC has acquired 33 (69%) of the 48 residential lots in the Buena Vista Subdivision. The remaining 15 lots are owned by 10 other owners. Active negotiations are ongoing to assemble remaining lots.

Land assembly involving individual residential lot owners is a long, laborious, and expensive process; a process that does not fit precisely into the mandated public planning and zoning cycles for master plans. It is our understanding that several current owners have sent letters into the public record expressing their desire for our client to acquire their properties for redevelopment. However, we also understand that these letters may not have been entered into the public hearing record due to the untimely death of Vice-President for Development for the Michael Companies, who managed BVM, LLC.

Notwithstanding this unfortunate event, land assembly actions are necessary in order to achieve implementation of the visions, policies and strategies contained in the Sector Plan. Most importantly, our client has a history of improving the commercial market and aesthetics in the area by building environmentally-sound developments in

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this and many other areas of Prince George's County, including the Vista Gardens Marketplace immediately across Martin Luther King Jr. Boulevard. As a land developer and property owner, there is a compelling interest in seeing the instant proposal complement that development as well as adding value to the residents of the Glenn Dale area and throughout this north central portion of Prince George's County.

After examining the above captioned Sector Plan, it is the Petitioner's contention that the Sector Plan overlooked the extent of progress in acquiring and moving on to the next stage of the development process. That in essence, is why we believe the Council made a mistake in not fully realizing or considering the efforts expended in acquiring and assembling portions of the subject property. We note that the Planning Staff and Planning Board thoroughly considered the possible rezoning of a portion of the subject property (e.g., Buena Vista Subdivision area) to the C-S-C zone and somehow concluded the redevelopment of this area was premature. Item 2 in the Implementation Plan section (Page 40), in the December 2009 Transcript Analysis of the October 6, 2009 joint public hearing, states the following in reference to the Buena Vista portion of the subject property:

"The preliminary sector plan, while recommending that both the triangle [R-R Zoned portion of subject property] and Vista Gardens Marketplace [our client's commercial shopping center development across Martin Luther King Jr. Boulevard] be defined in terms of future mixed land use (Map 29 Proposed Land Use, page 269) opportunities, any rezoning of the triangle would be premature. The issues of storm-water management, traffic access and circulation, pedestrian connectivity, and site and project design should be addressed" (emphasis added).

In view of the above discussion, our client requests that the District Council revise the action taken as part of the above captioned SMA and approve the requested M-U-I Zone. The M-U-I Zone will enable completion of negotiations with remaining residential land owners to acquire their properties and also allow for residents to remain there or to be redeveloped on the subject property. Rezoning the property to the M-U-I zone will allow the project to move into the subdivision and DSP review process where the issues cited in the Transcript Analysis can be adequately resolved. Therefore, we believe that the District Council mistakenly made an assumption that the proposal was premature based on the recommendations of the Planning Staff and Planning Board, without the opportunity to allow our client the due diligence needed to progress to the subdivision and DSP review process where definitive findings can be made as to the appropriate timing, project design, and other issues cited in the Sector Plan.

Section 27-228. Revising the Sectional Map Amendment.

(a) In general.

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(1) After approval of a Sectional Map Amendment, the District Council, upon finding fraud or mistake, may revise the action in accordance with the procedures of this Section. The District Council shall require information (including a description of any specific property involved) which is sufficient to justify making a different decision on the Sectional Map Amendment. The District Council shall not change its decision unless additional information has been submitted to substantiate such action.

The District Council made a mistake in not considering the extent of progress our client has made in implementing the conceptual redevelopment proposed in Exhibit 4 within the context of the above referenced Sector Plan. The sector plan process is an area wide and comprehensive evaluation of existing and proposed land use and zoning that reflects a current and hoped for vision of the future. However, despite the laudable intentions of involving the public and development sectors in evaluating specific projects as part of the mandated public planning process on an area-wide basis, the reality is that very often the details and progress of bringing a project to fruition get lost. This seemingly happened in the instant case and, had the Council been aware of the progress made in implementing the concept, they would not have denied a rezoning to the M-U-I Zone. Furthermore we believe, had the Council known of the progress in assembling the residential land and, the plan to incorporate the I-1 zoned portion of the subject property into the Sector Plan's mixed land use concept for this strategic location, they would have considered the M-U-I Zone at least for the Buena Vista Subdivision area, if not for the entire 35± acres.

(b) Petition for revision.

(1) A written petition may be filed with the District Council by the Planning Board, the District Council itself, or any person who claims to have been aggrieved by the action of the District Council. The petition shall include a map or survey plat which clearly identifies the property at issue.

Response: Enclosed with this petition are several exhibits discussed above that clearly identifies the subject property.

(2) The petition must be filed with the Clerk of the Council within thirty (30) days after the date of the final action on the Sectional Map Amendment.

Response: The Council approved the March 2010 Glenn Dale Seabrook Lanham & Vicinity Sector Plan and Sectional Map Amendment on March 16, 2010 in CR-21-2010. This revisory petition is being filed on April 15, 2010 within the required 30-day appeal period.

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(3) The petition shall set forth the specific facts on which the petition is based, and the name and address of the owner of any specific property described in the petition.

Response: The specific facts upon which this petition is based are described herein. The ownership of the subject properties and respective addresses are recorded as follows:

1. I-1 zoned properties in the Washington Business Park Re-subdivision are owned by: Lanham Development Group, LLC at 10100 Business Parkway, Lanham, MD 20706.
2. R-R zoned properties in the Buena Vista Subdivision are owned by the following:
 - a. Buena Vista West LLC, 10100 Business Parkway, Lanham, MD. 20720
 - b. Tom J. and Alberta L. Thompkins at 4815 Lottsford Vista Road, Bowie, MD 20720-4214
 - c. Emmanuel T. and Carol A Thompkins at 4815 Lottsford Vista Road, Bowie, MD 20720-4214
 - d. Diane Thompkins Rev. Liv. Trust at 2822 Pin Oak Lane, Glenarden, MD 20706-5512
 - e. Madeline H. Jones at 4911 Lottsford Vista Road, Bowie, MD 20720-4218
 - f. Ira K. Jones at 4911 Lottsford Vista Road, Bowie, MD 20720-4218
 - g. Charles L. and Alease R. Jones at 4905 Lottsford Vista Road, Bowie, MD 20720-4218
 - h. Philip and Hyacinth Francis at 4903 Lottsford Vista Road, Bowie, MD 20720-4218
 - i. Sherman M. and Mary E. Van Valkenburgh at 4901 Lottsford Vista Road, Bowie, MD 20720-4218
 - j. Thomas S. Davis at 4823 Lottsford Vista Road, Bowie, MD 20720-4214
 - k. Prince George's County at Lower Level County Administration Building, Upper Marlboro, MD. 20772
 - l. State of Maryland at P.O. Box 717, Baltimore, MD 21203-0717

(c) Criteria for revision.

(1) The District Council may only consider revising the Sectional Map Amendment for property that was reclassified to a zoning category other than that which existed prior to approval of the Sectional Map Amendment. Such consideration shall be based on the following criteria:

April 15, 2010

A-1 0028

Response: Our clients had requested within the public record that a portion of the subject property be rezoned from the R-R Zone to the C-S-C Zone (Buena Vista Subdivision in the R-R Zone). However, for the reasons cited in the Transcript Analysis captioned above, the Council went along with the Planning Staff and Planning Board's recommendation in the Endorsed Sector Plan that inferred the requested rezoning to the C-S-C Zone was "premature". As stated above, we believe this was an oversight that led the Council to make a mistaken assumption that the owners were not in a position to move forward with the subdivision and DSP process, wherein the development concept could be reviewed in context of the Sector Plan and current economic conditions. We believe that had the requested rezoning been thoroughly reviewed by the Planning Board and District Council, they would have placed at least a portion of the subject property in a zone different than that existing before the SMA. Rather we believe the Council, given their obligation to adopt a new SMA within the mandatory budgetary and schedule constraints imposed upon them, simply did not have the ability to critically weigh how close our client's are in assembling land and moving toward implementation of the mixed-use and urban design recommendations put forth in the Sector Plan. Moreover, had not the above mentioned unfortunate circumstance befallen our client, we believe the Council would have known the particulars of the request and would have at a minimum approved the requested C-S C Zone or placed the R-R portion of the property into the M-U-I Zone as herein requested.

(A) A factual error, which could not have been corrected by the property owner, was contained in the record of the Sectional Map Amendment proceedings which may have caused an erroneous description of a specific property, and which is sufficient to justify making a different decision on the Sectional Map Amendment. The failure of a property owner or petitioner to have provided sufficient information for the record of the Sectional Map Amendment shall not constitute a mistake.

Response: Our client's believes factual errors occurred, which could not have been corrected by the property owner, within the record of the SMA and has resulted in the erroneous retention of existing zoning on the subject property. These errors relate to the inability of the Council knowing that our client's were in agreement with the sector plan recommendations to make the area around the Vista Gardens Marketplace a true mixed-use redevelopment concept as envisioned in both the short and long-term concepts plans contained in the Sector Plan on Pages 282 and 283.

Due to the unfortunate timing of events, the Council did not have adequate information upon which to evaluate the extent of land assembly activities and the inclusion of the I-1 zoned portion of the subject property into the redevelopment concept as envisioned by the Sector Plan.

(B) Evidence of fraud on behalf of the District Council.

April 15, 2010

Response: There is no evidence of fraud committed by the District Council in approving CR-21-2010.

In conclusion, we believe the evidence presented herein is sufficient to demonstrate that the District Council may have mistakenly restrained our client's from proceeding through the subdivision and DSP processes by believing development was premature. Had the District Council adequately considered the effort and long lead time it takes a private developer to assemble individual residential lots, including our client's progress in doing the same, they would have approved the M-U-I Zone for the subject property. The M-U-I Zone will require that all of the issues raised by Planning Staff will be addressed. Therefore, we believe the Council erred in agreeing with a determination that rezoning the subject property was "premature". Such a determination itself was prematurely made at the time of Sector Plan approval without adequate evaluation. Therefore, we request that the District Council approve this revisory petition so that our client's can complete land assembly and move into the subdivision and DSP processes where definitive development related issues as identified in the Sector Plan can be comprehensively evaluated.

As the Sector Plan states on Page 278, in reference to the area containing the subject property to the north of Martin Luther King, Jr. Highway, "[T]he sites location at the intersection of Annapolis Road (MD 450) and MD 704 makes redevelopment of this parcel in the near future highly probable", referring to the R-R zoned Buena Vista Subdivision lots (emphasis added). We agree with the next statement in the Sector Plan that states: "...the majority property owner within the area was considering possible redevelopment to commercial space that follows the big-box suburban model of the nearby Vista Gardens Marketplace." In fact, that was our client's position at the time. However, given recent changes in stormwater regulations, the economy, and the opportunity to bring in the adjacent undeveloped I-1 zoned area, our client's are now requesting the opportunity to substantiate their request and move the concept forward through the subdivision and DSP process where the Planning Board and community will have more than ample opportunity to mold the concept into a mutually agreeable development that will benefit the owners, the community, and Prince George's County. Furthermore, enabling the potential for mixed-use development on the subject property should help leverage the same type of retrofit mixed-use development on the adjacent Vista Gardens Marketplace property as envisioned in the Sector Plan concept drawings. Our client intends to construct the same monumental brick wall around the development as currently exists at the Vista Gardens Marketplace.

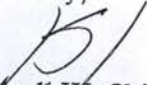
Based on reasons discussed above, we respectfully request that the District Council favorably consider this petition to revise the SMA and place the subject return in the requested M-U-I Zone.

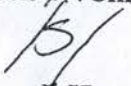
Thank you for your consideration of this request. I would be happy to address any questions you may have.

April 15, 2010

A - 1 0028

Sincerely,


Russell W. Shipley


Arthur J. Horne, Jr.

Attachments

Cc: The Honorable Thomas E. Dernoga
The Honorable Andrea C. Harrison
Mr. Steven Gilbert, Esq.
Mr. Kenneth H. Michael

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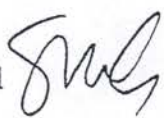
**INTER-OFFICE MEMORANDUM
PRINCE GEORGE'S COUNTY, MARYLAND**

COUNTY COUNCIL

County Administration Building, 2nd Floor
Upper Marlboro, Maryland 20772
(301) 952-5261

May 14, 2010

TO: Thomas E. Dernoga, Chair
Andrea C. Harrison, Vice Chair
County Council sitting as District Council

FROM: Steven M. Gilbert, Principal Counsel, District Council 

CC: Council Members
Donna J. Brown, Acting Clerk
Craig S. Price, Council Administrator
Robert J. Williams, Deputy Council Administrator
Karen T. Zvakos, Legislative Officer
Russell W. Shipley, Esquire
✓ Arthur J. Horne, Jr., Esquire

RE: SMA Revisory Petition: Buena Vista West
Glenn Dale - Seabrook - Lanham & Vicinity
Sector Plan and Sectional Map Amendment

In accordance with § 27-228 of the Zoning Ordinance, this memorandum will review the referenced revisory petition, for property included in the Glenn Dale - Seabrook - Lanham & Vicinity Sector Plan and Sectional Map Amendment. The District Council approved the Sector Plan and SMA, in Council Resolution 21-2010, on March 16, 2010.

The Buena Vista West revisory petition, filed by Lanham Development Group, LLC, or LDG, and Buena Vista West, LLC, or BVW, concerns a tract on Lottsford Vista Road, in the I-1 and R-R zones. LDG and BVW, which will be referred to together as the petitioner owners, claim that the District Council committed mistake, or error, within the meaning of § 27-228 of the Zoning Ordinance.

For the following reasons, I would advise the Council that the petitioner owners do appear able to prove facts sufficient to satisfy Zoning Ordinance error or mistake standards, but that the petition otherwise presents procedural problems. The petition need not be taken to hearing, but the Council has the discretion, under § 27-228,

to hear the petition and to approve it, if after hearing the Council finds that mistake was made in the SMA and that the petitioner owners otherwise meet Zoning Ordinance requirements.

Facts

The owners allege the following in the Buena Vista West petition.

The subject property, about 35 acres on both sides of Lottsford Vista Road, has extensive frontage on Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450), just west of the point of convergence of MD 704 and MD 450. The I-1 portion, west of Lottsford Vista Road, owned solely by LDG, includes about 22.6 acres. Lot 45 in this portion, approximately 4.5 acres, has an office building on Business Parkway; Outlot B, about 18.1 acres, has a stormwater pond but no other development.

The portion of the subject property east of Lottsford Vista Road is zoned R-R and has been subdivided, according to the petition, at pages 1-2, into "48-50 full or partial lots, each being approximately 0.17 acres or smaller in size." The petition indicates at page 2, that BVW owns "[a]pproximately 70 percent of the lots" and that "about ten other local landowners" own the remainder, on which "approximately 8 dwellings" have been built. The petition covers only the lots owned by BVW.

In their petition, page 2, the owners propose a "redevelopment concept" on the subject property. The new concept is to redirect drainage away from the Folly Branch floodplain area east of MD 450 and into the existing stormwater pond within the Vista Gardens Marketplace. The Department of Public Works and Transportation, according to the petitioner owners, has approved this stormwater management concept plan, with its technical design.

The proposed redevelopment concept, states the petition, at page 2, incorporated commercial and employment center design principles in the 2010 Glenn Dale – Seabrook – Lanham Sector Plan. The owners cite pages 95-100 of the adopted and approved Sector Plan.

The owners in their petition ask the District Council to place the subject property in the M-U-I Zone, as part of the Glenn Dale – Seabrook – Lanham and Vicinity Sector Plan and Sectional Map Amendment, approved in Council Resolution 21-2010. That Council action would be authorized by § 27-228 of the Zoning Ordinance, if the petitioner owners have evidence of "fraud or mistake," as provided in subsection (a) (1), and the petition otherwise meets § 27-228's requirements.

A-1 0028

Mistake Allegations

The petitioner owners allege mistake or error in the Sector Plan and SMA, as follows:

In view of the above discussion, our client requests that the District Council revise the action taken as part of the above captioned SMA and approve the requested M-U-I Zone. The M-U-I Zone will enable completion of negotiations with remaining residential land owners to acquire their properties and also allow for residents to remain there or to be redeveloped on the subject property. Rezoning the property to the M-U-I zone will allow the project to move into the subdivision and DSP review process where the issues cited in the Transcript Analysis can be adequately resolved. Therefore, we believe that the District Council mistakenly made an assumption that the proposal was premature based on the recommendations of the Planning Staff and Planning Board, without the opportunity to allow our client the due diligence needed to progress to the subdivision and DSP review process where definitive findings can be made as to the appropriate timing, project design, and other issues cited in the Sector Plan.

* * * *

The District Council made a mistake in not considering the extent of progress our client has made in implementing the conceptual redevelopment proposed in Exhibit 4 within the context of the above referenced Sector Plan. The sector plan process is an area wide and comprehensive evaluation of existing and proposed land use and zoning that reflects a current and hoped for vision of the future. However, despite the laudable intentions of involving the public and development sectors in evaluating specific projects as part of the mandated public planning process on an area-wide basis, the reality is that very often the details and progress of bringing a project to fruition get lost. This seemingly happened in the instant case and, had the Council been aware of the progress made in implementing the concept, they would not have denied a rezoning to the M-U-I Zone. Furthermore we believe, had the Council known of the progress in assembling the residential land and, the plan to incorporate the I-1 zoned portion of the subject property into the Sector Plan's mixed land use concept for this strategic location, they would have considered the M-U-I Zone at least for the Buena Vista Subdivision area, if not for the entire 35± acres.

A - 1 0028

The owners allege a timing problem. Their petition says in essence that – through no fault of their own – their SMA evidence for CR-21-2010, and consequently the Council's awareness of the subject property, could not be prepared and submitted in time, before the close of the SMA record and approval of the SMA resolution.

Discussion

The great majority of past SMA revisory petitions have been based on allegations of District Council error in rezoning a property. Section 27-228 (c) (1) provides:

- (1) The District Council may only consider revising the Sectional Map Amendment for property that was reclassified to a zoning category other than that which existed prior to approval of the Sectional Map Amendment. Such consideration shall be based on the following criteria:
 - (A) A factual error, which could not have been corrected by the property owner, was contained in the record of the Sectional Map Amendment proceedings which may have caused an erroneous description of a specific property, and which is sufficient to justify making a different decision on the Sectional Map Amendment. The failure of a property owner or petitioner to have provided sufficient information for the record of the Sectional Map Amendment shall not constitute a mistake.
 - (B) Evidence of fraud on behalf of the District Council.

The Buena Vista West property was not rezoned in the Glenn Dale – Seabrook SMA, CR-21-2010, and the petitioner owners may have "fail[ed] . . . to [provide] sufficient information for the record" of the SMA, as stated in subsection (c) (1) (A).

The petition nevertheless articulates what could be considered a mistake, within the meaning of that term, as defined in the Maryland cases. See *White v. Spring*, 109 Md.App. 692, 707, 675 A.2d 1023, cert. denied, 343 Md. 680 (1996); *People's Counsel v. Beachwood I Ltd. Pshp.*, 107 Md.App. 627, 645, 670 A.2d 484, cert. denied, 342 Md. 472 (1995); *Steel v. Cape Corp.*, 111 Md.App. 1, 3-4, 677 A.2d 634 (1996). The Buena Vista West petition alleges an absence of correct and timely information in the SMA record before the District Council, and it further claims Council error based on the incomplete record.

Memorandum – Dernoga – Harrison
May 14, 2010
Page 5

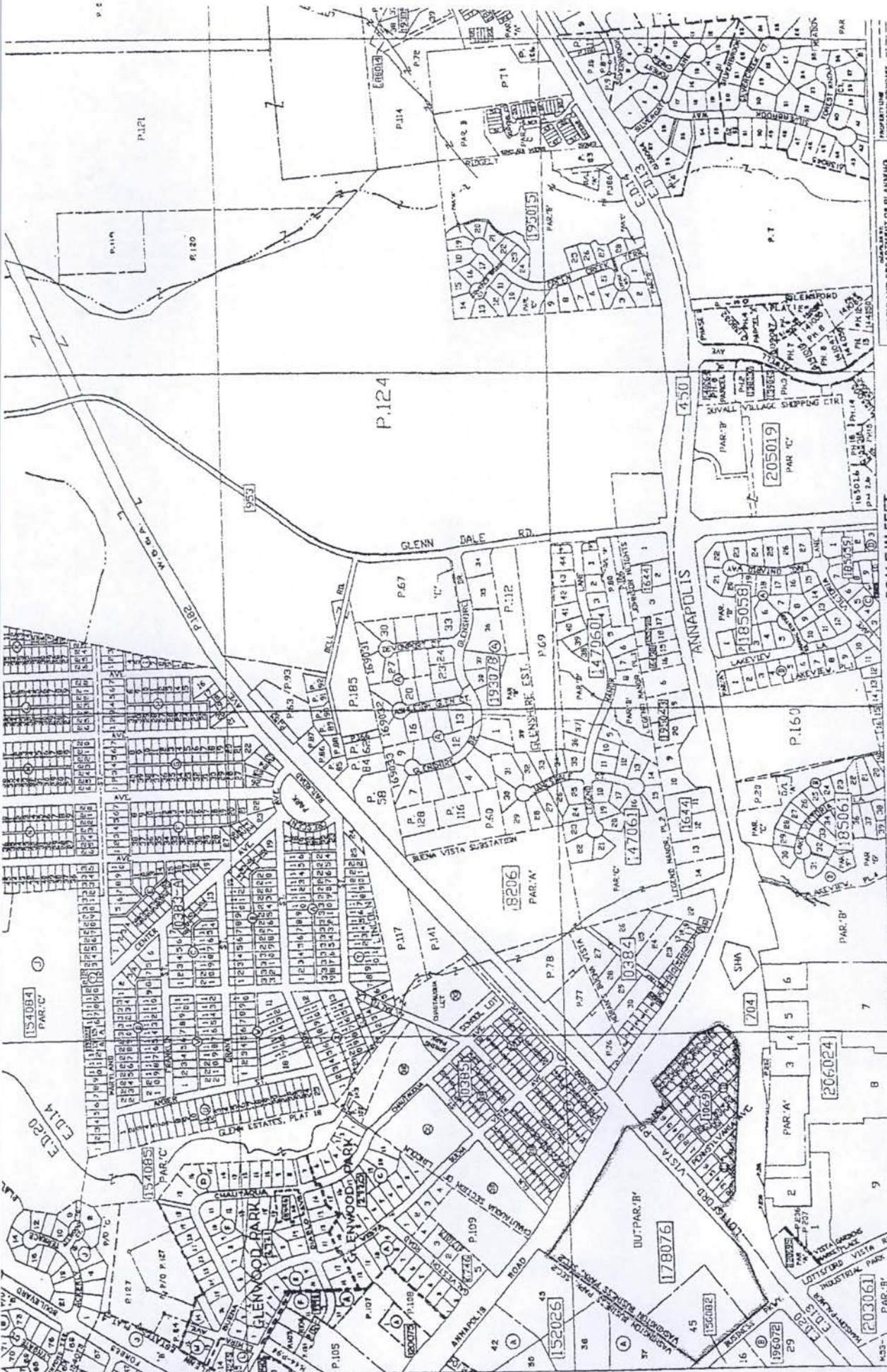
A-10028

This petition may be taken to hearing, and the District Council may approve an ordinance revising the Glenn Dale – Seabrook SMA, CR-21-2010, if the petitioner owners at the public hearing prove the allegations in their petition.

Because the Buena Vista West property in its entirety may be rezoned, from I-1 to R-R, and because the property is already partially developed, the District Council may see a necessity for site plan review, before building or grading permits may be issued. The SMA revisory ordinance may state, if the Council agrees, as follows:

The Glenn Dale – Seabrook – Lanham Sector Plan and Sectional Map Amendment are further revised, so that the Sector Plan provides:

The land areas in and around the Buena Vista West properties, 35± acres on both sides of Lottsford Vista Road, as described in the SMA Revisory Petition and attachments filed April 15, 2010, for CR-21-2010, are partially developed, as of that date. At the time further development is proposed within these properties, the Planning Board (or District Council) should require Detailed Site Plan review.



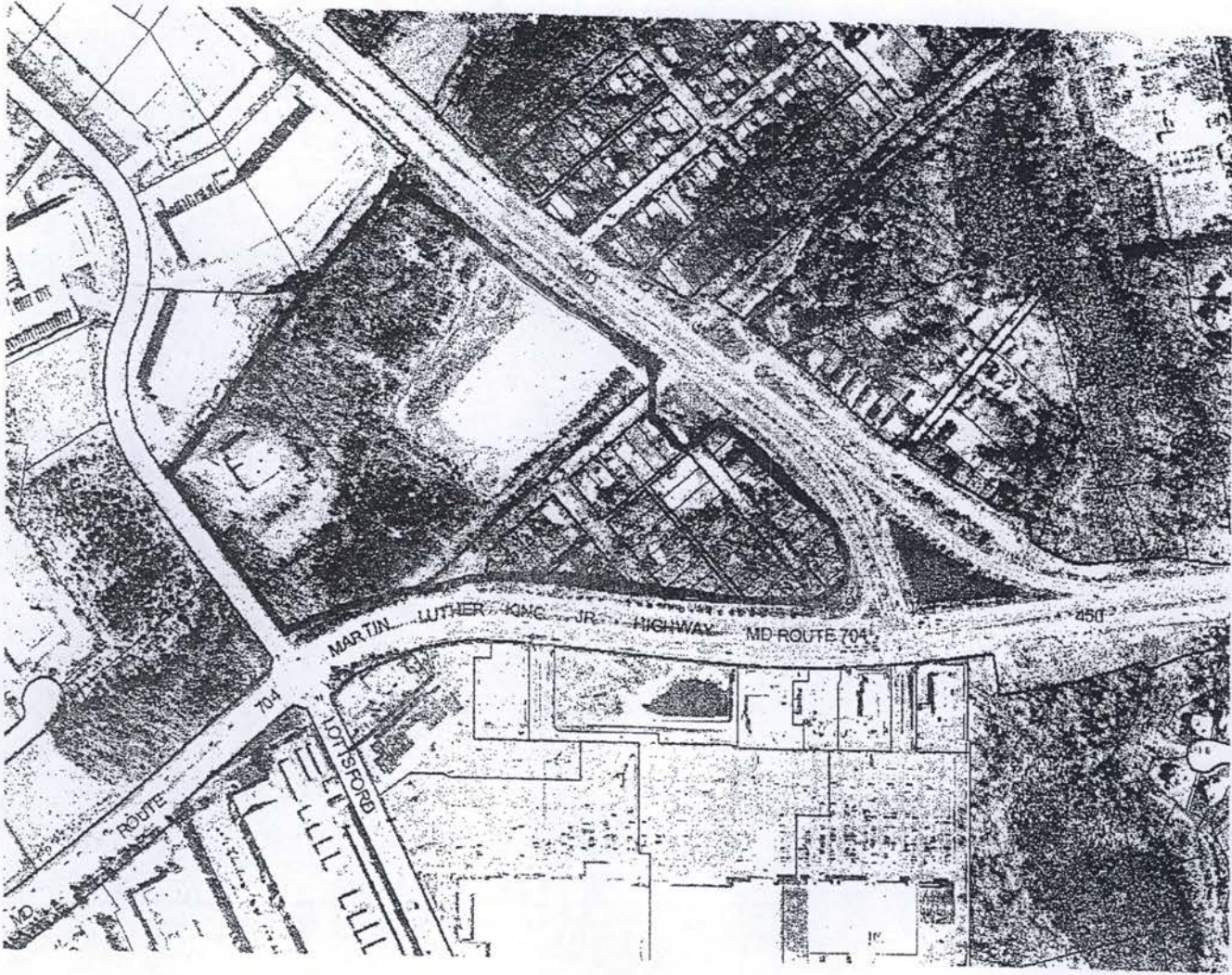
MARYLAND DEPARTMENT OF PLANNING
 PROPERTY MAPPING SECTION
 The information shown on this map was prepared from data
 descriptions and plans that have been filed for record
 in the Maryland Department of Planning, Property Mapping Section.
 Date: 11/11/11, 11/11/11, 11/11/11, 11/11/11, 11/11/11
 SCALE: 1"=400' (RF 1:400)
 UNIT: FT, MI



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A-10028





WASHINGTON BUSINESS PARK

A-10028

A-10028

INTER-OFFICE MEMORANDUM
PRINCE GEORGE'S COUNTY, MARYLAND

COUNTY COUNCIL

County Administration Building, 2nd Floor
Upper Marlboro, Maryland 20772
(301) 952-5261

November 5, 2010

TO: Thomas E. Dernoga, Chair, County Council sitting
as District Council

THRU: Robert J. Williams, Council Administrator *RJW*

FROM: Steven M. Gilbert, Principal Counsel, District Council *SMG*

RE: SMA Revisory Petition: Buena Vista West Petition
Glenn Dale – Seabrook – Lanham & Vicinity Sector Plan and
Sectional Map Amendment

This SMA revisory petition, for a 35-acre tract on Lottsford Vista Road, was filed by representatives of the owners on April 15, 2010. The petition alleged error in the Glenn Dale SMA, approved by the District Council, in Council Resolution 21-2010, on March 16, 2010. The District Council hearing on the petition commenced on 13 July but was not completed that day, and could not be concluded before 16 September, the date five months after SMA approval (not counting the month of August, under § 27-291 (a) of the Zoning Ordinance).

Because the revisory petition was not completed within five months of the date the Council finally approved CR-21-2010, the Glenn Dale SMA, the petition was nullified by operation of law.

DISCUSSION

The Buena Vista West petition concerned adjoining properties in Landover, zoned R-R and I-1 after approval of CR-21-2010. The District Council in the Glenn Dale SMA did not alter the zoning of the two groups of parcels, each partially developed, because, according to the owners, their new development proposal could not be prepared and presented to the Council within the time frame of SMA proceedings. The owners offered

A-10028

Memorandum – Dernoga
November 5, 2010
Page 2

to show, by their petition, a conceptual development plan with an integrated mixed-use (commercial and residential) project, with substantial new infrastructure, north and south of Lottsford Vista, just west of the new intersection joining Annapolis Road (MD 450) and the Martin Luther King Highway (MD 704).

The petition, timely filed under § 27-228 of the Zoning Ordinance, was set down for hearing before the District Council on Tuesday, 13 July, the last meeting date before the Council's summer recess. The applicants' representatives were completing their case when the Chair called for a continuance, because of the need to complete other Council business pending that day. A number of neighborhood residents, some for and some against the petition, had still not testified, when the Chair continued the case until September.

Section 27-228 (e) (10) provides:

The District Council shall issue its decision on all revisory petitions within five (5) months after the date of adoption of the Sectional Map Amendment. A revisory petition not finally acted upon within this time period shall be considered denied.

During the month of August, the five-month time period would not run, as § 27-291 (a) provides that all such time limits in the Zoning Ordinance are postponed during August and December, "when the Council is in recess." The final day for Council action on the Buena Vista West petition, then, was September 16, 2010, the end of the limitation period set out in § 27-228 (e) (10), as extended by § 27-291 (a).

The District Council did not meet in the month of September, because of primary elections held on 14 September, until the 20th. That date was past the time when action could be taken on the Buena Vista West petition.

Because of the lapse of time, the petition was not decided on the merits, but was denied by operation of law. The owners may still apply to the Council for one or more individual map amendments for the tract.

cc: Council Member Harrison

Prince George's County Planning Department
Community Planning Division

301-952-3521
www.mncppc.org

June 19, 2013

MEMORANDUM

TO: Tom Lockard, AICP, Planning Coordinator, Zoning Section,
Development Review Division

VIA: Cynthia Fenton, Acting Supervisor, Community Planning Division

FROM: Betty Smoot, Principal Planning Technician, Community Planning Division

SUBJECT: **A-10028 – Buena Vista West**

DETERMINATIONS

This application is consistent with the 2002 *General Plan* Development Pattern policies for the Developing Tier. The General Plan designates portions of Annapolis Road (MD 450) as a corridor.

This application is in conformance with the land use recommendations of the 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity*.

BACKGROUND

Location: The subject property is located on both sides of a segment of Lottsford Vista Road that connects Annapolis Road (MD 450) with Martin Luther King, Jr. Highway (MD 704). The R-R zoned portion of the subject property forms a triangle at the intersection of MD 450 and MD 704. The I-1 zoned portion of the subject property is bound by Business Parkway to the west, commercial and industrial uses to the north, MD 450 to the east, and Lottsford Vista Road to the south. The entire property is located adjacent (across MD 704) to the Vista Gardens Marketplace.

Size: 30.62 acres

Existing Zoning: R-R and I-1

Existing Uses: Single-family residential, commercial and industrial. A portion of the site is undeveloped.

Proposal: Request to rezone subject property from R-R and I-1 to M-X-T.

GENERAL PLAN, MASTER PLAN, AND SMA

2002 General Plan: The subject property in this application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The 2002 *General Plan* also designates portions of MD 450 as a corridor, and promotes new commercial development primarily in designated Centers and Corridors.

According to the 2002 *General Plan*, Developing Tier Corridors should generally contain less intense residential and nonresidential land uses than the Developed Tier Corridors while containing a mix of uses that are more community-oriented in scope. The plan recommends that this type of development should occur at designated Corridors and should be planned as transit-oriented development.

Master Plan: The 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity* recommends a future land use change for the subject property and to formally designate it and the Vista Gardens Marketplace as a Corridor Node. The plan recommends creating a mixed-use center containing neighborhood-serving retail, higher density residential offering more housing choices, public open space, civic uses, and safe connections to nearby employment uses and open space amenities.

Planning Area/
Community: P.A.70/Glenn Dale-Seabrook-Lanham

Land Use: The subject property is identified as rural residential (R-R) and light industrial (I-1) in the sector plan. The plan recommends future land use of mixed-use. The proposed uses are in conformance with the land use recommendations of the plan.

Environmental: See Environmental Planning Section referral for comments concerning Green Infrastructure elements. Regulated Areas, Evaluation Areas, and Network Gaps are identified in the plan map for the subject property.

Historic Resources: See Historic Preservation Section referral for comments regarding historic resources. It is noted that the Burke-Jackson House, a proposed historic resource, was once located on the subject property but has since been demolished. The Thomas J. Calloway House is located within a half mile of the subject property.

Transportation: See Transportation Planning Section referral for comments concerning transportation issues. The subject property is located at the intersection of Annapolis Road (MD 450) and Martin Luther King Jr. Highway (MD 704),

which are both designated as major arterials. The sector plan recommends sidewalk widening along MD 704.

- Public Facilities: See Countywide Planning referral for comments concerning public facilities issues. The sector plan does not identify public facilities on the subject property.
- Parks & Trails: See Transportation Planning Section referral for comments concerning public facilities issues. The sector plan does not identify any parks or trails on the subject property.
- Aviation: This property is not within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area.
- SMA/Zoning: The 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity* retained the R-R and I-1 zones on the subject property. The proposed use and M-X-T zone is in conformance with the recommended future land use for the property.

PLANNING COMMENTS

There are no master plan issues. The proposed rezoning of the property is compatible with the surrounding existing uses and proposed future land use of the subject property. The applicant proposes a range of uses in future development to include open space, recreation, residential, office, hotel, and various retail and entertainment uses. A combination of these uses (residential, retail, and office/employment) are required for M-X-T zoning.

cc: Ivy A. Lewis, Community Planning Division
Long Range Notebook



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section

(301) 952-3680
www.mncppc.org

MEMORANDUM

July 29, 2013

TO: Tom Lockard, Zoning Section, Development Review Division
FROM: Dan Janousek, Transportation Planning Section, Countywide Planning Division
SUBJECT: A-10028 Buena Vista West

Review Comments

Staff reviewed this proposal for conformance with Sec. 24-123 of the Zoning Ordinance, the *Approved Countywide Master Plan of Transportation* (functional master plan), and the *Glendale Seabrook Lanham & Vicinity Approved Sector Plan and Sectional Map Amendment* (area master plan) for pedestrian and bicyclist improvements. The area and functional master plans contain recommendations for bikeways on the subject property frontage and adjacent to the subject property.

The subject property contains a variable width right-of-way for Lottsford Vista Road and is has frontage along Martin Luther King Junior Highway (MD 704) and Annapolis Road (MD 450). Annapolis Road (MD 450) contains a wide asphalt sidepath adjacent to the subject property. Both highways are recommended for bikeways in the above referenced functional and area master plans (see Table 1 – Attached).

The property is approximately 1000 feet from the Folly Branch Stream Valley Trail.

Lottsford Road and Business Parkway are recommended bikeways in the functional master plan.

The Seabrook MARC train station is approximately two miles from the subject property and the property is surrounded by bus stops on state highways and county roads.

The area master plan contains strategies such as the one on a page 215 that should be implemented. The policy promotes “land use policies that create walkable “centers” of neighborhood serving commercial and employment uses.” Other polices in the area master plan promote transit use and increased bus service. Sidewalks and bikeways will be needed on, and adjacent to, the subject property in order to implement the area master plan policies and strategies that promote alternative modes of transportation.

There are currently no local, County, or State funded capital improvements projects (CIP) for bikeways or sidewalks on MD 450 or MD 704.

The State has completed many system preservation program projects, reconstructing existing sidewalks, new pedestrian countdown signals, and crosswalks.

CB-2-2012, an Act concerning Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors, was passed by the County Council on April 24, 2012 for the purpose of ensuring that new subdivisions in centers and corridors include adequate sidewalks and on-road bicycle facilities. The bicycle and pedestrian analysis to be undertaken at the time of subdivision is described in Section 2 of the Part 2 of the Transportation Review Guidelines.

Recommendations:

Sidewalk, trail, and on-road bike connections to the subject property are recommended as follows:

1. At the time of Preliminary Plan, provide a bikeway through the subject property that connects the WB&A Trail to internal streets and area roads, and connect specifically to Annapolis Road (MD 450) and Martin Luther King Junior Highway (MD 704). Also provide pedestrian and bicycle connections to the adjacent sidewalks, transit stops, bikeways, and roads. All bikeway location recommendations shall be approved by the Department of Public Works and Transportation and shall be designed to meet or exceed County and State standards.
2. At the time of Preliminary Plan, provide sidewalks on both sides of all proposed internal streets. Right of way dedication and locations for sidewalks shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation and shall be designed to meet or exceed County and State standards.
3. At the time of Preliminary Plan, provide sidewalks on the adjacent roadways that abut the subject property, including Annapolis Road (MD 450) and Martin Luther King Junior Highway (MD 704). Right of way dedication and locations for sidewalks shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation and shall be designed to meet or exceed County and State standards.
4. Martin Luther King Junior Highway (MD 704) is recommended to contain a sidepath and bike lanes in the functional and areas master plans. At the time of Preliminary Plan, provide right-of-way dedication along Martin Luther King Junior Highway (MD 704) that is sufficient for the inclusion bicycle lanes and a sidepath. Right of way dedication and locations for sidepaths and bike lanes shall be reviewed and approved for feasibility and appropriateness by the Department of Public Works and Transportation and construction shall be designed to meet or exceed County and State standards.

Conclusion

Based on the preceding analysis, the Transportation Planning Section concludes that adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Prince George's County Code if the application were to be approved with the above recommendations.

Attachment (Table 1).

Table 1. Area Approved Bikeway and Trail Recommendations
Countywide Master Plan of Transportation and the Glendale Seabrook Lanham & Vicinity Approved Sector Plan and Sectional Map Amendment

Name	Type	Limits
Annapolis Road (MD 450)	Sidepath	Lanham Severn Road MD 564 to Race Track Road in the City of Bowie.
Lottsford Vista Road (North of Martin Luther King Junior Highway (MD 704))	Shared Lane	Martin Luther King Junior Highway (MD 704) to Annapolis Road (MD 450) <i>(through the subject property)</i> .
Lottsford Vista Road (South of Martin Luther King Junior Highway (MD 704))	Bike Lanes	Martin Luther King Junior Highway (MD 704) to Lottsford Road at Old Lottsford Road and the Western Branch Trail.
Martin Luther King Junior Highway (MD 704)	Sidepath	DC Line to Annapolis Road (MD 450)
Folly Branch Stream Valley Trail	Multiuse trail (hiker/biker/equestrian)	Glenn Estates (south of MD 564) to Bald Hill Branch
(WB&A Trail) Washington Baltimore and Annapolis Trail	Multiuse trail (hiker/biker/equestrian)	<p>The WB&A Trail is a 10.25-mile (16.50 km) long discontinuous rail trail from Lanham to Odenton in Maryland. The trail terminus is at Seltzer Street, across from the subject property. The trail is currently discontinuous because there is no bridge over the Patuxent River.</p> <p>Within the County, there is approximately 5.6 miles of trail. The western terminus is at Annapolis Road (MD 450) near intersection with Martin Luther King Jr. Highway (MD 704). The eastern terminus is at Patuxent River Park</p>
Business Parkway	Bike Lanes	Forbes Boulevard to Martin Luther King Junior Highway (MD 704)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Prince George's County Planning Department
Countywide Planning Division**

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June 6, 2013

MEMORANDUM

TO: Tom Lockard, AICP, Planner Coordinator, Zoning Section, Development Review Division

VIA: Christine Osei, Planner Coordinator, Special Projects Section, Countywide Planning Division

FROM: Jay Mangalvedhe, Senior Planner, Special Projects Section, Countywide Planning Division

SUBJECT: Project: A-10028: Buena Vista West

The Buena Vista West property is located at the intersection of Annapolis Road and Martin Luther King Highway on both sides of Lottsford Vista Road and north of Business Parkway. Special Projects Section, Countywide Planning Division has reviewed the proposed A-10028 application for Public Facility adequacy. The request for rezone from I-1 and R-R to M-X-T zone will have no impact on public facilities.

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June 28, 2013

MEMORANDUM

TO: Tom Lockard, Planner Coordinator, Zoning Section

VIA: Ruth Grover, Planner Coordinator, Urban Design Section

FROM: Jill Kosack, Senior Planner, Urban Design Section

SUBJECT: A-10028 Buena Vista West

The Urban Design Section has reviewed the materials provided in support of the Zoning Map Amendment application A-10028 Buena Vista West to rezone a 31.61-acre property from the Light Industrial (I-1) and Rural Residential (R-R) Zones to the Mixed Use – Transportation Oriented (M-X-T) Zone. The subject property is mostly vacant and wooded, but contains several single-family detached residences and a 14,881-square-foot office building in the southwestern portion of the property. The subject property, located in the northwestern quadrant of the intersection of Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450), is roughly triangular in shape. It is surrounded to the northeast, south and southwest by public rights of way and to the northwest by several industrial land uses, zoned I-1. A few lots in the R-R Zone, located near the southeast portion of the property are not part of the subject application. Additionally, there are a few developed and undeveloped public rights-of-way internal to the subject property. The applicable sectional map amendment, the 2010 *Approved Sector Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity* (SMA), retained the site in the R-R and I-1 zones. The applicant indicated that both during and immediately after the SMA process, they tried unsuccessfully to rezone the property. Though no conceptual site development plans were submitted with the subject application, the applicant stated that they will provide an integrated commercial complex in line with the SMA recommendations.

Urban Design Analysis

If this property were rezoned to the M-X-T Zone, any substantial proposed development would require a multi-level approvals process, including conceptual site plan, preliminary plan of subdivision, and a detailed site plan. The review process for these approvals would include review of access, circulation and traffic considerations, grading, stormwater management and site and architectural design and should closely consider development impacts on the small number of single-family residential properties to remain in the R-R Zone.

RECOMMENDATION

Based on the above analyses, the Urban Design Section suggests that a condition of the rezoning address, and attempt to mitigate, development impacts on the above-mentioned adjacent single-family detached residential properties. The current proposed rezoning raises no other Urban Design issues at this time.

September 17, 2013

MEMORANDUM

TO: Tom Lockard, Zoning Section
VIA: Whitney Chellis, Subdivision Section
FROM: Quynn Nguyen, Subdivision Section
SUBJECT: Referral for Buena Vista West, A-10028

The property is known as Outparcel B and Lot 45 in Block A; Lots 1-10 and 23 in Block C; Lots 1-3, Lots 9-18, and Lots 20-28 in Block D; Lots 1-2 and Lots 23-34 in Block D; and is located on Tax Map 45 in Grid A-4. The property is split zone with 22.63 acres in the I-1 Zone and 8.00 acres in the R-R Zone. The property survey plan with this application shows the property boundaries as reflected on the current tax map. The applicant has submitted an application for a Zoning Map Amendment to change the subject property from I-1 Zone and R-R to the M-X-T Zone.

Lots 1-10 and 23 in Block C; Lots 1-3, Lots 9-18, and Lots 20-28 in Block D; Lots 1-2 and Lots 23-34 in Block D, were recorded in Plat Book RNR 2-51 in 1916. The current configuration of lots was the result of the conveyance of land for the construction of Martin Luther King Highway and Annapolis Road. Pursuant to Section 24-107 a conveyance of land to governmental agencies for public use is exempt from a preliminary plan of subdivision.

Lot 45 and Outparcel B is the subject of the approved Preliminary Plan 4-96086, which was for one lot (Lot 44) and one outparcel (Outparcel A). The The Planning Board's approval of PGCPB Resolution No. 96-343 contains 5 conditions and created the configuration of Lot 44 and Outparcel A, which was recorded in Plat Book VJ 178-21. The property was re-recorded in Plat Book VJ 178-76 on March 11, 1997 as Lot 45 and Outparcel B in accordance with Section 24-108(a)(3) of Subdivision Regulation which did not required a new preliminary plan. The bearing and distance of Lot 45 and Outparcel B on the site plan correctly reflected the record plat. The following conditions of the adopted resolution in bold relate to the review of this application:

- 5. Total development within Lot 44 of the subject property shall be limited to 15,000 square feet of general office space; or different uses generating no more than the number of peak hour trips (30 AM peak hour trips and 29 PM peak hour trips) generated by the above development. Development within Lot 44 beyond the limits set by this condition, or any**

development within Outparcel A, shall require a new preliminary plan of subdivision a new finding of adequate public facilities for transportation.

The statement of justification does not indicate any proposed development on the subject site. If the applicant proposes a development that generates more the limits of the trip cap for Lot 45 or any development on Outparcel B, then a new preliminary plan of subdivision will be required. If the applicant proposes a development of more than 5,000 square feet of gross floor area on Lots 1-10 and 23 in Block C; Lots 1-3, Lots 9-18, and Lots 20-28 in Block D; Lots 1-2 and Lots 23-34 in Block D then pursuant to Section 24-107 of the Subdivision Regulations, a preliminary plan of subdivision (PPS) is required. There are no other subdivision issues at this time.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section

(301) 952-3680
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January 6, 2014

MEMORANDUM

TO: Tom Lockard, Zoning Section, Development Review Division

FROM: Eric Jenkins, Transportation Planning Section, Countywide Planning Division

VIA: Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: A-10028, Buena Vista West

The Transportation Planning Section has reviewed the Zoning Map Amendment application referenced above. The total subject property consists of approximately 30.62 acres of land in the I-1 Zone and R-R Zone. The property is located at the intersection of Annapolis Road (MD 450) and Martin Luther Highway (MD 704). The applicant is seeking to rezone the property from I-1 Zone (22.62 acres) and the R-R Zone (8.00 acres) to the M-X-T Zone.

Site Review

The applicant is seeking to rezone the property from R-R (Rural-Residential) Zone and the I-1 (Light Industrial) Zone to the M-X-T (Mixed Use-Transportation Oriented) Zone. The property is located on the north side of MD 704 at MD 450. It is on the east side of Business Parkway.

The applicant has submitted a transportation impact study that was completed in October 2013. The proposed development includes 75,200 square feet of retail, a 126 room hotel, and a convenience market with fueling stations. Existing zoning could support up to 15 residential units in the R-R Zone and 365,000 square feet of general office space, warehousing, light industrial, and/or medical office in the I-1 Zone. The uses in the table below reflect a mix of uses totaling approximately 365,000 square feet, the uses reflect a lower intensity than a maximum of 365,000 square feet of general office or medical office space. The mix of uses depicted is a likely scenario on how the site would develop under existing zoning.

The trip generation of the site, in consideration of trip rates taken from "Transportation Review Guidelines, Part 1 (Guidelines)" with a pass-by trip rate of 40 percent applied to the retail use, is summarized below under existing and proposed zoning:

Comparison of Estimated Trip Generation, A-10028								
Zoning or Use	Units/SqFt/Acres	AM Peak-Hour Trips		PM Peak-Hour Trips		Peak-Hour Total Trips		Weekday Trips
		In	Out	In	Out	AM	PM	
Existing Zoning								
I-1 light industrial	139,392 sq.ft. (gen.office)	251	28	49	209	279	258	1,951
	139,392 sq.ft. (med.office)	320	77	167	363	397	530	5,576
	43,255 sq.ft. (warehouse)	14	3	3	14	17	17	134
	43,255 sq.ft. (industrial)	30	7	7	30	37	37	208
	365,294 sq.ft. (total)							
R-R rural residential	15 lots (residential)	2	9	8	5	11	13	133
TOTAL		617	124	234	621	741	855	8,002
Proposed Zoning								
M-X-T mixed use	75,000 sq.ft.. (retail) less 40% pass-by rate	49	30	143	154	79	297	3,386
	126 room hotel	40	27	39	37	67	76	1,029
	Convenience store with fueling stations less 60% pass-by rate	53	53	61	61	106	122	3,473
	14,800 sq.ft. existing (gen.office)	27	3	5	22	30	27	207
TOTAL		169	113	248	274	282	522	8,095
Difference (proposed vs. existing zoning)		-448	-11	14	-347	-459	-333	93

The comparison of estimated site trip generation indicates that the proposed amendment would decrease trip generation by 481 trips during the AM peak hour and by 360 trips during the PM peak hour. Weekday average daily travel would increase by 93 daily trips. Pass-by trips are accounted for in the table above. Overall the proposed zoning will not significantly change the number of trips at nearby intersections. However, the traffic impact study identifies nearby critical intersections that require mitigation. These critical intersections are discussed below.

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to 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 Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the "Transportation Review Guidelines, Part 1."

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, and (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure, and (b) if delay exceeds 50 seconds, the CLV is computed. Once the CLV exceeds 1,150 for either type of intersection, this 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.

The following critical intersections identified above, when analyzed with existing traffic using counts taken in September and October 2013 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	1 MD 704 & Forbes Blvd – signal	1,301	1,318	D
2 MD 704 & Lottsford Vista Rd./Business Pkwy.	917	1,222	A	C
3 MD 704 & Site Access – Vista Gardens – no signal	10.1*	17.9*	--	--
4 MD 704 & MD 450 - signal	901	1,468	A	E
5 MD 450 & MD 953 - signal	1,157	950	C	A
6 MD 450 & Site Access – no signal	< 50.0*	< 50.0*	--	--
7 MD 450 & Baltimore Ln. – no signal	14.3*	11.9*	--	--
8 MD 450 & Forbes Blvd. - signal	884	814	A	A
9 MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

The critical intersections identified above are not programmed for improvements 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."

Under existing conditions all of the intersections are operating at acceptable levels of service and/or intersection delay as defined by the “Transportation Review Guidelines, Part 1 with the exception of the signalized intersection of MD 704 and MD 450.

For background traffic conditions a growth rate of 1.0 percent per year was used. The growth rate was projected for six years, the expected build-out date for the site. Background development included the Washington Business Park, Glenn View, and Buckner. Background conditions are shown in the chart below.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 704 & Forbes Blvd - signal	1,478	1,433	E
MD 704 & Lottsford Vista Rd./Business Pkwy.	984	1,285	A	C
MD 704 & Site Access West – no signal	10.2*	19.8*		
MD 704 & MD 450 - signal	984	1,559	A	E
MD 450 & MD 953 - signal	1,230	1,019	C	B
MD 450 & Site Access – no signal	< 50.0	< 50.0	--	--
MD 450 & Baltimore Ln. – no signal	15.8*	12.5*	--	--
MD 450 & Forbes Blvd. - signal	939	970	A	A
MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

Under background conditions all of the intersections are operating at acceptable levels of service and/or intersection delay with the exception of the signalized intersections of MD 704 and Forbes Blvd. and MD 704 and MD 450.

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 704 & Forbes Blvd - signal	1,495	1,468	E
MD 704 & Lottsford Vista Rd./Business Pkwy.	1,043	1,373	B	D
MD 704 & Site Access – Vista Gardens -no signal	62.5*	230.6*	--	--
MD 704 & MD 450 - signal	1,015	1,609	B	F
MD 450 & MD 953 - signal	1,256	1,061	C	B
MD 450 & Site Access – no signal	9.3*	11.3*	--	--
MD 450 & Baltimore Ln. – no signal	18.0*	34.8*	--	--
MD 450 & Forbes Blvd. - signal	954	1,007	A	B
MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

Under total conditions without any adjustments to traffic or improvements three intersections are operating at unacceptable levels of service and/or intersection delay. These include the two signalized intersections of MD 704 and Forbes Blvd. and MD 704 and MD 450 and the unsignalized intersection of

MD 704 and the Vista Gardens shopping center. The table below shows these intersections with adjustments to traffic and improvements. All intersections are operating at acceptable levels of service and/or intersection delay.

TOTAL TRAFFIC CONDITIONS (Improvements/Adjustments)				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 704 & Forbes Blvd - signal	1,442	1,404	D
MD 704 & Lottsford Vista Rd./Business Pkwy.	1,005	1,349	B	D
MD 704 & Site Access – Vista Gardens – signalized	780	811	A	A
MD 704 & MD 450 - signal	875	1,421	A	D
MD 450 & MD 953 - signal	1,256	1,061	C	B
MD 450 & Site Access – no signal	< 50.0*	< 50.0*	--	--
MD 450 & Baltimore Ln. – signal	599	608	A	A
MD 450 & Forbes Blvd. - signal	954	1,007	A	B
MD 704 & Site Access East – no signal	< 50.0*	< 50.0*	--	--

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.

The intersection of MD 704 and Forbes Boulevard includes a recommendation for a new northbound left turn lane on Forbes Boulevard resulting in two left turn lanes and one shared right/through lane. A new four way intersection and traffic signal is proposed at the intersection of MD 704 and Vista Gardens shopping center driveway. This will require State Highway Administration approval. At the intersection of MD 704 and MD 450 a third left turn lane is proposed within the median on the eastbound approach of MD 450.

DPW&T Comments

DPW&T commented about proposed improvements at the intersection of MD704 and MD 450. They also recommended a queuing analysis on MD 704 at the proposed site entrance to ensure a sufficient length of lane storage on MD 704. These issues will be reviewed at the preliminary plan stage.

SHA Comments

The developer will be required to go through the SHA process to relocate the existing controls of access and establish new controls of access along the MD 450 frontage. Modifications to the existing MD 450 median break at Baltimore Lane may be required. SHA requires additional documentation for the proposed MD 704 full movement intersection opposite the Vista Gardens Shopping Center. At this time only a right-in/right-out configuration is approvable. SHA has concerns about the two proposed right-in/right-out entrances on MD 704 and MD 450 to serve the proposed convenience store with fueling stations. These are proposed near the intersection of MD 450 and MD 704, the intersection of two heavily traveled arterial roadways.

Master Plan Roads

The site is adjacent to two master plan roadways, MD 450 and MD 704, both master plan arterial facilities. Adequate right-of-way consistent with master plan recommendations exists along these two facilities. Therefore, no further dedication is required of this plan along MD 450 and MD 704.

The applicant submitted an illustrative site plan showing the location of proposed buildings, parking areas, and driveways. Access, parking, and circulation patterns will be reviewed at the conceptual and detailed site plan stages.

Conclusions

Based on the preceding findings, the Transportation Planning Section would conclude that existing transportation facilities and those to be provided by the applicant will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. Furthermore, the uses proposed on this basic plan revision will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved Area Master Plan, in accordance with Section 27-195 of the Prince George's County Code. The Transportation Planning Section does not oppose the rezoning request.

Countywide Planning Division
Environmental Planning Section
301-952-3650

July 2, 2013

MEMORANDUM

TO: Thomas Lockard, Planner Coordinator, Zoning Section
VIA: Katina Shoulars, Supervisor, Environmental Planning Section
FROM: Megan Reiser, Planner Coordinator, Environmental Planning Section
SUBJECT: **Buena Vista West; A-10028**

The Environmental Planning Section has reviewed the above referenced application stamped as received on June 3, 2013 and provides the following comments for your consideration.

Background

The current application proposes the rezoning of approximately 22.62 acres in the I-1 zone and 8.00 acres in the R-R zone to the M-X-T zone. The I-1 portion of the subject application was reviewed by the Environmental Planning Section as part of preliminary plan 4-96086, and TCPI/48/96, for the Washington Business Park. The conditions of approval for 4-96086 are located in PGCPB No. 96-343. This portion of the application is also covered by a Natural Resource Inventory Plan, NRI-025-09, and a Type Two Tree Conservation Plan, TCPII-94-96. The R-R portion of the application is covered by NRI-036-13.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012. Land is being added to the area covered by previous approvals. Subsequent to the rezoning, the subject site will be required to go through the Conceptual Site Plan, Preliminary Plan, and Detailed Site Plan approval processes.

Site Description

This 30.62 +/- acre site is located on the northwest corner of the intersection of Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450). The site is bisected by a portion of Lottsford Vista Road. The site has frontage on Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450), both are master planned arterial roadways that are regulated for traffic-generated noise. A review of the available information indicates that nontidal wetlands and floodplain are found to occur on the property. The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include the Bibb, Christiana, Elkton, Keyport, Sassafras, Russet-Christiana-Urban land complex, and Udorthents series. According to available

mapping information, Marlboro clay does not occur on or in the vicinity of this property; however, Christiana complexes are mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. Sections of Lottsford Vista Road and MD 704 are designated in the Master Plan of Transportation as historic in the vicinity of the subject site; however, the site does not contain frontage on these sections. The site is located within the Folly Branch watershed of the Patuxent River basin. The property is in the Developing Tier as reflected in the adopted General Plan. According to the approved Countywide Green Infrastructure Plan, the site contains Regulated areas, Evaluation areas, and Network Gap areas.

Master Plan Conformance

The Master Plan for this area is the Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment (March 2010). The Natural Resources/ Environment Chapter contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in BOLD is the text from the sector plan and the plain text provides comments on plan conformance.

- Goal 1: Restore and enhance water quality in areas that have been degraded.**
- Policy 1: Decrease the amount of pollutants from both storm and nonstorm events entering sector plan area wetlands and waterways.**
 - Policy 2: Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.**

Development of the subject site will be required to be in conformance with a stormwater management plan approved by the county. The application package included an approved stormwater management concept plan and approval letter; case 39406-2005-00. The approval includes the use of an existing regional pond to meet quantity and quality requirements. The use of conservation landscaping techniques to reduce water consumption should be encouraged. A wetland is located on the northwestern corner of Outparcel B which must be preserved; this area is currently within a recorded floodplain easement.

Recommended Condition: All future applications shall show the wetland located on Outparcel B as preserved, with the exception of stormwater outfalls if necessary.

- Goal 2: Prevent flooding associated with new and redevelopment.**
- Policy 1: Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.**
 - Policy 2: Ensure that the quantity of stormwater discharged from a site post-development does not exceed predevelopment conditions.**

No streams are located on-site. The stormwater management plan approval addresses water quantity and quality discharged from the site. ESD such as green roofs, bioretention, rain gardens and infiltration areas should be encouraged.

- Goal 3: Preserve, enhance, and restore the existing tree canopy within the sector plan area.**
- Policy 1: Focus tree and forest preservation and restoration efforts in appropriate**

areas.

- Policy 2:** Encourage the application of urban forestry principles to landscaping and reforestation efforts, while increasing opportunities for incorporating tree planting into the existing landscape.
- Policy 3:** Ensure that no net loss of forest cover occurs within the boundaries of the sector plan area.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). Development of the site must be in conformance with an approved Tree Conservation Plan. The woodland conservation threshold for the I-1 zone is 15 percent and the R-R zone is 20 percent. Based on the net tract area of the site and the current zoning, the site currently has a 16.31 percent threshold, or 4.99 acres. The woodland conservation threshold for the proposed M-X-T zone is 15 percent. Rezoning to the M-X-T would change the threshold for the entire property to 15 percent, or 4.59 acres. The I-1 portion of the site is currently subject to an approved Type One Tree Conservation Plan, TCPI-048-96, and an approved Type Two Tree Conservation Plan, TCPII-094-96.

In addition to the forest preservation and restoration requirements of the Woodland Conservation Ordinance, the site is also subject to the Tree Canopy Cover (TCC) Ordinance. In the M-X-T zone, the TCC requirement is 10 percent, or 3.06 acres.

According to TCPII-94-96, the floodplain easement on Outparcel B is approximately 3.79 acres and is almost entirely wooded. While this area cannot be counted toward meeting the woodland conservation requirement because floodplain cannot be used to meet the requirement, the area can and should be used to meet the tree canopy requirement. Preservation of woodland within this sensitive area should be encouraged in keeping with state wetland permitting requirements, the Sector Plan goals and policies, the Green Infrastructure Plan goals and policies, and in keeping with stormwater management requirements.

Given the site's location on the corner of a prominent intersection, Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450), and in support of meeting the high density development goals of the M-X-T zone, clearing the central areas of the site and preserving the existing woodland within the floodplain area and sensitive wetland area should be the main environmental focus of the project moving forward. The floodplain easement comprises approximately 12 percent of the gross tract site area.

Based on the high density goals of the M-X-T zone and the configuration and location of the site, it would be challenging to meet the minimum woodland conservation threshold on-site in addition to preserving the floodplain. It should be noted that the woodland conservation requirement resulting from clearing below the threshold is likely to result in a significant woodland conservation requirement that should be met off-site.

It is recommended that the tree canopy requirement be met with existing woodland within the floodplain. This requirement would meet policy 1 above by focusing forest preservation efforts in an appropriate area (floodplain). The timing of implementation of Policy 2 would be most appropriately addressed thru the Landscape Manual requirements at time of Detailed Site Plan review. Because this project is likely to result in a considerable off-site woodland conservation requirement, the applicant must show due diligence in securing off-site woodland conservation within the boundaries of the sector plan to meet Policy 3. This should also be considered at time of Detailed Site Plan review.

Goal 4: Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.

Policy 1: Require stormwater to be treated nonstructurally to the maximum extent practicable.

As discussed under Goals 1, 2, and 3 above, development of the subject site will be required to be in conformance with an approved stormwater management plan approved by the county. Preserving the existing woodland within the floodplain easement would provide a method of nonstructural treatment of stormwater. Additional ESD should be encouraged such as the use of green roofs, bioretention, rain gardens and infiltration areas.

Goal 5: Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.

Policy 1: Increase opportunities for utilizing green building opportunities in the sector plan area.

Policy 2: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.

Policy 3: Reduce air pollution to support community health and wellness and champion nonmotorized transportation alternatives.

Policy 4: Reduce adverse noise impacts to meet State of Maryland noise standards.

The use of green building techniques should be utilized to the extent practicable. Full cut-off optic light fixtures should be used to reduce skyglow for all outdoor fixtures; especially in close proximity to the sensitive on-site floodplain and wetland system. As a mixed use development, pedestrian connectivity and bike routes should be incorporated into the site design to reduce air pollution and promote community health and wellness. Also as a mixed use development, noise impacts from the adjacent arterial roadways must be considered in the site design. All residential type uses must be located outside of any areas designated as 65 dBA Ldn, or mitigation must be demonstrated such that all outdoor activity areas are below 65 dBA Ldn and all interior residential noise levels are below 45 dBA Ldn.

The Detailed Site Plan should demonstrate the use of green building techniques for all commercial buildings. LEED certification should be demonstrated for all commercial buildings to the extent practicable.

Recommended Condition: The Detailed Site Plan shall demonstrate the use of full-cut off optic light fixtures to the extent practicable.

Recommended Condition: The Preliminary Plan application package shall contain a Phase I noise study, certified by a professional acoustical engineer, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours associated with Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450).

Conformance with the Green Infrastructure Plan

The site is within the network of the Green Infrastructure Plan and includes areas designated as Regulated

areas, Evaluation areas, and Network Gap areas. The Regulated areas include the floodplain and wetland system on-site. The Evaluation areas are the forested areas contiguous with the Regulated areas. The Network Gap areas include the fringe woodlands and open space adjacent to the Evaluation areas. The Regulated areas containing special environmental features should be considered for preservation. The following policies support the stated measurable objectives of the Countywide Green infrastructure Plan. The text in BOLD is the text from the master plan and the plain text provides comments on plan conformance

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

The subject property contains Regulated areas, Evaluation areas, and Network Gap areas. The preservation of priority woodlands within Regulated Areas and adjacent Evaluation Areas should be a focus of future development for conformance with the Countywide Green Infrastructure Plan.

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

Preservation of water quality should be provided through the protection of the on-site wetland and floodplain system and thru the application of best stormwater management practices.

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

Clearing the central areas of the site and preserving the existing woodland within the floodplain area and sensitive wetland area should be the main environmental focus of the project moving forward. It is recommended that, at a minimum, the 10 percent tree canopy requirement be met with existing woodland on-site.

Policy 4: Promote environmental stewardship as an important element to the overall success of the Green Infrastructure Plan.

The development is conceptual at the present time. In future applications, the use of environmentally sensitive building techniques and overall energy consumption should be addressed.

Policy 5: Recognize the green infrastructure network as a valuable component of the county's Livable Communities Initiative.

The development is conceptual at the present time. The preservation of priority woodlands within Regulated Areas and adjacent Evaluation Areas should be a focus of future development for conformance with the Countywide Green Infrastructure Plan

Environmental Review

1. An NRI is not required as part of a zoning amendment application; however, an unapproved copy of NRI-036-13 for the R-R portion of the property was submitted with the subject application. This plan has subsequently been approved under the current environmental regulations. An NRI for the I-1 portion of the property, NRI-025-09, was previously approved in accordance with requirements in place before the implementation of the Environmental Regulations found in Subtitles 24, 25, and 27 that became effective September 1, 2010 and February 1, 2012. All future applications will require an approved NRI covering the entire land area included in the application, approved under the current regulations.

Recommended Condition: All future submissions for development activities on the subject property shall contain a Natural Resources Inventory (NRI) plan that covers the entirety of the subject property.

2. The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012. The I-1 portion of the site is subject to an approved Type I Tree Conservation Plan, TCPI-048-96, and an approved Type Two Tree Conservation Plan, TCPII-094-96. However, land area is being added to the previously approved plan for the current application and a revised TCP that meets the current environmental regulations will be required with future applications.

This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the reasons stated above. Development of the site must be in conformance with an approved Tree Conservation Plan.

Comment: Additional discussion and recommended conditions with respect to woodland conservation can be found under the Sector Plan section of this memo; specifically, under the Goal 3 discussion.

3. This site may contain specimen trees. The removal of specimen trees requires a variance to Section 25-122(b)(1)(G) of the county code. The presence of specimen trees will be determined during the review and approval of an NRI.

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

Comment: This information is provided for the applicant's benefit.

4. This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Sections 24 and 27 of the county code. The on-site regulated environmental features include a non-tidal wetland and associated buffer buffers, and a 100-year floodplain easement. The final delineation of all regulated environmental features will be determined with the approval of an NRI under the current environmental regulations.

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

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Sections 24 and 27 of the county code. The justification must address how each impact has been avoided and/ or minimized.

Comment: This information is provided for the applicant's benefit.

Summary of Recommended Conditions

1. The Detailed Site Plan shall demonstrate the use of full-cut off optic light fixtures to the extent practicable.
2. The Preliminary Plan application package shall contain a Phase I noise study, certified by a professional acoustical engineer, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours associated with Martin Luther King Jr. Highway (MD 704) and Annapolis Road (MD 450).
3. All future submissions for development activities on the subject property shall contain a Natural Resources Inventory (NRI) plan that covers the entirety of the subject property.

If you have any questions concerning this comment, please contact me at 301-952-3650 or by e-mail at megan.reiser@ppd.mncppc.org

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Historic Preservation Section

(301) 952-3680
www.mncppc.org

June 13, 2013

MEMORANDUM

TO: Tom Lockard, Planner Coordinator
Zoning Section
Development Review Division

VIA: Howard Berger, Supervisor *HB*
Historic Preservation Section
Countywide Planning Division

FROM: Jennifer Stabler, Archeology Planner Coordinator *JAS*
Historic Preservation Section
Countywide Planning Division

SUBJECT: **A-10028 Buena Vista West**

Background

This zoning application proposes to rezone the subject property from I-1 and R-R to M-X-T. The subject property is located at the intersection of Annapolis Road and Martin Luther King, Jr. Highway, on both sides of Lottsford Vista Road and north of Business Parkway.

Findings

1. Phase I archeological survey is not recommended on the above-referenced 30.62-acre property located at the intersection of Annapolis Road and Martin Luther King Highway, on both sides of Lottsford Vista Road and north of Business Parkway in Lanham, Maryland. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low.
2. There are three Historic Sites, Thomas J. Calloway House (70-049-33), Buena Vista (70-017), and Crandell-Cook House (70-010), and two Historic Resources, Glen Dale Hospital (70-050) and Burke-Jackson House (70-037), located within one mile of the subject property.
3. The subject property includes a portion of Buena Vista, which was subdivided by Robinson White in 1916. Buena Vista is located to the southwest of Lincoln, an early planned residential and retreat community for African Americans. Buena Vista also developed as a small African American residential community adjacent to the Washington, Baltimore, and Annapolis Electric Railroad, which provided convenient transportation to and from these cities. Early development of the community concentrated along the W. B. & A. Railroad and Defense Highway, now Maryland Rout 450.

One Historic Resource, the Burke-Jackson House (70-037), is located in the Buena Vista Community and is adjacent to the subject property. The Burke-Jackson House was constructed for Edwin and Georgia Burke about 1918 by Frank and Benjamin Holland, along with Isaiah T. Hatton and a man named Clark. Mrs. Georgia Burke was a prominent community activist in the Lincoln-Vista community and taught school in her home until a school was constructed by the Board of Education. She taught upper grades in the Lincoln school once it was completed in 1921. Isaiah T. Hatton was one of a rising generation of African American architects in the Washington, D.C. area and built several of the houses in the Lincoln and Buena Vista communities. The Burke-Jackson House was demolished in April 2010, but remains listed as a Historic Resource in the *Historic Sites and Districts Plan*. Three houses located on the subject property are more than 50 years old: 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955).

With the advent of the automobile, ridership on the W.B. & A. Railroad declined and service was ceased in 1935. The Buena Vista community was further impacted by the construction of Defense Highway (now MD 450) in the early 1930s and George Palmer Highway (now MD Route 704 or Martin Luther King Highway) in the 1940s. Both of these highways have been expanded and have further encroached on the Buena Vista community.

To the north of Lottsford Vista Road, the Vista Raceway was established by the Land and Sea Sportsmen's Club, Inc. about 1951. The Vista Raceway was a half-mile dirt oval that operated from the early 1950s until the early 1970s. The Maryland State Highway Administration acquired the 24 acres comprising the Vista Raceway in 1975. When Route 450 was expanded in the late 1990s, the northeastern edge of the raceway was destroyed. A stormwater management pond has obliterated the northern section of the raceway. The southern end of the race track is now overgrown, but may still be intact.

Conclusions

1. Phase I archeology survey is not recommended on the subject property. Modern disturbance has likely disturbed any intact cultural resources that may have been present on the property.
2. The houses located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955) and any remnants of the Vista Raceway should be recorded on a Maryland Inventory of Historic Properties (MIHP) form prior to demolition or any grading. The documentation should include floor plans and representative interior and exterior photographs of all structures.

Recommendation

1. Prior to signature approval of any preliminary plan, the applicant, the applicant's heirs, successors and or assignees, shall record the existing dwellings located at 4901 Lottsford Vista Road (ca. 1930), 4823 Lottsford Vista Road (ca. 1940), and 4815 Lottsford Vista Road (ca. 1955) and any remnants of the Vista Raceway on a Maryland Inventory of Historic Properties (MIHP) form. Two copies of the MIHP form shall be submitted to and approved by the Historic Preservation Section prior to signature approval of the preliminary plan.

Tan

January 2, 2014

M-NCPPC Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Attn: Ms. Elizabeth M. Hewlett, Chairman

Re: Support Letter - -NCPPC Case #A-10028 Buena Vista West Rezoning

Dear Chairman Hewlett:

In 1950, my husband and I bought our first piece of Real Estate in the Buena Vista area. My husband, Tom J. Thompkins was a bricklayer and built our home. We moved into the home in 1956. Our house is located at 4810 Pennsylvania Lane which intersects with Lottsford-Vista Road. We raised our children here and, when they grew up, we built a second house. My son and daughter-in-law now own and live in the first house. Back when we moved to the neighborhood, it was completely rural, with wooded enclaves, wild berry patches, wild grapes, and a dirt track that people used for motorcycle racing on the weekend.

Since that time, Vista has completely changed. The old Palmer Park Drive Inn Theatre was replaced with the Washington Business Park, which soon expanded to the opposite side of what was named Palmer highway and now named Martin Luther King, Jr. Highway. Over time, Martin Luther King Highway and Annapolis Road (Route 450) were enlarged into major highways to the east and south of us. The Vista Gardens Marketplace shopping center was built on the opposite side of Martin Luther King Highway. As you can see, the once rural area has evolved into a highly developed commercial area. Something we could not have imagined when we moved to Buena Vista in the 1950's.

As the area has changed, it is now time for our area to catch up. We have lived in this area longer than any other property owners living in Buena Vista. The Thompkins are the majority owners in Buena Vista and fully support the rezoning.

The existing I-1 Industrial and R-R Residential Zones on the Buena Vista are no longer compatible. The rural areas along with the wooded paths, berry patches and wild grapes are all gone and have been for quite some time. Buena Vista is now just a few scattered single family homes, like mine and my son's and daughter-in-law, adjacent to an industrial site that currently serves as a dirt stockpile. All of this is completely surrounded by the newer commercial development and major highways described above. Under the current industrial zoning, the adjacent industrial property could be developed as warehouses or some other type of heavy commercial use which would generate noise, dust and heavy truck traffic across the street from our homes!!

We had the opportunity to correct this situation with the last Sector Plan and my family and I were fully supportive of changing the zoning of our properties at that time. For some reason, the Council was not

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able to make the zoning changes happen then. Now is the time to correct this and rezone our properties so that we can move on and compatible quality commercial development can move in.

I know that Mr. Michael and the Michael Companies are good people, having dealt with them in the past and having already sold them several lots in the neighborhood. The existing Vista Gardens Marketplace shopping center is the best and has brought significant benefits and needed retail to the community and has provided employment for several persons in the area. Based on that, I am confident that their proposed plan will further improve the community and help complete the commercial corridor that runs from Annapolis Road all the way to Route 50 and the Beltway.

The subject rezoning and subsequent development of the proposed Buena Vista mixed use commercial project will create development that is consistent with the existing commercial nature of the area. It will also promote much needed vehicular and pedestrian improvements to serve the existing establishing communities in the area, along with space for additional retail and commercial services that are consistent with Sector Plan recommendations and the existing Washington Business Park and Vista Gardens Marketplace developments.

As stated earlier I have lived in this area longer than any other property owner living in Buena Vista. The Thompkins are the majority owners in Buena Vista and fully support the rezoning. Therefore, I along with my son, daughter-in-law and my daughter; are majority owners and fully support the rezoning. Therefore, I respectfully request that you favorably review and approve the subject rezoning request as well as the subsequent development entitlement applications for Buena Vista West.

Sincerely,

Mrs. Alberta Thompkins
4810 Pennsylvania Lane
Bowie, MD 20720

cc: The Michael Co

Tom

January 2, 2014

M-NCPPC Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Attn: Ms. Elizabeth M. Hewlett, Chairman

Re: Support Letter - -NCPPC Case #A-10028 Buena Vista West Rezoning

Dear Chairman Hewlett:

My parents, Tom J. and Alberta Thompkins purchased property in Buena Vista in 1950. My father, Tom J. Thompkins, was a bricklayer and built our house in Buena Vista. After working his regular job during the week, my Dad worked on our home during the weekends. As the story goes, on June 20, 1954 which was Father's Day, my Dad was preparing to go to Buena Vista to work on the house. My mom informed him "Not today!" She was in labor and I was born that evening. We moved into the house my dad built in 1956; I was about 18 months old.

For me, Pennsylvania Lane in Buena Vista, Maryland is where I was raised and have many fond memories. I picked blackberries and huckleberries every summer. Later, my Dad and I would go into the woods to harvest wild grapes. I made jelly from those grapes. I enjoyed playing in the woods. During the weekends motorcycles raced on the dirt-track.

In the early 1990's, my parents deeded 2 lots in Buena Vista to me. These lots are across from the second house my Dad built and where my Mom currently lives. My brother and sister-in-law home is next to my lots. My plan was to build a retirement home.

However, Vista has completely changed. The old Palmer Park Drive Inn Theatre and adjacent woods was replaced with the Washington Business Park, which soon expanded to the opposite side of what was named Palmer highway and is now named Martin Luther King, Jr. Highway. Over time, Martin Luther King Highway and Annapolis Road (Route 450) were enlarged into major highways to the east and south of us. The Vista Gardens Marketplace shopping center was built on the opposite side of Martin Luther King Highway. As you can see, the once rural area has evolved into a highly developed commercial area. Something I could not image as I was growing up. But, I fully support now.

As the surrounding area has changed, it is now time for our area to catch up. I have long standing ties to this area; longer than many other property owners living in Buena Vista. The Thompkins are the majority owners in Buena Vista and fully support the rezoning.

The existing I-1 Industrial and R-R Residential Zones on the Buena Vista are no longer compatible. The rural areas along with the wooded area, berry patches and wild grapes are all gone and have been for quite some time. Buena Vista is now just a few scattered single family homes, like my Mom's and my brother's and sister-in-law, adjacent to an industrial site that currently serves as a dirt stockpile. All of this is completely surrounded by the newer commercial development and the major highways described above. Under the current industrial zoning, the adjacent industrial property could be developed as

PRINCE GEORGE'S COUNTY PLANNING BOARD
OFFICE OF THE CHAIRMAN

RECEIVED 01/07/14 LOG NO. 04-010703

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To: Planning AA
CO: JJ

Prince George's County Planning Department
Office of the Director

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warehouses or some other type of heavy commercial use which would generate noise, dust and heavy truck traffic across the street from my families' homes.

We had the opportunity to correct this situation with the last Sector Plan. I was fully supportive of changing the zoning of the property at that time. For some reason, the Council was not able to make the zoning changes happen then. Now is the time to correct this and rezone our properties so that we can move on and compatible quality commercial development can move in.

I know that Mr. Michael and the Michael Companies are good people, having dealt with them in the past. The existing Vista Gardens Marketplace shopping center is the best and has brought significant benefits and needed retail to the community including providing employment for several individuals in the surrounding community. Based on that, I am confident that their proposed plan will further improve the community and help complete the commercial corridor that runs from Annapolis Road all the way to Route 50 and the Beltway. I see this as a benefit to the community and the county.

The subject rezoning and subsequent development of the proposed Buena Vista mixed use commercial project will create development that is consistent with the existing commercial nature of the area. It will also promote much needed vehicular and pedestrian improvements to the serve the existing establishing communities in the area, along with space for additional retail and commercial services that are consistent with Sector Plan recommendations and the existing Washington Business Park and Vista Gardens Marketplace developments.

As stated earlier I grew up in and currently own property in Buena Vista. Collectively the Thompkins have lived in in the affected area longer than any other property owner living in Buena Vista. The Thompkins are the majority owners in Buena Vista and fully support the rezoning. Therefore, I along with my brother, sister-in-law and my Mom; fully support the rezoning. Therefore, I respectfully request that you favorably review and approve the subject rezoning request as well as the subsequent development entitlement applications for Buena Vista West.

Sincerely,



Ms. Diane Thompkins
2822 Pin Oak Lane
Glenarden, MD 20706

cc. The Michaels Companies



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original to DRD
December 4, 2013

M-NCPPC Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
Attn: Ms. Elizabeth M. Hewlett, Chairman

PRINCE GEORGE'S COUNTY PLANNING BOARD
OFFICE OF THE CHAIRMAN
RECEIVED 12-17-13 LOG NO. C13-121702
DISTRIBUTION EMH-FYE
TO: Planning AD
CC: JF

Re: Support Letter - M-NCPPC Case #A-10028 – Buena Vista West Rezoning

Dear Chairman Hewlett:

We own and live in the house located at 4901 Lottsford Vista Road in Lanham, Maryland and have lived there for nearly 20 years. We are writing to express our full support for the above-referenced rezoning case, as well as all subsequent entitlement applications related to the property. As affected property owners and joint applicants for the subject rezoning request, we firmly believe that the proposed Buena Vista West rezoning will meet the goals and recommendations of the 2010 Glenn Dale, Lanham, and Seabrook Sector Plan & Sectional Map Amendment and will bring about positive development to benefit the surrounding community in the same vein as the existing Vista Gardens Marketplace Shopping Center.

When we moved to the Buena Vista area nearly two decades ago, it was a quiet place surrounded by mostly undeveloped land. Since that time the Washington Business Park has been increasingly built-out to the northwest of us, Annapolis Road and Martin Luther King, Jr. Highway were converted to major roadways to the east and south of us, and the Vista Gardens Marketplace shopping center was built further to the south east. The area is no longer rural and secluded, but instead is highly commercialized with much more

The existing I-1 Industrial and R-R residential zones on the subject properties are incompatible and have produced the existing underdeveloped conditions of scattered single family residences adjacent to an industrial site that currently serves as a dirt stockpile. All of this is surrounded by the newer commercial development and major roadways described above. Under the existing industrial zoning, that portion of the subject property could be developed as a warehouse or other commercial use that would generate noise and more heavy truck traffic, directly across the street from our house! This situation would be terrible for us and our immediate neighbors and also will not benefit the greater community in terms of economic development.

The subject rezoning and subsequent development of the proposed Buena Vista West mixed-use commercial project will create development that is consistent with the existing commercial nature of the area. It will also promote much needed vehicular and pedestrian improvements to

serve the existing established communities in the area, along with space for additional retail and commercial services that are consistent with the Sector Plan recommendation and the existing Washington Business Park and Vista Gardens Marketplace developments. Therefore, we respectfully request that you favorably review and approve the subject rezoning request, as well as the subsequent development entitlement applications for Buena Vista West.

Sincerely,

Sherman VanValkenburg

Mary VanValkenburg

Sherman VanValkenburg Mary VanValkenburg