

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

**AMENDMENT OF BASIC PLAN
A-9968/03-C**

DECISION

Application:	Amendment of Basic Plan & Conditions
Applicant:	National Capitol Business Park
Opposition:	N/A
Hearing Date:	February 23, 2022
Hearing Examiner:	Joyce B. Nichols
Recommendation:	Approval with Conditions

NATURE OF REQUEST

- (1) A-9968/03-C is a request to amend the Basic Plan for National Capitol Business Park to increase employment and industrial uses by 2 million square feet, and to revise conditions and considerations of Basic Plan approval, pursuant to §27-197(c) of the Zoning Ordinance, on approximately 441.3 acres of land, in the R-S (Residential Suburban Development) Zone¹, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway) also identified as 15000 Leeland Road, Upper Marlboro, Maryland.
- (2) Both the Technical Staff (Exhibit 32) and the Planning Board (Exhibit 30) recommended approval with conditions.
- (3) No one appeared in opposition to the instant Amendment request.
- (4) Due to technical difficulties, the record was closed on March 29, 2022.²

¹ The 2022 Countywide Map Amendment placed the subject property in the LCD (Legacy Comprehensive Design) concurrently with the R-S Zone.

² Zoning Ordinance (2019 Ed.) is the controlling legislation under which the instant Application is proceeding. At some future date the Applicant may elect to proceed pursuant to Zoning Ordinance (2019 Ed.)(2021 Supp.)

FINDINGS OF FACT

Subject Property

(1) The subject property is located on the north side of Leeland Road, all but 2 acres of which are east of the Popes Creek Branch of the CSX Railroad right-of-way, and approximately 3,178 feet west of US 301 (Robert Crain Highway). Leeland Road is a master planned right-of-way, which abuts the subject property to the south and is a designated scenic road. The property is undeveloped, wooded, and contains numerous environmental features.

(2) The subject property has frontage on, and access from, Leeland Road. A-9968/02 approved a new access from Prince George's Boulevard via a proposed Queens Court; there will be no access via Leeland Road.

Neighborhood and Surrounding Uses

(3) The neighborhood is as accepted in the original Basic Plan approval (A-9968) in 2006.

(4) To the west of the subject property, across Collington Branch, are a number of tracts of unsubdivided acreage in the R-A (Rural Agriculture) (west of the Pope's Creek Branch railroad) and O-S (Open Space) (east of the Pope's Creek Branch railroad) Zones, with the Oak Creek Club planned development beyond them in the R-L (Residential Low Development) (1.0-1.5) Zone. The Locust Hill property in the R-L (1.0-1.5) Zone abuts the subject property to the west, on both sides of Leeland Road. (A-9975/01)

To the south of the subject property are single-family dwellings and an agricultural supply company on unsubdivided acreage in the R-A Zone. An undeveloped and wooded triangular portion of Parcel 36, the tract occupied by the agricultural supply company, projects into the southern edge of the subject property on the north side of Leeland Road; this triangular area is listed by the PG Atlas site as being in the E-I-A (Employment Institutional Area) Zone, although the 2006 Bowie and Vicinity Sectional Map Amendment had rezoned it from R-R (Rural Residential) to the R-S³ Zone. Also, to the south of the subject property is the Beechtree planned development in the R-S (1.6-2.6) Zone. Beechtree contains a mix of single-family detached dwellings along Lake Forest Drive, but these are separated from Leeland Road by dense woods.

To the east of the subject property is the Collington Center planned industrial area in the E-I-A Zone. The uses which are most proximate to the subject property are the Nordstrom warehouse and distribution center, the office of the Washington Research Library Consortium, a FedEx Ground shipping distribution center, and the vacant Safeway distribution center. Also, to the east of the subject property are several single-family dwellings on odd lots and parcels in the R-R (Residential Rural) Zone.

³ M-NCPPC, Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B (February, 2006), p. 128.

To the north of the subject property is a portion of the Collington Branch Stream Valley Park in the O-S Zone.

Zoning History

(5) The site was rezoned from the R-A to the E-I-A Zone during the 1991 Approved Bowie-Collington-Mitchellville and Vicinity Master Plan and Sectional Map Amendment. In 2005, Zoning Map Amendment A-9968 was filed to request a rezoning of the Willowbrook property from the E-I-A Zone to R-S Zone. At that time, the approval of a new Bowie and Vicinity Master Plan and Sectional Map Amendment was underway. Basic Plan A-9968 was recommended for approval by the Prince George's County Planning Board (PGCPB Resolution No. 05-178) and was transmitted to the Prince George's County District Council for incorporation into the 2006 Bowie and Vicinity Sectional Map Amendment.

The 2006 Bowie and Vicinity Master Plan and Sectional Map Amendment was approved by Council Resolution (CR-11-2006) on February 7, 2006, which rezoned the subject property to the R-S Zone (CR-11-2006, Amendment 7, pages 18 and 31 through 34) subject to the 13 Conditions and three (3) Considerations.

(6) On April 9, 2007, a Comprehensive Design Plan, CDP-0505, subject to 34 conditions, and Type I Tree Conservation Plan, TCPI-010-06, were approved by the District Council for a total of 818 residential dwelling units, of which 602 were market rate (97 townhouse and 505 single-family detached units) and 216 units were in a mixed-retirement component (50 single-family detached, 56 townhomes, and 110 multifamily units). The CDP Conditions are not applicable to the review of this Application.

(7) On March 15, 2007, Preliminary Plan of Subdivision, PPS-4-06066, and Type I Tree Conservation Plan, TCPI-010-06-01, were approved by the Prince George's County Planning Board (PGCPB Resolution No. 07-43) subject to 31 Conditions. Subsequently a number of extensions, waivers and reconsiderations were approved by the Planning Board. On March 8, 2018 (PGCPB Resolution No. 07-43(A)) the Planning Board reconsidered the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. The PPS conditions are not applicable to the review of the current Application, but the modification of the intersection is noted for informational purposes.

(8) On March 30, 2017, Specific Design Plan, SDP-1603, and associated Type II Tree Conservation Plan, TCPII-028-2016, (PGCPB Resolution No. 17-144), for Phase One (Phase I) of the development, which proposed 183 single-family detached and 93 single-family attached market-rate lots, 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture, was approved subject to 15 conditions. The SDP Conditions are not applicable to the review of the instant Application.

(9) On May 13, 2018, A-9968-01 (Amendment of Basic Plan and Conditions) was approved by the District Council to increase the number of dwelling units, to increase the percentage of single family attached dwelling units, to change the size and location of dwelling units, and to revise conditions and considerations of Basic Plan approval.

Master Plan and Sectional Map Amendment

(10) The subject property is located in Planning Area 74A. The applicable Master Plan is the Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B, approved on February 7, 2006.

The Bowie and Vicinity Master Plan designated the subject property for “Residential Low” future land use, defined by the Bowie and Vicinity Master Plan as, “areas intended for suburban neighborhoods with single-family houses on lots ranging from 6,500 square feet to one acre in size and retirement or planned residential development”. This could yield development densities of up to 6.70 dwelling units per acre.

The February, 2006 Sectional Map Amendment rezoned the subject property from the E-I-A Zone to the R-S Zone.

The October, 2002 General Plan placed the subject property within the Developing Tier.

The Growth Policy Map in the May, 2014 General Plan (Plan 2035) placed the property in the Established Communities category, and the Generalized Future Land Use Map designated it for “Residential Low” land use.

The subject property is not within a Priority Preservation Area.

Adjoining land to the west and south is also designated by the Master Plan for “Residential Low” land use⁴, adjoining land to the north is designated for “Parkland/Open Space” land use, and adjoining land to the east is designated for “Industrial” land use.

Neighboring Properties

(11) The subject property is located along the north side of Leeland Road, and all but two acres of it lies east of the Pope’s Creek Branch Railroad. The property is undeveloped and wooded.

To the west of the subject property, across Collington Branch, are a number of tracts of unsubdivided acreage in the R-A (west of the Pope’s Creek Branch Railroad) and O-S (east of the Pope’s Creek Branch Railroad) Zones, with the Oak Creek Club planned development beyond

⁴ Land to the south across Leeland Road is subject to the Subregion 6 Master Plan; the land use recommendation of that Plan is also “Residential Low,” though that land use classification is defined differently by the Subregion 6 Master Plan, intending it for densities of up to 3.5 dwelling units per acre.

them in the R-L (1.0-1.5) Zone. The Locust Hill property in the R-L (1.0-1.5) Zone also abuts the subject property to the west, on both sides of Leeland Road.

To the south of the subject property are single-family dwellings and an agricultural supply company on unsubdivided acreage in the R-A Zone. An undeveloped and wooded triangular portion of Parcel 36, the tract occupied by the agricultural supply company, projects into the southern edge of the subject property on the north side of Leeland Road; this triangular area is listed by the PGAtlas site as being in the E-I-A Zone, though the 2006 Sectional Map Amendment had rezoned it from R-R to the R-S3 Zone as a part of the Willowbrook rezoning. Also to the south of the subject property is the Beech Tree planned development in the R-S (1.6-2.6) Zone. Beech Tree contains a mix of single-family detached dwellings and townhouses; the units most proximate to the subject property are single-family detached dwellings along Lake Forest Drive, but these are separated from Leeland Road by dense woods.

To the east of the subject property is the Collington Center planned employment park in the E-I-A Zone. The uses which are most proximate to the subject property are the Nordstrom warehouse and distribution center, the office of the Washington Research Library Consortium, a FedEx Ground shipping distribution center, and the now-disused Safeway distribution center. Also, to the east of the subject property are several single-family dwellings on odd lots and parcels in the R-R Zone.

To the north of the subject property is a portion of the Collington Branch Stream Valley Park in the O-S Zone.

Applicant's Request

(12) The proposed Basic Plan Amendment is being requested to increase the maximum allowable development from 3.5 million square feet of employment and institutional land use to 5.5 million square feet. The increased development areas proposed to be accommodated within the same areas and the same conceptual layout previously approved as A-9968/02, only the total allowable development yield is proposed to change.

LAW APPLICABLE

(1) Section 27-197(c) of the Zoning Ordinance sets forth the procedures by which requests to amend an approved Basic Plan which does not involve a change in land area or an increase in land use density or intensity may be approved.

(2) Section 27-195(b) of the Zoning Ordinance sets forth the criteria which must be met prior to the approval of a request to amend an approved Basic Plan as follows:

(b) **Criteria for approval.**

- (1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:
 - (A) The proposed Basic Plan shall either conform to:
 - (i) The specific recommendation of a General Map plan, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties;
 - (ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses; or
 - (iii) The regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of this Code.
 - (B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;
 - (C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;
 - (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;
 - (E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.
- (2) Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council

shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

* * * * *

(3) The Application must also be found to satisfy the general purposes of the Zoning Ordinance, §27-102(a), and the specific purposes of the R-S Zone, §27-511(a).

CONCLUSIONS OF LAW

(1) The instant Application satisfies the general Purposes of the Zoning Ordinance, §27-102(a), as follows:

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

The approval of the requested Amendment to the Basic Plan for the National Capital Business Park will allow for the planning and construction of an extension to the Collington Center planned employment park which can respond to the environmental constraints of the subject property and protect the surrounding residential neighborhoods. The approval will protect and promote the health and safety of the present and future inhabitants of the County by providing sufficient buffers from environmental hazards such as floodplain, and by protecting the surrounding residents from visual and traffic impacts from the planned employment and institutional development.

Furthermore, the review process inherent in Comprehensive Design Zones provides for a higher level of both planning flexibility and public oversight to promote and protect the public health, safety and welfare.

Finally, the proposed employment and institutional uses will provide a significant contribution to the County's tax base, both through the land value and through the jobs created by the future occupants of the National Capital Business Park. This economic impact will be a significant promotion of the welfare of the present and future inhabitants of the County.

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

This Purpose is addressed in the Zoning Ordinance by the criterion for approval of Comprehensive Design Zones found in §27-195(b)(1)(A), which section specifically provides for

the ability to develop uses permitted in the E-I-A Zone at the subject property. The Bowie and Vicinity's property specific recommendations are being implemented for use of "zoning techniques that provide for flexibility in lot layout, while protecting open space and environmentally sensitive areas"⁵ and for the dedication of the right-of-way for the future extension of Prince George's Boulevard through the subject property to an ultimate intersection with Leeland Road to the east of the subject property's limits. The potential future planning context with respect to the pending new Bowie and Vicinity Master Plan has been discussed.

It is also worth discussing the past planning and zoning history of the subject property for further context: the most recent (February, 2006) Sectional Map Amendment actually rezoned the subject property from the E-I-A (Employment and Institutional Area) Zone to the R-S Zone. The property had previously been placed in the E-I-A Zone as part of the 1991 Bowie, Collington, Mitchellville & Vicinity Master Plan and Sectional Map Amendment; the Basic Plan for this center (A-9829), approved as part of the 1991 Master Plan, allowed for an FAR between .3 and .38 for a total of 3,900,000- 5,000,000 square feet of "light manufacturing, warehouse/distribution and ancillary office and retail commercial." The development cap for the proposed Amendments, however, is only 3,500,000 square feet (of which up to 100,000 square feet could be located outside of the R-S Zone limits). Thus, the effect of CB-22-2020 can be seen as the District Council reinstating much of the planning intent of the 1991 Master Plan for the Willowbrook site, which in turn had been carrying forward planning ideas from the early 1970s.

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

As with the purpose of implementing the General and Master Plans, this Purpose is largely replicated by the criteria for approval of Comprehensive Design Zones found in §27-195(b)(1)(C) and (D) addressing transportation facilities, police, fire, schools and water and sewerage; the harmony of the request for approval of Amendments to the Basic Plan with this Purpose of the Zoning Ordinance was discussed at length in the testimony of the transportation planning expert, Mr. Michael Lenhart, and has been discussed by Technical Staff in the Countywide Planning referral.

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

As noted in the discussion of the Purpose of protecting and promoting the public health and safety, above, the multi-stage public review process inherent in the Comprehensive Design Zones' regulations affords a higher level of guidance for the development at the property (and therefore for its contribution to the growth and development of the County as a whole). These principles are reflected in the approved Basic Plan, and the requested Amendments will not affect the review process going forward.

⁵ Master Plan, p. 17

The development of the County and the needs of industry and business will be recognized by the approval of the requested Amendments, particularly in a significant contribution to the County's tax base, through the land value and through the jobs created by the future occupants of the National Capitol Business Park. Master Plan, p. 17

For these reasons, the approval of the requested Amendments to the Basic Plan at this property will continue to be in particularly close harmony with this Purpose of the Ordinance.

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

The lot standards which will be established in the Comprehensive Design Plan will ensure the provision of adequate light, air and privacy for the proposed development, and the existence of substantive wooded natural buffers will ensure the provision of adequate light, air and privacy for its neighbors. The additional standards and design guidelines for the approval of a Comprehensive Design Plan and Specific Design Plans which are required by the regulations for Comprehensive Design Zones afford additional opportunities to ensure the provision of adequate light, air and privacy. These principles are reflected in the approved Basic Plan, and the requested Amendments will not affect the adequacy of light, air or privacy; as such, approval of the requested Amendments will be in harmony with this Purpose as well.

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

The requested Amendments to the Basic Plan will preserve the buffers to regulated environmental features and between the subject property and the adjacent development, and will protect viewshed from Leeland Road. As such, approval of the requested Amendments will be in harmony with this Purpose of the Zoning Ordinance.

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

The approval of the requested Amendments will not affect the original approval of the R-S Zone at the subject property and its harmony with this Purpose of the Zoning Ordinance, as they will not affect the requirements for the proposed development to conform with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the Floodplain Regulations, Stormwater Management Regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

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

Because the subject Amendment proposes employment and institutional uses which are authorized by §27-515(b), this Purpose is not applicable to the subject Amendment.

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

Because the subject Amendment proposes employment and institutional uses which are authorized by §27-515(b), the subject Amendments are in harmony with this Purpose.

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

The approval of the requested Amendments would be in harmony with this Purpose because the amended Plan will still require the property to be developed in conformance with regulations that are approved through a Comprehensive Design Plan to ensure the prevention of overcrowding, including height limits, setbacks, and minimum green area.

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

The approval of the requested Amendments would be in harmony with this Purpose because of several factors.

First, as noted *supra*, the criterion of §27-195(b)(1)(C) assures the adequacy of local public transportation facilities as a prerequisite to the approval of the Zone.

And second, the approval of the proposed Amendments would not affect the requirements for the property to be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, including the requirement for the improvement of an upgraded Leeland Road.

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

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this Purpose.

Beyond that, however, the approval of the requested Amendments would promote the economic and social stability of the County by allowing for an extension of the employment and

institutional uses encouraged in the Collington Center planned employment park, which will in turn contribute to the tax base, and provide opportunities for new jobs in the County.

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

The approval of the requested Amendments will have minimal impact to the protections to the County's natural features which were inherent in the original approval of the R-S Zone.

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

The approval of the requested Amendments will have minimal impact to the open space network which was proposed in the original approval of the R-S Zone; the bulk of the open space, including the buffers to regulated environmental features and the proposed public park will retain the same configuration.

The final purpose,

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

is not directly applicable to the subject property which is located in (what was formerly known as) the Developing Tier.

- (2) The instant Application satisfies the specific Purposes of the R-S Zone, §27-511(a), as follows;

- (1) Establish (in the public interest) a plan implementation Zone, in which (among other things):**
- (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and**
 - (B) The location of the Zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change;**
 - (C) Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.**

This Purpose addresses the establishment of the R-S Zone as a zone in which achievable residential density of a proposed development is related to the provision of public benefit features; second, that the R-S Zone, like all Comprehensive Design Zones, is a Plan implementation zone, such that the Application of the zone to a tract of land must be in accordance with the adopted and

approved General Plan, Master Plan, special purpose Plans or a Sectional Map Amendment; and third, to provide for employment and institutional uses if certain locational criteria and other regulations are met.

Because the subject property was placed into the R-S Zone by a Sectional Map Amendment and because the amended Basic Plan is proposing employment and institutional uses in conformance to the authorization of §27-515(b), the subject Amendment is in harmony with this Purpose of the R-S Zone.

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

This Purpose addresses the reason for the establishment of Comprehensive Design Zones, and their function to enable the use of the Sectional Map Amendment as criteria for judgment of individual development proposals. The rezoning of the subject property to the R-S Zone by the Bowie and Vicinity Sectional Map Amendment, demonstrates that the subject Application is in harmony with this Purpose for the R-S Zone. The District Council is currently considering the approval of the adopted 2021 Master Plan for Bowie and Vicinity and, if approved, the instant Application is in harmony with this Purpose. *Infra*

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

This Purpose of the R-S Zone is to assure compatibility between the proposed land uses and the surrounding land uses, and the adequacy of public facilities so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District. The discussion of the compatibility of the proposed general land use types and the surrounding land uses demonstrates that the Application is in conformance with this Purpose for the R-S zone.

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

This Purpose encourages the provision of amenities and public facilities in conjunction with the residential development. Because the subject Amendment proposes employment and institutional uses which are authorized by §27-515(b), this Purpose is not applicable to the subject Amendment.

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

This Purpose of the R-S Zone requires the regulations of the zone to encourage and stimulate “balanced land development”. The development proposed by the subject Application will be balanced in its relationship to the surrounding development by acting as an extension of the Collington Center planned employment park with its uses and planned road network, and by the substantive wooded buffers which will both preserve regulated environmental features and provide for ample buffers between the employment and institutional uses and the adjacent residential development on the west side of Pope’s Creek Branch Railroad.

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

Because the subject Amendment proposes employment and institutional uses which are authorized by §27-515(b), this Purpose is not applicable to the subject Amendment, except that the substantive wooded buffers will be in harmony with this Purpose by providing for ample buffers between the proposed employment and institutional uses and the adjacent residential environment.

(7) *Allow qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone pursuant to Section 27-515(b) of this Code.*

Because the subject Amendment specifically proposes employment and institutional uses which are authorized by §27-515(b), the proposed Amendment is in harmony with this Purpose of the R-S Zone.

In conclusion, the subject Application, A-9968/03, is in conformance with the requirements for approval as laid out in §27-515(b) of the Zoning Ordinance and with the purposes of the relevant Zone.

(3) The subject property is in conformance with the disjunctive criterion of §27-195(b)(1)(A)(iii) of the Zoning Ordinance, as it is subject to the regulations applicable to land zoned R-S and will be developed with uses permitted in the E-I-A Zone as authorized, pursuant to §27-515(b) and CB-22-2020 (DR-2).

It is to be noted, however, that the District Council is currently considering the approval of a new Master Plan for Bowie and Vicinity, which was adopted by the Planning Board on December 16, 2021. The adopted Master Plan places the property in its Collington Local Employment Area Focus Area, and recommends Industrial/Employment land use for the subject property.⁶ As such, if the District Council approves the relevant parts of Planning Board’s adopted plan, the Basic Plan will conform to the specific recommendation of an Area Master Plan Map, meeting disjunctive criterion (A)(i).

⁶ M-NCP&PC, 2021 Preliminary Bowie-Mitchellville and Vicinity Master Plan (July, 2021), p. 50, as amended by PCCPB Resolution 2021-146.

The text of the Adopted 2021 Bowie Master Plan also recommends the transformation of the “Collington Local Employment Area into a regional transportation, logistics, and warehousing hub,”⁷ which are the uses proposed by the instant Application. As such, if the District Council approves the relevant parts of Planning Board’s adopted plan, the Basic Plan will also conform to the principles and guidelines described in the Plan (including the text) with respect to land use, meeting disjunctive criterion (A)(ii).

The 2021 adopted Bowie Master Plan does not include a Sectional Map Amendment; it does, however, include recommendations in its Land Use Element⁸ and its Comprehensive Zoning Element⁹ to ultimately rezone the subject property to the IH (Industrial, Heavy) Zone through a future Sectional Map Amendment. The recently-approved Countywide Map Amendment placed the subject property in the LCD (Legacy Comprehensive Design) Zone.

(4) The provisions of §195(b)(1)(A)(iii), are met as follows: §27-515(b) is the Table of Uses for Comprehensive Design Zones. The Table provides that, “where not otherwise specifically permitted, any use allowed in the E-I-A Zone (excluding those permitted by Special Exception)” is permitted in the R-S Zone if the provisions of Footnote 38 are met. That footnote in turn provides that:

³⁸Notwithstanding any other provision of this Subtitle, any use allowed in the E-I-A Zone (excluding those permitted by Special Exception) is permitted, provided:

- (a) The use is located on a parcel, a portion of a parcel, or an assemblage of adjacent land that:
 - (i) was rezoned from the E-I-A and R-A Zones to the I-1 and R-S Zones by a Sectional Map Amendment approved after January 1, 2006;*
 - (ii) contains at least 400 acres and adjoins a railroad right-of-way; and*
 - (iii) is adjacent to an existing employment park developed pursuant to the E-I-A Zone requirements**
- (b) Regulations regarding green area set forth in Section 27-501(a)(2) shall not apply. The minimum green area (of net lot area) shall be 10%. All other regulations in the E-I-A Zone shall apply to uses developed pursuant to this Section.*
- (c) Regulations in the R-S Zone shall not apply to the uses developed pursuant to this section.*
- (d) Additional requirements for uses developed pursuant to this footnote shall include the following:
 - (i) Street connectivity shall be through an adjacent employment park; and*
 - (ii) A public park of at least 20 acres shall be provided.**

The subsections of §27-515(b), Footnote 38 are discussed as follows:

⁷ Ibid., p. 68

⁸ Ibid., as amended by Resolution 2021-146, Amendment 11

⁹ Ibid., p. 83, as amended by Resolution 2021-146, Amendments 11 and 30

- (a) *The use is located on a parcel, a portion of a parcel, or an assemblage of adjacent land that:*
- (i) *was rezoned from E-I-A and R-A Zones to the I-1 and R-S Zones by a Sectional Map Amendment approved after January 1, 2006;*

As discussed *supra*, the subject property is a portion of a parcel that was rezoned from the E-I-A and R-A Zones to the I-1 and R-S Zones by the approval of Change Number 7 in the Bowie and Vicinity Sectional Map Amendment, which was approved on February 7, 2006.

- (ii) *contains at least 400 acres and adjoins a railroad right-of-way;*

As discussed *supra*, the subject property contains 441.302 acres (of which 426± acres is zoned R-S), and adjoins the right-of-way of the Pope's Creek Branch railroad.

- and (iii) is adjacent to an existing employment park developed pursuant to the E-I-A Zone requirements.*

As discussed *supra*, the subject property is adjacent to the Collington Center employment park which was developed pursuant to the E-I-A Zone requirements.

- (b) *Regulations regarding green area set forth in Section 27-501(a)(2) shall not apply. The minimum green area (of net lot area) shall be 10%. All other regulations in the E-I-A Zone shall apply to uses developed pursuant to this Section.*

Conformance with this provision of Footnote 38 will necessarily be evaluated on a lot-by-lot basis at the time of the Specific Design Plans for each lot. It is to be noted, however, that the amended Basic Plan does depict green area outside of the development pods amounting to more than one-third of the net tract area of the R-S-zoned area.

- (c) *Regulations in the R-S Zone shall not apply to uses developed pursuant to this Section.*

This requirement is noted.

- (d) *Additional requirements for uses developed pursuant to this footnote shall include the following:*
 - (i) *Street connectivity shall be through an adjacent employment park;*

The proposed amended Basic Plan illustrates the street connectivity for the proposed development to be an extension of a new street off of Prince George's Boulevard (to be called Queens Court) in the adjacent Collington Center employment park. Alternative access is also noted on the Basic Plan as being available from Popes Creek Drive and/or Prince George's Boulevard.

The proposed amended Basic Plan shows no direct access from Leeland Road, though the proposed amended Basic Plan does show the extension of Prince George's Boulevard, a Master-planned industrial roadway, through the subject property to allow for its planned connection to Leeland Road east of the subject property as illustrated on the 2006 Bowie Master Plan as part of roadway I-300. This portion of Prince George's Boulevard will be dedicated only and is proposed not to be constructed, in accordance with a waiver which has been granted by DPIE. To this end, the adopted 2021 Bowie-Mitchellville and Vicinity Master Plan eliminates the I-300, and replaces it with a new major collector MC-302, which is instead proposed to terminate at a cul-de-sac within the subject property.

(ii) *A public park of at least 20 acres shall be provided.*

The proposed amended Basic Plan continues to propose the 20-acre public park in the western part of the site which had been shown on the currently-approved Basic Plan.

In summary, the requested amendments will conform to the regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to §27-515(b) of the Zoning Ordinance.

(5) The instant Application does not propose retail or commercial uses §27-195(b)(1)(B).

(6) The Transportation Planning Section referral dated January 28, 2021 (Burton to Sievers), found that the uses currently proposed will result in more trips in each peak hour than the currently approved residential uses. Based on the change in land use type and traffic intensity of development from the original Basic Plan, the development will generate more traffic than was projected with the approval of the original Basic Plan, A-9968. Staff finds that existing transportation facilities, when improvements are provided in the County's Capital Improvement Program (CIP), along with some additional improvements provided by the Applicant, and signalization at some key intersections, will be adequate to carry the anticipated traffic generated by 3.5 million square feet of warehousing development. Furthermore, the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved area master plan, in accordance with §27-195(b)(1)(c) of the Zoning Ordinance.

Staff recommends that all of the intersections evaluated with this Application be subject to further analyses at the time of the CDP phase of the subject development. Alternative or additional access point(s) to the adjacent Collington Center via Popes Creek Drive and/or Prince George's Boulevard, shall be evaluated for transportation and environmental impacts at the time of CDP and/or PPS. A condition to this effect has been included. §27-195(b)(1)(C)

(7) Subtitle 24 of the County Code provides the only methodology for testing adequate public facilities to ensure that the development will be adequately served. Per Subtitle 24 of the County Code, the methodology for adequate public facilities (Police, fire and rescue public facilities) occurs at the time of PPS review. The employment and institutional uses proposed will not impact

school capacity. The Technical Staff found that the water and sewer category is sufficient evidence of the availability of planned water and sewerage systems.¹⁰

The public facilities which are either existing, under construction, or fully funded within the County's CIP, will be adequate for the warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses proposed in this Application. It should be noted that the County's CIP provides full funding (within its six-year funding window) for intersections along US 301 (including the signalization of the Queens Court intersection), and a new Beechtree Fire/EMS station located along Leeland Road near its intersection with US-301. The proposed development is within the service area for Police District II – Bowie. This police facility will adequately serve the uses proposed in this Application and will be further evaluated at the time of PPS review. §27-195(b)(1)(D)

The requested Amendments will thus continue or improve the existing Basic Plan's conformance with the land use recommendations and development guidelines of the Bowie Master Plan. §27-195(b)(1)(A)

(8) The site of the National Capital Business Park is located in close proximity to existing or approved single-family planned development in the R-L and R-S Zones. A substantive stream valley and the Pope's Creek Branch Railroad, however, separate the proposed development envelope from the adjoining development to the west, and the proposed amended Basic Plan provides for substantive buffers along the Leeland Road frontage. Compliance with the provisions of subsection (d)(i) of §27-515(b), Footnote 38 provides that the roads to serve the proposed employment and institutional uses will connect to the existing road network in Collington Center rather than directly to Leeland Road, which provides a materially greater degree of separation between the uses on the subject property and the surrounding residential development.

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 requested change in use will not result in a change to the Woodland Conservation threshold, which is currently 15 percent for the E-I-A, R-S, and I-1 zoned portions of the site, and 50 percent for the R-A Zone. There is an approved TCP1 and Type 2 Tree Conservation Plan on the overall development. All future Applications will require tree conservation plans in accordance with the current regulations.

Leeland Road, which borders the site on the south, is a designated scenic road. No direct vehicular access is proposed from the National Capital Business Park to Leeland Road. The Applicant states that upon completion of the development, the Oak Grove Road/Leeland Road corridor will retain its character as a prominent scenic roadway in the County. The Applicant proposes to delete Condition 2 of A-9968-01. Staff is in support of the removal of this condition, as buffering for special roadways should be determined on future development Applications. §27195(b)(1)(E)

¹⁰ Memorandum, Ivy Thompson to Tom Sievers, January 11, 2021, pp. 82-95 in backup to Technical Staff Report

In summary, the requested amendments will provide for sufficient physical and traffic separation to ensure compatibility between the proposed land use types and the surrounding land use.

(9) The anticipated construction schedule for the National Capitol Business Park does not exceed 6 years. §27-195(b)(2)

(10) The instant Application does not include the V-M (Village-Medium), V-L (Village-Low) or L-A-C Zone. §27-195(b)(3) and (4)

RECOMMENDATION

Approval of A-9968-C-03 subject to the following Conditions and Considerations:

Conditions

1. Proposed Land Use Types and Quantities

Total Area:	442.30 acres
Total in (I-1 Zone):	15± acres (not included in density calculation)
Total area (R-A Zone):	0.78 ± acres (not included in density calculation)
Total area (R-S Zone):	426.52 acres per approved NRI
Land in the 100-year floodplain:	92.49 acres
Adjusted gross area (426 less half of the floodplain):	380.27 acres

Proposed use:

Warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses up to 5.5 million square feet*

Open Space

Public active open space: 20 +/- acres

Passive open space: 215 +/- acres

*100,000 sq. ft. of gross floor area may be located in the I-1 Zone property noted herein

2. At the time of the submission of a Comprehensive Design Plan or Preliminary Plan of Subdivision, the Applicant shall provide a traffic study that analyzes the following intersections:

- a. US 301/MD 725
 - b. US 301/Village Drive
 - c. US 301/Leeland Road
 - d. US 301/Trade Zone Avenue
 - e. US 301 South Bound/Wawa Crossover
 - f. US 301 North Bound/Wawa Crossover
 - g. US 301/Queens Court
 - h. US 301/Median Crossover
 - i. US 301/Beechtree Parkway/Swanson Road
 - j. US 301/Chrysler Drive
 - k. Prince George's Blvd./Trade Zone Avenue
 - l. Prince George's Blvd./Commerce Drive
 - m. Prince George's Blvd./Queens Court
3. At the time of Preliminary Plan of Subdivision, the Applicant shall provide the dedication for one-half of the 100 feet of dedication required to build Leeland Road (MC-600) to its ultimate cross section, per the Prince George's County Department of Public Works and Transportation standards.
 4. At the time of Preliminary Plan of Subdivision, the Applicant shall dedicate 100+ acres of parkland to the Maryland-National Capital Park and Planning Commission, including the Collington Branch stream valley and 20 acres of developable land for active recreation, as shown on the Prince George's County Department of Parks and Recreation Exhibit A (Bates Stamp 62 of 63, Exhibit 28, A-9968-01).
 5. The land to be conveyed to the Maryland-National Capital Park and Planning Commission shall be subject to the conditions of Exhibit B, attached to the June 21, 2005 memorandum from the Prince George's County Department of Parks and Recreation (Bates Stamp 63 of 63, Exhibit 28, A-9968-01).
 6. The Applicant, the Applicant's heirs, successors, and/or assigns shall construct a minimum 10-foot-wide Master Plan hiker/biker trail located along the Collington Branch Stream Valley and a minimum 10-foot-wide feeder trail to the employment uses. The alignment and design details of both trails may be modified by the Prince George's County Department of Parks and Recreation, to respond to environmental constraints, with written correspondence.
 7. A revised Plan showing parkland dedication and master plan trail shall be reviewed and approved by the Prince George's County Department of Parks and Recreation staff at the time of Comprehensive Design Plan.
 8. The Applicant shall construct recreational facilities typical for a 20-acre community park, such as ball fields, a playground, tennis or basketball courts, shelters, and restroom

- facilities. The list of recreational facilities shall be determined at the preliminary plan of subdivision and specific design plan stage.
9. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resources Inventory (NRI) plan. The signed NRI plan shall be used by the designers to prepare a site layout that minimizes impacts to the regulated areas of the site.
 10. A geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site shall be submitted as part of the Comprehensive Design Plan Application.
 11. A protocol for surveying the locations of all rare, threatened, and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources, prior to acceptance of the Comprehensive Design Plan, and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any Application for Preliminary Plans.
 12. Prior to acceptance of the Preliminary Plan of Subdivision, a Revised Natural Resources Inventory Plan shall be submitted and approved.
 13. At the time of Comprehensive Design Plan review, specific acreage of parkland dedications shall be determined. This area may include a 1.7± acre parcel of land which was not previously committed for parkland dedication. The conditions of conveyance shall be determined by appropriate staff of the Maryland-National Capital Park and Planning Commission.
 14. At the time of Comprehensive Design Plan, the Applicant shall address its plan to grade a 10- acre developable portion of the dedicated parkland (including a 1.7+ acre parcel of land from the Willowbrook project area which was not previously committed for parkland dedication) on the western side of the property, east of the Pennsylvania Railroad right-of-way to accommodate ball fields and a parking lot.
 15. The Applicant, the Applicant's heirs, successors, and/or assignees shall construct a minimum 10-foot-wide master plan shared-use path along the subject site frontage of Leeland Road, consistent with AASHTO standards, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 16. The conceptual location of the Collington Branch Stream Valley Trail, its feeder trail connecting to the proposed employment uses, and the Leeland Road shared-use path shall be shown on the Comprehensive Design Plan.

17. In the event the Applicant elects to pursue an alternative access point(s) to the adjacent Collington Center vis Popes Creek Drive and/or Prince George's Blvd., the transportation and environmental impacts of any additional access point(s) shall be evaluated at time of Comprehensive Design Plan or Preliminary Plan.
18. The applicant shall provide a network of pedestrian and bikeway facilities internal to the site unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence. The exact location and design of said facilities shall be evaluated with future applications.

Comprehensive Design Plan Considerations:

1. The natural aesthetic qualities of the site and all regulated environmental features shall be preserved to the fullest extent possible and shall seek to minimize any impacts to said features.
2. All proposed internal streets and developments should follow complete streets principles and support multimodal transportation as well as facilities to encourage walking, bicycling, and transit use, such as short- and long-term bicycle parking, including shower facilities and changing facilities, covered transit stops, crosswalks, etc.