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

ZONING MAP AMENDMENT

A-10028

DECISION

Application:	I-1 and R-R to M-X-T
Applicants:	Buena Vista West, LLC
	Lanham Development Group, LLC, et. al.
Opposition:	None
Date:	April 2, 2014
Hearing Examiner:	Maurene Epps McNeil
Recommendation:	Approval with Conditions

NATURE OF REQUEST

(1) A-10028 is a request for the rezoning of approximately 30.62 acres of I-1 ((Light Industrial) and R-R (Rural Residential) zoned land to the M-X-T (Mixed Use – Transportation Oriented) Zone. The subject property is located at the 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, in Lanham, Maryland. Both Annapolis Road (MD 450) and Martin Luther King, Jr. Highway (MD 704) are classified as arterials. (Exhibit 18, p. 4)

(2) The Technical Staff recommended approval with conditions. (Exhibit 18) The Planning Board chose not to hold a hearing and adopted Staff's recommendation as its own. (Exhibit 19(b))

(3) No one appeared in opposition to the Application.

FINDINGS OF FACT

Subject Property and Surrounding Uses

(1) The subject property is comprised of one outparcel and one lot in the I-1 Zone (Outparcel B and Lot 45 of Washington Business Park – 22.62 acres) and 42 lots in the R-R Zone (Parts of Blocks C,C & E, Buena Vista Subdivision – 8 acres). Lot 45 in the Washington Business Park is developed with a 14, 881-square –foot office building and Outparcel B is vacant and has been used for stockpiling of dirt and as a borrow pit. The portion of the property zoned R-R has a cluster of ten residences, some of which are still occupied. A significant wetland area is located in the northwest corner of the property.

(2) The subject property is surrounded by the following uses:

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

(Exhibit 18)

Master Plan/Sectional Map Amendment

(3) The subject property lies within an area governed by the 2010 Sector Plan and Sectional Map Amendment ("SMA") for Glenn Dale-Seabrook-Lanham and Vicinity. The Sector Plan 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, reasoning as follows:

> 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 [later in this Plan]. 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.

(2010 Sector Plan and SMA for Glenn Dale, Seabrook, Lanham & Vicinity, p. 196)

(4) The Sector Plan also includes a Natural Resources/Environmental Chapter that contains several policies concerning water quality, wetlands, prevention of flooding, tree canopies, stormwater management, energy conservation, and noise and light pollution. (2010 Sector Plan and SMA for Glenn Dale, Seabrook, Lanham and Vicinity, pp-110-114; Exhibit 18, pp. 6-10)

2002 General Plan

(5) The 2002 General Plan placed the site within the Developing Tier. The General Plan notes that 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." (2002 General Plan, p. 36) The General Plan also designates this portion of Annapolis Road (MD 450) as a corridor, and notes that corridors in the Developing Tier should "contain less intense residential and nonresidential land uses than the Developed Tier Corridors…." (2002 General Plan, pp. 46 and 50)

Applicants Request

(6) The Applicants are Buena Vista West, LLC, Lanham Development Group, LLC, Alberta Thompkins, Emanuel and Carol Thompkins, Diane Thompkins, Sherman and Mary Van Valkenburgh, and Charles and Elise Jones. (T. 3-4) The subject property is shown with individual lots highlighted on Exhibit 38, 45, and 46. The largest portion, to the north, is owned by Lanham Development Group, LLC and includes the existing Range Rover University Building and the large outparcel behind it. Buena Vista West, LLC owns the second largest portion – all of the existing lots that border along Route 450 to the southeast, portions of the lots fronting on Martin Luther King, Jr., Highway (MD 704) and a few lots developed with residences.

(7) After adoption of the Sector Plan Buena Vista West, LLC requested rezoning of portions of the subject property to a commercial zone. The request was denied in part because the LLC needed to secure "control over a greater proportion of the properties before the rezoning [is] granted." (T. 13) More of the property owners have joined in to the instant request. An owner of three (3) lots in the area did not agree to become part of the rezoning request, and they will remain in the R-R Zone. (T. 18)

(8) Applicants submitted a conceptual plan (labeled a "feasibility exhibit") for what it proposes to develop at the site. (Exhibit 39(b))

(9) Kevin Kennedy testified on behalf of two of the Applicantss (the LLC's). He stated that he was involved with the leasing of the Vista Gardens Marketplace to the south of the subject property. He has been contacted by businesses wishing to locate in the Marketplace but no space is available. (T. 16) He has been advised by some of these businesses (restaurants and a hotel) that they would be interested in locating at the subject property if the instant request is approved. (T. 17)

(10) Mrs. Alberta Thompkins aptly expressed why she (and the other residents that have signed on as Applicants) is requesting that the property be rezoned:

> [T]hey widened the Martin Luther King Highway …, and when they did that they came by, they took … a portion of our backyard [and] the home next door to us they took so much of that property until those people had to move, I mean,

> well, they bought them out. So, we have been shrinking in the community for a long time.
>
> [A]s of today, I feel like I'm living in a median strip between two major highways … [S]o right now we are just living in this small, small triangle area there, and it's no longer a residential community ….

(T. 25-26)

(11) Applicants submitted a rezoning plat in which it proposes to develop "allowed uses in the M-X-T Zone." (Exhibit 12) In the traffic impact analysis it was assumed that Applicants would develop a maximum of 75,200 square feet of retail, a 126-room hotel, a gasoline station with a food or beverage store ("convenience market with gasoline pumps"), and the existing office buildings. (Exhibits 16(a) and 39(b))

(12) Paul Woodburn, accepted as an expert in civil engineering, assisted in the preparation of a TCPII Plan (TCPII/94/96), the Stormwater Management Concept Plan (#47327-2007-1) and the Natural Resource Inventory (NRI-036-13). (Exhibits 41-44) There are no environmentally sensitive areas in the residentially-zoned portion of the site. There is an environmentally sensitive area in the northwestern portion. It is platted in the 100 year floodplain and will be retained in its existing condition (with woodlands and wetlands). All of these plans will be reviewed (and possibly revised) at later stages of development.

(13) The witness further explained that the residentially-zoned portion of the site drains to the south towards Folly Branch and the industrially zoned portion drains to the east towards Folly Branch. The ground in that area is clay, which leads to drainage issues. As a result, Applicants stormwater management concept plan directs runoff to the existing regional facility at the Vista Gardens Marketplace Center to the south. This will reduce any negative impact on properties to the east. (T. 42-44) Mr. Woodburn also discussed the Tree Conservation Plans approved for the site. He opined that the instant request can proceed "without impairing"… [the] recommendation of the general plan [or] the 2010 Glenn Dale and Vicinity Sector Plan…." (T. 46)

(14) Michael Lenhart was accepted as an expert in the area of transportation planning. He completed a traffic impact analysis of the transportation facilities near the subject property and reviewed the transportation related policies set forth in the 2010 Sector Plan, as well as the transportation related policies of the M-X-T Zone. (Exhibit 16(a)-(b); (T. 54-55) He concluded that the subject property could be rezoned to the M-X-T and satisfy all applicable transportation-related criteria, reasoning as follows:

> The existing zoning with I-1, those uses are office, warehouse, medical offices allowed are typically high peak generators, and versus the M-X-T and the proposed concept plan that's been shown generates more even flow of traffic throughout the day. The results are that the proposed rezoning would generate significantly less traffic in the morning peak hour, a little less in the evening peak

> hour, and it would be fairly even swap in terms of daily amount of traffic that would be generated under the current and proposed zones….
>
> [W]e had a scoping agreement with Park and Planning Staff to include the signalized intersections at 704…; at Forbes Boulevard; 450 at Forbes Boulevard; 704 at Business Parkway; and Lottsford Vista; 704 at 450; and 450 at Glenn Dale Road. And we also looked at unsignalized intersections, including the site access points that are proposed 704; at 450 we have [right] in, [right] out, and then we're also proposing a signalized access on 450 at Baltimore Lane at our site, as well as a signalized access on 704 opposite the existing [right] in, [right] out into Vista Gardens Marketplace from the south side….
>
> Under the future conditions with and without the development of the site, intersection of 704 at Forbes, and 704 at 450 would both operate at level of service E, again, with or without this rezoning [proposal]….
>
> We've identified improvements at both of those intersections that bring both of those intersections back down to a level of service D or better, and thereby satisfying the County's APF requirements.

(T. 55-56)

(15) The witness further explained all of the traffic improvements that the Applicants will be responsible for if the request is approved. (T. 58-61) These include:

- Construction of an additional left turn lane coming north on Forbes Boulevard to turn west onto Martin Luther King, Jr. Highway (MD 704);
- Widening of the existing median at Martin Luther King, Jr. Highway (MD 704), to utilize as a left turn lane
- Construction of a new access point into the subject property and installation of a traffic signal (subject to approval by the State Highway Administration ("SHA"); and
- Widening the intersection of Annapolis Road (MD 450) at Martin Luther King, Jr. Highway (MD 704) to construct a third left turn lane to go east on Martin Luther King, Jr. Highway (MD 704).

(16) Mr. Reggie Baxter was accepted as an expert in land use planning. Mr. Baxter opined that the instant request satisfied the purposes of the M-X-T zone since:

- It proposes the redevelopment of land in the vicinity of a major intersection;
- the property is located within a designated corridor in the 2002 General Plan;
- the request, if approved, will enhance the economic status of the County and provide a source of employment for the area;

- the Sector Plan expressly noted that there should be mixed use development at this location; and
- The property will be developed as a "walkable community" with the WB&A trail coming through the site and sidewalks all around and throughout the site.

(Exhibit 39(b); T. 68-69)

(17) For similar reasons, the witness concluded that the Application does not impair the General Plan.

(18) Applicants agreed with the Technical Staff's recommendations. (T. 4)

(19) Mr. Earl Bracey and Mr. Reginald Philson reside on Annapolis Road directly across from the subject property. Neither were opposed to the Application. Mr. Bracey wanted to ensure that any uses constructed not impact his home. Applicants explained what it proposes across from his home:

> To clarify, what we're proposing is in that part of the site a restaurant and a hotel, and there will be associated parking with it. But directly in front of your house, actually right at that intersection what we're proposing is to do a new traffic signal, and to improve the crosswalks and add sidewalk from your corner to our proposed entrance on Annapolis Road. So, you would have these improvements first, then you would have landscaping along Annapolis Road, including the decorative wall leading into our project, and then we'll have more landscaping interior to the project, as well as the parking lot, the restaurant and the hotel. That's what we're proposing.

(T. 98)

(20) Applicant's witness then noted that it would not construct a "skyscraper hotel" across from the homes, and would limit any hotel to one that is "three to four stories above the grade." (T. 100-101).

Agency/Additional Comments

(21) The Technical Staff recommended that the Application be approved with conditions. In arriving at its recommendation, Staff reasoned as follows:

> The requested M-X-T Zone conforms to the land use recommendations of the 2010 [M]aster [P]lan for medium-density, mixed-use development for the site….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….

(Exhibit 18, p. 18)

(22) The Transportation Planning Section reviewed the impact of the requested rezoning on the following signalized and unsignalized intersections:

- MD 704/Forbes Blvd. – signal
- MD 704/Lottsford Vista Rd. /Business Parkway
- MD 704/Site Access – Vista Gardens – no signal
- MD 704/MD450 – signal
- MD 450/Site Access – no signal
- MD 450/Baltimore Lane – no signal
- MD 450/Forbes Blvd. – signal
- MD 704/Site Access East – no signal
- MD 450/MD 953 - signal

(23) It offered the following comment:

> 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….
>
> 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…. All intersections are operating at acceptable levels of service and/or intersection delay ….
>
> 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….
>
> 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 Georges' County Code. The Transportation Planning Section does not oppose the rezoning request.

(Exhibit 18, pp. 87-90)

(24) The Environmental Planning Section explained that it had already reviewed a Type I and Type II Tree Conservation Plan and a NRI for the I-1 portion of the site as part of preliminary plan 4-96086. (Exhibit 18, p. 91) It also found that if the request is approved, the future development of the site will have to show that it will not substantially impair certain policies of the Sector Plan set forth in the Natural Resources/Environment Chapter.

(25) The Community Planning Division offered the following comment:

> 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 Applicants 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.

(Exhibit 18, p. 77)

(26) The Historic Preservation Section noted that there are three (3) historic sites located within one mile of the subject property, and that a portion of the subject property, as well as surrounding properties, was settled by a small African American residential community in the early 1900's. (Exhibit 18, pp. 98-99) Three houses on the subject property were constructed between 1930 and 1955. Moreover, the Vista Raceway operated on the site from the early 1950s until the early 1970s. As a result of these historical uses in and around the subject property, the Section recommended that the three existing dwellings and any remnants of the Vista Raceway be recorded on

a Maryland Inventory of Historic Properties form and be submitted to the Historic Preservation Section prior to approval of the preliminary plan of subdivision.

(27) The Maryland State Highway Administration ("SHA") reviewed the request and provided the following comment:

> The site layout proposes to relocate the existing Lottsford Vista Road intersections with MD 450 and MD 704 and replace them with driveway entrances. The SHA owns denial of access controls along MD 450 acquired during SHA's MD 450 reconstruction project. When considering breaks in controls of access, the SHA considers public street connection options. This includes evaluating the proposed MD 450 full movement site access location. The developer will be required to go through the SHA process to relocate the existing controls of access and establish the new controls of access along the MD 450 frontage….
>
> We recognize the location of the proposed MD 450 median break and full movement intersection opposite Baltimore Avenue is located away from the MD 704 intersection than the existing median crossover. Modifications to the existing MD 450 median crossover may be required during the Pre-Permit Engineering Plan Review process….
>
> The developer must submit documentation for approval of a median crossover for both the proposed MD 450 and MD 704 locations for review and approvals. SHA will evaluate the proposed median break documentation for the MD 704 location to understand whether the crossover negatively impacts traffic operations at the adjacent signalized intersections. At this time, a right-in/right-out access is approvable. The proposed MD 704 full movement median break is not deemed acceptable until the benefits are demonstrated in a traffic impact analysis comparing the options with and without a median break (and signal). The MD 704 corridor is comprised of public street access points with a limited number of driveways (where alternate access for a property does not exist). Approval of a full movement median break for a driveway could be considered based upon an analysis that demonstrates the transportation benefits to the MD 704 corridor with the median break….
>
> The most trip intensive component of the site is the convenience store with gasoline pumps that is located in the southeast corner of the site (near the MD 704 intersection with MD 450). A right-in/right-out site access driveway is proposed on both MD 704 and MD 450 near this intersection. The developer should provide concepts for review that modify these movements to minimize the number of conflict points along both high-speed and high-volume roadways.

(Exhibit 19(g), pp. 2-3)

APPLICABLE LAW

(1) Applicants request for a rezoning to the M-X-T Zone must satisfy the provisions of Section 27-213 of the Zoning Ordinance. This Section provides, in pertinent part, as follows:

(a) **Criteria for approval of the M-X-T Zone**.

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

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

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

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

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

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

(3) Adequate transportation facilities.

(A) Prior to approval, the Council shall find that transportation facilities that are existing, are under construction, or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the Applicants, will be adequate to carry anticipated traffic for the proposed development.

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

* * * * * *

(c) **Conditional approval**.

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

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

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

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

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

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

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

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

* * * * * *

(2) The Application must also further the purposes of the M-X-T Zone, found in Section 27-542(a) of the Zoning Ordinance. This Section provides as follows:

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

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

(3) To promote the effective and optimum use of transit and other major transportation systems;

(4) 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;

(5) To encourage diverse land uses which blend together harmoniously;

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

(7) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;

(8) To permit a flexible response to the market; and

(9) 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.

CONCLUSIONS OF LAW

(1) The Application must be found to comply with the requirements of Section 27-213 and the purposes of the M-X-T Zone found in Section 27-542. Compliance with each provision of law will be addressed seriatim.

(2) The subject property is located at the intersection of two streets classified as arterial or higher – Annapolis Road (MD 450) and Martin Luther King, Jr. Highway (MD 704). (Section 27-213 (a)(1)(A)(i))

(3) The 2002 General Plan defines Annapolis Road (MD 450) as a Corridor and urges mixed-use development in the area of the subject property. The 2010 Sector

Plan for Glenn Dale-Seabrook-Lanham and Vicinity recognized the need for mixed-use development at the site. The Zoning Ordinance does not expressly define the term "substantially impair"; accordingly, we look to the generally recognized usage. *See*, Section 27-108.01(a)(7). "Substantial" is generally defined as "considerable; ample; large". (Webster's New World Dictionary, 2nd College Edition) Approval of the request furthers these goals of the Sector Plan and General Plan and does not conflict with the vision of the Developing Tier. Accordingly, the Application cannot be said to substantially impair the integrity of the General Plan, Area Master Plan, or Functional Master Plan. (Section 27-213(a)(2))

(4) The Application furthers the purposes of the M-X-T Zone since it will encourage a 24-hour environment by providing a hotel, convenience store and restaurants as well as office space. For the same reasons the application will encourage diverse land uses which will blend harmoniously. The application will also promote optimum land planning with greater efficiency by being able to utilize the existing stormwater pond at the neighboring Vista Gardens Marketplace and redirect runoff away from Folly Branch. As noted above, the Application promotes the goals of the applicable Plans. The buildings will be designed in a manner that will give a distinctive visual character to the area. Moreover, there will be many walkways around and throughout the property to facilitate walking and bicycling. (Sections 27-213(a)(2) and 27-542(a))

(5) Finally, with the imposition of the transportation conditions, transportation facilities are adequate to carry anticipated traffic for the proposed development. (Section 27-213(a)(3))

RECOMMENDATION

APPROVAL of A-10028, 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, with approval of the SHA where required:

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 Applicants 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 trials 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 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).

5. Any hotel use developed shall not exceed fifty (50) feet in height, above grade, to limit any adverse impact upon the single family homes across Annapolis Road (MD 450).

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

7. Prior to signature approval of any preliminary plan, the Applicants, the Applicants 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.