

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



Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>.

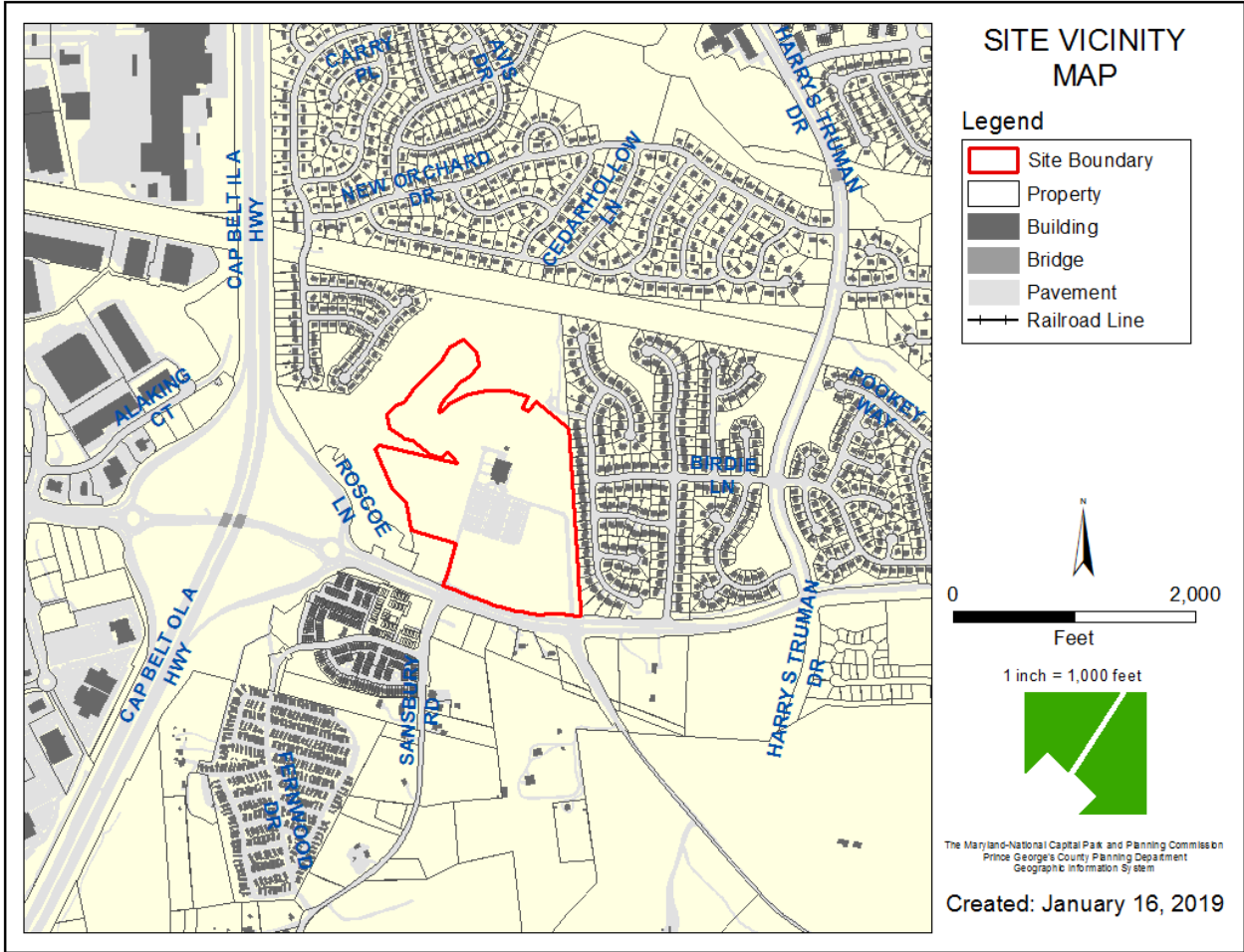
Conceptual Site Plan

CSP-96073-01

Application	General Data	
Project Name: Greater Morning Star Apostolic Church & The Venue Location: On the north side of Richie Marlboro Road, approximately 750 feet east of the Capital Beltway (I-95/495) intersection. Applicant/Address: Greenwood Park, LLC 6110 Executive Boulevard Rockville, MD 20852	Planning Board Hearing Date:	02/28/19
	Staff Report Date:	02/06/19
	Date Accepted:	12/07/18
	Planning Board Action Limit:	03/04/19
	Plan Acreage:	54.00
	Zone:	I-3/R-T/R-55
	Dwelling Units:	200 - 250
	Gross Floor Area:	N/A
	Planning Area:	73
	Council District:	06
	Election District	13
	Municipality:	N/A
	200-Scale Base Map:	202SE09

Purpose of Application	Notice Dates	
Reflect rezoning of a portion of the property to the R-T and R-55 Zones, and for the addition of a 200 to 250 single-family attached (townhouse) community on the existing church property.	Informational Mailings:	03/23/18
	Acceptance Mailings:	12/07/18
	Sign Posting Deadline:	01/29/19

Staff Recommendation		Staff Reviewer: Thomas Burke Phone Number: 301-952-4534 E-mail: Thomas.Burke@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Conceptual Site Plan CSP-96073-01
Type 1 Tree Conservation Plan TCP 1-067-97-01
Greater Morning Star Apostolic Church & The Venue

The Urban Design staff has completed the review of the subject applications and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions as described in the RECOMMENDATION section of this report.

EVALUATION

The conceptual site plan application was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance for the Planned Industrial/Employment Park (I-3), Townhouse (R-T), and One-Family Detached Residential (R-55) Zones, and the site design guidelines;
- b. The requirements of Zoning Map Amendments A-9991-C and A-9992-C;
- c. The requirements of Conceptual Site Plan CSP-96073;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the 2010 *Prince George's County Landscape Manual*;
- f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- g. Referral comments.

FINDINGS

Based upon the analysis of the subject conceptual site plan, the Urban Design Section recommends the following findings:

1. **Request:** The subject application is for approval of an amendment to a conceptual site plan (CSP) to reflect the rezoning of a portion of the property to the Townhouse (R-T) and One-Family Detached Residential (R-55) Zones, and the addition of a 200 to 250 dwelling unit single-family attached (townhouse) community on the existing church property.

The CSP is not required in the R-T and R-55 Zones; however, development in the Planned Industrial/Employment Park (I-3) Zone does require a CSP, in accordance with Section 27-471(d)(1). Therefore, this CSP will not control the proposed townhouse development in the R-T and R-55 Zones and is represented on the CSP for informational purposes to demonstrate the relationship with the I-3-zoned portion of the property.

2. **Development Data Summary:**

Zone(s) Use(s)	EXISTING	PROPOSED
	I-3/R-T/R-55 Church (I-3)	I-3/R-T/R-55 Church (I-3) Townhouses (R-T/R-55)
Total Acreage	54.00	54.00
I-3 Zone Acreage	37.08	37.08
R-T Zone Acreage	10.72	10.72
R-55 Zone Acreage	6.20	6.20
Square Footage/GFA	21,000 (to remain)	21,000 + residential
Total Dwelling Units	0	200 to 250

3. **Location:** The subject property is located on the north side of Richie Marlboro Road, approximately 750 feet east of the Capital Beltway (I-95/495) intersection, identified as 1700 Ritchie Marlboro Road, Upper Marlboro, Maryland, in Planning Area 73, and Council District 6.
4. **Surrounding Uses:** To the west of the site is Maryland State Highway Administration (SHA) property, which contains an entrance ramp leading from Ritchie Marlboro Road to the outer loop of the Capital Beltway (I-95/495). The properties to the east comprise an existing single-family residential community in the One-Family Detached Residential (R-80) Zone. Across Ritchie Marlboro Road to the south is property zoned Mixed Use-Transportation Oriented that is developed with townhouses and a food or beverage store/gas station. To the north and northwest of the subject property is Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland.
5. **Previous Approvals:** The subject property was rezoned from R-80 to I-3 in the adoption of the 1990 *Approved Master Plan Amendment and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* (Largo-Lottsford Master Plan and SMA). The Prince George’s County Planning Board approved Conceptual Site Plan CSP-96073 for Greenwood Manor on July 24, 1997 (PGCPB Resolution No. 97-224). The Planning Board approved Preliminary Plan of Subdivision (PPS) 4-97107 and Type I Tree Conservation Plan TCPI-067-97 for Greater Morning Star Pentecost Church on October 28, 1997. This PPS created Lot 1, which contains the church, and Lots 2 and 3, which were intended for uses in conformance with the I-3 Zone. Subsequently, Lots 2 and 3, comprising approximately 7.66 acres, were conveyed to SHA, resulting in the current land area of 54 acres. On September 5, 2002, the Planning Board approved Detailed Site Plan DSP-02018 and Type II Tree Conservation Plan TCPII-053-02 for

development of the existing church on the property. The Prince George's County District Council adopted Zoning Map Amendments A-9991-C and A-9992-C on September 8, 2008, to rezone approximately 5.99 acres of the property to the One-Family Detached Residential (R-55) Zone (A-9991-C), and approximately 10.67 acres to the Townhouse (R-T) Zone (A-9992-C).

6. **Design Features:** The property is currently owned by the Greater Morning Star Pentecostal Church, and is irregularly shaped due (in part) to approximately 38.29 acres of stream valley dedication to the M-NCPPC Prince George's County Department of Parks and Recreation, and dedication of approximately 7.66 acres in the southwest section of the property to SHA. The property is currently improved with a church and associated parking located in the center, within the I-3 Zone, and is accessed via two driveways from Ritchie Marlboro Road to the south, through the residentially-zoned property. All of this is proposed to remain and is shown on the CSP as a pod in the middle of the property, with an area for future church expansion to the north and west. The edges of the northern and western part of the property is shown as proposed green area.

The CSP amendment reflects the rezoning of a portion of the property as approved in 2008 and to illustrate the development of a pod of 200 to 250 townhouse dwelling units on approximately 14.80 acres in the southeastern portion of the property, entirely within the R-T and R-55 Zones, while maintaining the two existing access roads to the church property. The townhouse pod will be accessed from an existing road, to be further improved along the eastern edge of the property, adjacent to the existing single-family detached residential neighborhood. Landscape bufferyards are shown as ringing the townhouse pod and east of the access road. The statement of justification describes the proposed townhouses as 16 and 20 feet wide, three to four stories tall, and ranging in size from 1,800 to 2,500 square feet, with rear-loaded garages. Currently, the applicant is building a similar style of townhouses at the Westphalia Row development, which is located to the south of the property, beyond Ritchie Marlboro Road. The projected unit density ranges between 13.5 to 16.9 dwelling units per acre, which is comparable to Westphalia Row. The specifics of the townhouse development will be established through the required PPS and DSP applications, which will govern their development.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the I-3, R-T, and R-55 Zones; and the site plan design guidelines of the Zoning Ordinance, as follows:

- a. The application is subject to the requirements of Section 27-473(b) of the Zoning Ordinance, which governs uses in industrial zones. The existing church is permitted in the I-3 Zone.

The subject amendment shows proposed townhomes, which will be located entirely within the R-T and R-55 Zones. Townhomes are permitted in the R-55 and R-T Zones pursuant to Footnotes 124 and 125, respectively, of Section 27-441(b), and do not require the approval of a CSP. Each footnote has the same requirements, described as follows:

- (A) **The R-55 is combined with R-T and I-3 zoned lots, parcels, or property totaling less than sixteen (16) gross acres in size and located less than**

2,000 feet from an interchange to the outer loop of the Capital Beltway (I-95/I-495);

The area proposed to be used for townhouse development is approximately 14.80 acres in size and is approximately 1,400 linear feet from the Ritchie Marlboro Road interchange with the outer loop of the Capital Beltway.

- (B) The property shall have access to a signalized intersection of a publicly maintained roadway with a functional transportation classification as an Arterial or higher within the 2009 Countywide Master Plan of Transportation; and**

The property has access to two signalized intersections on Ritchie Marlboro Road, a master plan arterial roadway.

- (C) Regulations of the R-55 Zone shall not apply; all requirements for development shall be established by and shown on a Detailed Site Plan approved by the Planning Board and/or the District Council.**

All requirements for development will be reviewed at the time of the required DSP, in accordance with Part 3, Division 9, of the Zoning Ordinance.

- b. The subject application has been filed in conformance with the requirements of Section 27-471 of the Zoning Ordinance, which requires a CSP and DSP for all uses and improvements in the I-3 Zone. Any additional regulations in the I-3 Zone, which may be applicable to the proposed development, will be reviewed at the time of DSP, when specific buildings, landscaping, and parking and loading designs are provided.
- c. The CSP has been reviewed for conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance. As the project moves through the DSP process and is refined as to the development details, further review for conformance with the site design guidelines will be required.

In accordance with Section 27-274(a)(2), Parking, loading, and circulation, that provides guidelines for the design of surface parking facilities, the vehicular circulation has been designed to be safe and efficient. However, the parking, loading, and circulation will be further evaluated at the time of DSP.

In accordance with Section 27-274(a)(4), Views, the proposed development pods preserve environmentally sensitive areas, to the maximum extent possible. Supplemental landscape bufferyards or green areas are incorporated to protect environmental areas and create scenic settings, with natural views, from the surrounding area.

In accordance with Section 27-274(a)(5), Green area, on-site green areas will be designed to complement other site activity areas and be appropriate in size, shape, location, and fulfill their intended use. Conceptual green areas, as shown, are easily accessible and separate incompatible uses. Green areas will be provided on-site and will be accentuated by elements, such as landscaping and street furniture, at the time of DSP.

In accordance with Section 27-274(a)(7), Grading, the proposed conceptual grading minimizes disturbance to all environmentally sensitive areas, to the maximum extent

possible, under the site conditions such as topography and natural resources. This will be further evaluated at the time of DSP.

8. **Zoning Map Amendments A-9991-C and A-9992-C:** Zoning Map Amendments A-9991-C and A-9992-C for the subject property were denied by the Planning Board and the resolutions were adopted on November 15, 2007 (PGCPB Resolution No. 07-210 and 07-211, respectively). Subsequently, both cases were heard by the Prince George's County Zoning Hearing Examiner and were approved on March 21, 2008, and then adopted by the District Council on September 8, 2008 (Zoning Ordinance Nos. 22-2008 and 23-2008, respectively) with the same five conditions, as follows:

1. **A new Forest Stand Delineation, in accordance with the Prince George's Woodland Conservation and Tree Preservation Technical Manual, shall be required at the time of subdivision.**

A forest stand delineation (FSD) was provided with the review of the Natural Resources Inventory NRI-058-2018, which was approved on June 25, 2018. At the time of PPS, the validity of the NRI will be verified, as required by this condition.

2. **A new Tree Conservation Plan must be submitted to M-NCPPC prior to subdivision approval.**

Type 1 Tree Conservation Plan TCP1-067-97-01 was provided with this application; however, at the time of PPS, a revised TCP1 will be required.

3. **The unmitigated 65 dBA (Ldn) ground level and second-story noise contours associated with the proposed arterial roads shall be shown on each preliminary plan and Type I Tree Conservation Plan.**

The unmitigated 65 dBA ground-level and second-story noise contours will need to be provided at the time of PPS.

4. **Since the site is located to the north of the planned northern gateway of the Westphalia Community and to the west of an existing residential development, a Detailed Site Plan shall be required for the single-family development as well as the Metropolitan Dwelling Units to ensure that the design and site arrangement will be harmonious with the surrounding development.**

A DSP is required, at which time the design and site arrangement will be reviewed to ensure harmony with the surrounding development.

5. **Applicant shall provide standard sidewalks on both sides of all internal roads and along the site's entire frontage on Ritchie Marlboro Road, unless this requirement is modified by the Department of Public Works and Transportation.**

Sidewalks will be addressed at the time of PPS and DSP; however, consistent with this condition, sidewalks will be required along both sides of all internal roads and along the site's frontage of Ritchie Marlboro Road. Crosswalks or other pedestrian improvements may be appropriate at the Ritchie Marlboro Road and White House Road signalized intersections, but this will be reviewed and determined at the time of PPS.

9. **Conceptual Site Plan CSP-96073:** On July 24, 1997, CSP-96073 (PGCPB Resolution No. 97-224) was approved for a development by the Greater Morning Star Church, subject to five conditions. The subject amendment supersedes the previous CSP and addresses the previous conditions of approval, as follows:

1. **Prior to the approval of the Preliminary Plat of Subdivision, the applicant, his heirs, successors and/or assigns shall provide a 30-foot-wide access easement, or other suitable access at a location acceptable to PP&D for access to the park property.**

According to state records, a 50-foot-wide access easement was granted to M-NCPPC and recorded in the Land Records for Prince George's County in Liber 12090, Folio 333. This issue may be re-examined at the time of the required PPS.

2. **Prior to Preliminary Plan approval, it should be determined whether an access easement is appropriate for Lots 2 & 3, or if a public right-of-way terminating in a cul-de-sac would be more appropriate at the entrance across from Sansbury Road.**

Lots 2 and 3 have been dedicated to SHA and are not included as part of this application. Therefore, this condition is no longer applicable.

3. **At the time of Detailed Site Plan review, special attention shall be paid to the following:**

- a. **Along the eastern boundary, buildings shall not exceed the height limit of the adjacent residential zone, unless a determination is made by the Planning Board that mitigating factors such as setbacks, topography and vegetation are sufficient to buffer the views from adjacent residential neighborhoods.**
- b. **A minimum 150-foot building setback shall be required along the eastern boundary. In addition, development or use of the subject property shall be substantially buffered from residential uses by maintaining existing vegetation, where appropriate, and by the use of other buffers and screening techniques, such as fences, walls, berms and landscaping.**

The above condition originates with the 1990 Largo-Lottsford Master Plan and SMA, which placed the property within the I-3 Zone, earmarking it as suitable for development with industrial park office and commercial uses. At that time, the SMA recognized the potential need to buffer the single-family detached Heritage Glen subdivision from any future industrial or commercial uses that may develop.

With this application, a residential townhouse concept plan is proposed, which will be more compatible with the adjacent subdivision than the previous industrial or commercial uses, in terms of height and impacts. The submitted CSP proposes a landscape bufferyard along the eastern boundary as well as an access road that separates the townhouse development from the adjacent residential zone. This arrangement is suitable and will be reviewed further at the time of DSP. Therefore, these conditions do not need to be carried forward.

4. **Prior to the certification, the conceptual site plan shall be revised as follows:**
 - a. **A note shall be added to the plan which states that Direct vehicular access to Ritchie Marlboro Road from Lots 2 and 3 is denied pursuant to SHA and DPW&T determination.**
 - b. **Access for Lot 3 shall be shown from an internal street that has access to Ritchie Marlboro Road.**

Lots 2 and 3 have been dedicated to SHA and are not included as part of this CSP application. Therefore, this condition is no longer applicable to this site.

5. **At Detailed Site Plan, consideration will be given to maintaining a minimum of 25 feet between all parking bays and existing park land.**

The proposed CSP shows a green area that is a minimum of 25 feet wide along the existing parkland. Therefore, this condition does not need to be carried forward.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. Type 1 Tree Conservation Plan TCP1-067-97-01 was submitted with this application.

Natural Resources Inventory NRI-058-2018 was approved on June 25, 2018 and provided with this application. No revisions to the TCP1 are required for conformance with the approved NRI.

Based on the TCP1 submitted with this application, the site contains 12.06 acres of woodland in the net tract area and has a woodland conservation threshold of 8.95 acres (16.57 percent). The Woodland Conservation Worksheet proposes the removal of 7.43 acres in the net tract area, for a woodland conservation requirement of 14.04 acres. According to the TCP1 worksheet, the requirement is proposed to be met with 4.43 acres of woodland preservation on-site, 2.33 acres of reforestation, and 7.28 acres of natural regeneration on-site. The FSD did not indicate the presence of specimen trees on-site. Conditions for technical revisions to the TCP1 have been included in the Recommendation section of this report.

11. **Other site plan-related regulations:** Additional regulations are applicable to site plan review that requires detailed information, which can only be provided at the time of DSP. The discussion provided below is for information only:

- a. **2010 Prince George's County Landscape Manual:** This development will be subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) at the time of DSP. Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, of the Landscape Manual.
- b. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit. This requirement is based on the zone designation and is 15 percent of the gross tract area for the R-T and R-55-zoned portion

and 10 percent for the I-3-zoned portion. Conformance to the requirements of the Tree Canopy Coverage Ordinance will be reviewed at the time of DSP.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

a. **Archaeology/Historic Preservation**—In a memorandum dated January 18, 2019 (Stabler and Smith to Burke), incorporated herein by reference, the Historic Preservation Section provided comments on this application, as follows:

Because of the proximity of the subject property to a tributary of the Southwest Branch and the recordation of several prehistoric archeological sites next to that tributary, there is a high probability that additional prehistoric sites may be identified on the subject property. Historic maps indicate that the subject property was occupied in the historic period by members of the Hill and Beall families. Remains of the farmstead visible in historic aerial photographs appear to have not been disturbed. This site could provide information on the transition from slavery to freedom on this plantation.

The subject application does not propose any disturbance in the areas of the property that have the potential to contain archeological resources. Any future plans that propose grading or ground disturbance in the areas shown on the TCP1 as “Area F” or any of the non-disturbed areas along the streams shall be subject to archeological investigations.

In accordance with the Planning Board’s directives, as described in the 2005 “Guidelines for Archeological Review,” and consistent with Sections 24-104, 24-121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George’s County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American people. Archeological investigations were not recommended through the prior PPS because the archeological regulations were not approved until November 2006.

Historic Preservation staff recommends approval of this application, with conditions that have been included in the Recommendation section of this report.

b. **Community Planning**—In a memorandum dated January 23, 2019 (Umeozulu to Zhang), incorporated herein by reference, the Community Planning Division indicated that master plan conformance is not required for this application.

c. **Transportation Planning**—In a memorandum dated January 15, 2019 (Burton to Thompson), incorporated herein by reference, the Transportation Planning Section provided comments on this application, as follows:

The church is currently served by two parallel access roads, which intersect with Ritchie Marlboro Road at signalized intersections. The application is proposing upgrading of the eastern access drive to a public street (McCarthy Drive), terminating as a cul-de-sac. From this public street, three private roads are being proposed, and will serve as the access for all of the proposed townhouses. Staff recommends that a second point of access should be provided directly to the existing access road to the west; however, this issue will be determined with the PPS.

The subject property fronts on Ritchie Marlboro Road, a County-owned master-planned arterial road (A-36). Along the property's frontage, A-36 is currently built to its ultimate master plan cross section. Consequently, no further widening is anticipated; therefore, no additional right-of-way will be required.

No traffic study or adequacy-related findings are required by Subtitle 27 of the Prince George's County Code. Therefore, from the standpoint of transportation, it is determined the finding in Section 27-276(b)(1) can be made.

- d. **Trails**—In a memorandum dated January 16, 2019 (Shaffer to Zhang), incorporated herein by reference, the trails planner provided summarized comments on this application, as follows:

The *Approved Countywide Master Plan of Transportation* (MPOT) includes several policies related to pedestrian access and the provision of sidewalks. The MPOT also includes a policy regarding trail connectivity in new development:

POLICY 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

Internal trails and access to nearby parkland will be addressed at the time of PPS and DSP. Regarding connectivity to the surrounding community, crosswalk improvements may be appropriate at signalized intersections along Ritchie Marlboro Road.

- e. **Subdivision Review**—In a memorandum dated January 24, 2019 (Onyebuchi to Burke), incorporated herein by reference, the Subdivision and Zoning Section provided an analysis of this application, summarized as follows:

The site is subject to PPS 4-97107 (PGCPB Resolution No. 97-364), which was approved by the Planning Board for 3 lots and the development of an 80,000-square-foot church (to be constructed entirely on Lot 1), subject to 11 conditions, which included a trip cap on the amount of development.

The addition of residential dwelling units is a substantial change to the previously approved uses on the subject property and affects the adequacy findings of Subtitle 24 of the County Code, and the division of Lot 1 into individual lots requires approval of a new PPS.

Pursuant to Section 24-121(a)(4) of the Subdivision Regulations, residential lots adjacent to existing or planned roadways of arterial or higher classification shall be platted with a minimum lot depth of 150 feet. Ritchie Marlboro Road, a master-planned arterial roadway, abuts the subject property to the south and west. The 150-foot depth requirement has not been delineated on the CSP site plan and should be for planning purposes. All plans of development must reflect lot depths, in accordance with the Subdivision Regulations, and appropriate mitigation must be provided to protect dwellings from traffic noise and nuisance. Lot depth will be further evaluated at the time of PPS, when appropriate noise studies will be required.

Subdivision conditions have been included in the Recommendation section of this report.

- f. **Environmental Planning**—In a memorandum dated January 24, 2019 (Burke to Burke), incorporated herein by reference, the Environmental Planning Section provided a response to previous conditions of approval and the WCO, as well as the following summarized comments:

Preservation of Regulated Environmental Features

The site contains regulated environmental features including streams, non-tidal wetlands, and the associated buffers. Section 27-273(e)(15) of the Zoning Ordinance requires that all CSP applications include: “A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible.” A statement of justification for the impact, totaling 2,662 square feet, was provided with the subject application. According to the TCP1, impacts to the primary management area (PMA)/stream buffer are proposed for a utility connection required by the Washington Suburban Sanitary Commission (WSSC).

Impact Area 1: PMA/Stream Buffer Disturbance for the installation of a sewer line connection

This impact, identified as Impact Area 1, is for installation of a sewer line connection and is being required by WSSC. This impact will be located near the southwestern boundary of the property and will result in 2,662 square feet of disturbance to the PMA/stream buffer.

The proposed impact to the PMA results in an overall impact of approximately 3.22 percent of the 1.90 acres of PMA, or less than 0.11 percent of the gross tract. The applicant and their consultants have planned to avoid and minimize these environmental impacts, to the maximum extent possible, by utilizing best practices and design techniques or alternatives to avoid environmentally sensitive areas, where possible; however, this impact is necessary to install a sewer line connection to an existing sewer line located within the PMA.

Staff supports this impact to the PMA, as proposed.

- g. **Maryland State Highway Administration (SHA)**—At the time this technical staff report was written, SHA had not provided comments on the subject application.
- h. **Prince George’s County Fire/EMS Department**—In a memorandum dated December 16, 2018 (Reilly to Zhang), incorporated herein by reference, the Fire/EMS Department offered comments relative to the requirements necessary for proper fire service to the property. These issues relative to drive aisle widths, hydrant locations, and maneuverability will be reviewed at the time of PPS and DSP, when specific site details are provided.
- i. **Prince George’s County Health Department**—In a memorandum dated January 11, 2019 (Adepoju to Zhang), incorporated herein by reference, the Health Department provided comments on this application, as follows:
- (1) The site is located adjacent to Interstate 495 (Capital Beltway). Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention,

problem-solving, and performance on standardized tests. There is an emerging body of scientific evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma.

- (2) The DSPs should include open spaces and “pet friendly” amenities for pets and their owners. Designated park areas may consist of the appropriate safe playing grounds, signage, and fencing. Pet refuse disposal stations and water sources are strongly recommended at strategic locations in the designated outdoor play/picnic areas.
- (3) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- (4) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.

These issues will be addressed at the time of DSP, when specific details regarding buffering, recreation areas, and future construction will be reviewed.

13. Based on the foregoing and as required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP, if approved with the proposed conditions below, represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a CSP:

The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

Based on the level of design information currently available, the limit of disturbance shown on TCP1-067-97-01 and the impact exhibits, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Conceptual Site Plan CSP-96073-01 and Type 1 Tree Conservation Plan TCP1-067-97-01 for Greater Morning Star Apostolic Church & The Venue, subject to the following conditions:

1. Prior to certification of this conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
 - a. Add the bearings and distances for each lot.

- b. Delineate the existing 50-foot-wide ingress/egress easement that extends to Parcel A, which is owned by the Maryland-National Capital Park and Planning Commission.
 - c. Delineate the 65 dBA Ldn unmitigated noise contour line from Ritchie Marlboro Road and the Capital Beltway (I-95/495).
 - d. Delineate the 150-foot lot depth along the western and southern property lines abutting the arterial roadway.
2. Prior to certification of the Type 1 Tree Conservation Plan TCP1-067-97-01, the following revisions shall be made:
 - a. Add CSP-96073-01 and the reason for revision to the -01 row of the approval block.
 - b. Correct the Woodland Conservation Summary Table to match the plan and the worksheet.
 - c. Show the unmitigated 65 dBA ground-level and second-story noise contours, as required by Zoning Map Amendments A-9991-C and A-9992-C.
 - d. Provide the standard TCP1 notes on the plan.
 - e. Have the revised plan signed and dated by the qualified professional preparing the plan.
3. Prior to acceptance of a preliminary plan of subdivision (PPS), the applicant shall:
 - a. Provide a Phase I (Identification) archeological investigation, according to the Prince George's County Planning Board's 2005 "Guidelines for Archeological Review," to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites. The applicant shall submit a Phase I research plan for approval by the Prince George's County Planning Department staff archeologist prior to commencing Phase I work. Evidence of Maryland-National Capital Park and Planning Commission concurrence with the final Phase I report and recommendations is requested prior to approval of the PPS.
 - b. Delineate the 65dBA Ldn unmitigated and mitigated noise contour line on the PPS and the Type 1 tree conservation plan and submit a Phase 1 noise analysis in support of the noise contours.

ITEM: 6

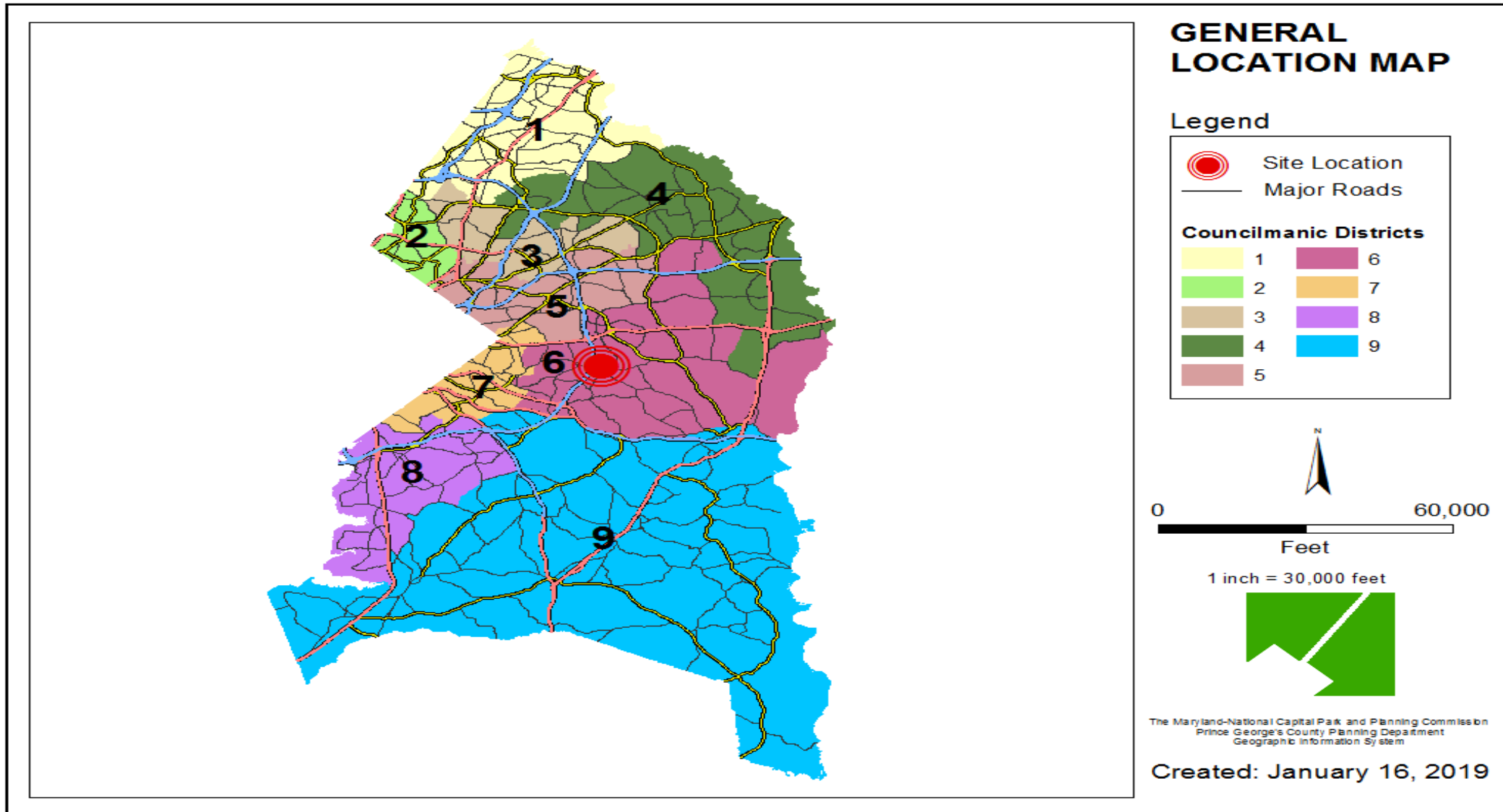
CASE: CSP-96073-01

GREATER MORNING STAR APOSTOLIC CHURCH & THE VENUE

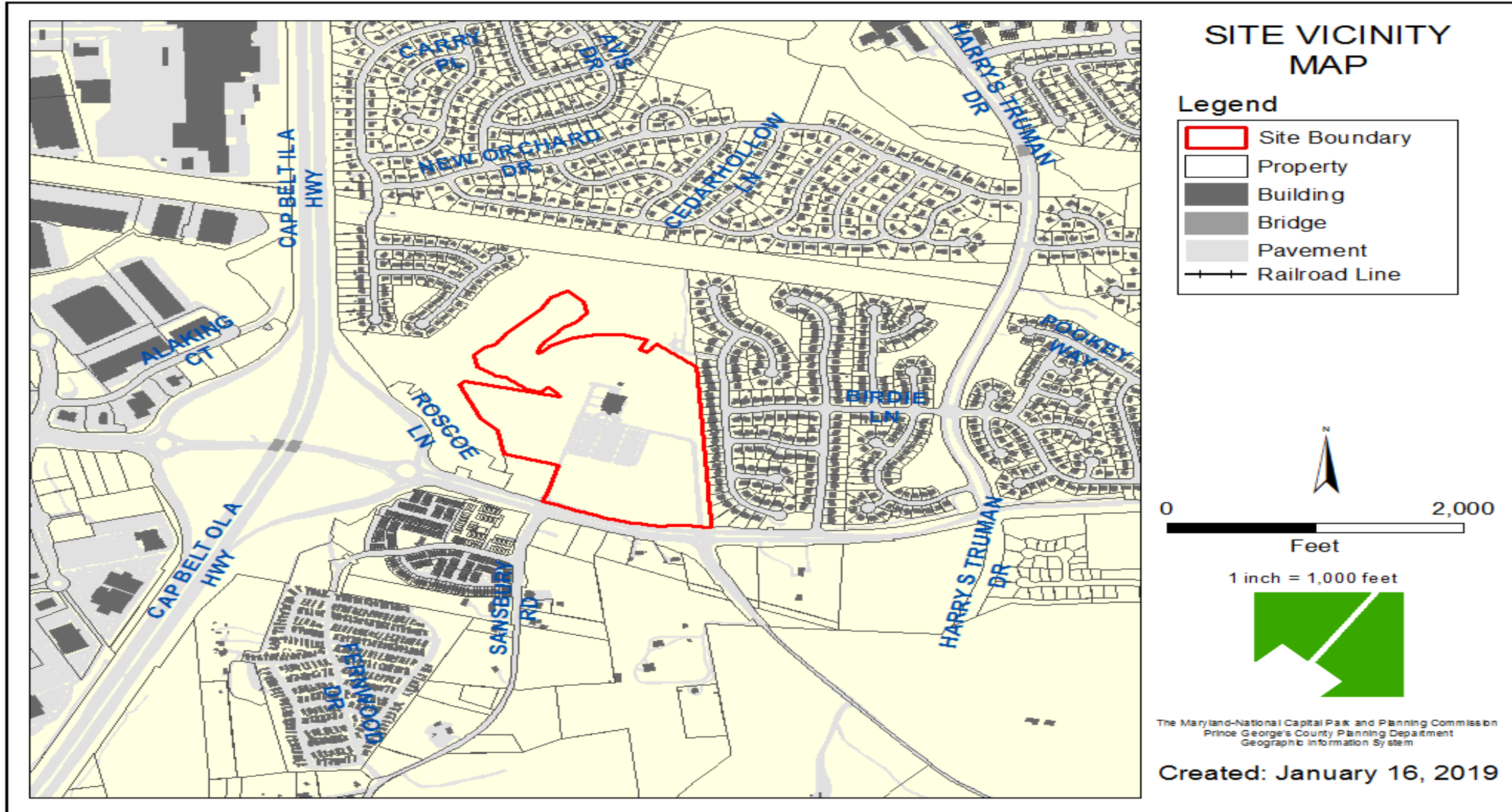
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



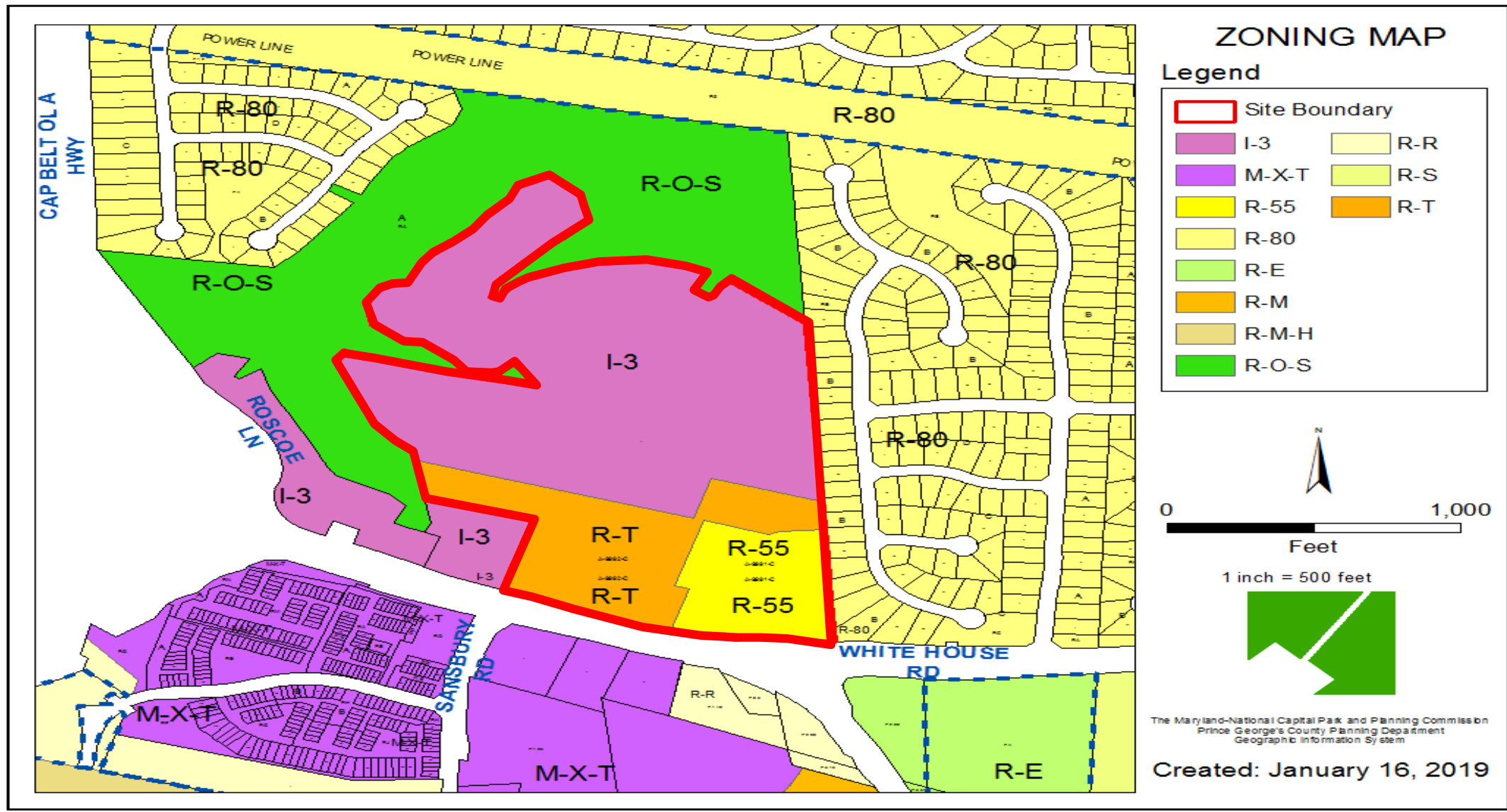
GENERAL LOCATION MAP



SITE VICINITY



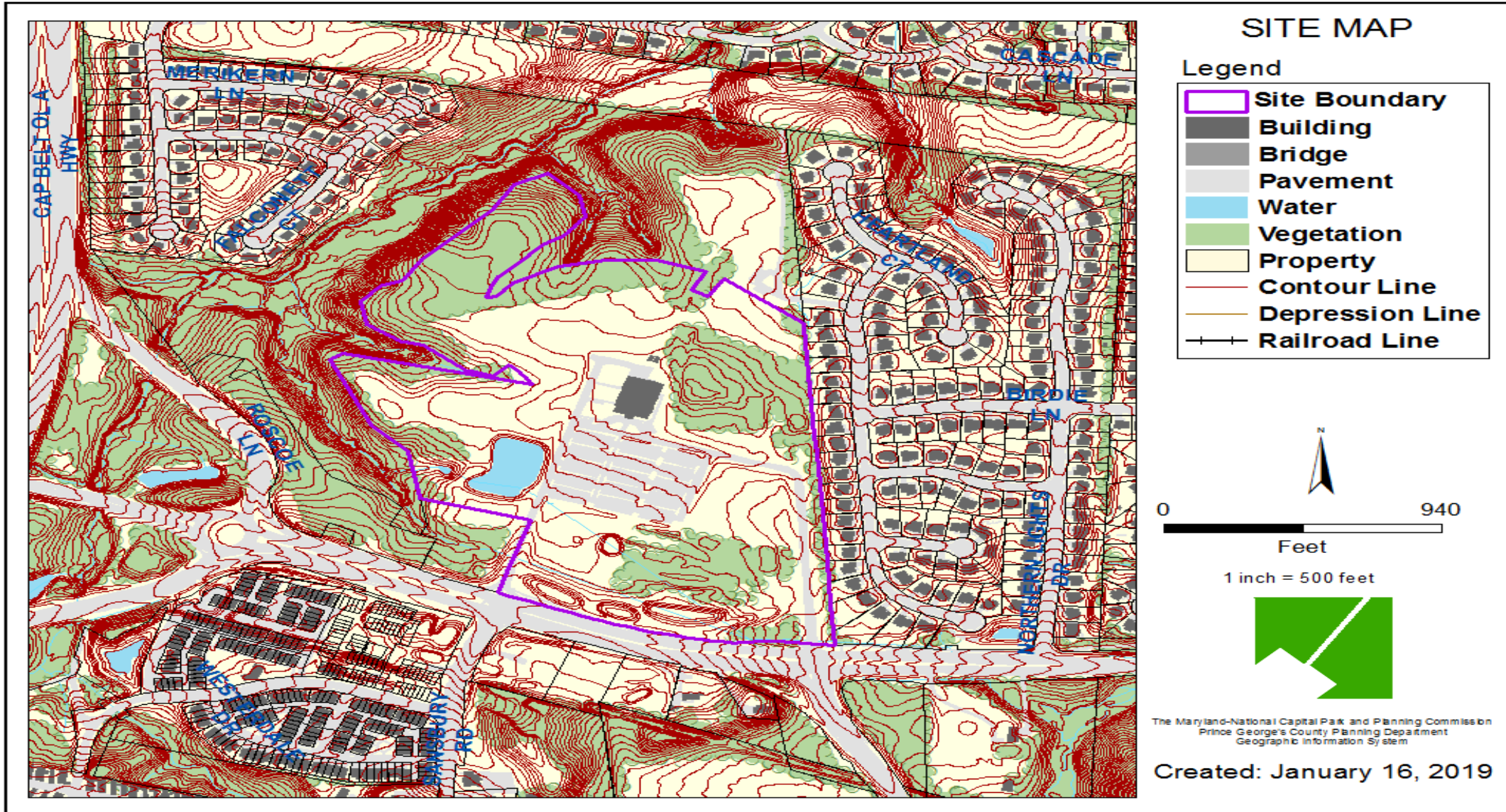
ZONING MAP



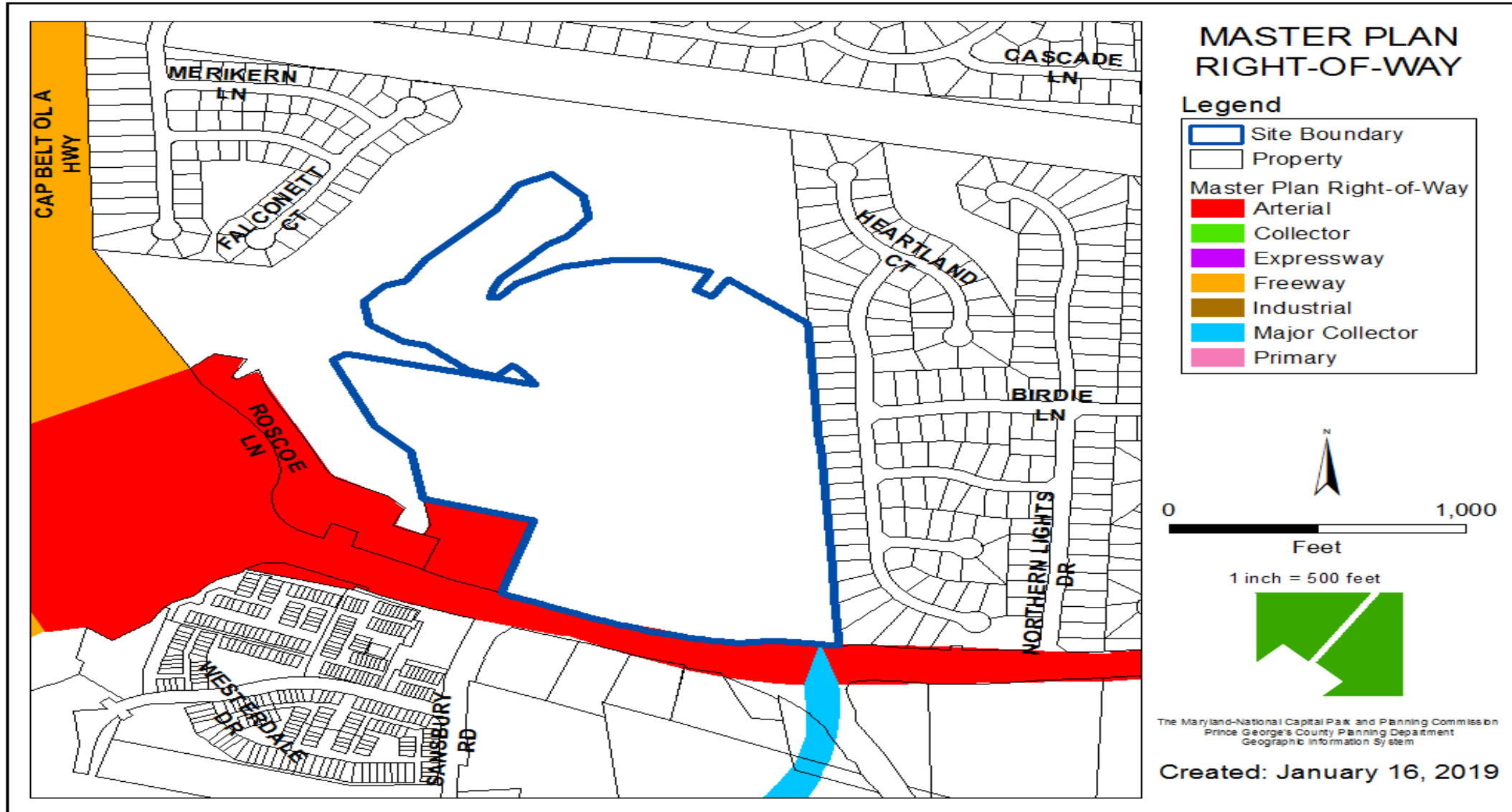
AERIAL MAP



SITE MAP



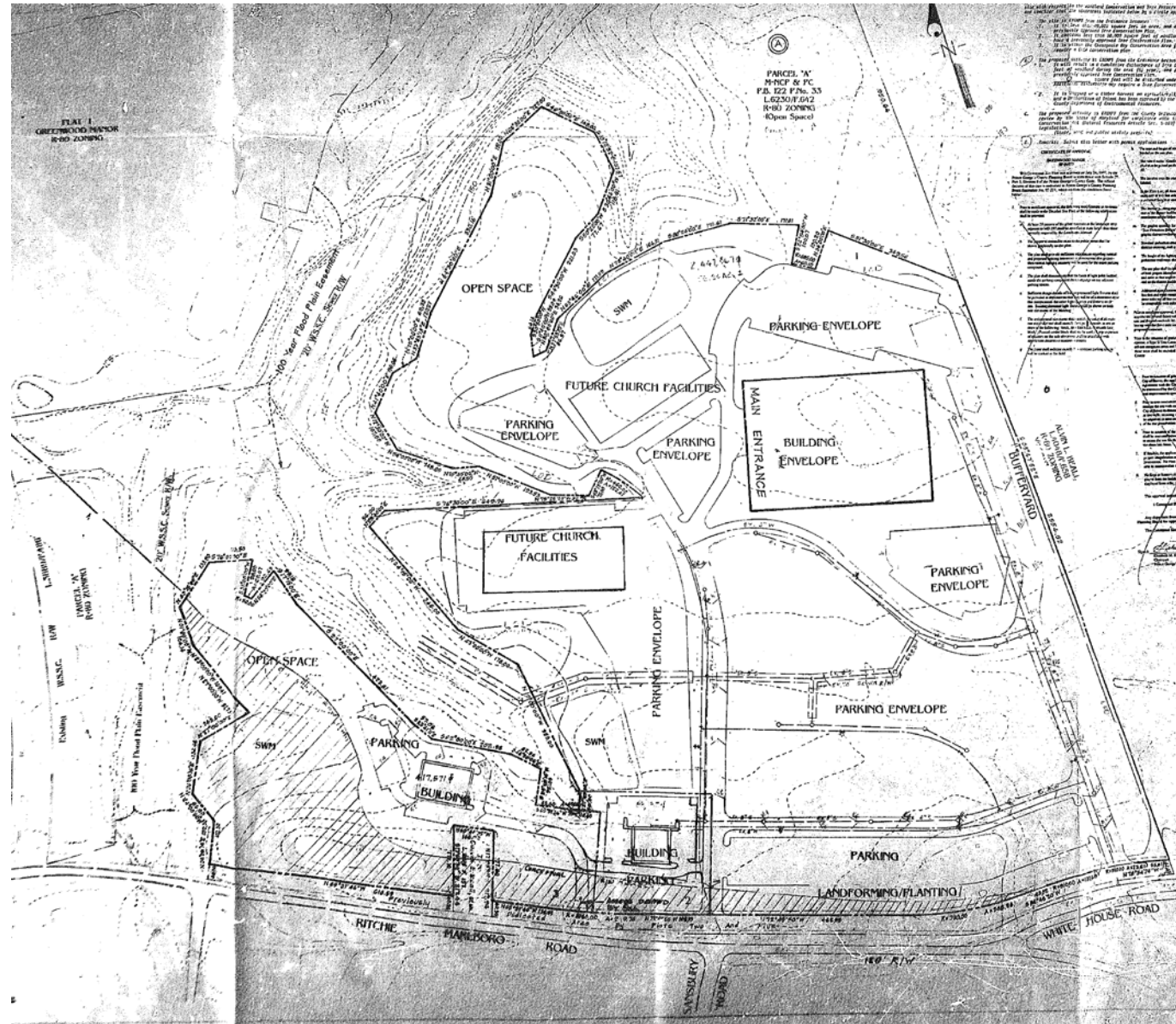
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



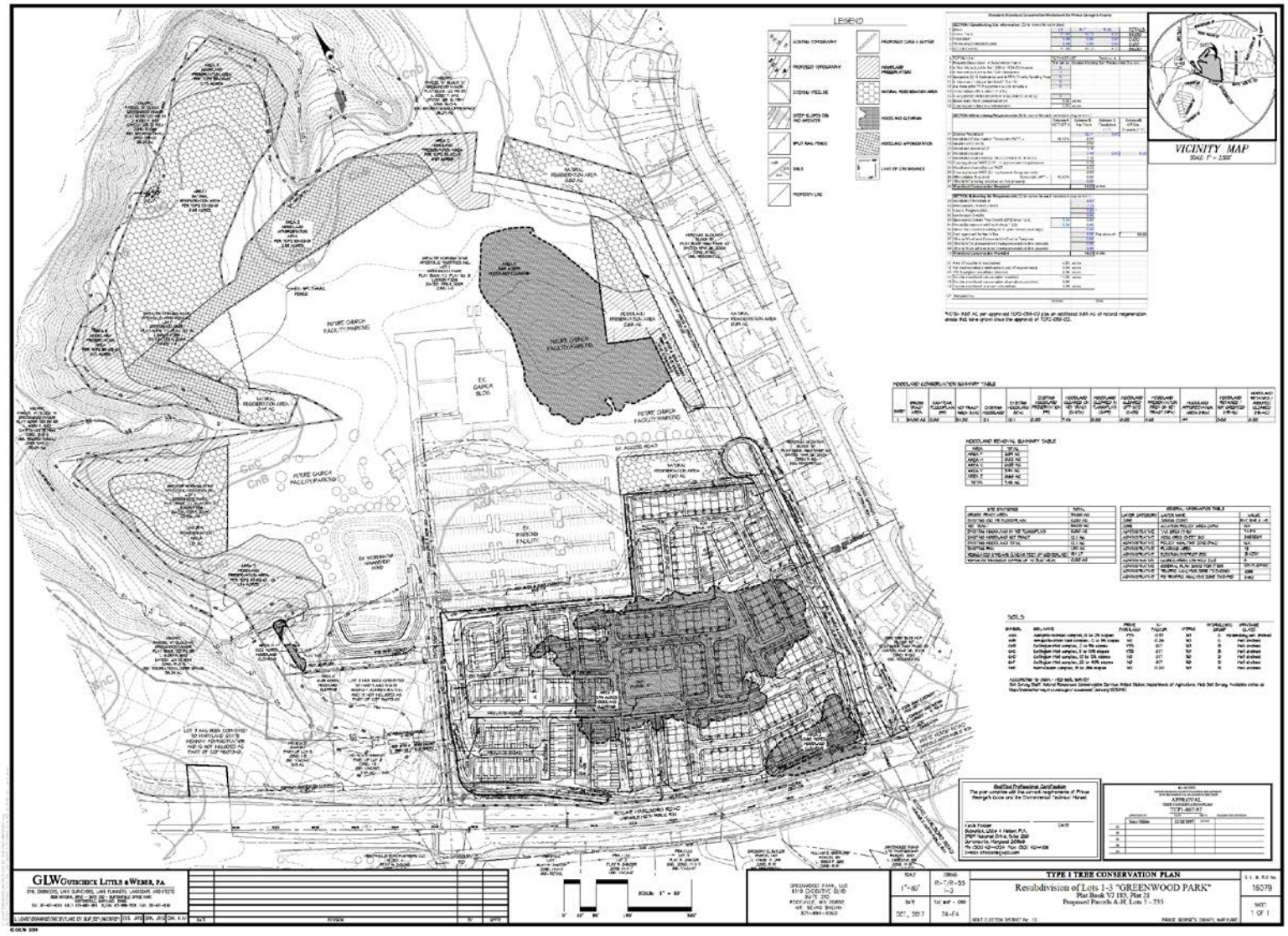
ORIGINAL CONCEPTUAL SITE PLAN

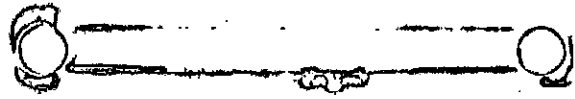


CONCEPTUAL SITE PLAN



TYPE 1 TREE CONSERVATION PLAN





Case No.: A-9991-C

Applicant: Ritchie Highway, LLC
(Alexan Morning Star 1)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 22 - 2008

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, with conditions.

WHEREAS, Application No. A-9991 (Alexan Morning Star I) was filed, to rezone approximately 5.99 acres of land in the I-3 Zone, on the north side of Ritchie Marlboro Road, west of White House Road and east of the Ritchie Marlboro interchange, identified as 1700 Ritchie Marlboro Road, Upper Marlboro, to the R-55 Zone; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, which filed recommendations with the District Council; and

WHEREAS, the Zoning Hearing Examiner held a public hearing and filed recommendations with the District Council; and

WHEREAS, having reviewed the record and the Examiner's decision, the District Council has determined that the application should be approved, and the subject property should be rezoned to the R-55 Zone; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings and conclusions in this case; and

WHEREAS, to protect adjacent properties and the general neighborhood, this rezoning is approved with conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the property that is the subject of Application No. A-9991-C from the I-3 Zone to the R-55 Zone.

SECTION 2. The rezoning approved herein is subject to the following conditions:

1. A new Forest Stand Delineation, in accordance with the Prince George's Woodland Conservation and Tree Preservation Technical Manual, shall be required at the time of subdivision.
2. A new Tree Conservation Plan must be submitted to M-NCPPC prior to subdivision approval.
3. The unmitigated 65 dBA (Ldn) ground level and second-story noise contours associated with the proposed arterial roads shall be shown on each preliminary plan and Type I Tree Conservation Plan.
4. Since the site is located to the north of the planned northern gateway of the Westphalia Community and to the west of an existing residential development, a Detailed Site Plan shall be required for the single-family development as well as the Metropolitan Dwelling Units to insure that the design and site arrangement will be harmonious with the surrounding development.
5. Applicant shall provide standard sidewalks on both sides of all internal roads and along the site's entire frontage on Ritchie Marlboro Road, unless this requirement is modified by the Department of Public Works and Transportation.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect initially on the date of its enactment, as conditionally approved, and shall become effective when the applicant accepts in writing the conditions in Section 2.

Enacted this 8th day of September, 2008, for initial approval, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Exum, Knotts and Turner

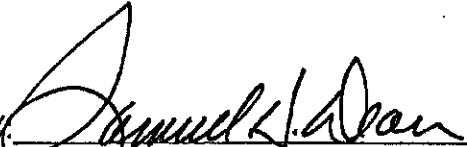
Opposed:

Abstained:

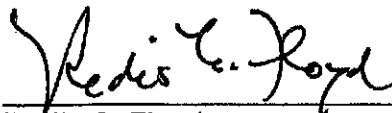
Absent: Council Members Dernoga, Harrison and Olson

Vote: 6-0

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL
FOR THAT PART OF THE MARYLAND-
WASHINGTON REGIONAL DISTRICT IN
PRINCE GEORGE'S COUNTY,
MARYLAND

BY: 
Samuel H. Dean, Chairman

ATTEST:


Redis C. Floyd
Clerk of the Council

A-9991-C

Ritchie Highway, LLC
(Alexan Morning Star 1)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9991-C, to rezone the subject property from the I-3 to the R-55 Zone, attached conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

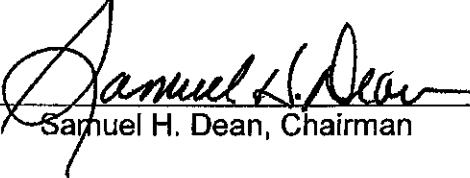
SECTION 1. Final conditional zoning approval of Application No. A-9991-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective December 5, 2008, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY:



Samuel H. Dean, Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-3796

PGCPB No. 07-210

File No. A-9991

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed A-9992 requesting rezoning from the I-3 Zone to the R-T Zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on November 15, 2007, the Prince George's County Planning Board finds:

FINDINGS:

A. **Location and Field Inspection:** The subject property in the I-3 Zone is undeveloped and is located on the north side of Ritchie-Marlboro Road, west of Whitehouse Road and to the east of the new Ritchie Marlboro Interchange. The property that is the subject of A-9991 is 5.99 acres and the property that is the subject of A-9992 is 10.67 acres. The property is part of a larger tract consisting of 67.5 acres, which is now owned by the Greater Morning Star Pentecostal Church.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-3	R-55 and R-T
Use(s)	N/A	N/A
Acreage	A-9991 - 5.99 A-9992 - 10.67	A-9991 - 5.99 A-9992 - 10.67
Lots	2	2

C. **History:** The property was originally placed in the R-80 Zone. It was previously known as the Greenwood Manor subdivision prior to its rezoning to I-3. Before its rezoning, the site had approval of a Cluster Development Plan.

The 1990 Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment classified the subject property in the I-3 Zone and recommended office and commercial uses on this development site. The 1990 Largo-Lottsford Master Plan and SMA amended the 1977 Largo-Lottsford Master Plan.

D. **Master/General Plan Recommendations:** The 1990 Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment classified the property in the I-3 Zone and recommended office and commercial uses on this development site.

The Master Plan placed the subject property in Planning Area 73, Largo Community, Neighborhood B. The Master Plan (Pages 84, 85 and 90) also designated land in the northeast quadrant of the proposed Ritchie-Marlboro Road interchange, including the subject property as Employment Area 4.

The Master Plan (Page 67) recommended that Neighborhood B south of the PEPCO transmission line be maintained as an area of suburban single-family residences with the exception of a limited

employment area adjacent to the proposed interchange at the Capital Beltway and Ritchie-Marlboro Road. A 150-foot building setback along this area's eastern border was specified to buffer future single-family residential development to the east from the proposed employment center uses. The Master Plan had previously identified a proposed fire station in the southeast corner of the subject property at the Ritchie Marlboro Road/White House Road intersection. Page 70 of the Master Plan contains guidelines that encourage setbacks, open space, berming, landscaping, and fencing to protect residential areas from any impacts associated with the proximity to major roadways and incompatible non-residential uses.

The 2002 General Plan indicates that the subject property is in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities, distinct commercial centers, and employment centers that are increasingly transit serviceable.

E. **Request:** The applicant is proposing to rezone the subject property, currently zoned I-3 to the R-55 (one-family detached residential) and R-T (townhouse) Zones. If the applicant's rezoning requests are approved, the property will be developed with 95 single-family residential dwelling units on 5.99 acres of land to be rezoned R-55. The remaining 10.67 acres of land to be rezoned R-T will be developed with metropolitan townhouse units.

F. **Neighborhood and Surrounding Uses:** The applicant defines the neighborhood as consisting of 3.99 square miles and it is being delineated as follows:

- Southwest Branch to the north
- Westphalia Road/Turkey Branch to the south
- Brown Station Road to the east
- Capital Beltway to the west

The applicant has used natural breaks in the land as boundaries of the neighborhood and has included land south of Ritchie Marlboro Road to better discern the impacts of development on both sides of the street.

Staff does not agree with the boundaries set by the applicant. From a planning standpoint, a neighborhood is part of a larger community and it usually defined by major roads or natural features that separate it from other areas. The applicant suggests boundaries that are quite large and include major roads as well as subdivisions which could be neighborhoods all unto themselves (Largo Woods, Little Washington, Greenwood Manor, etc.). In addition, the land to the south of Ritchie Marlboro Road is not a part of the same planning area. It is included in the Westphalia sector plan and sectional map amendment.

According to staff, the subject property is located in a neighborhood defined by the following boundaries:

- MD 214 Central Avenue to the north
- Ritchie Marlboro Road and Whitehouse Road to the south
- MD 202 Largo Road to the east
- Capital Beltway to the west

The property is surrounded by the following uses:

- North - Church in the I-3 Zone
- South - Ritchie Marlboro Road and Whitehouse Road and vacant land in the M-X-T Zone across from Ritchie Marlboro Road and Whitehouse Road
- East - Single-family residential in the R-80 Zone
- West - Open space in the R-80 Zone and vacant lot zoned I-3

G. Required Findings:

Section 27-157. Map Amendment Approval

(a) Change/Mistake Rule

(1) No application shall be granted without the applicant proving that either:

(A) There has been a substantial change in the character of the neighborhood; or

(B) Either

(i) There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment, or

(ii) There was a mistake in the current Sectional Map Amendment.

Applicant's Position: The applicant contends that placing the subject property in the I-3 Zone was a mistake during the adoption of the *1990 Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment*.

The master plan recommended the addition of two new employment areas, one of which, Employment Area 4, is part of this rezoning request. The concept of employment areas was developed based on the intent to capitalize on the location of the Largo-Lottsford area on two major interchanges of the Capital Beltway. However, the master plan failed to examine and plan for the supporting components necessary for a successful employment center (supporting retail, restaurants, entertainment, high density residential and mixed-use development). The master plan did not evaluate the transit serviceability of the property. The property is not adjacent to a Metro station and the absolute minimum density required to support a street bus service is 6 to 8 units per acre. The residential zoning abutting a property does not allow for greater densities. The location of this property is in contradiction to the General Plan's mandate that employment areas must be transit serviceable. The master plan failed to consider the benefits of locating residential uses

instead of industrial uses along these interchanges. It overlooked the idea that mobility matters not just for industrial uses, but for residential uses as well.

The master plan failed to take into account the impact of overzoning land for industrial/employment uses in the planning area. It recognized that planned employment areas were extensive and estimated a total of over 12 million square feet. The employment market in this planning area is not sufficient to absorb 12 million square feet of employment. Therefore, the subject property has remained vacant.

The master plan underestimated the compatibility problems involved with establishing a new employment area within a predominately residential neighborhood. If the rezoning is approved, the applicant contends that the proposed uses will be more compatible with the existing community than the uses permitted in the I-3 Zone. The R-55 and R-T Zones would more fully implement the goals of the 2002 General Plan which calls for 66 percent of the county's residential growth to be located in the Developing Tier over the next 25 years.

The preliminary proposal for the subject property was for R-80 zoning. However, during the procedure for the adoption of the master plan and SMA, the subject property was rezoned to I-3 at the request of the previous owners of the property. At that time, the feasibility of a new employment area within a predominantly residential area was discussed. In order to mitigate the impact of placing more intensive land uses directly adjacent to residentially zoned land, the master plan imposed specific development restrictions like setbacks, vegetation and berming on the future development of the subject property.

The assumption that the I-3 zoning classification is the most appropriate zone for developing this property has proven false, as evidenced by the recent residential and mixed use rezonings from I-3 in the vicinity of the property and in surrounding areas and the large amounts of vacant industrial land. The applicant contends that an assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning.

The applicant contends that there is a sufficient evidence of substantial change in the character of the neighborhood to support a rezoning.

The applicant defines the neighborhood as consisting of 3.99 square miles and it is being delineated as follows:

- Southwest Branch to the north
- Westphalia Road/Turkey Branch to the south
- Brown Station Road to the east
- Capital Beltway to the west

The applicant has used natural breaks in the land as boundaries of the neighborhood and has included land south of Ritchie Marlboro Road to better discern the impacts of development on both sides of the street.

Zoning changes have occurred in the neighborhood with the adoption of the Westphalia Plan, which seek to implement the policy recommendations of the General Plan to locate

industrial/employment centers within centers and corridors and to locate a greater percentage of residential development in the developing tier of the County. Other industrially zoned land in the vicinity of the subject property have been rezoned to mixed-use or residential zones. So, it is impractical to assume that quality industrial uses would locate on the applicant's property. With more residential development proposed for the neighborhood, the subject property would be the only I-3-zoned land on the east side of I-495, south of MD 214, north of Ritchie Marlboro Road, and west of MD 202.

Fifty-six acres of the northern portion of the overall 67-acre property are developed with a church. Only a small portion of the overall site (16.6 acres) remains available for industrial use. The 16.6-acre property does not meet the minimum 25-acre area requirement of the Zoning Ordinance for the development of a planned industrial/employment park. Therefore, the recommendations of the master plan can no longer be implemented.

In conclusion, the applicant contends that a mistake occurred at the time of the enactment of the master plan and SMA and that there is a change in the character of the neighborhood. Therefore, the applicant requests a rezoning to the R-55 and R-T Zones.

Staff's Analysis: Staff does not concur with the applicant's position. The Master Plan specifically recommends the subject property to be designated as Employment Area 4. Industrial park/business campus uses are planned for this area. The main objectives of providing employment areas are:

- To create job opportunities for local and County residents
- To locate industrial areas in locations that will have minimum adverse effects on transportation
- To capitalize on the location of the Largo-Lottsford area on two major interchanges of the Capital Beltway
- To prevent the intrusion of employment areas in areas that are not appropriate for employment uses
- To provide development guidelines that will establish a physical separation between employment areas and residential areas.

The I-3 Zone for the subject property will achieve the above objectives of the master plan.

The applicant contends that the supporting components for a successful employment center (high-density residential, retail, mixed use) are not available in the vicinity of the property and the property is not transit serviceable. The intent of the master plan is to provide employment opportunities for local residents. The subject property meets the intent of the master plan because it is located near major intersections and residential development, and it will provide employment opportunities for local residents. Transit serviceability of the subject property is not an issue with this employment area because it is intended to provide employment opportunities for local residents. This employment area was not intended to be a transit-oriented use.

The applicant contends that it is more beneficial to locate residential areas along interchanges. Staff contends that employment areas are also beneficial along interchanges because they provide employment opportunities that are easily accessible for local and county residents.

The applicant contends that the master plan failed to take into account the impact of overzoning land for industrial/employment uses in the planning area. Staff disagrees. The I-3 Zone is not an industrial zone but a planned employment park. The intent of the master plan is to provide employment areas at appropriate locations within the planning areas that are easily accessible to local county residents. The subject property meets the intent of the master plan. The intent of the master plan is to increase the employment base of the county. Staff does not agree that there is an overzoning of employment uses in this planning area.

The applicant contends that the master plan underestimated the compatibility problems involved with establishing a new employment area within a predominately residential neighborhood and that the proposed uses are more compatible with the surrounding residential development. Staff disagrees. The master plan provides several design, buffering and screening guidelines for establishing a physical separation between employment areas and residential areas. During the adoption of the master plan, the feasibility of employment areas near residential areas was thoroughly evaluated.

The applicant contends that the I-3 zoning was not initially proposed at the time of the adoption of the Master Plan and SMA. It was granted at the request of the previous owners of the subject property. It is not a mistake to grant an applicant's/owner's request as long as the rationale for that action is fully explained in the text of the plan and SMA.

The applicant contends that the assumption that the I-3 zoning classification is the most appropriate zone for developing this property has proven false, as evidenced by the recent residential and mixed-use rezonings from I-3 in the vicinity of the property. Staff disagrees. The recent rezonings in the vicinity of the subject property are not within the same neighborhood as the subject property and will not impact the continued employment use of the subject property. The intent of the I-3 designation for the subject property is to provide employment opportunities that will serve the surrounding residential development. Staff is aware that rezonings have been granted for other properties. These rezonings were granted for properties that are not in the neighborhood of the subject property. The Planning Board, however, recognizes the impact of the rezonings on the subject property.

The applicant contends that there is a sufficient evidence of substantial change in the character of the neighborhood to support a rezoning. The applicant has included the land to the south of Ritchie Marlboro Road which is within the Westphalia neighborhood as part of the neighborhood for this property. Staff does not agree with the boundaries set by the applicant. From a planning standpoint, a neighborhood is part of a larger community, and it is usually defined by major roads or natural features that separate it from other areas. The boundaries, in our opinion, are too large and encompass several subdivisions and communities. In addition, the land to the south of Ritchie Marlboro Road is not a part of the same Planning Area. It is included in the Westphalia Sector Plan and Sectional Map Amendment. The zoning changes in the Westphalia neighborhood cannot be considered to be zoning changes in the subject property's neighborhood. Therefore, staff disagrees with the applicant that there is a substantial change in the neighborhood.

The applicant contends that the area of the subject property (16.6 acres) does not meet the minimum 25-acre area requirement of the Zoning Ordinance for the development of a planned industrial/employment park. There is no requirement for a minimum 25 acres via an SMA. Although the subject property does not meet the minimum area requirements for an employment park, it can be combined with the other I-3-zoned property to the west to have a minimum area of 25 acres. Section 27.471 (i)(3), minimum area for development, of the Zoning Ordinance states that a property with an area less than 25 acres may be classified in the I-3 Zone when the property adjoins property in the I-3 or E-I-A Zone. The area of the property exceeds the minimum net lot area requirements of the I-3 Zone (87,120 square feet).

H. Referral Comments:

1. The Subdivision Section (memorandum dated September 12, 2007) states that the subject property is a part of Lot 1 of the Greenwood Park subdivision, which was recorded on May 1, 1998, at Plat Book VJ 183, Plat No. 21. The preliminary plan of subdivision limited the development of Lots 1, 2 and 3 to uses permitted in the I-3 Zone and that generate no more than 203 AM peak-hour and 243 PM peak-hour trips. If the rezoning is approved for residential uses, new preliminary plans will be necessary to assure adequacy of public facilities.
2. The Washington Suburban Sanitary Commission (memorandum dated June 12, 2007) states that the existing water and sewer mains on the subject property will have to be abandoned.
3. The Transportation Planning Section (memorandum dated July 5, 2007) states that there are no master plan trails issues in the adopted and approved Largo-Lottsford master plan that impact the subject property. The section has recommended a standard sidewalk along the subject site's frontage on Ritchie Marlboro Road and standard sidewalks on both sides of all internal roads according to the requirements of the Department of Public Works and Transportation.
4. The Transportation Planning Section (memorandum dated June 14, 2007) states that the proposed rezoning could have an impact of 40 fewer trips on area roadways for the 5.99-acre property and an impact of 57 fewer trips for the 10.67-acre property during either peak hour. The subject site is now within or adjacent to any master plan transportation

facilities. The right-of-way adjacent to the subject property is consistent with current master plan recommendations, and no additional dedication will be required of the subject property at the time of preliminary plan. The proposed rezoning would have no impact on the existing transportation facilities in the area of the subject property.

5. The Environmental Planning Section (memorandum dated August 7, 2007) states that there are no streams, wetlands or 100-year floodplain on the lands proposed for rezoning. The principal soils on the site are in the Adelpia and Collington series. There are no rare, threatened, or endangered species found to occur on this property or on adjacent properties. Ritchie Marlboro Road and White House Road are sources of traffic-generated noise. The Largo-Lottsford master plan does not identify any environmental issues associated with the subject site. The subject site does not contain any network elements of the Countywide Green Infrastructure Plan. The property is subject to the provisions of the Woodland Conservation Ordinance because the site has previously approved tree conservation plans (TCPI/067/97 and TCPII/053/02). If revised development proposals are submitted under the new zoning, revisions to the approved TCPs will be required.
6. The Historic Preservation and Public Facilities Planning Section (memorandum dated May 18, 2007) states that the existing fire and police services are adequate. The proposed residential development is subject to the school facilities surcharge fees established by County Council bill CB-31-2003. Compliance with the requirements of CB-31-2003 will be reviewed during the subdivision review process for the subject proposal.
7. The Urban Design Review Section (memorandum dated July 25, 2007) has no comments on the proposed rezoning. However, the section has stated that if the rezoning is approved, the screening and buffering of the subject property and the streetscape along Ritchie Marlboro Road must be addressed during the subdivision/site plan review process.
8. The State Highway Administration (memorandum dated May 20, 2007) has no objections to the rezoning of the property.
9. The Community Planning Division (memorandum dated June 20, 2007) states that the proposal is consistent with the 2002 General Plan for the Developing Tier but it does not conform to the land use recommendations of the *1990 Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment* for employment-related development. The required 150-foot buffer limits the amount of developable space for the subject property. There are single-family residences to the east of the applicant's site. The *2007 Approved Westphalia Sector Plan and Sectional Map Amendment* has recommended a neighborhood center and additional low-density suburban residential uses to the south of the subject site. Since Ritchie Marlboro Road is an arterial with a significant amount of commercial traffic, the Division has suggested that the applicant work with the Prince George's County Department of Public Works and Transportation to assess mitigation measures such as berming and landscaping.

The memorandum from the Community Planning Division states that:

“DETERMINATION

- “- The application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.
- “- The application does not conform to the land use recommendations of the *1990 Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment* for office and commercial uses on this development site. The applicant requests that the property be rezoned from I-3 to R-55.

“BACKGROUND

- “Location: North side of White House Road at its intersection with Ritchie Marlboro Road
- “Size: 5.99 acres
- “Existing Uses: Undeveloped
- “Proposal: To rezone from the I-3 (Planned Industrial/Employment Park) to R-55 (One-Family Detached Residential) to permit the development of single-family detached and attached residences

“GENERAL PLAN, MASTER PLAN AND SMA

- “2002 General Plan: This application is located within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment centers that are increasingly transit serviceable.
- “Master Plan: *Largo-Lottsford Approved Master Plan Amendment & Adopted Sectional Map Amendment (1990).*
- “Planning Area/
Community: Planning Area 73/Largo Community, Neighborhood B
- “Land Use: Undeveloped

“The master plan (page 67) recommended that Neighborhood B south of the PEPCO transmission line be maintained as an area of suburban single-family residences ‘... with the exception of a limited employment area adjacent to the proposed interchange at the Capital Beltway and Ritchie-Marlboro Road.’ The master

plan (pages 84, 85, and 90) also designated land in the northeast quadrant of the proposed Ritchie-Marlboro Road interchange, including the applicant property, as Employment Area 4. The master plan also specified a minimum 150-foot building setback along this area's eastern border in order to buffer future single-family residential development to the east from proposed employment center uses.

"The Ritchie Marlboro Road/I-95 interchange opened to traffic in 2004. However, no development has taken place since the opening of the new interchange. Nor has any development occurred in Employment Area 4 since the 1990 Largo-Lottsford master plan was approved.

- "Environmental: None identified
- "Historic Resources: None identified
- "Transportation: Ritchie Marlboro/White House Road is an existing arterial (A-36). The nearest Metrorail facility is the Largo Town Center Metro Station.
- "Public Facilities: The master plan identified a proposed fire station in the southeast corner of the applicant property at the Ritchie Marlboro Road/White House Road intersection.
- "Parks & Trails: None identified
- "SMA/Zoning: The 1990 *Largo-Lottsford Master Plan/SMA* classified the property in the I-3 (Planned Industrial/Employment Park) Zone.

"PLANNING COMMENTS

"The only master plan issue raised by this application is its non-conformance with the land use recommendations of the 1990 Largo-Lottsford master plan. Unfortunately, the required 150-foot buffer and the limited amount of developable space at this location have apparently rendered Employment Area 4 an unattractive location for employment-related development. In addition, new single-family detached residences have been constructed immediately east of the applicant site. Finally, the 2007 approved Westphalia sector plan and sectional map amendment has recommended the development of a neighborhood center and additional low-density suburban residential uses south of Ritchie Marlboro Road opposite the applicant site.

"With respect to the applicant site's location, the master plan (page 70) contains guidelines that encourage setbacks, open space, berming, landscaping, and fencing to protect residential areas from any impacts associated with the proximity to major roadways and incompatible non-residential uses. Another guideline (page 70) encourages

residential structures to be designed in harmonious relationship to one another, to the terrain, and to be situated to create interesting spaces.

“Ritchie Marlboro Road is an arterial that carries a significant amount of commercial traffic. Because of the applicant property’s proximity to Ritchie Marlboro Road, the applicant should work with the Prince George’s County Department of Public Works & Transportation (DPW&T) to assess the feasibility of mitigating measures such as berming and enhanced landscaping.”

- I. **Conclusion:** The basic test considered in a contention of error is whether the legislative body made a basic and actual mistake when it adopted a comprehensive zoning map placing the property in its present zoning classification. Maryland courts have established that there is a strong presumption of correctness of original zoning and of comprehensive rezoning. To sustain a change in circumstances, a strong evidence of mistake must be produced

The change/mistake finding merely justifies consideration of rezoning but does not mandate rezoning. However, where a mistake in zoning exists, and the existing zoning deprives the owner of all economically viable use, the rezoning is mandated.

The applicant contends that placing the subject property in the I-3 Zone was a mistake because:

- The supporting components for a successful employment center (high density residential, retail, mixed use) are not available in the vicinity of the property
- The property is not transit serviceable
- It is more beneficial to locate residential areas along interchanges
- The impact of overzoning land for employment uses was not considered
- Compatibility issues with adjacent properties was not considered
- The recent rezonings to residential in the neighborhood shows that there is a substantial change in the character of the neighborhood
- The development constraints of the master plan limit the amount of developable space for the subject property.

Therefore, the proposed rezoning to residential uses is more appropriate.

The Board does not concur with the applicant’s position because:

- The subject property will achieve the objectives of the master plan for employment areas because it will provide employment opportunities for local residents.

- Transit serviceability of the subject property was not an issue with this employment area because it is intended to provide employment opportunities for local residents. This employment area was not intended to be a transit-oriented use.
- Proximity to major interchanges is more critical for employment uses compared to residential uses.
- The subject property meets the intent of the master plan to increase the employment base of the county. There is no overzoning of employment uses in this planning area.
- Compatibility of the employment uses for the subject property was not the intent of the master plan. The intent of the employment areas is not to provide compatible uses but to provide employment opportunities for local residents.
- Even with the development constraints set by the master plan, the property can be developed for employment uses.

While the Planning Board agrees with the neighborhood boundaries offered by the applicant, and the possible impact of recent rezonings on the subject property, the Board finds that the applicant has failed to demonstrate that the I-3 zoning for the subject property will not achieve the objectives for employment areas for this planning area. The applicant's argument also does not provide strong evidence that the property cannot be developed with employment uses. There is no strong evidence that the existing zoning will deprive the owner of all economically viable use of the property. There is no change in circumstances or evidence that the original zoning is a mistake. At best, the applicant presents arguments that suggest earlier master plan recommendations should be reconsidered. Absent strong evidence of change or mistake, the Board believes this land use decision should be made within the context of a comprehensive rezoning.

Based on the above, the Planning Board concludes that there is no mistake in the current Largo-Lottsford Master Plan Amendment and Sectional Map Amendment according to the above Section 27-157(a)(1) of the Zoning Ordinance and there has been no substantial change in the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be DENIED.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Cavitt and Parker voting in favor of the motion, and with Commissioner Squire temporarily absent at its regular meeting held on Thursday, November 15, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of December 2007.

Oscar S. Rodriguez
Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

OSR:FJG:JJ:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

Serge John
M-NCPA Legal Department

Date 12/7/07

Case No.: A-9992-C

Applicant: Ritchie Highway, LLC
(Alexan Morning Star II)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 23 - 2008

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, with conditions.

WHEREAS, Application No. A-9992 (Alexan Morning Star II) was filed, to rezone approximately 10.67 acres of land in the I-3 Zone, on the north side of Ritchie Marlboro Road, west of White House Road and east of the Ritchie Marlboro interchange, identified as 1700 Ritchie Marlboro Road, Upper Marlboro, to the R-T Zone; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, which filed recommendations with the District Council; and

WHEREAS, the Zoning Hearing Examiner held a public hearing and filed recommendations with the District Council; and

WHEREAS, having reviewed the record and the Examiner's decision, the District Council has determined that the application should be approved, and the subject property should be rezoned to the R-T Zone; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings and conclusions in this case; and

WHEREAS, to protect adjacent properties and the general neighborhood, this rezoning is approved with conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the property that is the subject of Application No. A-9992-C from the I-3 Zone to the R-T Zone.

SECTION 2. The rezoning approved herein is subject to the following conditions:

1. A new Forest Stand Delineation, in accordance with the Prince George's Woodland Conservation and Tree Preservation Technical Manual, shall be required at the time of subdivision.
2. A new Tree Conservation Plan must be submitted to M-NCPPC prior to subdivision approval.
3. The unmitigated 65 dBA (Ldn) ground level and second-story noise contours associated with the proposed arterial roads shall be shown on each preliminary plan and Type I Tree Conservation Plan.
4. Since the site is located to the north of the planned northern gateway of the Westphalia Community and to the west of an existing residential development, a Detailed Site Plan shall be required for the single-family development as well as the Metropolitan Dwelling Units to insure that the design and site arrangement will be harmonious with the surrounding development.
5. Applicant shall provide standard sidewalks on both sides of all internal roads and along the site's entire frontage on Ritchie Marlboro Road, unless this requirement is modified by the Department of Public Works and Transportation.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect initially on the date of its enactment, as conditionally approved, and shall become effective when the applicant accepts in writing the conditions in Section 2.

Enacted this 8th day of September, 2008, for initial approval, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Exum, Harrison, Knotts and Turner

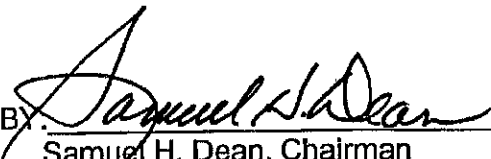
Opposed:

Abstained: Council Member Dernoga

Absent: Council Member Olson

Vote: 7-0-1

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL
FOR THAT PART OF THE MARYLAND-
WASHINGTON REGIONAL DISTRICT IN
PRINCE GEORGE'S COUNTY,
MARYLAND

BY: 
Samuel H. Dean, Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

A-9992-C

Ritchie Highway, LLC
(Alexan Morning Star II)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9992-C, to rezone the subject property from the I-3 to the R-T Zone, attached conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

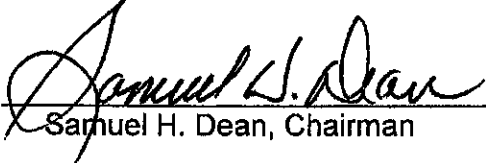
SECTION 1. Final conditional zoning approval of Application No. A-9992-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective December 5, 2008, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY:



Samuel H. Dean, Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

PGCPB No. 07-211

File No. A-9992

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed A-9992 requesting rezoning from the I-3 Zone to the R-T Zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on November 15, 2007, the Prince George's County Planning Board finds:

FINDINGS:

A. **Location and Field Inspection:** The subject property in the I-3 Zone is undeveloped and is located on the north side of Ritchie-Marlboro Road, west of Whitehouse Road and to the east of the new Ritchie Marlboro Interchange. The property that is the subject of A-9991 is 5.99 acres and the property that is the subject of A-9992 is 10.67 acres. The property is part of a larger tract consisting of 67.5 acres, which is now owned by the Greater Morning Star Pentecostal Church.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-3	R-55 and R-T
Use(s)	N/A	N/A
Acreage	A-9991 - 5.99 A-9992 - 10.67	A-9991 - 5.99 A-9992 - 10.67
Lots	2	2

C. **History:** The property was originally placed in the R-80 Zone. It was previously known as the Greenwood Manor subdivision prior to its rezoning to I-3. Before its rezoning, the site had approval of a Cluster Development Plan.

The 1990 *Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment* classified the subject property in the I-3 Zone and recommended office and commercial uses on this development site. The 1990 Largo-Lottsford Master Plan and SMA amended the 1977 Largo-Lottsford Master Plan.

D. **Master/General Plan Recommendations:** The 1990 *Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment* classified the property in the I-3 Zone and recommended office and commercial uses on this development site.

The Master Plan placed the subject property in Planning Area 73, Largo Community, Neighborhood B. The Master Plan (Pages 84, 85 and 90) also designated land in the northeast quadrant of the proposed Ritchie-Marlboro Road interchange, including the subject property as Employment Area 4.

The Master Plan (Page 67) recommended that Neighborhood B south of the PEPCO transmission line be maintained as an area of suburban single-family residences with the exception of a limited

employment area adjacent to the proposed interchange at the Capital Beltway and Ritchie-Marlboro Road. A 150-foot building setback along this area's eastern border was specified to buffer future single-family residential development to the east from the proposed employment center uses. The Master Plan had previously identified a proposed fire station in the southeast corner of the subject property at the Ritchie Marlboro Road/White House Road intersection. Page 70 of the Master Plan contains guidelines that encourage setbacks, open space, berming, landscaping, and fencing to protect residential areas from any impacts associated with the proximity to major roadways and incompatible non-residential uses.

The 2002 General Plan indicates that the subject property is in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities, distinct commercial centers, and employment centers that are increasingly transit serviceable.

- E. **Request:** The applicant is proposing to rezone the subject property, currently zoned I-3 to the R-T (townhouse) Zone. The subject 10.67 acres of land will be developed with metropolitan townhouse units.
- F. **Neighborhood and Surrounding Uses:** The applicant defines the neighborhood as consisting of 3.99 square miles and it is being delineated as follows:
- Southwest Branch to the north
 - Westphalia Road/Turkey Branch to the south
 - Brown Station Road to the east
 - Capital Beltway to the west

The applicant has used natural breaks in the land as boundaries of the neighborhood and has included land south of Ritchie Marlboro Road to better discern the impacts of development on both sides of the street.

Staff does not agree with the boundaries set by the applicant. From a planning standpoint, a neighborhood is part of a larger community and it usually defined by major roads or natural features that separate it from other areas. The applicant suggests boundaries that are quite large and include major roads as well as subdivisions which could be neighborhoods all unto themselves (Largo Woods, Little Washington, Greenwood Manor, etc.). In addition, the land to the south of Ritchie Marlboro Road is not a part of the same planning area. It is included in the Westphalia sector plan and sectional map amendment.

According to staff, the subject property is located in a neighborhood defined by the following boundaries:

- MD 214 Central Avenue to the north
- Ritchie Marlboro Road and Whitehouse Road to the south
- MD 202 Largo Road to the east
- Capital Beltway to the west

The Planning Board finds that the neighborhood boundaries offered by the applicant are reasonable given the impacts of proposed development on adjacent property south of Ritchie Marlboro Road.

The property is surrounded by the following uses:

- North - Church in the I-3 Zone
- South - Ritchie Marlboro Road and Whitehouse Road and vacant land in the M-X-T Zone across from Ritchie Marlboro Road and Whitehouse Road
- East - Single-family residential in the R-80 Zone
- West - Open space in the R-80 Zone and vacant lot zoned I-3

G. **Required Findings:**

Section 27-157. Map Amendment Approval

(a). **Change/Mistake Rule**

(1) **No application shall be granted without the applicant proving that either:**

(A) **There has been a substantial change in the character of the neighborhood; or**

(B) **Either**

(i) **There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment, or**

(ii) **There was a mistake in the current Sectional Map Amendment.**

Applicant's Position: The applicant contends that placing the subject property in the I-3 Zone was a mistake during the adoption of the *1990 Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment*.

The master plan recommended the addition of two new employment areas, one of which, Employment Area 4, is part of this rezoning request. The concept of employment areas was developed based on the intent to capitalize on the location of the Largo-Lottsford area on two major interchanges of the Capital Beltway. However, the master plan failed to examine and plan for the supporting components necessary for a successful employment center (supporting retail, restaurants, entertainment, high density residential and mixed-use development). The master plan did not evaluate the transit serviceability of the property. The property is not adjacent to a Metro station and the absolute minimum density required to support a street bus service is 6 to 8 units per

acre. The residential zoning abutting a property does not allow for greater densities. The location of this property is in contradiction to the General Plan's mandate that employment areas must be transit serviceable. The master plan failed to consider the benefits of locating residential uses instead of industrial uses along these interchanges. It overlooked the idea that mobility matters not just for industrial uses, but for residential uses as well.

The master plan failed to take into account the impact of overzoning land for industrial/employment uses in the planning area. It recognized that planned employment areas were extensive and estimated a total of over 12 million square feet. The employment market in this planning area is not sufficient to absorb 12 million square feet of employment. Therefore, the subject property has remained vacant.

The master plan underestimated the compatibility problems involved with establishing a new employment area within a predominately residential neighborhood. If the rezoning is approved, the applicant contends that the proposed uses will be more compatible with the existing community than the uses permitted in the I-3 Zone. The R-55 and R-T Zones would more fully implement the goals of the 2002 General Plan which calls for 66 percent of the county's residential growth to be located in the Developing Tier over the next 25 years.

The preliminary proposal for the subject property was for R-80 zoning. However, during the procedure for the adoption of the master plan and SMA, the subject property was rezoned to I-3 at the request of the previous owners of the property. At that time, the feasibility of a new employment area within a predominantly residential area was discussed. In order to mitigate the impact of placing more intensive land uses directly adjacent to residentially zoned land, the master plan imposed specific development restrictions like setbacks, vegetation and berming on the future development of the subject property.

The assumption that the I-3 zoning classification is the most appropriate zone for developing this property has proven false, as evidenced by the recent residential and mixed use rezonings from I-3 in the vicinity of the property and in surrounding areas and the large amounts of vacant industrial land. The applicant contends that an assumption upon which a particular use is predicated proves, with the passage of time, to be erroneous, this is sufficient to authorize a rezoning.

The applicant contends that there is a sufficient evidence of substantial change in the character of the neighborhood to support a rezoning.

The applicant defines the neighborhood as consisting of 3.99 square miles and it is being delineated as follows:

- Southwest Branch to the north
- Westphalia Road/Turkey Branch to the south
- Brown Station Road to the east
- Capital Beltway to the west

The applicant has used natural breaks in the land as boundaries of the neighborhood and has included land south of Ritchie Marlboro Road to better discern the impacts of development on both sides of the street.

Zoning changes have occurred in the neighborhood with the adoption of the Westphalia Plan, which seek to implement the policy recommendations of the General Plan to locate industrial/employment centers within centers and corridors and to locate a greater percentage of residential development in the developing tier of the County. Other industrially zoned land in the vicinity of the subject property have been rezoned to mixed-use or residential zones. So, it is impractical to assume that quality industrial uses would locate on the applicant's property. With more residential development proposed for the neighborhood, the subject property would be the only I-3-zoned land on the east side of I-495, south of MD 214, north of Ritchie Marlboro Road, and west of MD 202.

Fifty-six acres of the northern portion of the overall 67-acre property are developed with a church. Only a small portion of the overall site (16.6 acres) remains available for industrial use. The 16.6-acre property does not meet the minimum 25-acre area requirement of the Zoning Ordinance for the development of a planned industrial/employment park. Therefore, the recommendations of the master plan can no longer be implemented.

In conclusion, the applicant contends that a mistake occurred at the time of the enactment of the master plan and SMA and that there is a change in the character of the neighborhood. Therefore, the applicant requests a rezoning to the R-55 and R-T Zones.

Staff's Analysis: Staff does not concur with the applicant's position. The Master Plan specifically recommends the subject property to be designated as Employment Area 4. Industrial park/business campus uses are planned for this area. The main objectives of providing employment areas are:

- To create job opportunities for local and County residents
- To locate industrial areas in locations that will have minimum adverse effects on transportation
- To capitalize on the location of the Largo-Lottsford area on two major interchanges of the Capital Beltway
- To prevent the intrusion of employment areas in areas that are not appropriate for employment uses
- To provide development guidelines that will establish a physical separation between employment areas and residential areas.

The I-3 Zone for the subject property will achieve the above objectives of the master plan.

The applicant contends that the supporting components for a successful employment center (high-density residential, retail, mixed use) are not available in the vicinity of the property and the property is not transit serviceable. The intent of the master plan is to provide employment opportunities for local residents. The subject property meets the intent of the master plan because it is located near major intersections and residential development, and it will provide employment opportunities for local residents. Transit serviceability of the subject property is not an issue with

this employment area because it is intended to provide employment opportunities for local residents. This employment area was not intended to be a transit-oriented use.

The applicant contends that it is more beneficial to locate residential areas along interchanges. Staff contends that employment areas are also beneficial along interchanges because they provide employment opportunities that are easily accessible for local and county residents.

The applicant contends that the master plan failed to take into account the impact of overzoning land for industrial/employment uses in the planning area. Staff disagrees. The I-3 Zone is not an industrial zone but a planned employment park. The intent of the master plan is to provide employment areas at appropriate locations within the planning areas that are easily accessible to local county residents. The subject property meets the intent of the master plan. The intent of the master plan is to increase the employment base of the county. Staff does not agree that there is an overzoning of employment uses in this planning area.

The applicant contends that the master plan underestimated the compatibility problems involved with establishing a new employment area within a predominately residential neighborhood and that the proposed uses are more compatible with the surrounding residential development. Staff disagrees. The master plan provides several design, buffering and screening guidelines for establishing a physical separation between employment areas and residential areas. During the adoption of the master plan, the feasibility of employment areas near residential areas was thoroughly evaluated.

The applicant contends that the I-3 zoning was not initially proposed at the time of the adoption of the Master Plan and SMA. It was granted at the request of the previous owners of the subject property. It is not a mistake to grant an applicant's/owner's request as long as the rationale for that action is fully explained in the text of the plan and SMA.

The applicant contends that the assumption that the I-3 zoning classification is the most appropriate zone for developing this property has proven false, as evidenced by the recent residential and mixed-use rezonings from I-3 in the vicinity of the property. Staff disagrees. The recent rezonings in the vicinity of the subject property are not within the same neighborhood as the subject property and will not impact the continued employment use of the subject property. The intent of the I-3 designation for the subject property is to provide employment opportunities that will serve the surrounding residential development. Staff is aware that rezonings have been granted for other properties. These rezonings were granted for properties that are not in the neighborhood of the subject property. The Planning Board, however, recognizes the impact of the rezonings of the subject property.

The applicant contends that there is a sufficient evidence of substantial change in the character of the neighborhood to support a rezoning. The applicant has included the land to the south of Ritchie Marlboro Road which is within the Westphalia neighborhood as part of the neighborhood for this property. Staff does not agree with the boundaries set by the applicant. From a planning standpoint, a neighborhood is part of a larger community, and it is usually defined by major roads or natural features that separate it from other areas. The boundaries, in our opinion, are too large and encompass several subdivisions and communities. In addition, the land to the south of Ritchie Marlboro Road is not a part of the same Planning Area. It is included in the Westphalia Sector

Plan and Sectional Map Amendment. The zoning changes in the Westphalia neighborhood cannot be considered to be zoning changes in the subject property's neighborhood. Therefore, staff disagrees with the applicant that there is a substantial change in the neighborhood.

The applicant contends that the area of the subject property (16.6 acres) does not meet the minimum 25-acre area requirement of the Zoning Ordinance for the development of a planned industrial/employment park. There is no requirement for a minimum 25 acres via an SMA. Although the subject property does not meet the minimum area requirements for an employment park, it can be combined with the other I-3-zoned property to the west to have a minimum area of 25 acres. Section 27.471 (i)(3), minimum area for development, of the Zoning Ordinance states that a property with an area less than 25 acres may be classified in the I-3 Zone when the property adjoins property in the I-3 or E-I-A Zone. The area of the property exceeds the minimum net lot area requirements of the I-3 Zone (87,120 square feet).

H. Referral Comments:

1. The Subdivision Section (memorandum dated September 12, 2007) states that the subject property is a part of Lot 1 of the Greenwood Park subdivision, which was recorded on May 1, 1998, at Plat Book VJ 183, Plat No. 21. The preliminary plan of subdivision limited the development of Lots 1, 2 and 3 to uses permitted in the I-3 Zone and that generate no more than 203 AM peak-hour and 243 PM peak-hour trips. If the rezoning is approved for residential uses, new preliminary plans will be necessary to assure adequacy of public facilities.
2. The Washington Suburban Sanitary Commission (memorandum dated June 12, 2007) states that the existing water and sewer mains on the subject property will have to be abandoned.
3. The Transportation Planning Section (memorandum dated July 5, 2007) states that there are no master plan trails issues in the adopted and approved Largo-Lottsford master plan that impact the subject property. The section has recommended a standard sidewalk along the subject site's frontage on Ritchie Marlboro Road and standard sidewalks on both sides of all internal roads according to the requirements of the Department of Public Works and Transportation.
4. The Transportation Planning Section (memorandum dated June 14, 2007) states that the proposed rezoning could have an impact of 40 fewer trips on area roadways for the 5.99-acre property and an impact of 57 fewer trips for the 10.67-acre property during either peak hour. The subject site is now within or adjacent to any master plan transportation facilities. The right-of-way adjacent to the subject property is consistent with current master plan recommendations, and no additional dedication will be required of the subject property at the time of preliminary plan. The proposed rezoning would have no impact on the existing transportation facilities in the area of the subject property.
5. The Environmental Planning Section (memorandum dated August 7, 2007) states that there are no streams, wetlands or 100-year floodplain on the lands proposed for rezoning. The principal soils on the site are in the Adelphia and Collington series. There are no rare,

threatened, or endangered species found to occur on this property or on adjacent properties. Ritchie Marlboro Road and White House Road are sources of traffic-generated noise. The Largo-Lottsford master plan does not identify any environmental issues associated with the subject site. The subject site does not contain any network elements of the Countywide Green Infrastructure Plan. The property is subject to the provisions of the Woodland Conservation Ordinance because the site has previously approved tree conservation plans (TCPI/067/97 and TCPII/053/02). If revised development proposals are submitted under the new zoning, revisions to the approved TCPs will be required.

6. The Historic Preservation and Public Facilities Planning Section (memorandum dated May 18, 2007) states that the existing fire and police services are adequate. The proposed residential development is subject to the school facilities surcharge fees established by County Council bill CB-31-2003. Compliance with the requirements of CB-31-2003 will be reviewed during the subdivision review process for the subject proposal.
7. The Urban Design Review Section (memorandum dated July 25, 2007) has no comments on the proposed rezoning. However, the section has stated that if the rezoning is approved, the screening and buffering of the subject property and the streetscape along Ritchie Marlboro Road must be addressed during the subdivision/site plan review process.
8. The State Highway Administration (memorandum dated May 20, 2007) has no objections to the rezoning of the property.
9. The Community Planning Division (memorandum dated June 20, 2007) states that the proposal is consistent with the 2002 General Plan for the Developing Tier but it does not conform to the land use recommendations of the *1990 Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment* for employment-related development. The required 150-foot buffer limits the amount of developable space for the subject property. There are single-family residences to the east of the applicant's site. The *2007 Approved Westphalia Sector Plan and Sectional Map Amendment* has recommended a neighborhood center and additional low-density suburban residential uses to the south of the subject site. Since Ritchie Marlboro Road is an arterial with a significant amount of commercial traffic, the Division has suggested that the applicant work with the Prince George's County Department of Public Works and Transportation to assess mitigation measures such as berming and landscaping.

The memorandum from the Community Planning Division states that:

“DETERMINATION

- “- The application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.
- “- The application does not conform to the land use recommendations of the *1990 Approved Largo-Lottsford Master Plan Amendment and Adopted Sectional Map Amendment* for office and commercial uses on this development site. The applicant requests that the property be rezoned from I-3 to R-55.

“BACKGROUND

- “Location: North side of White House Road at its intersection with Ritchie Marlboro Road
- “Size: 5.99 acres
- “Existing Uses: Undeveloped
- “Proposal: To rezone from the I-3 (Planned Industrial/Employment Park) to R-55 (One-Family Detached Residential) to permit the development of single-family detached and attached residences

“GENERAL PLAN, MASTER PLAN AND SMA

- “2002 General Plan: This application is located within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment centers that are increasingly transit serviceable.
- “Master Plan: *Largo-Lottsford Approved Master Plan Amendment & Adopted Sectional Map Amendment (1990).*
- “Planning Area/
Community: Planning Area 73/Largo Community, Neighborhood B
- “Land Use: Undeveloped

“The master plan (page 67) recommended that Neighborhood B south of the PEPCO transmission line be maintained as an area of suburban single-family residences ‘... with the exception of a limited employment area adjacent to the proposed interchange at the Capital Beltway and Ritchie-Marlboro Road.’ The master plan (pages 84, 85, and 90) also designated land in the northeast

quadrant of the proposed Ritchie-Marlboro Road interchange, including the applicant property, as Employment Area 4. The master plan also specified a minimum 150-foot building setback along this area's eastern border in order to buffer future single-family residential development to the east from proposed employment center uses.

"The Ritchie Marlboro Road/I-95 interchange opened to traffic in 2004. However, no development has taken place since the opening of the new interchange. Nor has any development occurred in Employment Area 4 since the 1990 Largo-Lottsford master plan was approved.

- "Environmental: None identified
- "Historic Resources: None identified
- "Transportation: Ritchie Marlboro/White House Road is an existing arterial (A-36). The nearest Metrorail facility is the Largo Town Center Metro Station.
- "Public Facilities: The master plan identified a proposed fire station in the southeast corner of the applicant property at the Ritchie Marlboro Road/White House Road intersection.
- "Parks & Trails: None identified
- "SMA/Zoning: The 1990 *Largo-Lottsford Master Plan/SMA* classified the property in the I-3 (Planned Industrial/Employment Park) Zone.

"PLANNING COMMENTS

"The only master plan issue raised by this application is its non-conformance with the land use recommendations of the 1990 Largo-Lottsford master plan. Unfortunately, the required 150-foot buffer and the limited amount of developable space at this location have apparently rendered Employment Area 4 an unattractive location for employment-related development. In addition, new single-family detached residences have been constructed immediately east of the applicant site. Finally, the 2007 approved Westphalia sector plan and sectional map amendment has recommended the development of a neighborhood center and additional low-density suburban residential uses south of Ritchie Marlboro Road opposite the applicant site.

"With respect to the applicant site's location, the master plan (page 70) contains guidelines that encourage setbacks, open space, berming, landscaping, and fencing to protect residential areas from any impacts associated with the proximity to major roadways and incompatible non-residential uses. Another guideline (page 70) encourages

residential structures to be designed in harmonious relationship to one another, to the terrain, and to be situated to create interesting spaces.

“Ritchie Marlboro Road is an arterial that carries a significant amount of commercial traffic. Because of the applicant property’s proximity to Ritchie Marlboro Road, the applicant should work with the Prince George’s County Department of Public Works & Transportation (DPW&T) to assess the feasibility of mitigating measures such as berming and enhanced landscaping.”

- I. **Conclusion:** The basic test considered in a contention of error is whether the legislative body made a basic and actual mistake when it adopted a comprehensive zoning map placing the property in its present zoning classification. Maryland courts have established that there is a strong presumption of correctness of original zoning and of comprehensive rezoning. To sustain a change in circumstances, a strong evidence of mistake must be produced

The change/mistake finding merely justifies consideration of rezoning but does not mandate rezoning. However, where a mistake in zoning exists, and the existing zoning deprives the owner of all economically viable use, the rezoning is mandated.

The applicant contends that placing the subject property in the I-3 Zone was a mistake because:

- The supporting components for a successful employment center (high density residential, retail, mixed use) are not available in the vicinity of the property
- The property is not transit serviceable
- It is more beneficial to locate residential areas along interchanges
- The impact of overzoning land for employment uses was not considered
- Compatibility issues with adjacent properties was not considered
- The recent rezonings to residential in the neighborhood shows that there is a substantial change in the character of the neighborhood
- The development constraints of the master plan limit the amount of developable space for the subject property.

Therefore, the proposed rezoning to residential uses is more appropriate.

The Board does not concur with the applicant’s position because:

- The subject property will achieve the objectives of the master plan for employment areas because it will provide employment opportunities for local residents.

- Transit serviceability of the subject property was not an issue with this employment area because it is intended to provide employment opportunities for local residents. This employment area was not intended to be a transit-oriented use.
- Proximity to major interchanges is more critical for employment uses compared to residential uses.
- The subject property meets the intent of the master plan to increase the employment base of the county. There is no overzoning of employment uses in this planning area.
- Compatibility of the employment uses for the subject property was not the intent of the master plan. The intent of the employment areas is not to provide compatible uses but to provide employment opportunities for local residents.
- Even with the development constraints set by the master plan, the property can be developed for employment uses.

While the Planning Board agrees with the neighborhood boundaries offered by the applicant, and the possible impact of recent rezonings on the subject property, the Board finds that the applicant has failed to demonstrate that the I-3 zoning for the subject property will not achieve the objectives for employment areas for this planning area. The applicant's argument also does not provide strong evidence that the property cannot be developed with employment uses. There is no strong evidence that the existing zoning will deprive the owner of all economically viable use of the property. There is no change in circumstances or evidence that the original zoning is a mistake. At best, the applicant presents arguments that suggest earlier master plan recommendations should be reconsidered. Absent strong evidence of change or mistake, the Board believes this land use decision should be made within the context of a comprehensive rezoning.

Based on the above, the Planning Board concludes that there is no mistake in the current Largo-Lottsford Master Plan Amendment and Sectional Map Amendment according to the above Section 27-157(a)(1) of the Zoning Ordinance and there has been no substantial change in the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be DENIED.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Cark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Cavitt and Parker voting in favor of the motion, and with Commissioner Squire temporarily absent at its regular meeting held on Thursday, November 15, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of December 2007.

Oscar S. Rodriguez
Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

OSR:FJG:JJ:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

Bernice Ross
M-NCPPC Legal Department

Date 12/6/07

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

**ZONING MAP AMENDMENT
A-9991/A-9992**

DECISION

Application:	I-3 to the R-55 (A-9991) and R-T (A-9992) Zones
Applicant:	Alexan Morning Star I and II/Ritchie Highway, LLC
Opposition:	None
Hearing Dates:	December 4, 2007
Hearing Examiner:	Maurene Epps Webb
Recommendation:	Approval with Conditions

NATURE OF REQUEST

(1) A-9991(Alexan Morning Star I) is a request to rezone approximately 5.99 acres of I-3 (Planned Industrial/Employment Park) zoned land to the R-55 (One-Family Detached Residential) Zone. A-9992 (Alexan Morning Star II) is a request to rezone approximately 10.67 acres of I-3 zoned land (that adjoins the property in A-9991) to the R-T (Townhouse) Zone. The subject property¹ is located on the north side of Ritchie Marlboro Road, west of White House Road and to the east of the Ritchie Marlboro interchange. The property is part of a larger, 54 acre tract owned by the Greater Morning Star Pentecostal Church, and identified as 1700 Ritchie Marlboro Road, Upper Marlboro, Maryland. (Exhibit 32(b))

(2) The Applicant is alleging that there was a mistake in the adoption of the 1990 Sectional Map Amendment ("SMA") for Largo-Lottsford when the District Council rezoned the property from the R-80 Zone to the I-3 Zone. Concomitantly, Applicant argues that there has been a change in the character of the neighborhood since the adoption of the Master Plan and SMA.

(3) The Technical Staff recommended disapproval of the Application. (Exhibit 11) The Planning Board also recommended that the Application be denied. (Exhibits 52(b) and (c))

(4) No one appeared in opposition to the request, and a few appeared in support thereof. At the close of the hearing, the record was left open to allow Applicant to submit the Planning Board resolutions and a revised affidavit. These items were received on January 3, 2008, and the record was closed at that time.

1 "Subject property" is defined herein to include the total acreage in the two Applications.

FINDINGS OF FACT

Subject Property

(1) The entire 54 acres is irregularly shaped due in part to the stream valley system that was set aside to be dedicated to the M-NCPPC Parks Department (and is now owned by M-NCPPC) (Exhibit 33; T. 17) As noted above, it is owned by the Greater Morning Star Church. The Church has two (2) accesses to the site - one from Sansbury Road to the west, and one from Ritchie Marlboro Road. (Exhibit 36)

(2) The subject property is undeveloped and has a relatively flat terrain. There are no streams, wetlands or 100-year floodplain on the subject property, nor are there any rare, threatened or endangered species found therein or on adjoining lands. Ritchie Marlboro and White House Roads are master plan arterial roadways and will be a source of traffic-generated noise.

Neighborhood and Surrounding Properties

(3) The property is surrounded by the following uses:

- North – R-O-S zoned acreage owned by M-NCPPC
- South – Ritchie Marlboro Road and land governed by the Westphalia Sector Plan
- East – Heritage Glen single-family subdivision in the R-80 Zone
- West – R-O-S zoned acreage owned by M-NCPPC

(4) The neighborhood of the subject property proffered by Staff has the following boundaries:

- North – Central Avenue (MD 214)
- South – Ritchie Marlboro Road and White House Road
- East – Largo Road (MD 202)
- West – Capital Beltway

(5) Applicant's neighborhood is slightly larger than that proffered by Staff. It is outlined in greenish-yellow on Exhibit 36, and is approximately 3.99 square miles in size. (Exhibits 52(b) and (c)) Its boundaries are:

- North – Southwest Branch
- South – Westphalia Road/Turkey Branch
- East – Brown Station Road
- West – Capital Beltway

Applicant's neighborhood includes area governed by the Westphalia Sector Plan to the south of Ritchie Marlboro Road since one is "visually oriented to both sides of the road" when approaching the subject property. (Exhibits 37 and 38; T. 19) I agree that the properties south of Ritchie Marlboro Road should be included. Therefore, I would define the neighborhood as

Central Avenue to the north; properties fronting on both sides of Ritchie Marlboro/White House Roads to the south; Largo Road to the east; and, the Capital Beltway to the west.

Master Plan/Sectional Map Amendment

(6) The subject property lies within Planning Area 73, Largo Community, Neighborhood B as described in the 1990 Largo-Lottsford Master Plan. This Master Plan included four (4) planned employment areas with an estimated "total of over 12 million square feet [for] office, research and development, light assembly, and limited warehousing..." (Master Plan for Largo-Lottsford, p. 84) The Master Plan initially considered residential zoning of the property. At a hearing on the Master Plan a former owner of the site requested that it be rezoned to the I-3, rather than the R-80 Zone, and a representative of the Kettering Civic Foundation argued it should remain in the R-80 Zone. (Exhibit 42) The approved Plan classified the property as part of Employment Area 4 and recommended office and commercial uses on the site:

Employment Area 4

The area, in the northeast quadrant of the I-95/Ritchie Road interchange, is planned for industrial park/business campus use. Because of the proximity of this employment area to existing and proposed residential areas, special attention is necessary during the design process (M-NCPPC parkland provides a buffer to the north.) In order to minimize impacts on nearby residential properties and the transportation system, the following policies should guide site design:

- Sole access to the property should be opposite Ritchie Road.
- Along the eastern boundary, buildings shall not exceed the height limit of the adjacent residential zone, unless a determination is made by the Planning Board that mitigating factors such as setbacks, topography and vegetation are sufficient to buffer the views from adjacent residential lands.
- A minimum 150-foot building setback shall be required along the eastern boundary. In addition, development or use of the subject property shall be substantially buffered from residential uses by maintaining existing vegetation, where appropriate, and by the use of other buffers and screening techniques, such as fences, walls, berms and landscaping.

(1990 Master Plan for Largo-Lottsford, p. 90)

(7) The 1990 Master Plan also provided a development policy for residential development within Neighborhood B:

Development of the area south of the PEPCO powerline in Neighborhoods B and C should be compatible with the existing single-family detached development to the north. Lot sizes should not be significantly smaller. Therefore, cluster development should not be used and individual lot sizes should be no smaller than the standard size (9,500 square feet) in the R-80 Zone. If a Comprehensive Design Zone alternative is utilized, the majority of housing units should be single-family detached; attached units should occupy no more than one-third of the land area of any development. These attached units should be buffered from the single-family detached area.

(1990 Master Plan for Largo-Lottsford, p. 69)

(8) The subject property lies within the Developing Tier, discussed in the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities, distinct commercial centers, and employment centers that are increasingly transit serviceable.

(9) In 2007, the District Council adopted the Westphalia Sector Plan and Sectional Map Amendment which covers approximately 6,000 acres just to the south of the subject property. This Master Plan placed properties to the south of Ritchie Road (directly across the street from the subject properties) in the M-X-T Zone. (CR-2-2007)

Applicant's Request

(10) Greater Morning Star Church acquired the site in 1996. (T. 7) Although the church only needed approximately 25 acres to construct its main sanctuary and auxiliary uses, it purchased 54 acres in order to control what was developed around the church. (Exhibit 35; T. 10-11) Applicant seeks to rezone the property to the R-55 (A-9991) and R-T (A-9992) Zones.

(11) Applicant's witness, managing director of Trammell Crow Residential, testified that Applicant met with the various community associations in the area and investigated different options for development of the site. Applicant concluded that the site was too small to be viable as a commercial use and that a residential development would be best. (T. 85-86) If the requests are approved Applicant will construct 22 single family dwelling units on the R-55 zoned acreage and 62 Metropolitan Dwelling Units on the R-T zoned acreage. (T. 60) It was determined that the single family homes would be the transitional use next to the Heritage Glen residential development to the east, and the more dense Metropolitan Dwelling Units would be placed closer to the Beltway interchange to the west. Applicant submitted renderings of its proposed development. (Exhibits 48 - 50)

(12) Applicant alleges that the District Council made a mistake in the SMA when it rezoned the property to the I-3 Zone, and that there has been a substantial change in the character of the neighborhood since the rezoning that requires approval of the instant requests.

Mistake

(13) Applicant's witness, accepted as an expert in the area of land use planning, explained that the preliminary goals, concepts and guidelines for the 1990 Largo-Lottsford Master Plan noted that there was a potential of 7.5 million square feet of office/employment space within the planning area and that there was a concern that additional employment areas could negatively impact developing and undeveloped employment/office areas. (Exhibit 40; T. 26-27) As a result, the preliminary Largo-Lottsford Master Plan recommended continuing residential use of the subject property. (T. 27-29) However, (as noted above), the property was rezoned to the I-3 Zone at the request of the prior owner. Applicant believes that in hindsight it was a mistake to include over 12 million square feet of land zoned for employment uses in the Master Plan, since that level of development did not come to fruition, and since the District Council has rezoned some properties that were formerly in Employment Areas 1-3 from the I-3 Zone to the R-T (A-9890), R-M (A-9896) and M-X-T (A-9956) Zones:

[W]e believe ... that the initial premises of a legislative body with respect to the subject property were incorrect. And the classification assigned at the time of the rezoning was improper. And the premises were incorrect, where that capitalizing on the Beltway location was not a good premise, as the site has not developed in the I-3 zone, even though it's been in that zone for the past 17 years. And the premise that the employment area would work as an industrial park because of its location at the interchange was even in question at that time, as evidenced by staff's continued recommendation to retain the R-80, and by District Council taking it back to public hearing.... And because they had to add specific design guidelines to employment areas, design guidelines were not added and are not typical of master plans in general. So, the specific design guidelines were added. So, the premise that this location work[s] as an employment area with the design guidelines imposed was incorrect....

Now, a mistake can also be demonstrated by showing evidence of events occurring subsequent to the time that the comprehensive rezoning, which showed the legislative body's assumptions and the premises, proved invalid with the passage of time. One of the assumptions was that over 12 million square feet of land for employment uses over the life of the master plan would be required. And that has proven to be invalid with the passage of time. And this is evidenced by the lack of development in employment area four over the 15 years² before the church bought the property, and other rezonings that have occurred within employment areas one through three of the master plan.

(T. 37-38)

(14) Ms. Ryan also explained that the District Council had made a similar mistake with property to the south of Ritchie Marlboro Road, governed by the 1994 Melwood-Westphalia Master Plan. 25 acres on the south side of Ritchie Marlboro Road, east of the Capital Beltway (near the interchange), was zoned to permit a Light/Industrial/Office/Business Park use and a small commercial center to serve it. (1994 Melwood-Westphalia Master Plan, p. 188) However, this use failed to materialize and the "mistake" was corrected in the 2007 Westphalia Sector Plan and Sectional Map Amendment.

(15) Applicant also argues that it was a mistake to have placed the property in Employment Area 4 since a successful employment center requires supporting retail, restaurants, high density residential and mixed-use development – items sorely lacking in the adjacent area. Pursuant to the General Plan, employment areas are also intended to be transit serviceable. There is no transit station in the immediate area and the minimum density required to support a street bus service is six (6) to eight (8) units per acre. (T. 71)

Change

(16) Directly across Ritchie Marlboro Road to the south is an area governed by the 2007 Westphalia Sector Plan, and to the east of that is land recommended as a future high school location. (Exhibit 39; T. 24-25) The District Council rezoned the property to allow for a Gateway and M-X-T zoning. (2007 Westphalia Sector Plan and Sectional Map Amendment,

² It is unclear whether this witness misspoke or the Church's pastor since the latter stated that the Church purchased the property in 1996. In either event, the property has not developed as an employment park despite the Master Plan's recommendation for such use.

p. 70; CR-2-2007, pp. 16 and 17) Applicant believes these are significant changes in the character of the neighborhood. (T. 53-60)

(17) Applicant also argues that the construction of the church on the remainder of the 54 acre parcel, while permitted in the Zone, reduced the amount of land available for an employment park, and is, therefore, a change in the character of the neighborhood since the adoption of the Master Plan. (T. 52-56)

Agency Comment

(18) The State Highway Administration reviewed the Applications and noted "no objection to the rezoning as presented." (Exhibit 27)

(19) The Historic Preservation and Public Facilities Planning Section noted that the fire and rescue services will be adequate to serve the residences if the Application is approved since Kentland II Company 46 can respond within the required seven (7) minute response time. Similarly, police services should be adequate since the Guidelines note that 116,398 square feet of space is needed for police facilities and the current amount available is 267,660. Finally, school facilities should be adequate since a school surcharge must be paid at the time of issuance of each building permit.

(20) The Transportation Planning Section found that the request would reduce the number of peak hour vehicular trips by 41 during the AM peak hours and 39 during the PM peak hours. It concluded that the request "would have no impact on the existing transportation facilities in the area of the subject property." The Senior Trails Planner of this Section explained that although there are no master plan trails required by the Largo-Lottsford Master Plan at the site, the Westphalia Sector Plan (applicable to properties across Ritchie Marlboro Road) recommends a trail and an eight-foot wide sidewalk has been implemented along the south side of Ritchie Marlboro Road. A trail was also included in the Presidential Heights subdivision to the east. The Planner, therefore, recommends that any approval include recommendations that Applicant provide standard sidewalks on both sides of all internal roads and along the site's entire frontage on Ritchie Marlboro Road, unless the recommendation is modified by the Department of Public Works and Transportation.

(21) The Community Planning Division stated that the request did not conform to the Master Plan's recommendations. However, it also noted that "the required 150-foot buffer and the limited amount of developable space at this location have apparently rendered Employment Area 4 an unattractive location for employment-related development." (Exhibit 23)

(22) The Technical Staff ultimately recommended that the Application be denied, reasoning as follows:

Staff does not concur with the applicant's position. The Master Plan specifically recommends the subject property to be designated as Employment Area 4. Industrial park/business campus uses are planned for this area. . . . The applicant contends that the supporting components for a successful employment center (high-density residential, retail, mixed use) are not available in the vicinity of the property and the property is not transit serviceable. The intent of the master plan is to provide employment opportunities

for local residents. Transit serviceability of the subject property is not an issue with this employment area because it is intended to provide employment opportunities for local residents. This employment area was not intended to be a transit-oriented use.

The applicant contends that it is more beneficial to locate residential areas along interchanges. Staff contends that employment areas are also beneficial along interchanges because they provide employment opportunities that are easily accessible for local and county residents.

The applicant contends that the master plan failed to take into account the impact of overzoning land for industrial/employment uses in the planning area. Staff disagrees. The I-3 Zone is not an industrial zone but a planned employment park. The intent of the master plan is to provide employment areas at appropriate locations within the planning areas that are easily accessible to local county residents. The subject property meets the intent of the master plan. The intent of the master plan is to increase the employment base of the county. Staff does not agree that there is an overzoning of employment uses in this planning area. ...

The intent of the I-3 designation for the subject property is to provide employment opportunities that will serve the surrounding residential development. Staff is aware that rezoning have been granted for other properties. However, these were granted for properties that are not in the neighborhood of the subject property. Staff does not agree with the applicant's boundaries for the neighborhood. Rezoning granted in another neighborhood to correct a mistake in that Master Plan is not a justification for granting a rezoning in the neighborhood of the subject property. ...

The applicant contends that there is a sufficient evidence of substantial change in the character of the neighborhood to support a rezoning. The applicant has included the land to the south of Ritchie Marlboro Road which is within the Westphalia neighborhood as part of the neighborhood for this property. Staff does not agree with the boundaries set by the applicant. From a planning standpoint, a neighborhood is part of a larger community, and it is usually defined by major roads or natural features that separate it from other areas. The boundaries, in our opinion, are too large and encompass several subdivisions and communities. In addition, the land to the south of Ritchie Marlboro Road is not a part of the same Planning Area. It is included in the Westphalia Sector Plan and Sectional Map Amendment. The zoning changes in the Westphalia neighborhood cannot be considered to be zoning changes in the subject property's neighborhood. ...

The applicant contends that the area of the subject property (16.6 acres) does not meet the minimum 25-acre area requirement of the Zoning Ordinance for the development of a planned industrial/employment park. There is no requirement for a minimum 25 acres via an SMA. Although the subject property does not meet the minimum area requirements for an employment park, it can be combined with the other I-3 zoned property to the west to have a minimum area of 25 acres. . . The area of the property exceeds the minimum net lot area requirements of the I-3 Zone (87,120 square feet)....

The applicant has failed to demonstrate that the I-3 zoning for the subject property will not achieve the objectives for employment areas for this planning area. The applicant's argument also does not provide strong evidence that the property cannot be developed with employment uses. There is no strong evidence that the existing zoning will deprive the owner of all economically viable use of the property. There is no change in circumstances or evidence that the original zoning is a mistake. At best, the applicant presents arguments that suggest earlier master plan recommendations should be reconsidered. Absent strong evidence of change or mistake, staff believes this land use decision should be made within the context of a comprehensive rezoning....

(Exhibit 11, pp. 6-7 and 12)

(23) The Planning Board also recommended that both applications be denied, for the same reasons provided by the Technical Staff. (Exhibits (b) and (c))

LAW APPLICABLE

(1) The R-55 and R-T Zones are conventional zones as defined in the Zoning Ordinance and must be approved in accordance with the strictures of Section 27-157(a). This provision of law provides, in pertinent part, as follows:

Sec. 27-157. Map Amendment approval.

(a) Change/Mistake rule.

- (1) No application shall be granted without the applicant proving that either:
- (A) There has been a substantial change in the character of the neighborhood; or
 - (B) Either:
 - (i) There was a mistake in the original zoning for property which has never been the subject of an adopted Sectional Map Amendment; or
 - (ii) There was a mistake in the current Sectional Map Amendment.

(b) 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 the Council 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 these 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 zone remains in effect on the property (unless amended by the Council).
- (5) If conditions are imposed, the applicant shall have ninety (90) days from the date of approval to accept or reject the rezoning as conditionally approved. He shall advise (in writing) the Council, accordingly. If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance and approving the Map Amendment, at which time the Council's action shall be final. Failure to advise the Council shall be considered a rejection of the conditions. Rejection shall void the Map Amendment and revert the property to its prior zoning classification. The Council shall enter an order acknowledging the rejection, voiding its previous decision, and reverting the property to its prior zoning classification, at which time the Council's action shall be final.
- (6) All Zoning Map Amendments which are approved subject to conditions shall be shown on the Zoning Map with the letter "C" after the application number.

* * * *

(2) The District Council enacted a ban on applications to rezone to the R-T Zone "unless the proposed development on the property to be rezoned to R-T will consist of one-family attached metropolitan dwelling units." (Prince George's County Zoning Ordinance, Section 27-143) Metropolitan Dwelling Units are defined as a building containing four (4) or more dwelling units that are used as one-family dwellings, located side by side on abutting lots and entirely separated from each other by a solid wall extending from the lowest floor to the roof. (Prince George's County Code, Section 27-107.01(a)(74.1)) If approved, Applicant must satisfy the regulations set forth in CB-33-2005 concerning Metropolitan Dwelling Units.

Mistake

(3) There is a presumption of validity accorded comprehensive rezoning and the presumption is that at the time of its adoption the District Council considered all of the relevant facts and circumstances, then existing, concerning the land in question. Howard County v. Dorsey, 292 Md. 351, 438 A.2d 1339 (1982). *Strong* evidence of mistake is required to overcome the presumption. Pattey v. Board of County Commissioners for Worcester County, 271 Md. 352, 317 A. 2d 142 (1974); Clayman v. Prince George's County, 266 Md. 409 (1971) Mistake or error can be shown in one of two ways: (a) a showing that at the time of the comprehensive rezoning the District Council failed to take into account then existing facts or reasonably foreseeable projects or trends; or (b) a showing that events that have occurred since the comprehensive zoning have proven that the District Council's initial premises were incorrect. The mistake must have occurred in the rezoning and not in the Master Plan. Dorsey, supra.

Change

(4) Applicant must show a substantial change in the character of the "neighborhood" to justify the instant request. The first step in the analysis is to establish the "neighborhood" of the subject property. As noted by the Court of Appeals in Border v. Grooms, 267 Md. 100, 109-110(1972): "the concept of a neighborhood is a flexible one and will vary according to the geographical location involved [and]... while that which reasonable constitutes the neighborhood of the subject property need not be precisely and rigidly defined, it must be shown to comprise an area reasonably within its 'immediate environs....' " [Citations omitted]

(5) The zoning agency may review cumulative changes in the neighborhood since the prior rezoning when assessing whether a zoning amendment request should be granted. Town of Somerset v. County Council for Montgomery, 229 Md. 42, 181 A. 2d 671(1962); Montgomery County v. Greater Colesville Citizens Assn., 170 Md. App. 374, 521 A.2d 770 (1987). Some cumulative changes that may be indicative of substantial change in the character of the neighborhood are road upgrades, prior rezonings, new and modified infrastructures, and new development. Bowman Group v. Moser, 112 Md. App. 694, 686 A.2d 643 (1996); Pattey, supra. The zoning agency may also consider projects "reasonably probable of fruition in the foreseeable future." Jobar Corp. v. Rodgers Forge Community Ass'n., Inc., 236 Md. 106, 112 (1964) It is clear, however, that the change cannot be something anticipated at the time of the adoption of the SMA, and must occur in the immediate neighborhood and be of such a nature as to have affected its character.

Burden of Proof

(6) The burden of proof in any zoning case shall be the Applicant's. (Prince George's County Code, Section 27-142(a)) Zoning cases are those matters designated to be heard before the Zoning Hearing Examiner by the Zoning Ordinance of Prince George's County. (Section 27-107.01(a)(266)). In an attempt to rezone its property, Applicant has the burden of proving that the request will not be a real detriment to the public. Bowman, supra. Finally, sufficient evidence to "permit" a rezoning does not "require" a rezoning unless an Applicant is denied all reasonable use of the property. Valenzia v. Zoning Board, 270 Md. 479, 484, 312 A.2d 277 (1973); Messenger v. Board of County Commissioners, 259 Md. 693, 271 A.2d 166, 171 (1970).

CONCLUSIONS OF LAW

(1) I agree with Applicant that the "neighborhood" in a rezoning application can and should include property across the street even if that property lies within a different planning area. However, I do not believe there to have been sufficient change in the character of the neighborhood to justify approval of the instant requests. The location of a school in the area of an employment park is not, per se, an incompatible use. Similarly, the rezoning from a Euclidean residential zone to the M-X-T Zone (with a residential component) is not a substantial change. Finally, the fact that a church has since located on the property recommended for employment use would not be considered a substantial change since "the location in a ... zone of improvements of a character permitted by the ordinance ... is not the type of change in character of a neighborhood which will justify reclassification." Heller v. Prince George's County, 264 Md. 410, 417 (1972), citing France v. Shapiro, 248 Md. 335, 343 (1968).

(2) I would agree that a mistake in the Master Plan is usually confined to property within the neighborhood at issue. However, where the alleged mistake involves a general policy of the Master Plan (as alleged herein), it is proper to review the effect of the policy throughout the planning area. Thus, in reviewing the policy concerning employment uses in the Largo-Lottsford Master Plan, I believe Applicant has shown that it was a mistake for the District Council to have placed the subject property in the I-3 Zone for development as an employment park since: (a) employment uses have, for the most part, failed to materialize in the designated areas; and, (b) the required 150-foot buffer imposed on Employment Area 4 and limited amount of developable space make it unlikely to occur at the subject site.

RECOMMENDATION

Approval of A-9991 and A-9992, with the following conditions:

1. A new Forest Stand Delineation, in accordance with the Prince George's Woodland Conservation and Tree Preservation Technical Manual, shall be required at the time of subdivision.
2. A new Tree Conservation Plan must be submitted to M-NCPPC prior to subdivision approval.
3. The unmitigated 65 dBA (Ldn) ground level and second-story noise contours associated with the proposed arterial roads shall be shown on any preliminary plan and Type I Tree Conservation Plan.
4. Since the site is located to the north of the planned northern gateway of the Westphalia Community and to the west of an existing residential development, a Detailed Site Plan shall be required for the single-family development as well as the Metropolitan Dwelling Units to insure that the design and site arrangement will be harmonious with the surrounding development.
5. Applicant shall provide standard sidewalks on both sides of all internal roads and along the site's entire frontage on Ritchie Marlboro Road, unless this requirement is modified by the Department of Public Works and Transportation.



PGCPB No. 97-224

File No. SP-96073

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 24, 1997, regarding Conceptual Site Plan SP-96073 for Greenwood Manor, the Planning Board finds:

1. The site for Greenwood Manor is located at the northeast quadrant of the intersection of the Capital Beltway (I-495) and Ritchie Marlboro Road, and was rezoned by the 1990 Largo-Lottsford Sectional Map Amendment from the R-80 Zone to the I-3 Zone. Before the rezoning, the site had approval of a Cluster Development Plan. Although no homes were ever built, the site has been improved with water and sewer lines, and platted streets to residential standards. Directly to the north of the subject property is a park property (Parcel A- L.6230/F.642) that was dedicated to M-NCPPC when the site was approved for residential development. The park is primarily wooded floodplain. Access to the park property was via the residential streets. The park now serves as a buffer between the future development of the site and the existing residential development to the north. To the east of the subject property is vacant R-80 zoned land.
2. The subject application is for three lots. Lot 1 is to be developed by The Greater Morning Star Church and consists of approximately 56.2 acres. Lots 2 and 3 are to be developed by others and consist of approximately 2.0 and 9.6 acres, respectively. Access to the site is from two locations. Access at the eastern side of the site will align with the new intersection of White House Road and Ritchie Marlboro Road. The second access point is directly across from Sansbury Road and will be a right-in/right-out only. The location of the second access point has been determined by the SHA, as it will be impacted by the location of the future interchange with the Capital Beltway. As a result, the SHA has denied access for Lots 2 & 3 to Ritchie Marlboro Road. Access for Lots 2 & 3 will have to be via an access easement to an internal street system in accordance with Section 24-128(b)(9) of the Subdivision Regulations which states, "Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle 27, in order to provide vehicular access, when deemed appropriate by the Planning Board." Prior to Preliminary Plan approval, it should be determined whether an access easement is appropriate for Lots 2 & 3, or if a public right-of-way terminating in a cul-de-sac would be more appropriate at the entrance across from Sansbury Road. Even with this configuration, an access easement would be required for Lot 3.

3. The Natural Resources Division (NRD) has reviewed the Conceptual Site Plan and offers the following comments:

Woodland Conservation and Tree Preservation

Although the site contains a very small amount of woodland, it totals more than 10,000 square feet. The site is therefore subject to the Prince George's County Woodland Conservation Ordinance. However, the applicant proposes no woodland clearing at this time and a conditional exemption, #E-118-96, was issued to that effect. If development plans change to include more than 5,000 square feet of woodland disturbance over the next five years, a Tree Conservation Plan would be required. The Natural Resources Division (NRD) will review the limit of disturbance carefully with each detailed site plan or permit application.

Soils/Slopes

According to the Prince George's County Soil Survey, there are Adelphia, Collington and Sandy Land soils across the site. The Adelphia soils may pose problems with drainage as they can exhibit a high water table and flooding conditions.

According to previous maps and the soil survey, there was one small area of steep slopes, a knoll of highway erodible Sandy Land Soil, in the southeast corner of the property. However, what is actually left of this area is almost entirely within a previously dedicated County road right-of-way, and no soils evaluation will be required.

NRD finds no other environmental issues with the proposal at this time. There are no streams, wetlands nor floodplain within the Greenwood Manor site.

4. The Transportation and Public Facilities Planning Division has reviewed the Conceptual Site Plan application. The subject property consists of approximately 67.57 acres of land in the I-3 Zone. The property is at the northeast corner of I-95 (the Capital Beltway) and Ritchie Marlboro Road. The applicant requests development in accordance with the I-3 zoning. There are no specific transportation-related findings that are required at the time of review of the I-3 zone. The transportation staff's review, therefore, will consist of a review of access, circulation and Master Plan conformity issues.

Review Comments

The primary issue regarding the development of this site concerns the planned I-95/Ritchie Marlboro Road interchange. The State Highway Administration (SHA) has completed the design of this project; it is awaiting funding for right-of-way acquisition and construction. The SHA has provided the transportation staff with an indication of the required right-of-way and easements needed to construct this interchange. A black-and-

white copy of this mark-up of the existing plats is attached; we have also attached the site plan with the mark-up noted in red. The Conceptual Site Plan should conform to the SHA's design plan for this interchange. The site plan, as submitted, shows parking on proposed lots 1, 2, 3 and 10 within the proposed right-of-way.

While we largely concur with the access and circulation plan shown on the Conceptual Site Plan, we note that the plan shows direct access from Ritchie Marlboro Road to the buildings on Lots 10 and 11/18. Both of these access points are between Sansbury Road, where the initial median break east of the interchange will be located, and the eastern ramp junction. The transportation staff does not believe access at this location is desirable, and it is probably not necessary. The applicant should revise the plan accordingly to serve these lots with primary access from the internal street system. Any access from Ritchie Marlboro Road should be secondary and should have the concurrence of SHA.

The transportation staff believes that the subject application will meet the requirements of the Zoning Ordinance for a Conceptual Site Plan in the I-3 zone if it is modified to conform to the planned right-of-way requirements for the Ritchie Marlboro Road interchange. Also, the plan should be modified to provide primary access to the development on Lots 10 and 11/18 from the internal streets rather than from Ritchie Marlboro Road.

We note here that it appears that the property must be resubdivided in order to be developed under the I-3 zone. Approval of the subdivision plan will require a new finding concerning the adequacy of transportation facilities, which will in turn require a traffic study submission for staff review.

5. The Community Planning Division has reviewed the subject application and offers the following comments:

The 1990 Largo-Lottsford Master Plan recommends Employment use for the subject property. The Plan map also shows a symbol for a fire station on the southeast corner of the property as well as an improvement of White House Road/Ritchie Marlboro Road to arterial status. The Plan also shows an interchange with Ritchie-Marlboro Road and the Capital Beltway.

The Plan text makes the following recommendations concerning the subject property (p. 90):

"...Because of the proximity of this employment area to existing and proposed residential areas, special attention is necessary during the design process (M-NCPPC parkland provides a buffer to the north.) In order to minimize impacts on nearby residential properties and the transportation system, the following policies should guide site design:

- Sole access to the property should be opposite Ritchie Road.

- Along the eastern boundary, buildings shall not exceed the height limit of the adjacent residential zone, unless a determination is made by the Planning Board that mitigating factors such as setbacks, topography and vegetation are sufficient to buffer the views from adjacent residential lands.
- A minimum 150-foot building setback shall be required along the eastern boundary. In addition, development or use of the subject property shall be substantially buffered from residential uses by maintaining existing vegetation, where appropriate, and by the use of other buffers and screening techniques, such as fences, walls, berms and landscaping.”

6. The Park Planning and Development Division (PP&D) has reviewed the Conceptual Site Plan. PP&D has two concerns. The first concern is access to the adjoining park parcel. The second concern is the proximity of planned paving to existing park property.

During the initial subdivision of the subject property, access to the adjacent parkland was proposed via a platted public roadway. As part of the abandonment of this subdivision, the Department of Parks and Recreation was contacted. PP&D has no problem with the abandonment, provided alternative public access to the park is provided. The subject site plan does not propose new public access to the parkland. PP&D recommends that the applicant be required to provide a 30-foot-wide easement to provide access to the park or other suitable access at a location acceptable to PP&D prior to the approval of a Preliminary Plat of Subdivision.

PP&D is also concerned about the proximity of the proposed parking lot to park property. In one location, a large parking area is planned approximately 10 feet from existing parkland. PP&D recommends that a minimum buffer of 25 feet be provided between parking areas and existing parkland.

In a phone conversation with the Urban Design staff, a citizen indicated that the community is opposed to a separate access easement to the park. The citizens complained that other roads in the area have been used as a dumping grounds and are concerned that the access could be used to dump trash in the park property.

7. The Conceptual Site Plan is in conformance with the requirements of Section 27-471 for the I-3 Zone and Section 27-474, Regulations for the I-3 Zone in terms of the required net lot area and lot frontage for each lot.
8. The Conceptual Site Plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

9. The site has an approved Stormwater Management Plan, # 968010300, approved on February 3, 1997.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan for the above-described land, subject to the following conditions:

1. Prior to the approval of the Preliminary Plat of Subdivision, the applicant, his heirs, successors and/or assigns shall provide a 30-foot-wide access easement, or other suitable access at a location acceptable to PP&D for access to the park property.
2. Prior to Preliminary Plan approval, it should be determined whether an access easement is appropriate for Lots 2 & 3, or if a public right-of-way terminating in a cul-de-sac would be more appropriate at the entrance across from Sansbury Road.
3. At the time of Detailed Site Plan review, special attention shall be paid to the following:
 - a. Along the eastern boundary, buildings shall not exceed the height limit of the adjacent residential zone, unless a determination is made by the Planning Board that mitigating factors such as setbacks, topography and vegetation are sufficient to buffer the views from adjacent residential lands.
 - b. A minimum 150-foot building setback shall be required along the eastern boundary. In addition, development or use of the subject property shall be substantially buffered from residential uses by maintaining existing vegetation, where appropriate, and by the use of other buffers and screening techniques, such as fences, walls, berms and landscaping."
4. Prior to certification, the Conceptual Site Plan shall be revised as follows:
 - a. A note shall be added to the plan which states that "Direct vehicular access to Ritchie Marlboro Road from Lots 2 and 3 is denied pursuant to SHA and DPW&T determination."
 - b. Access for Lot 3 shall be shown from an internal street that has access to Ritchie Marlboro Road.
5. At Detailed Site Plan, consideration will be given to maintaining a minimum of 25 feet between all parking bays and existing parkland.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on

PGCPB No. 97-224
File No. SP-96073
Page 6

the motion of Commissioner Dabney, seconded by Commissioner Boone, with Commissioners Dabney, Boone, Brown and Hewlett voting in favor of the motion, and with Commissioner McNeill absent, at its regular meeting held on Thursday, July 24, 1997, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of September 1997.

Trudye Morgan Johnson
Executive Director

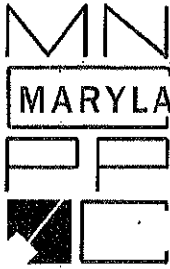
Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:GAW:ldg

APPROVED AS TO LEGAL SUFFICIENCY

D. R. C.
M-NCPPC Legal Department
9/7/97

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

Countywide Planning Division
Historic Preservation Section

301-952-3650

January 18, 2019

MEMORANDUM

TO: Thomas Burke, Urban Design Section, Development Review Division

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

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS*

SUBJECT: **CSP-96073-01: Greater Morning Star Apostolic Church & The Venue**

Findings

1. The subject property comprises 54 acres located on the north side of Ritchie-Marlboro Road, approximately 750 feet east of its intersection with I-95, the Capital Beltway in Upper Marlboro. The subject application proposes 200-250 townhouses, streets, landscaping and stormwater management next to an existing church. The subject property is Zoned I-3, R-55, and R-T.
2. Several prehistoric archeology sites have been identified along a tributary of the Southwest Branch to the west of the subject property. The 1860 Martenet map indicates there was a house on the subject property at that date. The 1878 Hopkins map shows several houses under the ownership of Philip Hill were located on the subject property at that date. Sprigg O. Beall obtained 147 acres of land under his father's will and occupied the subject property from about the time of his marriage in 1881 until his death in 1905. His widow, Sarah I. Beall, continued to reside on the subject property until her death in 1941. A farm complex is visible on the property in the 1938 aerial photographs.
3. The subject property is currently occupied by a church building, ca. 2007, a large parking lot, and a stormwater management pond. The existing development on the subject property was approved through Preliminary Plan 4-97107, approved by the Planning Board on January 22, 1998. A large portion of the subject property has been graded. However, there is an area to the north and northeast of the church building that does not appear to have been graded. The former house site lies in a wooded area to the northeast of the church that the subject Conceptual Site Plan (CSP) indicates will be used for a future church facility or parking.
4. Portions of the subject property were previously graded in the southeastern corner, in the southwest where the existing stormwater management pond is located and where the current church and parking lot are located.

Conclusions

1. Because of the proximity of the subject property to a tributary of the Southwest Branch and the recordation of several prehistoric archeological sites next to that tributary, there is a high probability that additional prehistoric sites may be identified on the subject property.
2. Historic maps indicate the subject property was occupied in the historic period by members of the Hill and Beall families. Remains of the farmstead visible in historic aerial photographs appear to have not been disturbed. This site could provide information on the transition from slavery to freedom on this plantation.
3. The subject application does not propose any disturbance in the areas of the property that have the potential to contain archeological resources. Any future plans that propose grading or ground disturbance in the areas shown on the TCPI as "Area F" or any of the non-disturbed areas along the streams shall be subject to archeological investigations.
4. In accordance with the Planning Board's directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American people. Archeological investigations were not recommended through the prior preliminary plan because the archeological regulations were not approved until November 2006.

Recommendation

Historic Preservation staff recommends approval of CSP-96073-01 with the following conditions:

1. Prior to acceptance of the Preliminary Plan, Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), are required on the above-referenced property to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is requested prior to approval.
2. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to the acceptance of any detailed site plan, ground disturbance or the approval of any grading permits, the applicant shall provide a plan for:
 - i.) Evaluating the resource at the Phase II level, or
 - ii.) Avoiding and preserving the resource in place.

3. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.
4. Depending upon the significance of findings (at Phase I, II, or III level), the applicant shall provide interpretive signage. The location and wording should be subject to approval by the staff archeologist prior to the issuance of any building permits.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Community Planning Division


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301-952-3972

January 23, 2019

MEMORANDUM

TO: Henry Zhang, AICPLEED-AP, Urban Design Section, Development Review Division

VIA: Scott Rowe, AICP, CNU-A, Supervisor, Long Range Section, Community Planning Division ^{BSR}
David A. Green, Master Planner, Community Planning Division 

FROM: Chidy Umeozulu, Planner Coordinator, Neighborhood Revitalization Section, Community Planning Division 

SUBJECT: **CSP-96073-01, Greater Morning Star Apostolic Church and The Venue**

FINDINGS:

Pursuant to Part 3, Division 9, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Conceptual Site Plan outside of an overlay zone.

Location: North side of Ritchie-Marlboro Road, approximately 750 feet east of the I-95 (Capital Beltway) northbound ramp.

Size: 54 acres

Existing Uses: Church and portion of undeveloped land

Proposal: 200 to 250 townhouse lots on 14 acres of church property with associated streets, sidewalks and stormwater management facilities

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in the Established Communities. The vision for the Established Communities is context sensitive infill and low- to medium-density development.

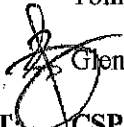

Master Plan: The 1990 *Approved Largo-Lottsford Master Plan Amendment* recommends Employment land use on the subject property.

Planning Area: 73

Community: Largo

January 15, 2019

MEMORANDUM

TO: Ivy Thompson, Urban Design Section, Development Review Division
VIA: ^{TM: 98} Tom Masog, Transportation Section, Countywide Planning Division
FROM:  Glen Burton, Transportation Section, Countywide Planning Division
SUBJECT:  **CSP-96073-01: Greater Morning Star & The Venue**

The Transportation Planning Section has reviewed the Conceptual Site Plan (CSP) for the above-referenced property. The 14.8-acre property is located on the north side of Ritchie Marlboro Road, approximately 1,000 feet east of the Capital Beltway (I-95/I-495). The subject application proposes the development of 200-250 townhouse units. The property represents three zoning categories; R-T (8.19 acres), R-55 (6.2 acres) and I-3 (0.41 acre).

The proposed development consist of approximately 14.8 acres, which is part of a larger 54-acre property, and is owned by the Greater Morning Star Pentacostal Church. The church is currently served by two parallel access roads which intersect with Ritchie Marlboro Road as signalized intersections. The application is proposing the upgrading of the eastern access drives to a public street (McCarthy Drive), terminating as a cul de sac. From this public street, three private roads are being proposed, and will serve as the access for all of the proposed units. Staff is recommending that a second point of access should be provided from the proposed site, directly to the existing access road to the west.

The subject property fronts on Ritchie Marlboro Road, a county-owned master planned arterial road (A-36). Along the property's frontage, A-36 is currently built to its ultimate masterplan cross-section. Consequently, no further widening is anticipated, and therefore no additional right-of-way will be required.

In accordance with Section 27-276(b)(1), a Conceptual Site Plan may be approved if the plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. No traffic study or adequacy-related findings are required by Subtitle 27. Therefore, from the standpoint of transportation, it is determined the finding in Section 27-276(b)(1) can be made.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

(301) 952-3680
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January 11, 2019

MEMORANDUM

TO: Henry Zhang, Development Review Division

FROM: Fred Shaffer, Transportation Planning Section, Countywide Planning Division

SUBJECT: SDRC Major Issues and Preliminary Comments Memorandum

Case Number: CSP-96073-01

Case Name: Greater Morning Star and the Venue

Major Issues and Preliminary Comments:

- One master plan trail issue impacts the site. However, the trail along Ritchie Marlboro Road has been constructed on the south side of the road opposite the subject site.
- Standard sidewalks are recommended along both sides of all internal roads and along all road frontages (per Basic Plan conditions).
- Pedestrian improvements may be appropriate at the signalized intersections along Ritchie-Marlboro Road and should be considered at the time of DSP.
- The site is not within a designated Center or Corridor and is not subject to Section 24-124.01 or the Transportation Review Guidelines – Part 2 at the time of Preliminary Plan.

January 24, 2019

MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Urban Design Section

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section *SC*

FROM: Joseph Onyebuchi, Senior Planner, Subdivision and Zoning Section *JO*

SUBJECT: CSP-96073-01, Greater Morning Star and The Venue

The subject property is located on Tax Map 74 in Grid F4 and is known as Lot 1, recorded in the Greenwood Park subdivision in Plat Book VJ 183-21 on May 1, 1998, and is further described in a deed recorded among the Prince George’s County Land Records in Liber 30525 at folio 586. The site is 54 acres and is located in the Planned Industrial/Employment Park (I-3), the One-Family Detached Residential (R-55), and the Townhouse (R-T) zones. The site is approximately 870 feet east of the interchange to the outer loop of the Capital Beltway (I-95/I-495) and is bounded to the south by Ritchie Marlboro Road, a master planned arterial. The site is subject to the 1990 *Largo-Lottsford Approved Master Plan and Adopted Sectional Map Amendment and Adopted Sectional Map Amendment*.

The site is subject to Preliminary Plan of Subdivision (PPS) 4-97107 (PGCPB No. 97-364) which was approved by the Prince George’s County Planning Board for three lots and the development of an 80,000 square-foot church (to be constructed entirely on Lot 1) subject to 11 conditions which included a trip cap on the amount of development:

2. **The development of Lots 1, 2 and 3 of the subject property shall be limited to any use permitted in an I-3 Zone that generates no more than 203 AM peak hour trips and 243 PM peak hour trips during the weekdays.**

In order to develop the property as proposed a new PPS is required. Approval of a new PPS for Lot 1 will supersede the previously approved PPS in its entirety. On September 8, 2008, the District Council approved A-9991 (PGCPB No. 07-210) and A-9992 (PGCPB No. 07-211) which rezoned approximately 17 acres of the subject site (Lot 1) to the R-T (5.99 acres) and R-55 (10.67 acres) Zones respectively. On November 14, 2017, the County Council adopted Council Bill 118-2017 which permitted townhouse units in the R-55, R-T, and I-3 Zones provided that:

- a) The R-55 is combined with R-T and I-3 zoned lots, parcels, or property totaling less than (16) gross acres in size and located less than 2,000 feet from an interchange to the outer loop of the Capital Beltway (I-95/I-495);

- b) The property shall have access to a signalized intersection of a publicly maintained roadway with a functional transportation classification as an Arterial or higher within the 2009 *Countywide Master Plan of Transportation*.
- c) Regulations of the R-55 Zone shall not apply; all requirements for development shall be established by and shown on a Detailed Site Plan approved by the Planning Board and/or the District Council.

The applicant is proposing 200-250 townhouse lots on approximately 14 acres of the overall 54-acre site. Access to the site is proposed via a 60-foot-wide right-of-way located at the intersection of Ritchie Marlboro Road and White House Road.

Plan Comments

- 1. The addition of residential dwelling units is a substantial change to the previously approved uses on the subject property and affects adequacy findings of Subtitle 24 of the Subdivision Regulations and the division of Lot 1 into individual lots requires the approval of a new preliminary plan of subdivision.
- 2. Pursuant to Section 24-121(a)(4) of the Subdivision Regulations, residential lots adjacent to existing or planned roadways of arterial or higher classification shall be platted with a minimum lot depth of 150 feet. Ritchie Marlboro Road, a master planned arterial roadway, abuts the subject property to the south and to the west. The 150-foot depth requirement has not been delineated on the CSP site plan and should be for planning purposes. All plans of development must reflect lot depths in accordance with the Subdivision Regulations and appropriate mitigation be provided to protect dwellings from traffic noise and nuisance. The lot depth will be further evaluated at the time of preliminary plan of subdivision where appropriate noise studies will be required prior to approval if appropriate

Recommended Conditions

- 1. Prior to approval of the Conceptual Site Plan, the following revision shall be made to the plans:
 - a. Add bearings and distances for each lot.
 - b. Delineate the existing 50-foot-wide ingress and egress easement that extends to MNCPPC-owned Parcel A.
 - c. Delineate the 65 dBALdn unmitigated noise contour line from Ritchie Marlboro Road.
 - d. Delineate the 150-foot lot depth along the west and southern property line abutting the arterial roadway.
- 2. Prior to acceptance of the Preliminary Plan of Subdivision, delineate the 65 dBALdn unmitigated and mitigated noise contour line on the Preliminary Plan of Subdivision and submit a Phase 1 noise analysis in support of the noise contours. Further noise analysis may be required based on the lot depths proposed at the time of Preliminary Plan of Subdivision.

This referral is provided for the purposes of determining conformance with Subtitle 24. All bearings and distances must be clearly shown on the CSP and must be consistent with the legal description of the property. There are no other subdivision issues at this time.

January 24, 2019

MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Urban Design Section

VIA: Katina Shoulars, Supervisor, Environmental Planning Section *mkr for KS*

FROM: Thomas Burke, Planner Coordinator, Urban Design Section *TB*
(on behalf of the Environmental Planning Section)

SUBJECT: Greater Morning Star Apostolic Church – The Venue; CSP-96073-01; TCP1-067-97-01

The Environmental Planning Section (EPS) has reviewed the above referenced Conceptual Site Plan (CSP) and a Type 1 Tree Conservation Plan (TCP1) stamped as received on December 7, 2019. Verbal comments were provided in a Subdivision Development Review Committee (SDRC) meeting on January 11, 2019. Revised CSP and TCP1 plans were received on January 22, 2019.

The Environmental Planning Section recommends approval of CSP-96073-01 and TCP1-067-97-01 based on the conditions listed at the end of this memorandum.

Background

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
CSP-96073	WCO Ex #E-118-96	Planning Board	Approved	7/24/1997	97-224
4-97107	TCPI-067-97	Planning Board	Approved	10/28/1997	97-364
DSP-02018	TCPII-053-02	Planning Board	Approved	7/25/2002	02-185
A-9991/A-9992	N/A	District Council	Approved	9/08/2008	N/A
CSP-96073-01	TCP1-067-97-01	Planning Board	Pending	Pending	Pending

Proposed Activity

The applicant is requesting approval of a CSP and a Type 1 Tree Conservation Plan (TCP1-067-97-01) for the development of a townhouse community.

Grandfathering

This project is subject to the current regulations of Subtitles 24, 25 and 27 that came into effect on September 1, 2010 and February 1, 2012 because the proposed development requires a new preliminary plan.

Review of Previously Approved Conditions:

On March 21, 2008 the Zoning Hearing Examiner approved Zoning Map Amendment Case A-9991, to rezone approximately 6 acres of the subject property from I-3 zoned land to the R-55 zone. On that same date, the Zoning Hearing Examiner approved Zoning Map Amendment Case A-9992, to rezone approximately 10.7 acres of I-3 zoned land to the R-T zone. Both cases were reaffirmed by the District Council on September 8, 2008, with conditions.

The conditions of the Zoning Map Amendments A-9991 and A-9992 relevant to the environmental review are described below in **BOLD**. The plain text provides responses to the conditions.

- 1. A new Forest Stand Delineation, in accordance with the Prince George's Woodland Conservation and Tree Preservation Technical Manual, shall be required at the time of subdivision.**

A Forest Stand Delineation was provided with the review of NRI-058-2018, which was approved on June 25, 2018. At the time of subdivision, the validity of the NRI will be verified.

- 2. A new Tree Conservation Plan must be submitted to M-NCPPC prior to subdivision approval.**

A TCP1 was provided with this application, however; at the time of subdivision application a revised TCP1 will be required.

- 3. The unmitigated 65dBA (Ldn) ground level and second story noise contours associated with the proposed arterial roads shall be shown on each preliminary plan and Type 1 Tree Conservation Plan.**

The unmitigated 65 dBA ground level and second story noise contours are being required prior to certification of the TCP1. See Item 1c. in the Recommended Conditions below.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

Natural Resource Inventory Plan/Existing Features

A Natural Resource Inventory, NRI-058-2018, was approved on June 25, 2018, and provided with this application. The TCP1 will require revisions for conformance with the approved NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-067-97-01) was submitted with the CSP application.

Based on the TCP1 submitted with this application, the site contains 12.06 acres of woodland in the net tract and has a woodland conservation threshold of 8.95 acres (16.57 percent). The Woodland Conservation Worksheet proposes the removal of 7.43 acres in the net tract area, for a woodland conservation requirement of 14.04 acres. According to the TCP1 worksheet, the requirement is proposed to be met with 4.43 acres of woodland preservation on-site, 2.33 acres of reforestation, and 7.28 acres of natural regeneration on-site. The forest stand

delineation did not indicate the presence of specimen trees on-site. The plan requires technical changes to be in conformance with the Woodland and Wildlife Habitat Conservation Ordinance.

Preservation of Regulated Environmental Features/Primary Management Area (PMA)

The site contains regulated environmental features including streams, non-tidal wetlands, and the associated buffers. Section 27-273(e)(15) of the Zoning Ordinance requires that all CSP applications include: "A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible." A statement of justification for the impact, totaling 2,662 square feet was provided with the subject application. According to the TCP1, impacts to the PMA/stream buffer are proposed for a utility connection required by Washington Sewer Sanitary Commission (WSSC).

Analysis of Impacts

Based on the statement of justification, the applicant is requesting the impact described below:

Impact Area 1: PMA/Stream Buffer Disturbance for the installation of a sewer line connection

This impact, identified as Impact Area 1, is for the installation of a sewer line connection, required by WSSC. This impact will be located near the southwest boundary of the property and will result in 2,662 square feet of disturbance to the PMA/stream buffer.

The proposed impact to the PMA results in an overall impact of approximately 3.22 percent of the 1.90 acres of PMA, or less than 0.11 percent of the gross tract. The applicant and their consultants have planned to avoid and minimize these environmental impacts to the maximum extent possible, by utilizing best practices and design techniques or alternatives to avoid environmentally sensitive areas where possible, however this impact is necessary to install a sewer line connection to an existing sewer line located within the PMA.

Staff supports this impact to the PMA as proposed.

Soils

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey (WSS) are the Adelphia-Holmdel complex (0 to 2 percent slopes), Annapolis-Urban land complex (0 to 5 percent slopes), Collington-Wist complexes (2 to 40 percent slopes), and Marr-Dodon complex (15 to 25 percent slopes). Marlboro clay and Christiana complexes are not found on or near this property.

Stormwater Management

A Stormwater Management (SWM) Concept plan was submitted with the application. A concept approval letter has not been submitted, and the SWM concept application number has not been identified. The SWM concept plan shows the use of the existing stormwater management pond to address water quality requirements.

The approved SWM concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, Section 172 Watershed Management Planning.

Submittal of an approved SWM concept approval letter will be required prior to signature approval of the Preliminary Plan.

Recommended Findings and Conditions

The Environmental Planning Section recommends approval of CSP-96073-01 and TCP1-067-97-01 subject to the following findings and conditions:

Recommended Finding:

1. Based on the level of design information currently available and the recommended conditions, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits and the tree conservation plan submitted for review.

Recommended Conditions:

1. Prior to certification of the conceptual site plan, the TCP1 shall be revised as follows:
 - a. Add CSP-96073-01 and the reason for revision to the 01 row off the approval block.
 - b. Correct the Woodland Conservation Summary Table to match the plan and the worksheet.
 - c. Show the unmitigated 65 dBA ground level and second story noise contours, required as a condition of A-9991 and A-9992.
 - d. Provide the standard Type 1 Tree Conservation Notes on the plan.
 - e. Have the revised plan signed and dated by the qualified professional preparing the plan.

If you have any questions concerning these comments, please contact me at 301-952-4534 or by e-mail at thomas.burke@ppd.mncppc.org.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Fire/EMS Department Headquarters
Office of the Fire Marshal



December 16, 2018

Henry H. Zhang, Master Planner
Urban Design Section
The Maryland-National Capital Park and Planning Commission
Development Review Division
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Mr. Zhang :

The Office of the Fire Marshal of the Prince George's County Fire and EMS Department has reviewed the referral for CSP-96073-01, Greater Morningstar Apostolic Church and The Venue. We have the following comments:

- 1) With regard to water supply, the applicant's System Extension Plan and/or Site Utility Plan submittals to WSSC shall demonstrate that any proposed private hydrants on the site will provide 1000 gpm at a residual pressure of 20psi.
- 2) Hydrants shall be provided so that no exterior portion of the building is more than 500' from a hydrant as hose is laid by the fire department.
- 3) With regard to fire department access, any code required fire access road must be 22' wide. Fire access roads shall extend to within 150' of an exterior door, other than the garage door, on every unit. Units should not front on alleys where fire access is not assured and where responding fire department responders may have difficulty locating or determining the address of a unit. Where private roads providing fire access will accommodate on-street parking, 22' of fire access must be preserved.
- 4) No exterior portion of a townhome group shall be more than 450' from a fire access road as hose is laid by the fire department.
- 5) Applicant's submission should show drivable widths of all roads (paved surface from the face of the curb to the face of the opposite curb - shall be 22' minimum) and alleys (width of total paved surface to include asphalt and depressed curb - shall be 18' minimum for any alley not required for fire department access.)

9201 Basil Court, Fourth Floor East
Largo, Maryland 20774

VOICE-(301) 883-5200 FAX-(301) 883-5212 TDD-(301) 925-5167




6) Driveways or parking pads, the area from the garage door to edge of depressed curb closest to the townhome, where residents may or are likely to park should be sufficient in size so vehicles do not protrude into the drivable alley.

7) All fire access roads shall be provided with width sufficient for a fire department vehicle with a 43' bumper swing to maneuver without encountering obstacles.

Please let me know if you have any questions regarding these comments.

Sincerely,



James V. Reilly
Assistant Fire Chief

JVR/jvr



Division of Environmental Health/Disease Control

Date: January 11, 2019

To: Henry Zhang, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/Policy Program

Re: CSP-906073-01, Greater Morning Star Apostolic Church & The Venue

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a health impact assessment review of the conceptual site plan submission for the Greater Morning Star Apostolic Church and the Venue and has the following comments/recommendations:

1. The Venue project is located adjacent to Interstate 495 Capital Beltway. Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests. There is an emerging body of scientific evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma.
2. There are three market/grocery stores and approximately 10 carryout /convenient stores within a one mile radius of this location, however there is only one market/grocery within a ½ mile radius. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have significantly higher prevalence of obesity and diabetes.
3. Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. ***Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.***
4. Research shows that access to public transportation can have major health benefits. It can be good for connectedness and walkability.



Rushern L. Baker, III
County Executive

Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health

5. The detailed site plans should include open spaces and “pet friendly” amenities for pets and their owners. Designated park areas may consist of the appropriate safe playing grounds, signage, and fencing. Pet refuse disposal stations and water sources are strongly recommended at strategic locations in the designated outdoor play/ picnic areas.
6. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code.
7. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.

Additional Back-up – February 28, 2019



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

February 26, 2019

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: James Hunt, Chief, Development Review Division
Jill Kosack, Supervisor, Urban Design Section, Development Review Division *JK*

FROM: Thomas Burke, Planner Coordinator, Urban Design Section *TB*
Development Review Division

SUBJECT: **Conceptual Site Plan CSP-96073-01**
Greater Morning Star Apostolic Church & the Venue
Planning Board Agenda February 28, 2019 – Staff Amendments to Technical Report

Based upon a memorandum received from the Prince George's County Department of Parks and Recreation, dated February 13, 2019, after publication of the original staff report, and a revised memorandum from the Historic Preservation Section dated February 25, 2019, clarifying timing issues, staff recommends the following revised findings and conditions of approval (added text underlined, deleted text [~~strikethrough~~):

Revised Finding Language, page 10, Finding 12(a)

- a. **Archaeology/Historic Preservation**—In a memorandum dated January 18, 2019 (Stabler and Smith to Burke), and revised on February 25, 2019, incorporated herein by reference, the Historic Preservation Section provided comments on this application, as follows:

Because of the proximity of the subject property to a tributary of the Southwest Branch and the recordation of several prehistoric archeological sites next to that tributary, there is a high probability that additional prehistoric sites may be identified on the subject property. Historic maps indicate that the subject property was occupied in the historic period by members of the Hill and Beall families. Remains of the farmstead visible in historic aerial photographs appear to have not been disturbed. This site could provide information on the transition from slavery to freedom on this plantation.

The subject application does not propose any disturbance in the areas of the property that have the potential to contain archeological resources. Any future plans that propose grading or ground disturbance in the areas shown on the TCP1 as "Area F" or any of the non-disturbed areas along the streams shall be subject to archeological investigations.

In accordance with the Planning Board's directives, as described in the 2005 "Guidelines for Archeological Review," and consistent with Sections 24-104, 24-121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American people. Archeological investigations were not recommended through the prior PPS because the archeological regulations were not approved until November 2006.

Prior to approval of the final plat, Phase I (Identification) archeological investigations, according to the Planning Board's "Guidelines for Archeological Review" (May 2005), will be required on the above-referenced property to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites. The applicant should submit a Phase I Research Plan for approval by the staff archeologist, prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations will be required prior to approval. If it is determined that potentially significant archeological resources exist in the project area, further investigations or work may be required.

Historic Preservation staff recommends approval of this application, with no conditions [~~that have been included in the Recommendation section of this report~~].

Additional Finding Language, page 13, Finding 12(j)

- i. **Prince George's County Department of Parks and Recreation (DPR):** At the time of the writing of this technical staff report, DPR had not provided any comments on the subject application. In a memorandum dated February 13, 2019, incorporated herein by reference, DPR offered the following comments:

The previous Greenwood Manor Preliminary Plan of Subdivision 4-79033 for this property proposed a mix of single family detached and attached dwelling units on the entire property. At that time, 38.30 acres of land was dedicated to DPR to meet the mandatory dedication of parkland requirement. The resulting Heritage Glen Community Park is located north and west of the current subject development. CSP-96073, Preliminary Plan of Subdivision 4-97107 and Detailed Site Plan DSP-02018 proposed a church building and associated parking within the I-3 zoned portion of the property. In addition, a 50-foot ingress and egress easement (L. 12090 f. 333) was granted to DPR at that time from Ritchie-Marlboro Road to the existing DPR property through the subject property. The purpose for granting this 50-foot easement over the subject property was to provide public access to the DPR property from Ritchie-Marlboro Road. At that time, no public access existed on the subject property, and the Heritage Glen subdivision to the east had not yet been developed.

Heritage Glen Community Park is developed on the eastern end of the property with a parking lot accessed from the adjacent Heritage Glen subdivision, a playground and a picnic area. This park is located approximately 1000 feet from the proposed townhouse development in the southeast corner of the property and includes a portion of the 50-foot-wide ingress and egress easement to the park. DPR staff recommends construction of an asphalt trail connection to this park, via the existing 50-foot-wide park access easement, in order to serve the recreational needs of the future

residents of this residential development. The proposed trail will be placed within the established easement to provide a pedestrian connection from the residential development to the existing developed DPR parkland. As part of this proposed subdivision, the applicant is also proposing to eliminate the southern half of this 50-foot easement and replace it with a variable width right-of-way (ROW) in the same location. DPR is in agreement with this proposal, but only in the event this is a "public" ROW. DPR also recommends retaining the northern half of the easement from the end of this proposed "public" ROW to the DPR property to be used for pedestrian access to the park.

The trail and easement issue will be further analyzed at the time of preliminary plan of subdivision when access, mandatory dedication of parkland, and recreational facility issues are considered, and appropriate conditions implemented. The CSP should be revised to reflect the potential trail connection within the easement for future consideration.

Revised Conditions, pages 13–14

1. Prior to certification of this conceptual site plan (CSP), the following revisions shall be made, or information shall be provided:
 - b. Delineate the existing 50-foot-wide ingress/egress easement that extends to Parcel A, which is owned by the Maryland-National Capital Park and Planning Commission. Delineate a potential trail connection, within the easement, from the end of the access road to the parkland.
- [3. Prior to acceptance of a preliminary plan of subdivision (PPS), the applicant shall:
 - a. Provide a Phase I (Identification) archeological investigation, according to the Prince George's County Planning Board's 2005 "Guidelines for Archeological Review," to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites. The applicant shall submit a Phase I research plan for approval by the Prince George's County Planning Department staff archeologist prior to commencing Phase I work. Evidence of Maryland National Capital Park and Planning Commission concurrence with the final Phase I report and recommendations is requested prior to approval of the PPS.
 - b. ~~Delineate the 65dBA Ldn unmitigated and mitigated noise contour line on the PPS and the Type 1 tree conservation plan and submit a Phase 1 noise analysis in support of the noise contours.]~~
3. Prior to acceptance of a preliminary plan of subdivision (PPS), the applicant shall delineate the 65 dBA Ldn unmitigated and mitigated noise contour line on the PPS and the Type 1 tree conservation plan and submit a Phase 1 noise analysis in support of the noise contours.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Department of Parks and Recreation


6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: February 13, 2019

TO: Henry Zhang, Master Planner
Urban Design Section
Development Review Division
Planning Department

VIA: Helen Asan, Acting Supervisor 
Land Acquisition & Management / Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

FROM: Thomas Zyla, Landscape Architect 
Land Acquisition & Management / Development Review Section
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: **CSP-96073-01, Greater Morning Star Apostolic Church &
The Venue**

The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced Conceptual Site Plan (CSP) revision for conformance with the requirements of the 1990 Approved Largo-Lottsford Master Plan Amendment and Adopted SMA, the Land Preservation, Parks and Recreation Plan for Prince George's County, the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space, and the Prince George's County Subdivision Ordinance (Subtitle 24) regulations; as they pertain to public parks and recreation and facilities.

FINDINGS:

The subject property is located north of Ritchie-Marlboro Road between Sansbury and White House Roads, just east (outside) of the Capital Beltway (I-495) in Upper Marlboro, Maryland. The property consists of 54 acres of I-3 (Industrial), R-T (Residential Townhouse) and R-55 (One-Family Detached Residential) zoned land. The site is currently improved with a church building and associated parking lot located on the I-3 zoned portion of the property. This CSP-96073-01 revision proposes 200-250 residential townhomes in the southeast corner of the property, located within the R-55 and R-T zoned portions of the property.

The previous Greenwood Manor Preliminary Plan of Subdivision (4-79033) for this property proposed a mix of single family detached and attached dwelling units on the entire property. At that time, 38.30 acres of land was dedicated to DPR to meet the mandatory dedication of parkland requirement. The resulting Heritage Glen Community Park is located north and west of the current subject development. The Greenwood Manor/Greater Morning Star Pentecostal Church Conceptual Site Plan (CSP-96073), Preliminary Plan of Subdivision (4-97107) and Detailed Site Plan (DSP-02018) proposed a church building and associated parking within the I-3 zoned portion of the property. In addition, a 50' ingress and egress easement (L. 12090 f. 333) was granted to DPR at that time from Ritchie-Marlboro Road to the existing DPR property through the subject property. The purpose for granting this 50' easement over the subject property was to provide public access to the DPR property from Ritchie-Marlboro Road. At that time, no public access existed on the subject property to the park, and the Heritage Glen subdivision to the east had not yet been developed.

Heritage Glen Community Park is developed on the eastern end of the property with a parking lot accessed from the adjacent Heritage Glen subdivision, a playground and a picnic area. This park is located approximately 1000' from the proposed townhouse development in the southeast corner of the property, and includes a portion of the 50' wide ingress and egress easement to the park. DPR staff recommends construction of an asphalt trail connection to this park, via the existing 50' wide park access easement, in order to serve the recreational needs of the future residents of this residential development. The proposed trail will be placed within the established easement to provide a pedestrian connection from the residential development to the existing developed DPR parkland. As part of this proposed subdivision, the applicant is also proposing to eliminate the southern half of this 50' easement and replace it with a variable width right-of-way (ROW) in the same location. DPR is in agreement with this proposal, but only in the event this is a "public" ROW. DPR also recommends to retain the northern half of the easement from the end of this proposed "public" ROW to the DPR property to be used for pedestrian access to the park.

RECOMMENDATIONS:

The Park Planning and Development Section staff of DPR recommends to the Planning Board approval of Conceptual Site Plan revision CSP 96073-01, subject to the following:

1. Prior to issuance of 50% of the building permits, the applicant shall construct an 8-foot-wide asphalt hiker/biker trail connecting the proposed residential townhouse development to the existing DPR parkland to the north, to be located within the existing 50' ingress and egress easement.
2. Prior to recordation of the final plat of subdivision, the applicant shall enter into a public Recreational Facilities Agreement (RFA) with DPR, for the construction of the connector trail.
3. Prior to approval of the Detailed Site Plan (DSP), the applicant shall provide to DPR for review and approval construction drawings for the trail construction.

January 18, 2019

MEMORANDUM

TO: Thomas Burke, Urban Design Section, Development Review Division

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

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS*

SUBJECT: **CSP-96073-01: Greater Morning Star Apostolic Church & The Venue (REVISED)**

Findings

1. The subject property comprises 54 acres located on the north side of Ritchie-Marlboro Road, approximately 750 feet east of its intersection with I-95, the Capital Beltway in Upper Marlboro. The subject application proposes 200-250 townhouses, streets, landscaping and stormwater management next to an existing church. The subject property is Zoned I-3, R-55, and R-T.
2. Several prehistoric archeology sites have been identified along a tributary of the Southwest Branch to the west of the subject property. The 1860 Martenet map indicates there was a house on the subject property at that date. The 1878 Hopkins map shows several houses under the ownership of Philip Hill were located on the subject property at that date. Sprigg O. Beall obtained 147 acres of land under his father's will and occupied the subject property from about the time of his marriage in 1881 until his death in 1905. His widow, Sarah I. Beall, continued to reside on the subject property until her death in 1941. A farm complex is visible on the property in the 1938 aerial photographs.
3. The subject property is currently occupied by a church building, ca. 2007, a large parking lot, and a stormwater management pond. The existing development on the subject property was approved through Preliminary Plan 4-97107, approved by the Planning Board on January 22, 1998. A large portion of the subject property has been graded. However, there is an area to the north and northeast of the church building that does not appear to have been graded. The former house site lies in a wooded area to the northeast of the church that the subject Conceptual Site Plan (CSP) indicates will be used for a future church facility or parking. This area covers approximately two acres.
4. Portions of the subject property were previously graded in the southeastern corner, in the southwest where the existing stormwater management pond is located and where the current church and parking lot are located.

5. Prior to approval of the final plat, Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), are required on the above-referenced property to determine if any cultural resources are present. The areas within the developing property that have not been extensively disturbed should be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is requested prior to approval.
6. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to the acceptance of any detailed site plan, ground disturbance or the approval of any grading permits, the applicant shall provide a plan for:
 - i.) Evaluating the resource at the Phase II level, or
 - ii.) Avoiding and preserving the resource in place.
 - a. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits.
 - b. Depending upon the significance of findings (at Phase I, II, or III level), the applicant shall provide interpretive signage. The location and wording should be subject to approval by the staff archeologist prior to the issuance of any building permits.

Conclusions

1. Because of the proximity of the subject property to a tributary of the Southwest Branch and the recordation of several prehistoric archeological sites next to that tributary, there is a high probability that additional prehistoric sites may be identified on the subject property.
2. Historic maps indicate the subject property was occupied in the historic period by members of the Hill and Beall families. Remains of the farmstead visible in historic aerial photographs appear to have not been disturbed. This site could provide information on the transition from slavery to freedom on this plantation.
3. The subject application does not propose any disturbance in the areas of the property that have the potential to contain archeological resources. Any future plans that propose grading or ground disturbance in the areas shown on the TCPI as "Area F" or any of the non-disturbed areas along the streams shall be subject to archeological investigations.
4. In accordance with the Planning Board's directives, as described in the *Guidelines for Archeological Review*, May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property should be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American people. Archeological

investigations were not recommended through the prior preliminary plan because the archeological regulations were not approved until November 2006.

Recommendation

Historic Preservation staff recommends approval of CSP-96073-01 with no conditions.