



# Citizen-Protestants' Exhibits

## CB-22-2020–Planning Board Analysis (Attachment 2)

CB-22-2020 amends the Zoning Ordinance to permit employment and institutional uses in the Residential Suburban (R-S) Zone, under very limited circumstances, and provides procedures for the amendment of approved Basic Plans to allow these new uses. The bill allows all uses that are permitted in the Employment and Institutional Area (E-I-A) Zone to occur on a qualifying property. The Planning Board believes that only one property in the County would qualify, as discussed below.

**The Planning Board has the following comments and suggestions for consideration by the District Council:**

### Policy Analysis:

This bill amends Sections 27-195 (Map Amendment Approval.), 27-197 (Amendment of approved Basic Plan.), 27-511 (Purposes.), and 27-512 (Uses.), and Section 27-515(b) (Uses Permitted in Comprehensive Design Zones.). The most significant amendment adds a new footnote 38 to Section 27-515(b). The footnote allows all E-I-A uses (other than special exceptions) to occur in the R-S Zone, exempts such development from the R-S regulations, adds new standards for streets and parkland, and describes the type of parcel or assemblage that will qualify to use the footnote.

The Planning Board believes this bill was drafted for an approximately 639-acre property, located north of Leeland Road and east of a freight line owned by Consolidated Rail, and identified in tax records as Parcel 30, tax account 0670737. The property is also known as Willowbrook and has an extensive approval history under its existing R-S Zone.

The 2006 Bowie and Vicinity Master Plan recommended suburban intensity residential development at this location. Residential development in the low range of the R-S Zone was considered a suitable transition between adjacent neighborhoods. The intent was for development at the Leeland Road location to be more intense than the development to the west (Oak Creek) and less intense than the development to the south (Beech Tree).

If the District Council would like this property to be rezoned, it would be more appropriate to do so during a sectional map amendment following approval of the ongoing master plan for Bowie and Vicinity (Planning Area 74A). The District Council initiated a master plan for Planning Area 74A, including the subject property, in February 2020. The master plan update will give the Council an opportunity to comprehensively review its goals for this property and all possible issues, and plan for its future.

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Text amendments are best suited to fine-tune the uses or regulations in an existing zone. CB-22-2020 does not fine-tune the R-S Zone; instead, it allows uses wholly different from those normally associated with the R-S Zone. For that reason, the Planning Board believes the on-going Bowie Master Plan update is a superior vehicle to accomplish the purposes of CB-22-2020. The Planning Department is currently evaluating the master plan area and engaging in discussions with residents, property owners, and the business community to determine the appropriate future use of land in this area.

### Impacted Property:

The bill as drafted would impact the Willowbrook property, consisting of approximately 639 acres, located north of Leeland Road and east of a freight line owned by Consolidated Rail, and identified in tax records as Parcel 30, tax account 0670737.

Following discussion, the Planning Board voted to oppose CB-22-2020 with the above-mentioned explanation.

Exhibit 1 See e.g., CDP-0505-02  
R. 2227-28.

# Exhibit 2

See e.g., CDP-0505-02 R. 2226.



## Prince George's County, Maryland Inter-Office Memorandum Office of Law

### LEGISLATIVE COMMENT

**DATE:** June 2, 2020  
**TO:** Robert J. Williams, Jr., Council Administrator  
**THRU:** Jackie Brown, Committee Directors  
**PHED** Committee  
**THRU:** Rhonda L. Weaver, County Attorney  
**THRU:** Joseph C. Ruddy, Deputy County Attorney  
**FROM:** **Sakinda L. Skinner**, Associate County Attorney  
**RE:** CB-22-2020

The Office of Law reviewed Draft 2 of the above referenced **bill** and finds it to be in proper legislative form.

The Office of Law believes potential legal impediments exist within this bill as currently drafted. We share the same concerns outlined in the Planning Board's Memo and Maryland-National Capital Park and Planning Commission's Memo. Additionally, we believe this proposed bill can be perceived to violate the uniformity requirement. See, Md. Land Use Code Ann. Section 4-201(2)(i), which states: "Zoning regulations shall be uniform for each class or kind of development throughout each district or zone." The proposed bill (specifically footnote 38 to Section 27-515(b)) appears to be drafted for a specific parcel contained within a R-S zone. As currently drafted this bill allows E-I-A uses (other than special exceptions) to occur in the R-S Zone and exempts such development from the R-S regulations.

# Exhibit 4

## ZO § 25-122(c).

(c) Conservation Method Priorities.

(1) The required priorities for woodland conservation methods are as follows in the order listed:

- (A) On-site preservation of connected woodland and wildlife habitat areas using woodlands in good condition with limited amounts of invasive or exotic plants.
- (B) On-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas.
- (C) On-site afforestation/reforestation of connected planting areas using native whip and seedling stock.
- (D) On-site specimen, champion, and historic trees in good condition when the plan has been designed to ensure long-term survival.
- (E) On-site natural regeneration of connected areas in appropriate locations containing sufficient seed sources with appropriate protection mechanisms and long term management.
- (F) Off-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas, in an approved woodland conservation bank.
- (G) Off-site afforestation/reforestation of connected planting areas using native whip and seedling stock in an approved woodland conservation bank.
- (H) Off-site preservation of connected woodlands in an approved woodland conservation bank.
- (I) On or off-site habitat enhancement projects of connected areas of existing woodlands that result in improved wildlife habitat and forest vigor through the removal of invasive or exotic plant species and/or planting of native plant species.
- (J) Off-site natural regeneration of connected areas in appropriate locations containing sufficient seed sources with appropriate protection mechanisms and long-term management in an approved woodland conservation bank.
- (K) On-site landscaping using native species of field grown nursery stock that establish landscaped areas a minimum of 35 feet wide and 5,000 square feet in area. At least 50 percent of the plants in the landscaped area must be trees.
- (L) Street trees on or adjacent to the site when located in the following areas as designated by the Prince George's County General Plan: Transportation Service Area 1, Regional Transit Districts, or Local Centers; or in conformance with a municipality's street tree planting plan or program, where the trees have been provided sufficient root zone space to ensure long-term survival and sufficient crown space is provided that is not limited by overhead utility lines that are existing or proposed.
- (M) Fee-in-lieu may be used to meet the requirements of this Division, when all other options have been exhausted, as determined by the Planning Director or designee. Refer to [Section 25-122\(d\)\(8\)](#) for criteria relating to the use of fee-in-lieu.

# Exhibit 5

Environmental Technical  
Manual, A-16-17.

## 7.2.2D STEP 4: HOW WOODLAND CONSERVATION REQUIREMENTS ARE MET

The required priorities for woodland conservation methods are found in Section 25-122 (c), Conservation Method Priorities, of the WCO. Every effort must be made to meet the woodland conservation requirements on-site and then the following methods must be exhausted in turn:

1. On-site preservation of connected woodland and wildlife habitat areas
2. On-site afforestation/reforestation of connected planting areas using transplanted native stock
3. On-site afforestation/reforestation of connected planting areas using native whip and seedling stock
4. On-site specimen trees
5. On-site natural regeneration
6. Off-site afforestation/reforestation using relocated stock in an approved woodland conservation bank

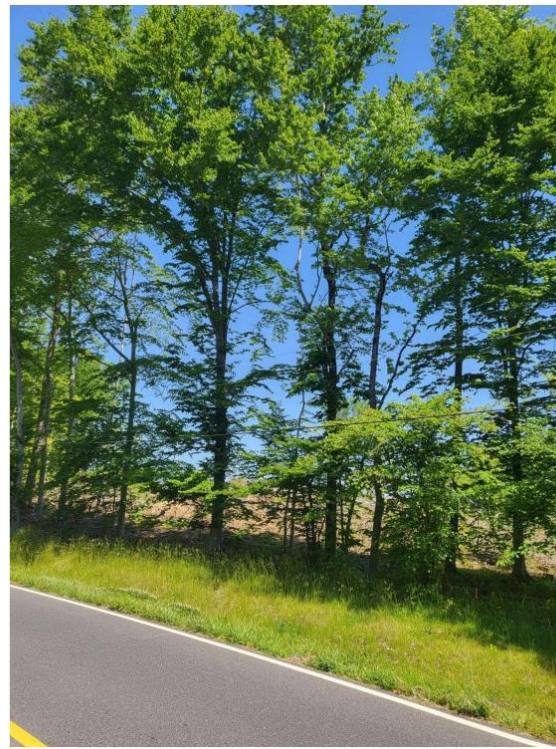
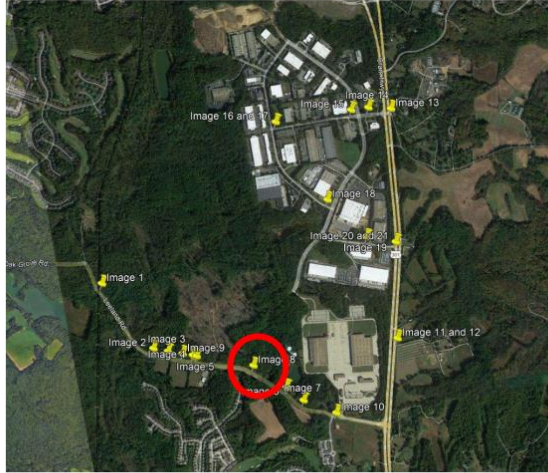
7. Off-site afforestation/reforestation using native whip and seedling stock in an approved woodland conservation bank
8. Off-site preservation
9. On- or off-site habitat enhancement
10. Off-site natural regeneration
11. On-site landscaping
12. Street trees
13. Fee-in-lieu

# Exhibit 8

Additional Backup, June 2, 2022, Planning Board Hearing re 4-20156, p. 52-53.

## Image 8

Leeland Road: facing Subject Property (North)



# Exhibit 9

CDP-0505-02 R. 2241.

