



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

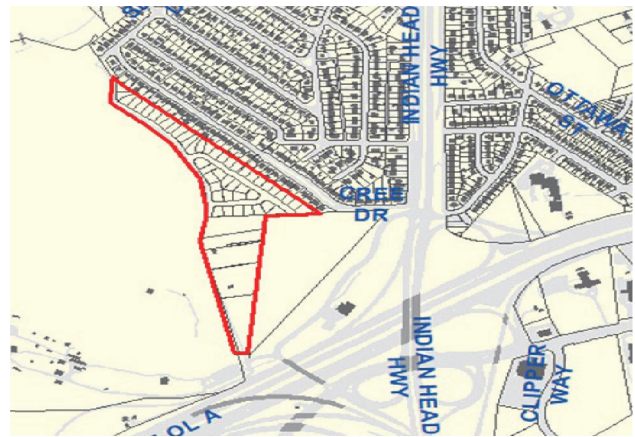
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Zoning Map Amendment National View

A-10055

REQUEST	STAFF RECOMMENDATION
Rezone property from the R-R and R-55 Zone to the M-X-T Zone.	DISAPPROVAL

Location: Approximately 1,200 feet northwest of the I-495 (Capital Beltway) and MD 210 (Indian Head Highway) interchange.	
Gross Acreage:	17.77
Zone:	R-R/R-55
Gross Floor Area:	N/A
Lots:	47
Parcels:	6
Planning Area:	76A
Council District:	08
Election District:	12
Municipality:	Forest Heights
200-Scale Base Map:	208SE01
Applicant/Address: Harbor View, LLC 1875 Connecticut Ave NW Washington, DC 20009	
Staff Reviewer: Thomas Sievers Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	12/17/2020
Planning Board Action Limit:	N/A
Staff Report Date:	11/24/2020
Date Accepted:	08/28/2020
Informational Mailing:	02/15/2019
Acceptance Mailing:	08/12/2020
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

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

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: Thomas Sievers, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: **Zoning Map Amendment Application A-10055**
National View

REQUEST: **Rezoning from the R-R and R-55 Zone to the M-X-T Zone**

RECOMMENDATION: **DISAPPROVAL**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of December 17, 2020. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date, before 12:00 p.m. on Tuesday, December 15, 2020. All requests must specify the reasons for the public hearing. Any party requesting a hearing before the Planning Board should sign up to speak at the hearing scheduled for December 17, 2020 prior to 12:00 p.m. on Tuesday, December 15, 2020, via our website pgplanning.org. Parties of record will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Zoning Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

- 1. Location and Site Description:** This 17.77-acre site is located on Tax Map 95 in Grid F-4. The subject application is composed of two abutting sites. The first is in the One-Family Detached Residential (R-55) Zone within the Town of Forest Heights and is comprised of 47 platted lots. The second site is known as the Butler property, comprised of six parcels that were not previously platted. The property, as a whole, has access through the southern boundary of the Butler property to Bald Eagle Road via a driveway that serves Oxon Cove Park and Oxon Hill Farm, properties of the National Park Service.
- 2. History:** The proposed National View site is composed of two sites: Forest Heights Subdivision, Section 16 within the Town of Forest Heights, and the adjoining Butler property to the south. The northern portion lies within the Town of Forest Heights and is in the R-55 Zone. This section was platted in April 1956 and is comprised of Lots 61-91 in Block 122, Lots 13-24 in Block 123, and Lots 8-14 in Block 124, recorded in the Land Records of Prince George's County, Maryland as Forest Heights, Section 16 at Plat Book 28, Page 5. The single-family lots on this site were never developed and the site has remained vacant.

The southern section of the proposed site is known as the Butler property and is located in the Rural Residential (R-R) Zone. The property is mostly wooded but has two historic residences and an existing electric utility right-of-way. The site is comprised of Parcels 26, 32, 33, 35, 36, and 37, which are not mapped within the Forest Heights municipal boundary. This section contains the Butler House (PG:76A-014/National Register), a Prince George's County historic site that was designated in 1981 and was listed in the National Register of Historic Places in March 2005. The Butler House property is adjacent to Mount Welby (PG:76A-013/National Register), also a Prince George's County historic site (designated in 1981), that is owned by the National Park Service and located within the Oxon Cove Farm. The Oxon Cove Farm property was listed in the National Register of Historic Places in September 2003. At least four outbuildings were located on the subject property from approximately 1965 until 1998, when the outbuildings were demolished.

- 3. Neighborhood:** Significant natural features or major roads usually define neighborhoods. The following roadways define the boundary of the neighborhood:

North—	Federal parkland in the Reserved Open Space (R-O-S) Zone at the Prince George's County and District of Columbia boundary.
East—	MD 210 (Indian Head Highway), an existing master plan arterial roadway.
South—	I-495 (Capital Beltway), an existing master plan freeway.
West—	Federal parkland in the R-O-S Zone at the Potomac River waterfront (Oxon Cove Farm, Mount Welby).

Surrounding Uses and Roadways: The following uses and roadways immediately surround the subject site:

North— Single-family detached dwellings in the R-55 Zone and Federal parkland in the R-O-S Zone.

East— Single-family detached dwellings in the R-55 Zone and Federal parkland in the Open Space (O-S) Zone.

South— Bald Eagle Road.

West— Federal parkland in the R-O-S Zone (Oxon Cove Farm, Mount Welby).

4. **Request:** The subject application seeks rezoning of the subject site, 17.77 acres, from the R-R and R-55 Zones to the Mixed Use-Transportation Oriented (M-X-T) Zone in order to permit a mixture of residential dwelling types, commercial, retail, office, and institutional development.

5. **General and Master Plan Recommendations:**

Land Use

2014 Plan Prince George's 2035 Approved General Plan (Plan 2035)

The northern and southern properties are in the Established Communities policy area. The vision for Established Communities is context-sensitive infill and low- to medium-density development (page 20). Plan 2035 specifically recommends Residential Low land use for the northern properties and Parks and Open Space land use for the southern properties, as seen in **Attachment A** below (Map 10, page 101). The properties are not within a Regional Transit District, Local Center, or an Employment Area, as defined in Plan 2035 (pages 19-12, 106, 109). In addition, the general plan makes the following recommendations that affect the subject property:

Plan 2035 established the following policies and strategies that are relevant to this application:

Policy LU 1: Direct a majority of projected new residential and employment growth to the Regional Transit Districts, in accordance with the Growth Policy Map (Map 11, pages 107-108) and the Growth Management Goals (Table 17, page 110) set forth in Table 17 (Land Use, page 110).

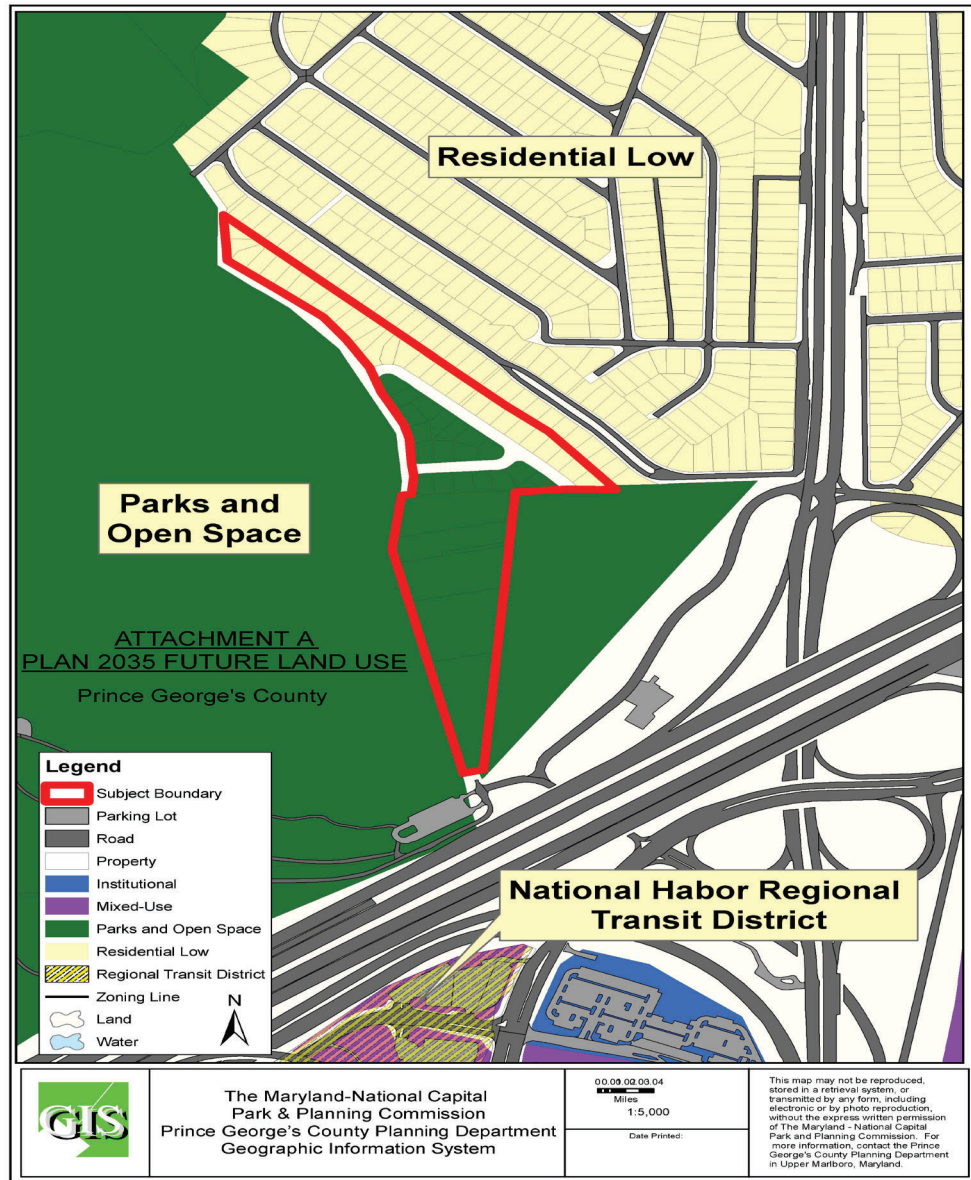
Strategy LU 1.1: To support areas best suited in the near term to become economic engines and models for future development, encourage projected new residential and employment growth to concentrate in the Regional Transit Districts that are designated as Downtowns (see the Strategic Investment Program under the Implementation section [pages 252-254]) (Land Use, page 305).

Policy LU 7: Limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers (Land Use, page 114).

Policy LU 9: Limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers to encourage reinvestment and growth in designated centers and in existing commercial areas (Land Use, page 116).

Policy HN 1: Concentrate medium- to high-density housing development in Regional Transit Districts and Local Centers with convenient access to jobs, schools, childcare, shopping, recreation, and other services to meet projected demand and changing consumer preferences (Housing and Neighborhoods, page 187).

Strategy HD 9.9: Implement urban design solutions to ensure appropriate transitions between higher intensity and density development and surrounding lower-density residential neighborhoods. Urban techniques include decreasing (stepping down) building heights, reducing development densities, and otherwise modifying architectural massing and form (Community Heritage, Culture, and Design, page 215).



Area Master Plan

As shown in **Attachment B** below, the subject properties fall within two master/sector plans. The southern properties are in the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment* (2000 Heights and Vicinity Master Plan) and the northern properties are in the 2014 *The Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* (2014 Eastover/Forest Heights/Glassmanor Sector Plan).



The 2000 Heights and Vicinity Master Plan does not make a specific future land use recommendation for the southern properties. However, it does recommend that infill development be compatible with the low-density character of surrounding neighborhoods (page 13). In this case, the surrounding neighborhood is lower density housing and open space. Therefore, the subject properties should have similar land uses and densities.

The northern properties are in the 2014 Eastover/Forest Heights/Glassmanor Sector Plan area. The sector plan does not make a specific future land use recommendation but defines the area as Focus Area 5, Town of Forest Heights (page 55). Unlike the other focus areas, no recommendations are made to change the current land use. This indicates that the area's existing land use, described as dense single-family housing, should remain the same (page 12). In addition, the sector plan also makes the following recommendations that affect

the subject property. “The sector plan proposes completing sidewalks on each side of the streets” and that there must be “a study to address the open stormwater culverts” before sidewalks are implemented (page 55).

Staff finds that this application does not meet the requirements of Section 27-213(a)(1)(B) of the Prince George’s County Zoning Ordinance, as outlined further in the Zoning Requirements below, because the 2000 Heights and Vicinity Master Plan and the 2014 Eastover/Forest Heights/Glassmanor Sector Plan do not recommend mixed land uses for the subject properties which are, to the contrary, recommended and permitted in the M-X-T Zone. Instead, the 2000 Heights and Vicinity Master Plan and 2014 Eastover/Forest Heights/Glassmanor Sector Plan indicate maintaining low-density, single-use land uses.

Environmental

2014 Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment (North Area)

Recommendation 1: Reduce flooding and personal property damage due to flooding (Forest Heights, Rolph Road, and North Heron Drive).

Rolph Road and North Heron Drive are located north of the subject site. The topography shown on PGAtlas.com indicates the application area draining away from the identified roadways in a different drainage area. Drainage from the subject site is not expected to cause flood impacts to the above-mentioned roads.

The north area of the application is within the Forest Heights section, but not within a designated floodplain area. Any development of the site will require stormwater management (SWM) measures to prevent flooding through the review and approval of a SWM plan. This could be best achieved with development consistent with the current zoning which would result in less impervious area and more natural infiltration.

Recommendation 2: Restore ecological function and environmental diversity in streamways, woodlands, and other natural areas.

The site, as it exists today, is in its most natural condition, fully wooded with no development. A development plan has not been submitted at this time. Any development of the site would require the removal of some woodland; however, if the request is approved, significant negative impacts to on-site woodlands would occur due to a lower woodland conservation threshold and could significantly limit on-site woodland conservation. Opportunities for restoring vegetation would be very limited as well. These impacts would be more than impacts associated with development consistent with the current zoning. The requested zoning would be in conflict with this recommendation.

Recommendation 3: Maintain open space linkages, reduce gap distances between natural areas, and provide traversable pathways for plant and animal migration.

Currently, the area consisting of single-family lots is entirely wooded and is in an area identified as potential Forest Interior Dwelling Species (FIDS) habitat. Impacts to on-site woodlands and natural areas should be minimized and preservation or planting of these areas should be provided to the fullest extent possible. The species associated with FIDS habitat are very sensitive to development. Forest fragmentation eliminates the large contiguous woodland tracts that are essential for the survivability of these sensitive species. The zoning request from R-R/R-55 to M-X-T will have a negative impact on potential FIDS habitat due to the proposed zoning resulting in a lower woodland conservation threshold, which could result in more clearing.

Recommendation 4: Reduce and remove impervious cover and increase urban tree canopy.

Presently, there are no impervious surfaces within the northern half of the site. The proposed M-X-T zoning would allow for the creation of larger impervious areas for mixed uses and significant clearing of existing woodlands than what would occur with the current zoning. The proposed request, if approved would reduce the tree canopy coverage requirement from 15 percent to 10 percent. This reduction, along with a reduction of the woodland conservation threshold, does not support the recommendations of this master plan.

Recommendation 5: Incorporate Low Impact Development (LID) stormwater management to restore water quality and ecological function.

No development plan has been submitted at this time. Any future development plans must have SWM concept approval from the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The current regulations required that Environmental Site Design (ESD), which is equivalent to LID, be implemented to the maximum extent practicable.

The Chesapeake Bay Critical Area (CBCA) portion of this area will be required to remove 10 percent nitrogen and phosphorous that is released back in the environment from a development associated with stormwater runoff. Various stormwater designs and structures may be required to achieve required pollutant reduction. The proposed M-X-T zoning would have a higher use density than the existing R-R and R-55 zoning, which would result in more impervious area and more stormwater control to ensure proper drainage and prevent flooding. The lower density of the current zoning (R-R and R-55) would allow for more on-site woodland conservation, less impervious surface, and more natural infiltration.

Recommendation 6: Encourage property owners to plant trees and other vegetation.

The entire area of platted lots is entirely wooded with no open area or structures. The proposed M-X-T zoning would be comprised of a mix of non-residential uses which would require more parking and increased impervious area. The design should seek to incorporate tree planting above what is required; however, opportunities for planting are significantly limited in zones with a mix of uses that result in high density development.

Development consistent with the current zoning would result in more preservation and/or planting of trees and vegetation. If the request is granted, the applicant should go above and beyond the minimal planting requirements.

Recommendation 7: Incorporate “green building” techniques in new and redevelopment construction.

Information regarding the use of green building techniques and the use of alternative energy are encouraged and will be evaluated with future applications by the Urban Design Section.

Recommendation 8: Reduce pollutants such as trash, nitrogen, and phosphorous in streams and the watershed.

The entire north area is wooded, and the northwest portion of those woodlands are located within the CBCA. The CBCA ordinance requires new development within the Intensely Developed Overlay (IDO) Zone, to reduce the amount of nitrogen and phosphorous that is released back in the environment from a development associated with stormwater runoff. The IDO zone requires that various techniques such as site design, infiltration practices, and structural stormwater treatment practices such as sand filters and swales be considered during the development design. A development with these techniques must be capable of reducing pollutant loads generated from a developed site to a level at least 10 percent below the loads generated at the same site prior to development. This requirement is commonly referred to as the "10 Percent Rule".

For development proposed in the area outside of the CBCA, SWM is required. DPIE will review for water quality and quantity control, in accordance with the SWM Act of 2007, which required a development of a site to implement ESD to the maximum extent practicable.

The proposed rezoning request, which would include of non-residential uses, would require more trash receptacles to reduce littering and the presence of in-stream waste.

2000 Approved Master Plan for the Heights and Vicinity (Butler Tract)

Goal: To protect and enhance the environmental qualities of the planning area by preserving natural environmental assets as an integral part of the community.

Recommendation 1: Woodland Preservation – The existing woodlands in Natural Reserve Areas must be retained. Other existing woodlands should be retained to the extent possible in order to maintain or increase the current percentage of woodland. Furthermore, the expansion of woodlands through afforestation and reforestation is encouraged in the implementation of the greenways and open space program linkages.

The master plan does not designate any areas on the site as Natural Reserve Area but does designate a portion of the area as wooded. The site also contains steep slopes in several locations, and these areas are underlain with Sassafras and Croom soils (15-25 percent and 25-40 percent slopes), which are highly erodible soils. One of these areas of steep slopes is adjacent to an ephemeral stream channel. The woodlands are contiguous with woodland on the north portion of the site, as well as woodlands extend west to the Potomac River, Oxon Run, and the CBCA. The woodland contributes to potential FIDS habitat. The only unforested area on-site is the southernmost area of the Butler Tract. This area was cleared of woody vegetation for an electric transmission line that is from a pole along Bald Eagle Road, which crosses the site to the Oxon Hill Farm National Park site to the west.

The master plan states that “Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation. To the extent practicable, large tracts of woodland should be conserved in both upland and bottomland (lowland) situations in order to reduce forest fragmentation to maximize woodland interiors and reduce edge area ratio.” The reduced woodland conservation threshold from 20 percent to 15 percent will result in significant clearing and more impervious area, thereby significantly diminishing the opportunity for preservation/planting of greenways and open space.

Recommendation 2: The County should pursue efforts to minimize development impacts on contiguous woodland areas adjacent to Henson Creek and the Oxon Run Tributary through land acquisition for parks, where feasible, and through appropriate land use recommendations.

The site is part of a large contiguous vegetated area with potential FIDS habitat. This site, and the site to the west have environmental settings associated with designated historic sites. The requested zoning change will result in more clearing and more uses, which will require more infrastructure to support the development. The significant increase in impervious area would significantly impact a contiguous area of woodland, potential FIDS habitat, viewshed and historic structures. The proposed zoning would not minimize impacts on woodland.

Recommendation 3: Stormwater Management – The County should ensure that stormwater is properly managed, and major streams and detention/retention basins should be monitored for water quality and flow characteristics. The plan recommends the development of five stormwater management ponds as shown on the plan map.

Recommendation 4: Alternative solutions to provide remedial action for on-site stormwater management may be necessary, until such time as the Department of Environmental Resources (DER) implements the proposed potential regional stormwater management ponds in the planning area.

No SWM has been proposed at this time, nor is it required with this application. Any development on-site will be subject to review by DPIE for SWM design, and the Prince George's County Soil Conservation District for sediment and erosion control. Subtitle 32, Water Quality Resources and Grading Code requires that ESD be implemented to the maximum extent practicable, in accordance with the SWM Act of 2007.

The lower density requirement of the current zoning (R-R and R-55) is more conducive with single family detached and rural residential uses and would allow for more woodland preservation or planting, other vegetative planting, and open space to serve as infiltration.

Recommendation 5: Noise Attenuation – In areas of 65 dBA (Ldn) or greater, residential development proposals should be reviewed and certified by a professional acoustical engineer stating that the building shell of habitable structures located within a prescribed noise corridor will attenuate ultimate exterior noise level to an interior level not to exceed 45 dBA (Ldn), especially in the AICUZ designated noise corridor.

The proposed M-X-T development is a mix of retail, commercial and residential uses. This application area is located adjacent to the Capital Beltway, which is designated as a freeway master planned roadway. This roadway is regulated for noise with respect to proposed residential development. A noise study may be required with future applications and will be evaluated by the Urban Design Section.

Recommendation 6: Air Quality: The County should continue to participate aggressively in metropolitan efforts to prevent further air quality deterioration and should support all available measures to improve local air quality.

Air quality is a regional issue that is currently being addressed by the Metropolitan Council of Governments.

Recommendation 7: Proposed developments should meet stringent standards and guidelines and the potential environmental impacts of human activities should be identified as early as possible in the planning process. The constraints of Natural Reserve and Conditional Reserve Area must be adhered to.

No development plan has been submitted at this time; however, the proposed change from residential to mixed use would increase the impacts associated with human activities by allowing higher density, more impervious surface, more litter and less woodland/planting.

The site is not in a Natural Reserve Area or Conditional Reserve Area, but the site is wooded and contains areas of steep slopes associated with highly erodible slopes. The on-site woodland should be preserved or planted to the fullest extent possible.

Based on the recommendations above of both area master plans, the proposed rezoning would not be consistent with environmental goals if the rezoning request is granted. The requested zoning change from R-R and R-55 to M-X-T will result in a reduction of the woodland conservation threshold from 20 percent to 15 percent, and reduction of the tree canopy coverage requirement from 15 percent to 10 percent. These reductions encourage, more woodland clearing, more impervious surface more stormwater runoff and more litter. On-site and off-site areas would be negatively affected due to impact to historic sites, viewshed, and potential FIDS habitat. The existing zoning will allow for more green area, open space, and more tree canopy.

2017 Countywide Green Infrastructure Plan

According to the 2017 *Countywide Green Infrastructure (GI) Plan*, the entire application area is mapped within the *Green Infrastructure Plan* network. Approximately 90 percent of the application area is located within the Regulated Area, and the remaining areas are within the Evaluation Area. The Regulated Area is identified on the northern portion of the site and a portion of the Butler Tract on the southern portion of the site. The Regulated Area incorporates FIDS habitat, CBCA, and the buffers associated with the mapped streams considered regulated environmental features and is part of a large continuous tract of existing woodlands.

No development plan has been submitted at this time; however, a change in zoning from less dense residential uses to the proposed mixed use will increase the likelihood of impacts to the on-site sensitive environmental features and will put added pressure on the functions of those sensitive environmental features located on adjacent properties. The following policies support the stated measurable objectives of the GI Plan:

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

The Potomac River Shoreline is identified in the GI plan as a Special Conservation Area. The National Park "Oxon Hill Farm" is located adjacent to the subject property and part of this Special Conservation Area needing preservation of existing woodlands. This application also contains land within the IDO zone of the CBCA, which is the most developed of the CBCA overlay zones.

The existing natural area and open space on the subject site complements the character of the area, specifically Oxon Hill farm. M-X-T development of the site would significantly limit opportunities for preservation, enhancement, and protection of the natural features of the site due to the amount of woodland loss and increase in impervious area.

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

More impervious surface would result from the proposed request when compared to development consistent with the current zoning. While some ecological functions would be compromised from any development of the site, less would occur with the current zoning, which would allow for more greenspace and planting and natural infiltration.

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

As previously discussed, opportunities for preservation and planting would be significantly limited, due to the mix of uses and the needed infrastructure to support it. Both the tree canopy and woodland conservation threshold would be reduced. Development within this area is to be preserved to the fullest extent possible.

The proposed rezoning would be in conflict with the GI Plan due to the reduction of the woodland conservation threshold and tree canopy requirement. The proposed rezoning will also result in a significant increase in impervious area. Woodland clearing could also significantly impact the onsite potential FIDS habitat and the CBCA portion of the site.

6. **Environmental Review:** This finding is provided to inform the existing site features on the subject property and impact of the requested rezoning as it pertains to environmental conformance.

Existing Conditions/Natural Resource Inventory (NRI)

An NRI is not required as part of a zoning amendment application. An NRI is necessary to confirm the presence or absence of regulated environmental features. Through various past proposals an NRI was submitted on the single-family lot area (north) and just recently with the Butler Tract (south).

On February 9, 2020, the single lot area NRI (NRI-184-14) expired and all future applications for this project, that includes all of the land area covered by the project, must have a revised NRI submitted covering the entire land area of the application. The expired NRI shows scattered specimen trees throughout the site that are identified as good to fair condition. No primary management areas (PMA) were identified on-site.

The Butler Tract has an approved NRI (146-2019) that expires on (3/25/2025). The NRI shows specimen trees throughout the site and no on-site PMA. This site contains steep slopes in several locations on-site, and these areas are underlain with Sassafras and Croom soils (15-25 percent and 25-40 percent slopes), which is a highly erodible soil. One of these steep slope areas goes off-site to a large swale that contains deep and expansive debris pile and at the bottom is an ephemeral stream channel. This debris pile also continues on-site. If any development occurs on this Butler Tract, all the debris should be removed and taken to a licensed landfill.

Woodland Conservation

The portion of the site located outside of the CBCA is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012. The requested zoning change from R-R and R-55 to M-X-T will result in a lowering of the woodland conservation threshold from 20 percent to 15 percent. This lower threshold would allow more woodland clearing and reduce the site's woodland conservation requirement. All future applications will require a Tree Conservation Plan covering the land area outside of the CBCA included in the application, in accordance with the current regulations.

The rezoning is not supported due to the significant impact on woodlands which conflicts with the area master plan and the *Green Infrastructure Plan*.

Chesapeake Bay Critical Area

This application also contains land within the IDO zone of the CBCA. Land within the CBCA is located in the northwestern section of application area. This platted area was approved in May 1956 and has remained wooded ever since. The State of Maryland Critical Area program became effective in November 1989, and Prince Georges County adopted their CBCA regulations in May 1990. As part of the mapping associated with the implementation of the CBCA regulations, CBCA zoning overlay designations were given to areas within the CBCA. The area to the north was already developed with small single-family lots and the area to the south was parkland owned by the federal government. The platted single-family lot area was designated IDO, and the adjacent federal park was designated as Resource Conservation Overlay (R-C-O) area. The 2014 CBCA mapping update retained these designations.

This on-site CBCA area is entirely wooded. Although there is no limit on lot coverage, the CBCA regulations have strict requirements on the amount of vegetation clearing. The woodlands are contiguous with areas of woodland associated with potential FIDS habitat, Oxon Run, GI Regulated Areas, and Special Conservation Areas. The CBCA regulations contain special provisions for the protection of FIDS habitat that must be met as part of any proposed development application. The on-site woodlands should be preserved to the fullest extent possible.

Special Roadways

Bald Eagle Road, an unimproved road, runs along the southwestern boundary adjacent to Oxon Hill Farm. While not a designated scenic or historic road, this old road has historically connected Oxon Hill to Washington DC as far back as 1850 and earlier. A portion of this road is within the environmental settings of both the Butler Tract and Mount Welby residence. The existing topography of this roadway is very unique in that it goes back to a time of horse and buggy use. The proposed rezoning may negatively impact this road to accommodate increased traffic. Appropriate buffering for special roadways should be considered for this road and maintained on future development applications. (See Historical Planning Memo for more on Bald Eagle Road).

Summary of Zoning Amendment Request

The current application as submitted does not meet the policies and strategies of the *Green Infrastructure Plan*, the environmental section of the 2014 Eastover/Forest Heights/Glassmanor Sector Plan, or the environmental section of the 2000 Heights and Vicinity Approved Master Plan. Development under the proposed zoning would make it

difficult to meet the technical requirements of Subtitle 5B (The Chesapeake Bay Critical Area Ordinance), and the requirements of Subtitle 25 (The Woodland and Wildlife Habitat Conservation Ordinance).

The zoning change from R-R and R-55 to M-X-T will result in a reduction of the woodland conservation threshold from 20 percent to 15 percent and a reduction of the tree canopy coverage requirement from 15 percent to 10 percent. This reduction in the woodland conservation threshold and the M-X-T zoning will result in significant woodland clearing and increased impervious area and increased stormwater runoff. Opportunities to maintain the Regulated Area connection would diminish greatly. Potential FIDS habitat will be impacted as well.

The existing zoning will allow the opportunity for more preservation and tree planting than would the proposed zoning request, which is typically characteristic of the high-density development. The proposed high-density could significantly impact the viewshed of Oxon Hill Farm National Park and several historic structures. The proposed rezoning is not supported.

7. Zoning Requirements:

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

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

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

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

Most of the area of the subject site is not located within the vicinity of a major existing interchange and does not satisfy Criterion 1 for rezoning into M-X-T Zone. Specifically, a significant portion of the site is over one-half mile from the existing interchange of the Capital Beltway and Indian Head Highway. The second part of Criterion 1 involves the presence of a major transit stop or station. The applicant has not addressed the second part of Criterion 1. A major transit station does not exist near the subject site, and any plan for a future rail station in the area appears to be a long-term vision.

The phrase “within the vicinity” is not well-defined, but in terms of walkability, which supports M-X-T zoning, the Prince George’s County Planning Department uses a standard of one-half mile. If one-half mile is measured from the point that Indian Head Highway and the Capital Beltway cross, the entire tract is not within

one-half mile; the measured straight-line distance that would encompass the entire tract is approximately 3,250 feet (one-half mile is 2,640 feet). If one-half mile is measured from the nearest street forming the interchange of Indian Head Highway and the Capital Beltway – i.e., the nearest ramp associated with that interchange – the entire tract is still not within one-half mile. The measured straight-line distance that would encompass the entire tract is approximately 2,900 feet.

Based on the preceding findings, staff concludes that the above criterion is not satisfied and the request to rezone the subject property to the M-X-T Zone is deficient.

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

The applicant provided a description of how the proposed rezoning conforms with recommendations of the General Plan and is in keeping with the purposes of the M-X-T Zone. However, none of the governing plans recommend any mixed land uses similar to those permitted in the M-X-T Zone for the subject property or for the properties immediately surrounding the subject site as previously described by the findings above. Therefore, this rezoning application fails to meet Criterion 2.

Plan 2035 classifies this property within the Established Communities on the Growth Policy Map (page 18), which are most appropriate for context-sensitive infill development and low to medium density development. The Generalized Future Land Use Map retains this property as park and open space. The proposal does not present context-sensitive infill and the M-X-T zoning would allow for intense development, which does not comply with the goals set forth in the Established Communities provision of Plan 2035.

The 2014 Eastover/Forest Heights/Glassmanor Sector Plan applies to the northern portion of the site and the 2000 Heights and Vicinity Master Plan applies to the southern portion of the site. Regarding the 2014 Eastover/Forest Heights/Glassmanor Sector Plan, the applicant contends development of the subject site was not contemplated at the time the Plan was written and frames the proposed M-X-T rezoning as an opportunity to capitalize on the success of nearby developments at National Harbor. This Sector Plan placed a focus on revitalization opportunities, to include mixed-use developments, primarily along Indian Head Highway. The proposal does not comply with the sector plan as it does not have frontage to Indian Head Highway.

The 2000 Heights and Vicinity Master Plan recommends the southern portion of the site be used as parkland in the future. The proposed rezoning does not conform with this recommendation because the narrow boundary of this portion of the site will not be able to accommodate parkland after it is utilized for access. The applicant contends this Plan and its recommendation for the southern portion of the site are outdated and did not consider the nearby development of National Harbor. To note, Plan 2035 and other master plans are subjected to an extensive process of hearings and public input and should not be easily discarded as ‘outdated’.

Based on the preceding findings, staff concludes that the above criterion is not satisfied and the request to rezone the subject property to the M-X-T Zone is deficient.

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

The applicant provided a statement of justification (SOJ) with this application, dated October 15, 2020, incorporated herein by reference. The SOJ acknowledges the residential low land use recommendations for the subject property but states that the proposed zoning will not substantially impair the general plan or the master plan and is in keeping with the purposes of the M-X-T Zone. However, staff does not find that the applicant's request is justified and further finds the following:

The Proposed Rezoning Substantially Impairs the Integrity of the General Plan
Staff finds that, pursuant to Section 27-213(a)(2) of the Zoning Ordinance, this application will substantially impair the integrity of Plan 2035, the County's general plan. As stated above, Plan 2035 recommends, "context-sensitive infill and low- to medium-density development" within the Established Communities policy area (page 20); and specifically recommends Parks and Open Space and Residential Low land use for the subject properties (Map 10, page 101).

Plan 2035 defines Parks and Open Space land use as publicly and privately-owned open space. The existing zoning, R-R and R-55 zones allows for residential development at a maximum of 2.17 and 6.7 dwelling units per net acre, respectively. The M-X-T zone allows for land uses, including multifamily, at much higher densities. This substantially impairs the general plan because it hinders the implementation of lower density residential land use and open space.

Furthermore, the rezoning of the subject property at this location contradicts the Plan 2035 County's growth policies regarding recommendations to limit higher density, mixed-use land uses to the Regional Transit Districts and Local Centers. There is currently one Regional Transit District and one Local Center nearby, the National Harbor Regional Transit District and Oxon Hill Local Neighborhood Center, where there is a substantial amount of property zoned for mixed-use and commercial use. Any additional mixed-use and commercial zoning would hinder commercial growth and revitalization in the area and pull mixed-use growth away from where it is more desirable. At this point in time, transit options do not exist to connect this site to National Harbor, which could in turn be perceived as aiding in the sprawl of the area when vehicular trips are the only option. This type of development in this area significantly impairs the County's growth policy goals.

Lastly, rezoning to M-X-T promotes a scale and mix of development that is out of context with the surrounding lower density residential neighborhood, the wooded areas, and the adjacent National Park (Oxon Cove Park and Oxon Cove Farm). The rezoning of the subject property challenges the general plan's recommendation to

ensure appropriate transitions between higher intensity and density development to the surrounding lower-density residential neighborhoods.

The Proposed Rezoning Substantially Impairs the Integrity of the Master Plan
Staff finds that, pursuant to Section 27-213(a)(2), this application will substantially impair the integrity of Plan 2035, the 2000 Heights and Vicinity Master Plan, and the 2014 Eastover/Forest Heights/Glassmanor Sector Plan.

2000 The Heights and Vicinity Master Plan

The proposed southern properties are in the 2000 Heights and Vicinity Master Plan. One of the key themes, noted in the plan on page 13, is to strengthen the character of the neighborhood by reducing potential for incompatible land uses in residential neighborhoods and prevent the encroachment of incompatible land uses. This is further emphasized on page 73, where the plan discusses that for properties in the general area of Eastover-Forest Heights (loosely shown on Map 9, page 70), infill development should occur and be compatible with the prevalent neighborhood character. The subject properties are in and just south of the Town of Forest Heights, characterized by lower density single-family housing, and surrounded by open space to the west and east. M-X-T zoning would allow for higher density mixed-use development that would be incompatible with the surrounding low-density neighborhood and create an inappropriate transition between high-density to low-density uses.

Furthermore, on pages 111-112, the master plan discusses perceptual assets, defined as areas having positive aesthetics, such as picturesque scenery and beautiful landscapes, and this is clearly stated as including woodlands, historic sites, ridgelines, and scenic vistas. The subject property is located to the west of a National Park which contains a County-Designated Historic Site (Mount Welby) and undeveloped wooded properties to the east. The subject properties are also wooded and contain a County-Designated Historic Site (The Butler House). Rezoning the property would allow for substantial residential and commercial development that would destroy the positive aesthetics of the area, including picturesque scenery as seen from Mount Welby, and would ultimately demolish the Butler House.

2014 Eastover-Forest Heights-Glassmanor Sector Plan

The properties to the north fall under the 2014 Eastover/Forest Heights/Glassmanor Sector Plan. Within this plan, the properties are in the Eastover-Forest Heights focus area. The recommendation for that area is the construction of sidewalks (page 38.) The redevelopment concept on page 55, only recommends sidewalk and a pedestrian bridge. No other development is recommended, which implies that this area is recommended to stay undeveloped or be developed under the current zoning. The sectional map amendment, that accompanied this plan, analyzed the zoning for the entire plan area and did not rezone the subject properties, but saw the current zoning of R-55 appropriate. Increasing the density of development or introducing non-residential uses to the property impairs the integrity of the sector plan by introducing land uses at densities deemed inappropriate.

Development Pattern and Intensity: The subject site is encumbered with significant regulated environmental features and is in a very narrow linear shape that results in limited buildable envelope. A northern portion of the site is also within the R-C-O Zone of the CBCA that is not intended for any urban development, not mentioning the intense development proposed in this zoning map amendment application.

The site is surrounded on the east side with lower density (6.7 dwelling units per acre) single-family detached established neighborhoods; on the west site by public park. The proposed gross residential density only in this zoning map amendment application is estimated at 85 dwelling units per acre, which is almost 13 times of the existing residential density. If up to 200,000 square feet of retail and up to 50,000 square of medical uses are taken into the density calculation, minus the environmental features from the developable envelope, the net density of this development will be much higher and that is totally out of character with the surrounding development patterns north of the Capital Beltway.

The proposed development includes multiple mid- to high-rise vertical mixed-use buildings. Given the constrained shape of the site, it is not possible to provide any transition in terms of building typology and density between the proposed development and the existing single family detached houses. The proposed development will be commanding, dominating, and overshadowing the existing neighborhood to the east that will create a stark visual contrast between the low, tiny single-family detached homes and the tall, massive mid- to high-rise buildings.

The Proposed Rezoning is not in Harmony with the Purposes of the M-X-T Zone

Pursuant to Section 27-213(a)(2), the proposed location is not consistent with the purposes of the M-X-T Zone. The complete list of purposes is copied below, followed by staff comment:

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

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

The subject property is not within the vicinity of a major interchange as indicated above. Rezoning the subject property to the M-X-T Zone does not embody orderly development; the proposal directs mixed-use, high-density land use away from the Regional Transit Districts, Local Centers and Employment Areas.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The proposed rezoning of the subject property does not implement the recommendations of the general plan or the master plan and permits development that contradicts those recommendations. With the M-X-T zone in place, the property could be compact, mixed-use, and internally walkable; however, the master plan does not recommend this density, land use, or type of development at this location.

- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

As described in purpose three, the M-X-T zone strives to protect land and building values as well as increase development potential by concentrating M-X-T-zoned properties at strategic locations, such as the Regional Transit Districts, Local Centers and Employment Areas. Currently, the Subregion and adjacent Planning Areas already have a substantial amount of M-X-T-zoned properties concentrated in appropriate areas, such as National Harbor and Oxon Hill Shopping Center. The proposed location for the rezoning to M-X-T is not compatible with nearby land uses, such as the low-density residential community (Forest Heights) or the undeveloped land to the west and east.

- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;**

The location of the subject property is not in proximity to other mixed-use developments. The northern properties have residential land use. The properties to the east (zoned O-S) and west (zoned R-O-S) are undeveloped. Although there are several properties to the south zoned for mixed-use, they are separated by the Capital Beltway. Also, the location of the property is not in proximity of transit facilities. The word transit, in this context, refers to non-automobile transit. Transit does not refer to a major intersection because a major intersection, intrinsically, promotes automobile use as opposed to discouraging it. Therefore, M-X-T-zoned property at this location cannot facilitate transit use or reduce automobile use.

Furthermore, no agency has plans to extend transit to serve this site. There are virtually no pedestrian or bicycle-serving uses within one-half mile of this site – only a large interchange which provides no access to this site (the Town of Forest Heights is adjacent to this site, but there is no plan for access between this site and Forest Heights). The applicant cites transit services along Oxon Hill Road, but the nearest part of this site to Oxon Hill Road contains no development per concepts provided with the submission.

- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

An M-X-T zoned property at this location, with a 24-hour environment, is inappropriate and out of context. The subject property is surrounded by undeveloped land, and low- to -density residential communities. It is unlikely that there is a large enough daytime or residential population existing near the subject property to support a 24-hour environment and the residents of these neighborhoods may find it a nuisance and incompatible with the character of their neighborhood.

(6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;

At this location, mixed-use development, either horizontal or vertical, may blend internally, but would not blend with adjacent uses. Instead, it would be isolated from the mixed-use zoned properties to the south due to the Capital Beltway. Purpose number six presumes the subject property is in an urban or urbanizing area and that the development would become part of the urban fabric. This is not the case for this property.

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

At this stage of the development review process, there are no urban design or site plans, or architectural drawings to review to determine functional relationships among uses or distinctive visual character and identity.

(8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;

Mixed-use development is inherently more efficient by using economies of scale and typically provides energy savings during construction. However, with no plans for constructing or improving infrastructure or public facilities, the proposed development will most likely burden these systems which are already insufficient. At this stage of the development review process, there are no SWM plans, or public facilities recommendations to evaluate.

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

Mixed-use development is inherently flexible in terms of market response. However, with the chosen location, the project would shift economic vitality and investment away from where it is needed and desired, specifically the Regional Transit Districts, Local Centers and Employment Areas.

The applicant makes note of the proximity of this site to National Harbor. However, from a transportation standpoint one cannot travel easily between this site and National Harbor. It is approximately one mile from the middle of this site to the MGM casino. The two sites are connected by a Capital Beltway overpass with two travel lanes and a four-foot-wide sidewalk. The intersection of Oxon Hill Road and Bald Eagle Road has restricted movements; one cannot turn left from Bald Eagle Road onto eastbound Oxon Hill Road, and one cannot turn left from eastbound Oxon Hill Road toward the site. The applicant currently proposes no remedies to widen the Capital Beltway overpass or to modify the Oxon Hill Road/Bald Eagle Road intersection to provide full movements.

(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

At this stage of the development review process, there are no architectural or urban design plans to evaluate.

(3) Adequate transportation facilities.

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

Because the proposal is expected to generate more than 50 peak-hour trips, a traffic impact study (TIS) has been submitted. The traffic study was referred to the County (the Department of Public Works and Transportation) and DPIE, as well as the Maryland State Highway Administration.

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume of 1,600 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds

50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

The table below summarizes trip generation in each peak hour that will be used for the analysis. The proposed uses have the following trip generation (with the use quantities shown in the table as described in the submitted traffic study). The trip generation is estimated using trip rates and requirements in the “Transportation Review Guidelines, Part 1” (Guidelines) and *Trip Generation* (Institute of Transportation Engineers (ITE)):

Trip Generation Summary, A-10055, National View									
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour			Daily Trips
			In	Out	Tot	In	Out	Tot	
Existing Zoning (and maximum density)									
R-R (1.85 residences per acre, 9.02 acres)	16	units	2	10	12	9	5	14	144
R-55 (4.20 residences per acre, 11.07 acres)	46	units	7	28	35	27	14	41	414
Total Trips Under Existing Zoning			9	38	47	36	19	55	558
Proposal Under M-X-T Zone									
Assisted Living	374	Beds	45	26	71	37	60	97	1,586
Hotel	204	Rooms	57	40	97	65	62	127	1,705
Less Internal Trips			0	-3	-3	-10	-3	-13	
Multifamily	1,402	Units	84	337	421	365	196	561	5,608
Less Internal Trips			-2	-3	-5	-47	-18	-65	
Retail/Commercial	120,000	Square Feet	70	43	113	143	182	325	4,530
Less Internal Trips			-6	-2	-8	-17	-53	-70	
Total Trips Under M-X-T Proposal			248	438	686	536	426	962	13,429
Difference: Existing Zoning Versus M-X-T			+239	+400	+639	+500	407	+907	+12,871

The comparison of estimated site trip generation indicates that the proposed rezoning could have an off-site impact of 600 to 900 additional trips, depending on the peak hour being considered. The daily trip impact could be as high as 12,900 daily trips.

The applicant provided staff with a July 2020 TIS as part of the application documentation. The purpose of the TIS was to identify and evaluate the critical intersections, in order to determine the impact of the proposed zone changes on the performance of these intersections.

It needs to be noted that the M-X-T Zone approval is not based upon a conceptual plan. The only development yield is shown in the TIS, and the traffic-related findings can be amended at the time of preliminary plan of subdivision, in accordance with Section 27-213(a)(3)(B) of the Zoning Ordinance. While the transportation staff has always interpreted this part of the law to allow the scope of transportation improvements to be amended as future traffic patterns changes, it appears to also allow more intensive uses to be proposed at later review stages. The M-X-T Zone allows a range of uses and no restriction on density. It is strongly advised that the plans be reviewed to ensure that the zone is appropriate from a land use perspective at this location.

The traffic generated by the proposed application would impact the following intersections, interchanges, and links in the transportation system:

- MD 210 at southbound (SB) I-95 Ramps/Bald Eagle Road (signalized)
- Bald Eagle Road at Oxon Hill Farm Driveway (unsignalized)
- MD 414 at MD 210 SB Ramps/Bald Eagle Road (signalized)
- MD 414 at MD 210 NB Ramps (signalized)
- Oxon Hill Farm Driveway at site access (future/unsignalized)

Existing Traffic

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
MD 210 at SB I-95 Ramps/Bald Eagle Road	696	1038	A	B
Bald Eagle Road at Oxon Hill Farm Driveway	9.9*	11.0*	--	--
MD 414 at MD 210 SB Ramps/Bald Eagle Road	584	492	A	A
MD 414 at MD 210 NB Ramps	913	889	A	A
Oxon Hill Farm Driveway at site access	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Due to the effects of the ongoing COVID-19 pandemic, the process of collecting traffic counts for traffic studies became problematic. In accordance with the Prince George’s County Planning Board policy adopted on April 9, 2020, applicants were allowed to scope and prepare studies using older counts that are factored for annual traffic growth. That policy expired on September 10, 2020; studies that have been scoped and/or prepared between April 9 and September 10 using

pandemic-factored counts are allowed to be accepted during 2020. In the case of this TIS, it was scoped prior to April 2020 and completed during the summer of 2020, and all traffic counts utilized have been adjusted in accordance with the Planning Board’s policy.

Background Traffic

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation “Consolidated Transportation Program” or the Prince George's County “Capital Improvement Program.” Background traffic has been developed for the study area using 5 approved but unbuilt developments within the study area. A 1.0 percent annual growth rate for a period of six years has been assumed. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
	MD 210 at SB I-95 Ramps/Bald Eagle Road	788	1171	A
Bald Eagle Road at Oxon Hill Farm Driveway	10.3*	11.7*	--	--
MD 414 at MD 210 SB Ramps/Bald Eagle Road	685	648	A	A
MD 414 at MD 210 NB Ramps	1024	1039	B	B
Oxon Hill Farm Driveway at site access	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges and links identified above, when analyzed with total future traffic as developed using the Guidelines including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
	MD 210 at SB I-95 Ramps/Bald Eagle Road	1242	1659	C
Bald Eagle Road at Oxon Hill Farm Driveway (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	170.7*	+999*	Fail	Fail
Minor Street Volume Test (100 or fewer)	440	433	Fail	Fail
Critical Lane Volume Test (1,150 or fewer)	994	1459	Pass	Fail
MD 414 at MD 210 SB Ramps/Bald Eagle Road				
MD 414 at MD 210 NB Ramps	685	658	A	A
Oxon Hill Farm Driveway at site access	1109	1139	B	B
	11.9*	13.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The table above notes traffic inadequacies that require discussion in either peak hour.

MD 210 at SB I-95 Ramps/Bald Eagle Road

In the TIS, the applicant proposes improvement to the intersection to provide a second approach lane along Bald Eagle Road, to provide separate left-turn and right-turn lanes. With the second approach lane in place, the MD 210 at SB I-95 Ramps/Bald Eagle Road intersection would operate at LOS A, with a critical lane volume of 975, in the AM peak hour. In the PM peak hour, the intersection would operate at LOS E with a critical lane volume of 1,517.

Bald Eagle Road at Oxon Hill Farm Driveway Oxon Hill Farm Driveway at site access

The applicant currently shows two concepts for this pair of intersections:

- A. The first concept would maintain existing Bald Eagle Road as the major through roadway, adding a right-turn lane at the approach to Oxon Hill Farm Driveway, and widening the Oxon Hill Farm Driveway to provide a left-turn and a right-turn lane. The site access would be about 220 feet west of the intersection along Oxon Hill Farm Driveway. Both the Bald Eagle Road at Oxon Hill Farm Driveway and the Oxon Hill Farm Driveway at site access would remain unsignalized.
- B. The second concept would involve some realignments to have Bald Eagle Road from the east become a through roadway onto Oxon Hill Farm Driveway. Existing Bald Eagle Road from the south would "tee" into this realignment through roadway. The Oxon Hill Farm Driveway would be widened to provide a through lane eastbound and a right-turn lane. The right-turn lane from Bald Eagle Road from the south would be channelized, and a left-turn lane would be added along westbound Bald Eagle Road. The

site access would be about 220 feet along Oxon Hill Farm Driveway. Both the Bald Eagle Road at Oxon Hill Farm Driveway and the Oxon Hill Farm Driveway at site access would remain unsignalized.

While the staff are inclined to accept these concepts as evidence that the two intersections nearest the site can be made to be adequate, the concept of creating access to this site needs greater thought. Both access concepts involve usage of a National Park Service roadway, and this applicant has not shown that the use of that roadway is feasible or permissible. One access concept involves all traffic entering and leaving the site to make two 90-degree turns; the other concept involves making a park road into a through roadway. Neither of these ideas is conducive to creating a dense mixed-use community. Also, given that there is potential for more than 13,000 daily vehicles accessing the site, more serious consideration must be given to signalization near the site access. There is not a viable vehicular access point to the site to handle the traffic of the proposed intense development at this time without generating significant negative impact on the abutting established traditional single-family neighborhoods.

Given the proposed uses and the associated traffic projection outlined in the traffic study, it is determined that the transportation facilities in the area would be adequate to carry anticipated traffic for the proposed development, as required by Section 27-213(a)(3) of the Zoning Ordinance.

Review of Plan/Request

Approval of the M-X-T Zone has some particular locational criteria as stated in Section 27-213(a)(1) of the Zoning Ordinance. The criteria have been addressed above as they relate to transportation. In summary, staff's review of the TIS finds adequate transportation facilities to support the request, however, staff did not find the criteria for Section 27-213(a)(1) and (2) to be met.

- 8. Referral Comments:** Referral memoranda comments directly related to the request to rezone the property were included in the body of this technical staff report. Referral memoranda were received from the following divisions, all are included as backup to this technical staff report and are incorporated herein by reference:
- a. Transportation Planning Section, dated November 19, 2020 (Masog to Sievers)
 - b. Trails Section, dated November 17, 2020 (Jackson to Sievers)
 - c. Community Planning Section, dated November 16, 2020 (Lester to Sievers)
 - d. Prince George's County Department of Permitting, Inspections and Enforcement, dated October 2, 2020 (Giles to Sievers)
 - e. Urban Design Section, dated November 16, 2020 (Bossi to Sievers)
 - f. Environmental Planning Section, dated November 20, 2020 (Schneider to Sievers)

- g. Special Projects Section, dated October 30, 2020 (Thompson to Sievers)
- h. Historic Planning Section, dated November 18, 2020 (Stabler to Sievers)
- i. Parks and Recreation, dated November 17, 2020 (Sun to Sievers)
- j. National Park Service, dated September 15, 2020 (Smith to Sievers)

CONCLUSION

This application does not meet the requirements of Section 27-213(a)(1)(B) of the Zoning Ordinance because the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment* and the 2014 *The Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment* does not recommend mixed land uses for the subject property similar to those recommended in the Mixed Use-Transportation Oriented (M-X-T) zone.

This application does not meet the requirements of Section 27-213(a)(2) of the Zoning Ordinance. This application will substantially impair the integrity of Plan 2035 primarily because the proposed high-density mixed-use development is not supported by the recommended land use for Established Communities Growth Policy Area, as designated by Plan 2035. This application will also substantially impair the integrity the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment*, primarily because the proposed high-density mixed-use development does not conform to the recommended infill development that is compatible with the low-density character of the surrounding neighborhoods (The Heights, page 13). As previously stated, the intent of the master plan and the general plan is to direct mixed-use, high-intensity developments, such as that permitted by and encouraged in the M-X-T Zone, into designated regional transit districts and local centers, rather than scattered throughout the County. Since the subject properties are not located within any designated regional transit district or local center, the master plan envisioned this area for low- to medium-density residential neighborhood development, rather than high-density mixed-used development. In addition, pursuant to Section 27-213(a)(2), this application is not in harmony with the purposes of the M-X-T Zone.

This application meets the requirements of Section 27-213(a)(3) of the Zoning Ordinance, for transportation adequacy, based on the development proposal put forth in the transportation impact analysis at this time.

The intense character of M-X-T Zone development would be vastly different, inappropriate, and an abrupt transition in density and uses from what is envisioned in the 2014 *Plan Prince George's 2035 Approved General Plan*, the 2000 *The Heights and Vicinity Approved Master Plan and Sectional Map Amendment*, and the 2014 *The Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment*. Therefore, staff finds that reclassifying the subject properties to the M-X-T Zone will substantially impair the goals, policies, and purposes of the general plan and the master plan. Consequently, staff recommends **DISAPPROVAL** of Zoning Map Amendment Application A-10055, National View, for rezoning from the R-R and R-55 Zones to the M-X-T Zone.

ITEM: 9

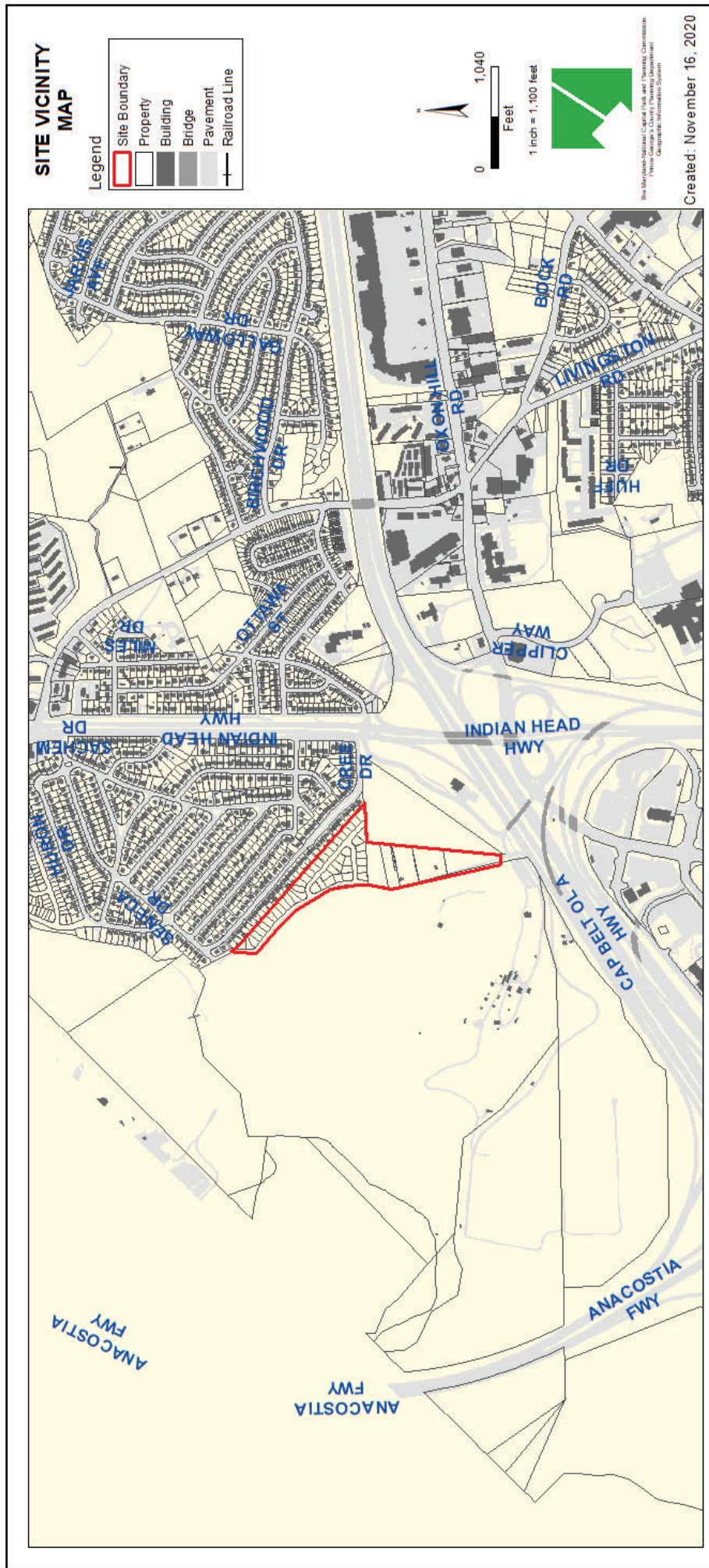
CASE: A-10055

NATIONAL VIEW

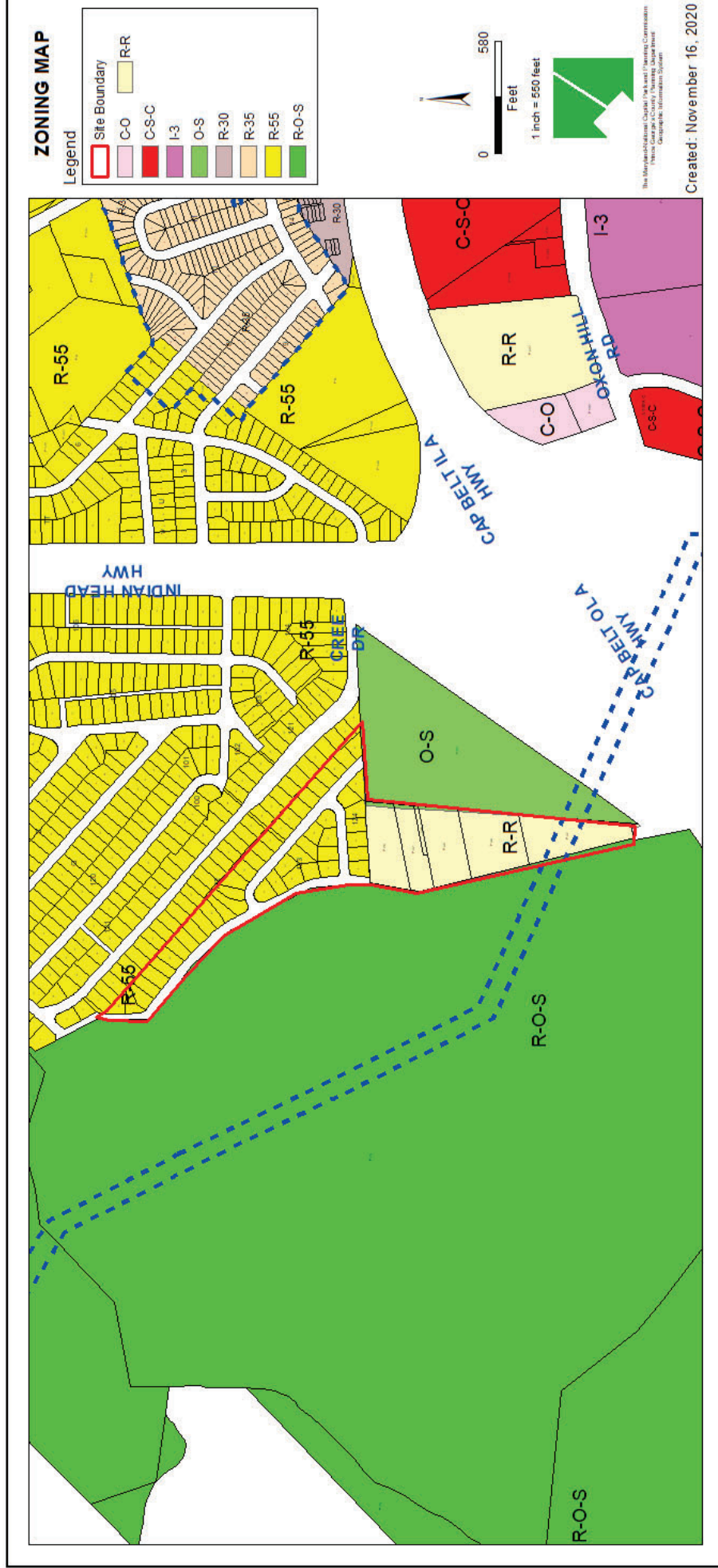
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



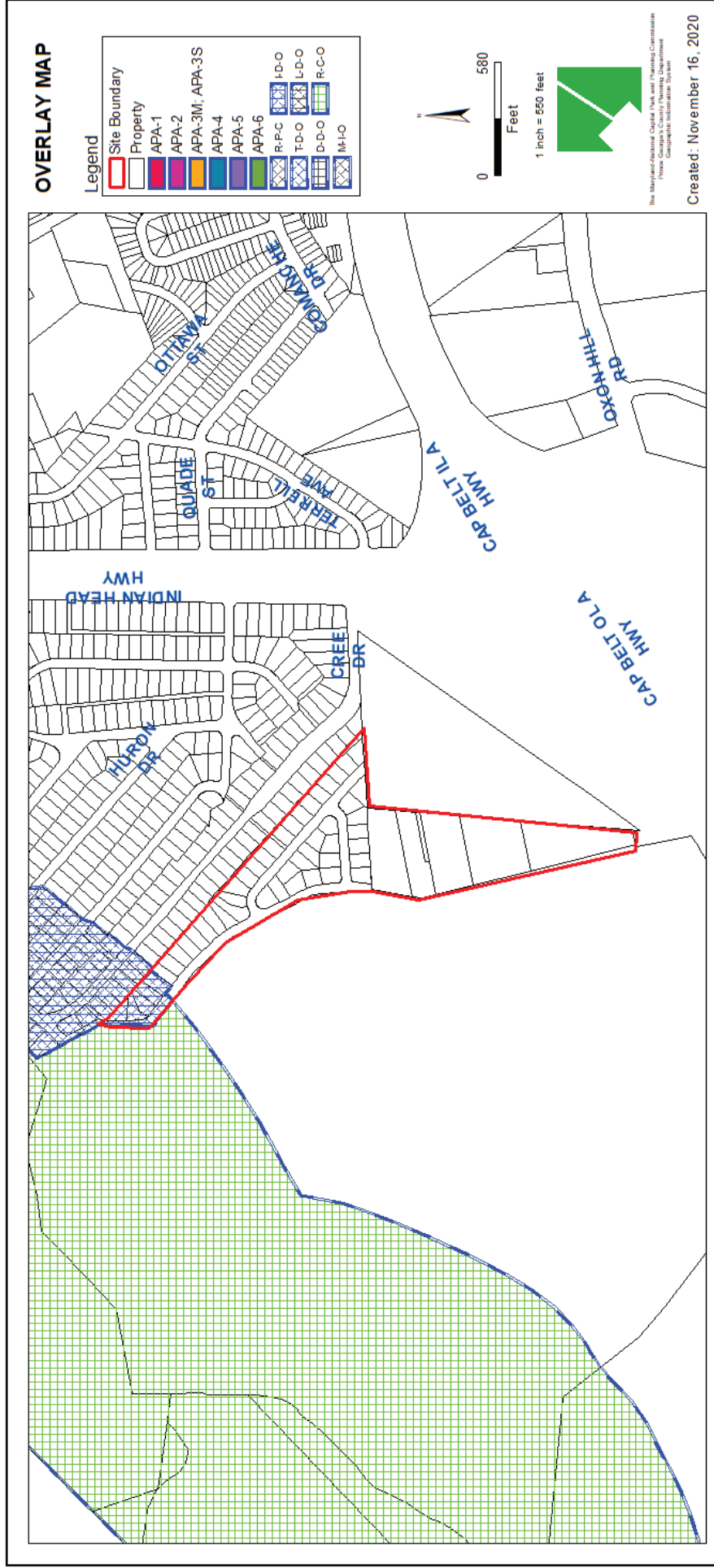
SITE VICINITY



ZONING MAP



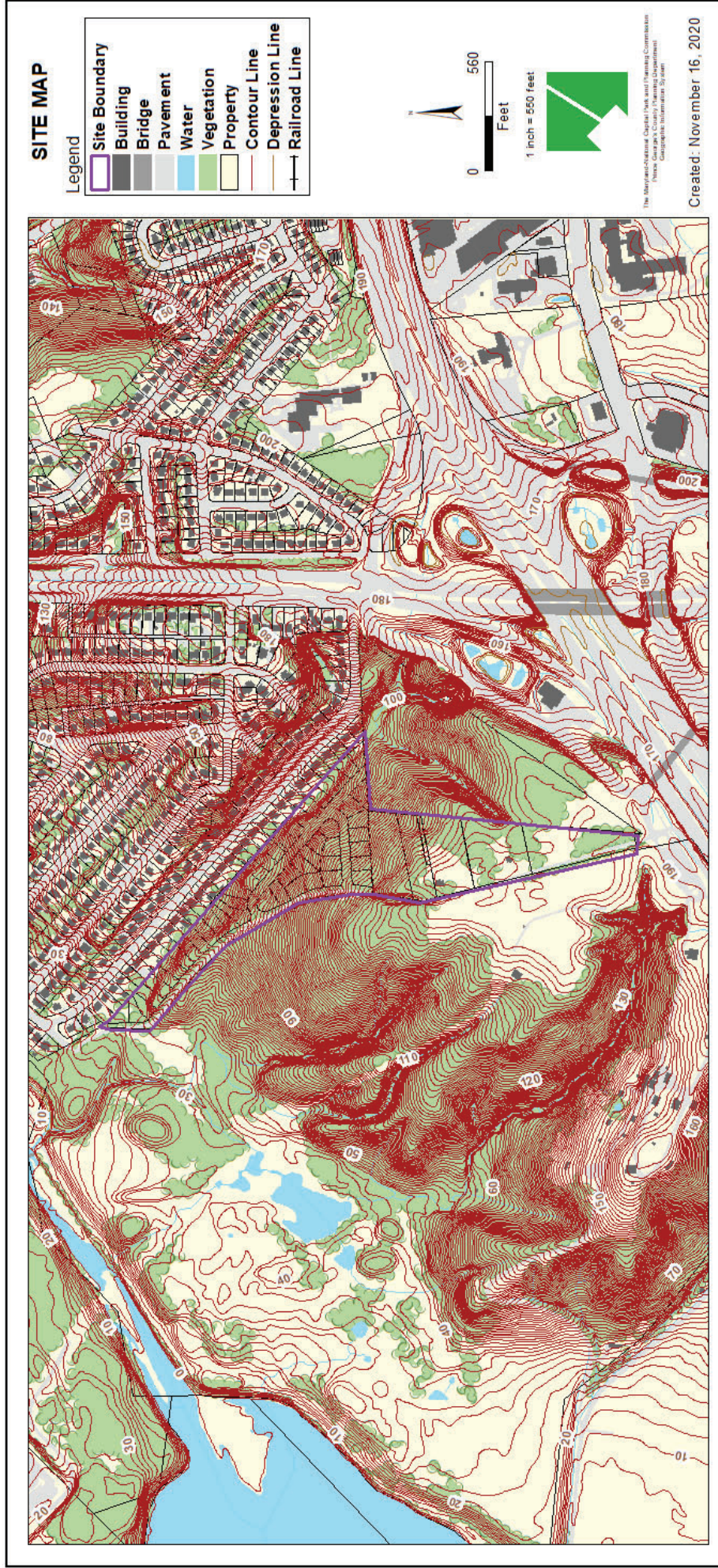
OVERLAY MAP



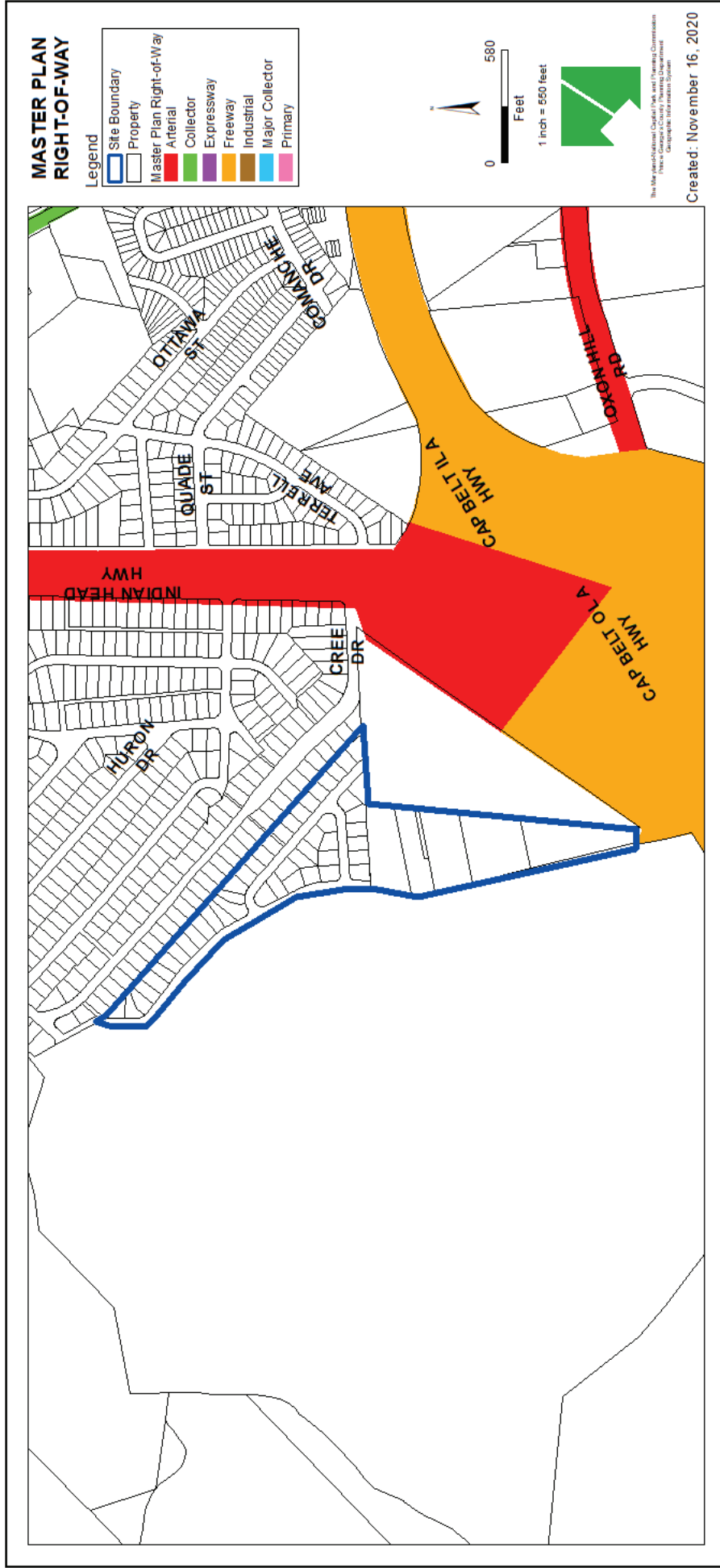
AERIAL MAP



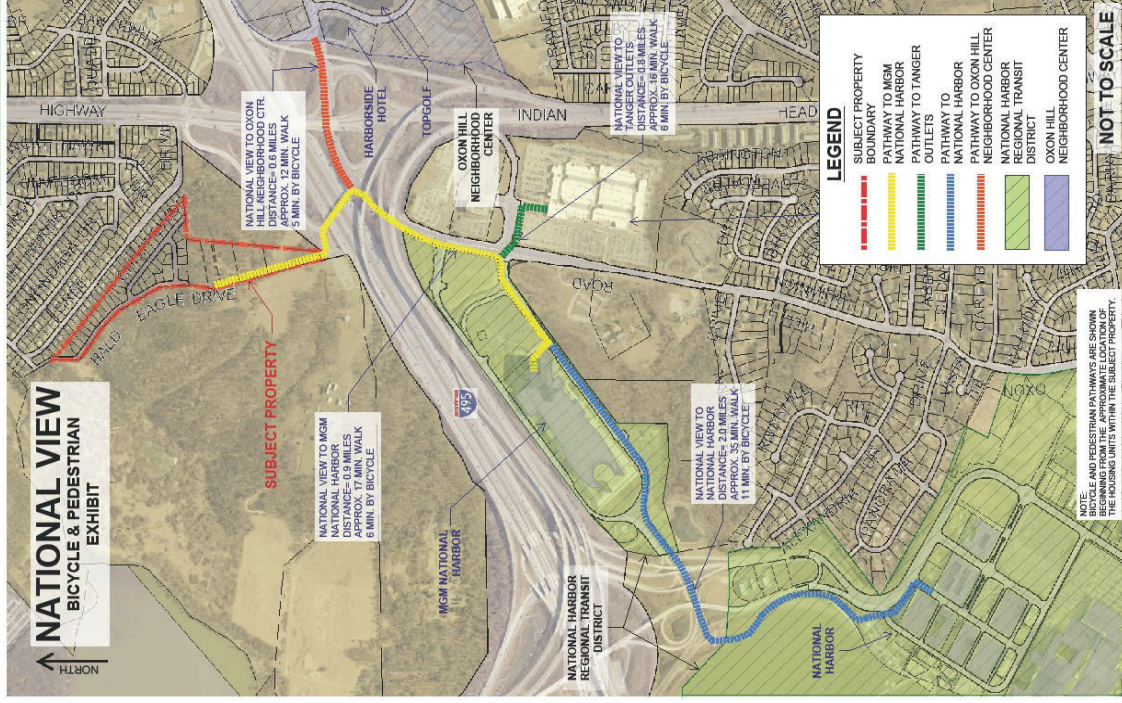
SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



APPLICANT'S BICYCLE & PEDESTRIAN EXHIBIT



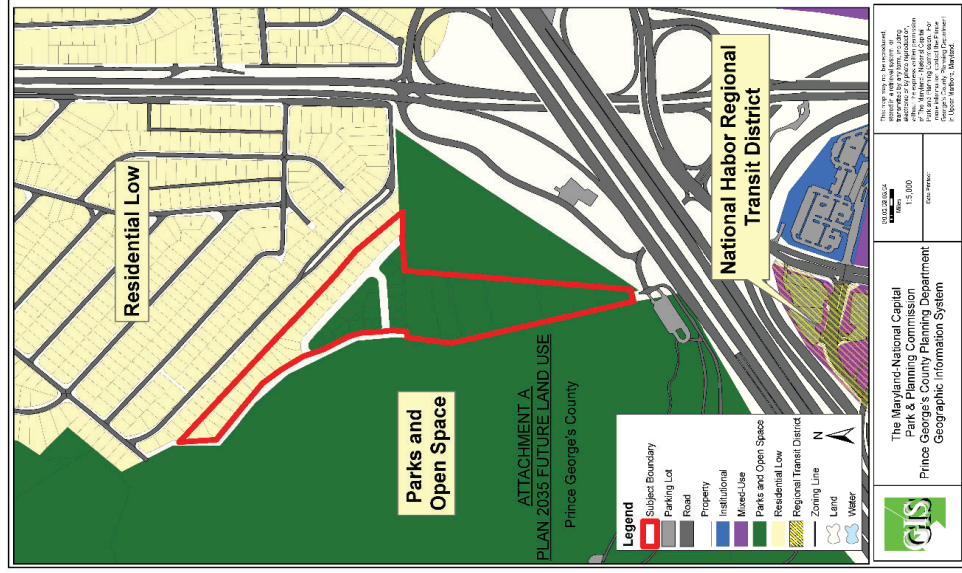
APPLICANT'S BICYCLE AND PEDESTRIAN CONNECTIVITY EXHIBIT



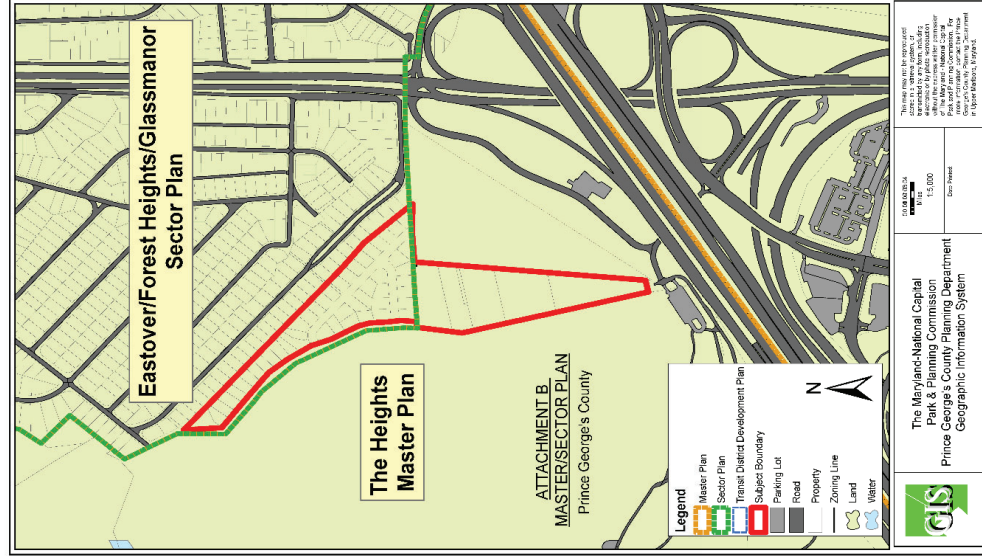
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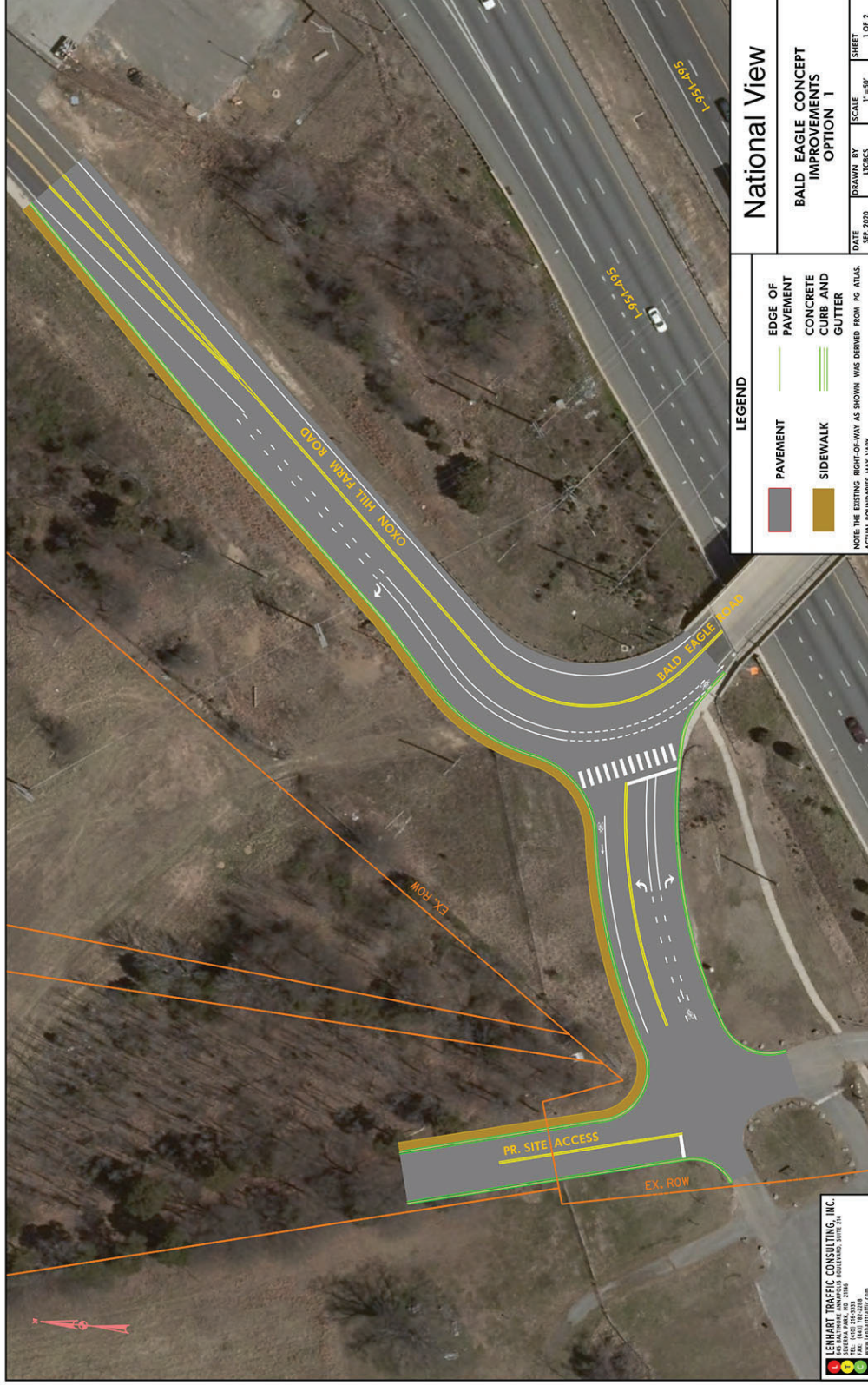
PLAN 2035 FUTURE LAND USE MAP



SECTOR & MASTER PLAN AREA MAP



APPLICANT'S ROAD IMPROVEMENT OPTION 1

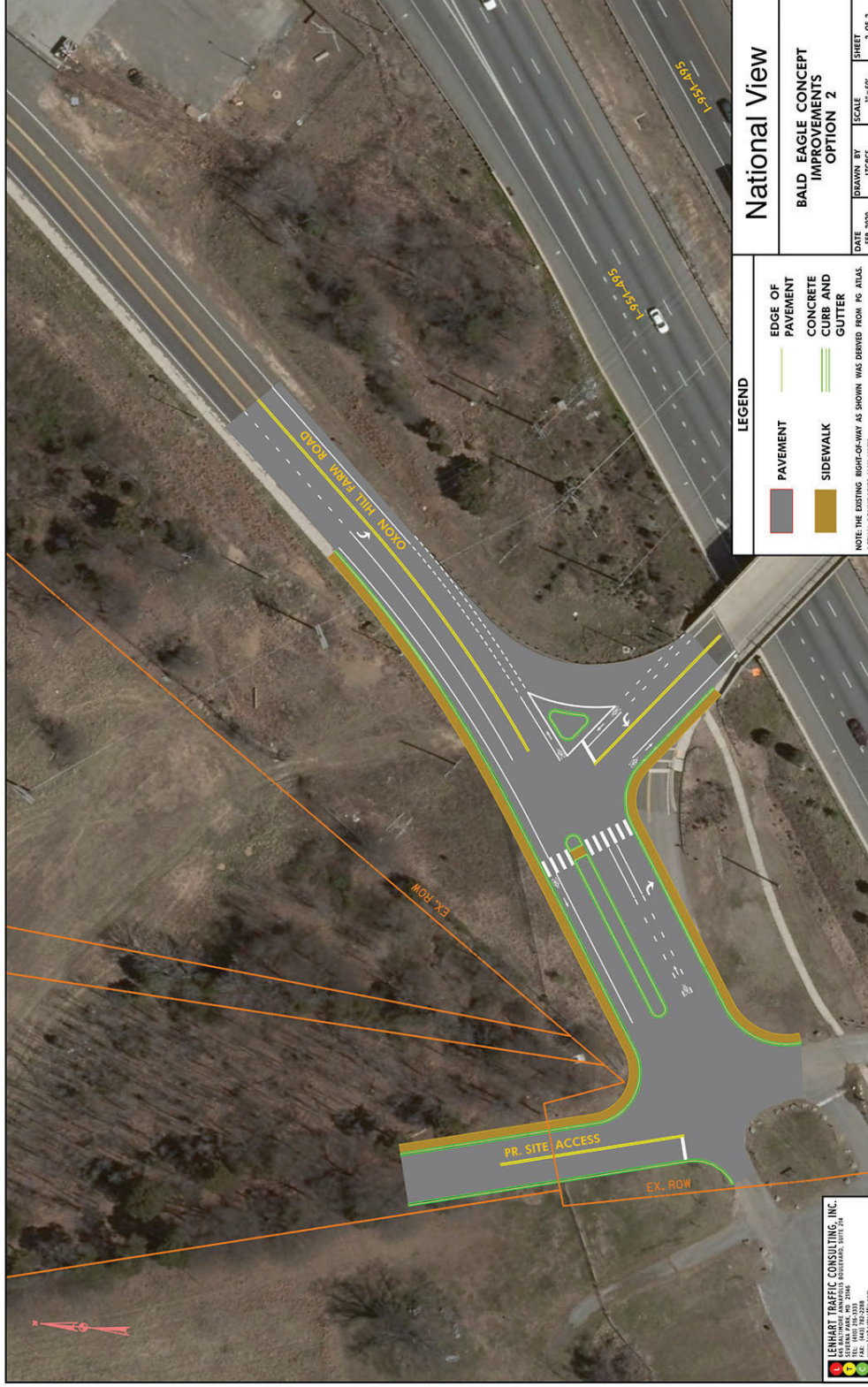


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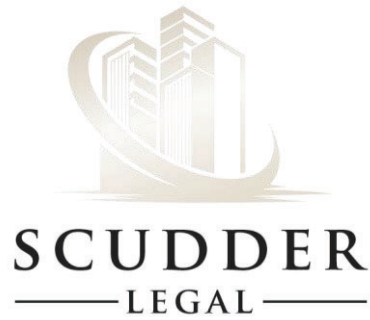
APPLICANT'S ROAD IMPROVEMENT OPTION 2



12/17/2020

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NATIONAL VIEW STATEMENT OF JUSTIFICATION

A-10055

"Now is our time to be bold."
- Plan 2035

1. INTRODUCTION

Petra Development hereby proposes a regionally competitive, high-density mixed-use development to be known as National View. National View will be a multi-generational development – a place where all age groups can live, work, play and socialize. It will support the concept of “aging-in-place” by offering a mix of unit types, from market apartments and work force units, to senior units and assisted living. National View seeks to capture a diverse cross-section of the County’s growing population while helping to meet its housing needs. The Applicant is proposing 1,500 – 1,700 multi-family units, four (4) assisted living buildings, 200,000 square feet of retail/commercial/office space including a range of upscale dining options, a hotel, a 50,000 +/- square-foot medical building with a 24-hour medical clinic a 3,000 square foot police substation and amenities such as rooftop community gardens and walking trails with water views over the Potomac River.

The development will feature areas where the public may view the Virginia shoreline.

Walking trails and a unique promenade along the pedestrian walkway will be an impressive feature of the development. Few locations in Prince George's County can offer the kind of water views that will be available at this site. The unique opportunities afforded by this site's high-visibility from Woodrow Wilson Bridge and excellent water views make site an excellent gateway project.

National View's development site is in the northwest quadrant of the interchange of the Capital Beltway and Indian Head Highway, Maryland Route 210. As proposed, National View will complete the framing of the Capital Beltway's entry into Prince George's County from Virginia. As noted above, the site has potential for great visual impact, sitting at the top of the hill rising up from the Potomac River directly across the Capital Beltway from the MGM and the National Harbor Regional Transit District.

The site's proximity to National Harbor, MGM and the adjacent interchange makes it an ideal location for an extension of the medium- to high-density mixed-use development that has already taken shape in the immediate area. The site abuts two of Plan 2035's Centers targeted for medium- to high-density mixed-use development: National Harbor and Oxon Hill. The National Harbor Regional Transit District and the Oxon Hill Regional Center collectively form the suburban downtown for this part of the county. *Plan Prince George's 2035* designates these areas for medium to high-density development. Furthermore, the site is in an Opportunity Zone.

Despite its location at a nexus of two planned Centers and an interchange of two of the highest-classification roadways in the County, the land comprising National View, which until recently had been privately owned by two families for well over a century, has been somewhat of a hidden jewel, flying under the County's radar. The Applicant has been told by M-NCPPC and Prince George's County staff that this site simply has never been given much planning attention given the character of its private ownership. Moreover, being that the site consists of mostly

vacant, undeveloped land, bounded both to the east and west by federal parkland, the site has blended into the natural setting that surrounds it without much notice. As a result, from a planning perspective, the low-density zoning designation of these properties has simply been carried over from one Master Plan to the next. Petra Development believes that the time has come for the proper attention to be paid to this property.

National View will be regionally-oriented development, much like National Harbor. National View will complement National Harbor and as such warrants a reclassification to accommodate the scale and type of development appropriate for its location. Further, “it is anticipated that the economic stimulus provided by new development at National Harbor will further transform the market in this part of the county, providing the incentive for redevelopment in Oxon Hill.” *See*, page 47 of the 2006 approved *Henson Creek-South Potomac Master Plan and Sectional Map Amendment*.

There are many great features about National View not the least of which is its ability to complete the framing of the vista from the Capital Beltway (I-495) as you enter Prince George’s County from Virginia via the Woodrow Wilson Bridge. With its location and visibility, National View will be a true gateway development, complementing National Harbor on the southern side of the Capital Beltway. The Applicant believes the time is ripe to assign these properties an appropriate zoning designation and is excited to bring this type of innovative development to the County. As Plan Prince George’s 2035 instructs, now is the time for the County to be “bold”.

2. PROJECT DESCRIPTION AND REQUEST

This application is filed in accordance with Section 27-143 of Subtitle 27 of the Prince George’s County Code, also known as the Zoning Ordinance for Prince George’s County, for the purpose of rezoning certain properties which are described more particularly below, and which are

the subject of this Zoning Map Amendment application. The subject properties are currently zoned R-R (Residential – Rural) and R-55 (One-Family Detached Residential), and are shown on the enclosed Combined Boundary Plat. The Applicant is requesting that these properties be rezoned to the M-X-T (Mixed Use-Transportation Oriented) Zone.

3. DESCRIPTION AND HISTORY OF THE PROPERTY

The properties that comprise the proposed mixed-use development, National View, consist of approximately 20.1 +/- acres (hereinafter, the “Property”), as shown on the enclosed Combined Boundary Plat that has been submitted with this application. The property is located on the north side of the Capital Beltway (I-95/I-495), at its interchange with Indian Head Highway (Maryland Route 210).

The subject site is bordered on its east and west sides by federal parkland, and by existing residential development in the Town of Forest Heights. Across the Capital Beltway to the south is National Harbor. The Tanger Outlets at National Harbor is also close by, southeast of the subject Property.

Access to the subject property is by Bald Eagle Road, which is a part of the complex interchange of the Beltway, Indian Head Highway and Oxon Hill Road. Bald Eagle Road, together with Oxon Hill Farm Road, links the ramp exiting the westbound lanes of the Beltway to both directions of Indian Head Highway and bridging the Beltway to connect southbound Indian Head Highway to southbound Oxon Hill Road. The National View development will promote optimum use of all available transportation systems and capitalize on the substantial highway improvements that have been provided in the vicinity. The site will have direct and efficient connection directly to the interstate highway system.

Historically, the area immediately surrounding the site contained open land, farms, undeveloped woods and scattered residences. The surrounding setting generally remains the same today, but now there is National Harbor and MGM, directly across the Beltway from the site. The land comprising the National View development site, just until recently, had been owned by two families for well over a century, and has been somewhat of a hidden jewel, flying under the County's radar. This site simply has never been given much planning attention given its private ownership for the last century. We believe the time is ripe to assign these properties a different zoning designation.

The Applicant has assembled properties at this location specifically for the proposed development. The land assembly involved a lengthy, laborious process, involving individual residential lot owners and spanning over a period of several years. The assembling of the land included a collection of undeveloped lots formerly known as the Habib property, which forms the northern part of the National View property assembly. These lots run along the east side of the northern portion of Bald Eagle Drive and parallel to Cree Drive on the northeast side of the Property. The former Habib property was previously subdivided into 48 recorded lots several years ago but new homes have never been constructed. The intent behind subdividing the property was to sell these R-55 lots to a builder or developer for the development of single-family homes. The lots were shopped around to various builders and developers but there was no market for single family houses at this location. The Applicant reexamined the feasibility of the plan and formulated a new concept that responds to today's market as well as the retail and leisure time activity needs of Prince George's County and the region. The Applicant believes that this new concept will prove to bring a greater measure of tax-generating and employment-generating activities to Prince George's County and the Town of Forest Heights.

The former Habib property is comprised of Lots 61-91, inclusive, Block 122, Lot Nos. 13-24, inclusive, Block 123, and Lot Nos. 8 through 14, inclusive, block 124, all as shown on the attached combined boundary plat entitled "Record plat of Forest Heights Subdivision, Section 16, Amended" recorded in the Land Records of Prince George's County, Maryland at Plat Book 28, page 5. The total acreage of the former Habib property is 11.06 +/-, which includes 2.3148 +/- acres of rights-of-way to be added when its plat is abandoned. The Habib property is zoned R-55. The SDAT records also identify the Habib property at the addresses 1-9, and 101-121 Chippewa Drive, 100-110 Crow Way, and 5808-6008 Bald Eagle Drive. It should be noted that the properties that comprise this portion of the site are located with the Town of Forest Heights.

Additionally, the Applicant has acquired the property formerly known as the Butler property that consists of approximately 9.0242 +/- acres which contain several parcels (Parcels 26-27, 32-33, and 36-37), each containing approximately 1-2 +/- acres. *See*, Combined Boundary Plat. The former Butler property is zoned R-R. The property is mostly wooded, but has two dilapidated residences and an electric utility right-of-way. The Butler House (76A-014) on the Butler property is a designated Historic Site.

Historically, one of the residences has been located on the northern portion on the subject property since the 1850s. It is a 2 ½ story residence (6403 Oxon Hill Road) that appears to be of masonry and wood frame construction, with a faux stone façade. The residence is in extremely poor condition, with its roof collapsed inwards. *See*, photos of residence attached hereto.

A second dilapidated residence is located on the central portion of the subject property and was reportedly constructed in the 1940s. It is a 1 ½ story residence (6407 Oxon Hill Road) that is made of masonry construction, also in very poor condition. These two residences were abandoned by 1990. At least four outbuildings were located on the subject property from at least 1965 until

prior to 1998, when the outbuildings were demolished. Until the Applicant purchased this property, it had been owned by various members of the Butler family since at least 1873. *See*, photos of residence attached hereto.

In total, the Applicant has assembled approximately 20.1 +/- acres, now owned by the Applicant, and which are the subject of this application. The site forms the shape of a wide triangle nestled in the northwest quadrant of the interchange of Indian Head Highway and Interstate 495. These two major roadways, Indian Head Highway and the Capital Beltway, form the nucleus of this application and provide a solid legal basis for approval of the rezoning of the subject properties to the M-X-T Zone. The legal criteria for such rezoning is further addressed below under Section 4, below.

As noted above, the National View development site abuts two major Centers: National Harbor and the Oxon Hill Regional Center. But for the Capital Beltway (I-495, the site would adjoin the National Harbor Regional Transit District, and but for the Indian Head Highway interchange, it would also join the Oxon Hill Regional Center. These centers have been designated as areas within the County that have the “long-term capacity to become mixed-use, economic generators for the County.” *See*, page 19 of Plan Prince George’s 2035. According to Plan 2035, [t]hese medium- to high- density areas are envisioned to feature high-quality urban design, incorporate a mix of complementary uses and public spaces, provide a range of transportation options – such as Metro, bus, light rail, bike and car share, and promote walkability.” *See*, page 19 of Plan 2035. The National View development proposal fits the bill.

Though the subject property is near National Harbor, it is in a different Master Plan area: National Harbor is within the boundaries of the *2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek – South Potomac Planning Area*. The subject site, however, is

located in two further different Sector Plan areas: The subdivided properties to the north, referred to as the former Habib properties, fall within the *2014 Eastover-Forest Heights-Glassmanor Sector Plan* (hereinafter, the “Eastover Plan”). The Master Plan governing the southern portion of the site, which has been referred to as the former Butler property, is the *2000 approved Master Plan and Sectional Map Amendment for The Heights & Vicinity, Planning Area 76A* (hereinafter, “*The Heights & Vicinity Master Plan & SMA*”). Both plans will be addressed throughout this document.

Because the proposed development is just across the Capital Beltway from National Harbor and the MGM, it is important to give some consideration to the *2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek – South Potomac Planning Area*. The National Harbor is part of an area-specific strategy to promote the expansion of employment opportunities in the Subregion. In this regard, all three plans are taken into consideration.

It is important to revisit the history of the adjacent Master Plan area that lead to the creation of the highly successful National Harbor. The Master Plan currently governing the area is the Approved 2006 Henson Creek – South Potomac Planning Area Master Plan and Sectional Map Amendment. Prior to the adoption of this plan, the Master Plan that governed the area was the Master Plan for Subregion VII, Henson Creek, Planning Areas 76A and 76B and South Potomac, Planning Area 80, October 1981. Subsequent to the adoption of this Master Plan, the District Council, in December 1983, approved and adopted a Sectional Map Amendment (SMA) for Subregion VII, Henson Creek – South Potomac.

In the SMA, the unique location and development potential of the Smoot Bay area was recognized and expressed as follows on page 98 of the 1981 Master Plan:

“Due to its distinctive location of the Potomac waterfront and overlooking bluffs, the area along Smoot Bay ... presents a great potential for unique development within the

Subregion and the County if an access road can be provided. To take advantage of this potential, an urban character, mixed-use employment and waterfront entertainment center is recommended which will be a fitting gateway to Prince George's County and the State of Maryland."

The subject site shares many of the same features that justified the rezoning of the land upon which the National Harbor was constructed. Land that was previously residentially zoned and that was surrounded by properties located in the R-80, R-55 and R-R zones, similar to the proposed site for National View which is currently zoned R-55 and R-R. It is also noteworthy that the National Harbor site was adjacent to existing residential homes and next to a park. The similarities between the National Harbor and the National View site are important to highlight because of the success that the National Harbor has achieved in an environment that shares many of the same features as the National View site.

Further, like the Applicant's National Harbor neighbor, the Applicant's site also has a distinctive location with waterfront views and overlooking bluffs that presents great potential for unique development within the subregion. Just as the District Council recognized in 1983 that an urban character featuring mixed-use development was appropriate on the opposite side of the Capital Beltway, this site also is a fitting for a gateway at the entrance of Prince George's County and the State of Maryland and would complete the framing of the beltway. National View will feature a hotel, shopping, dining, and residences in an attractive high-quality environment with ambience and discovery related to the site's historical component.

The Properties that are the subject of this application are not in a Development District Overlay Zone (D-D-O-Z). The properties are, however, located within the Developed Tier, as defined in the General Plan. The Eastover Sector Plan provides a definition of the Developed Tier:

“Developed communities generally contain older neighborhoods and commercial areas developed at higher densities, often with widespread problems of disinvestment due to the new growth occurring predominantly in the Developing Tier.” The Eastover Plan also includes the following description of the subject planning area, which again, includes the Town of Forest Heights and the unincorporated areas known as Glassmanor and Eastover:

The sector plan area also consists of three gently sloped hills that provide spectacular views of Virginia and the District of Columbia to the west and north. The residential areas of Forest Heights and Glassmanor have many mature trees and include parks, playfields, and natural fields. *See*, Eastover Plan, page 22.

The Washington DC city limits, southern Prince George’s County and Virginia are all minutes away from the proposed National View. The Eastover Sector Plan recognizes that “the area’s unique location as a gateway to and from the District of Columbia provides access to employment, entertainment, and cultural resources.” *See*, Eastover Plan, page 29. The site is only seven miles south of Washington, D.C., and only 6.4 miles from the new Amazon headquarters in Northern Virginia. Because of the site’s close proximity to the new Amazon headquarters, there is an opportunity to meet the housing needs arising from the influx of 25,000 Amazon employees to the area. It is anticipated that once Amazon’s decade-long move is complete, Maryland will get about a third of the Amazon employees as taxpaying residents with jobs paying an average of \$150,000. The proposed National View development is uniquely situated near a major transportation network, a trilogy that includes MD 210/Indian Head Highway, I-295, and the Capital Beltway (495/295). The subject site is the closest undeveloped property of significance near this network.

The site is located completely inside the Capital Beltway in an area known as “the Heights,” which has been defined as a priority funding area by the 1997 Neighborhood Conservation and Smart Growth Initiative. *See*, The Heights & Vicinity Master Plan & SMA,

page 55. It should be noted that Forest Heights is also on the Approved List of Sustainable Communities, per the Maryland Department of Housing and Community Development's Sustainable Communities Program. It is also noteworthy that the Town of Forest Heights stated in its Sustainable Community Application for this program that, the Town recognizes that a barrier to its economic competitiveness is the fact that the vast majority of land in Forest Heights is residential (approx. 95%) and does not allow for much redevelopment because the existing neighborhoods are already established. Accordingly, because the Town is made up primarily of neighborhoods that have been established for quite some time, there is not much opportunity for additional residential construction.

Limited opportunities for new development exist in The Heights. The state of Maryland has designated the area in which the subject site is located as an Opportunity Zone. Opportunity Zones were signed into law in April 2017. The federal government created Opportunity Zones as part of the 2017 tax reform legislation. Opportunity Zones are state-designated census tracts that are intended to spur long-term private investment in low-income communities through federal tax breaks on any capital gains that result from specific investment in those communities. Opportunity Zones are an economic development tool, and are designed to encourage economic development and job creation in distressed communities in Maryland and other states and territories by providing tax benefits and incentives to investors.

4. BACKGROUND

As noted above, the former Habib property was previously subdivided into 48 lots which meets the minimum requirements for single family homes today. Single family homes in the R-55 Zone were never ultimately developed and the site has since remained vacant and undeveloped land for the last 60 years. The Applicant believes that National Harbor has catalyzed the potential

for mixed-use development at the subject property and hopes to capitalize on this development opportunity and continue a development pattern and trend of mixed use which has already taken shape in the area.

It is because of the timing of this development opportunity and changing market forces that the Applicant is requesting a rezoning of the subject properties from the R-R and R-55 Zones, to the M-X-T Zone. The M-X-T Zone is a zoning category that is available near major transportation routes such as, MD 210/Indian Head Highway and Capital Beltway (495/95) interchanges, as well as Oxon Hill Road, which also intersects with MD 210 near the subject site. The “mixed-use transportation” zoning was adopted in November 1981. The M-X-T Zone was designed to smooth the path for high-quality development. The M-X-T Zone would be ideal for the proposed National View development. The current R-55 and R-R zoning does not support multi-family development, nor does it allow a broad enough mix of retail and commercial uses to realize the vision of the Applicant.

4. PRINCE GEORGE’S PLAN 2035 POLICY CONSIDERATIONS

All in all, National View will be a poster child for many of the aspirations of Plan 2035. “Being bold” will be a key characteristic of this effort. In Plan 2035 at page 6, the County recognizes that “we have struggled,” which has fueled more determination to go forward with bold plans like National View. Plan 2035 supersedes and amends the 2002 Prince George’s County Approved General Plan. Plan 2035 includes comprehensive recommendations to guide future development in Prince George’s County. The proposed National View development is in sync with the current general plan for the County.

GROWTH BOUNDARY

Plan 2035 designates eight Regional Transit Districts, which have become the focus of the County's planned growth and mixed-use development, and these areas are expected to become major economic generators. The proposed development, as previously noted, is located at one of the eight Regional Transit Districts, that being the National Harbor Regional Transit District. Though the site is not technically inside the boundary lines of this District, it is very close. Not only is the site just across the Capital Beltway from the NH Regional Transit District, it is also in close proximity to the Oxon Hill Neighborhood Center. It is literally between these two centers. *See*, attached "National View- Bicycle & Pedestrian" Exhibit.

The NH Regional Transit District and the Oxon Hill Neighborhood Center are growth areas, which are defined in Plan 2035 as areas where growth is concentrated in existing population and business centers, **areas adjacent to these centers**, or strategically selected new centers." (Emphasis added). *See*, Map 3 (Prince George's County Sustainable Growth and Agricultural Preservation Act of 2012 (SB36), Adopted November 20, 2012. National View is located adjacent to the NH Regional Transit District, only separated by the Capital Beltway and is also in proximity to the Oxon Hill Neighborhood Center. In fact, the site is situated *between* these Centers. *See*, attached "National View- Bicycle & Pedestrian" Exhibit.

Plan 2035 is instructive regarding expansion of new commercial zoning *outside* the Regional Transit Districts and Local Centers. As a policy matter, the Plan recommends an evaluation of rezoning requests "to determine if the location, population projections, and market demand justifies an increase in commercially – zoned property." *See*, page 116 of Plan 2035. Further, Plan 2035 includes a policy to, "[C]oncentrate medium- to high-density development in Regional Transit Districts and Local Centers with convenient access to jobs, schools, childcare, shopping, recreation, and other service to meet projected demand and changing consumer

preferences.” *See*, page 187 of Plan 2035.

While this development site may not technically be within the boundaries of the National Harbor Regional Transit District or the Oxon Hill Regional Center, it is within sight, and is situated between the two centers. The Applicant’s request for a rezoning is supported by Plan 2035 which encourages rezoning as a tool that can be used to implement the objectives of the Plan. Further, Plan 2035 recommends regular evaluation and monitoring of its policies to help ensure implementation of the Plan’s vision. Plan 2035 specifically urges the County to “adapt, manage, and adjust Plan 2035 policies and strategies to stay current with demographic, economic, social, and environmental trends impacting Prince George’s County.” *See*, page 266 of Plan 2035.

According to Plan 2035, Prince George’s County is facing a looming deficit in multi-family housing, particularly in walkable and mixed-use, transit-accessible locations. At the time Plan 2035 was written in 2014, only 32 percent of the County’s housing stock was multi-family, and demand for this housing type is projected to reach 61 percent by 2030. *See*, Page 102, Plan 2035. Directing projected new residential and employment growth to the Regional Transit Districts, such as the National Harbor Regional Transit District, is a policy recommendation of Plan 2035.

A major commonality between Plan 2035’s framework, which is organized around the themes of Work, Live, and Sustain, is that National View incorporates these themes. The proposed mixed-use development will foster job creation, and deliver a walkable urban place, which will meet the needs of the County’s changing population, while preserving valuable natural and historical resources.

National View will fulfill the purpose of Plan 2035, which is “to make Prince George’s County a competitive force in the regional economy, a leader in sustainable growth, a community of strong neighborhoods and municipalities, and a place where residents are healthy and engaged.”

See, page 5 of Plan 2035. The Growth Policy Map in Plan 2035 establishes framework for achieving the vision of Plan 2035 and illustrates how the County should grow over the next 20 years. Just as the Plan calls for, National View will be designed as a diverse and distinct community that promotes walkability and provides convenient access to employment, retail and entertainment options.

Further, Plan 2035 recommends a certain community design in these growth areas, which is compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options. The Applicant is pleased to present a development proposal that does not sprawl outside of the Capital Beltway away from a transit network, but rather capitalizes on a major transit network, and is also within a ½ mile of the location where a new Metro station has been contemplated. We know that much of the residential growth in the County has occurred in communities outside of the Capital Beltway far away from good transit networks or transit stations. We believe that National View, as proposed, is in the right location, next to a major transit network and in an area that is already trending with high-density mixed-use development.

National View will not overwhelm the lower-density, smaller-scaled neighborhood to the north. Transition from this neighborhood will emphasize gradual reductions in building heights, building massing, and landscaping. National View will greatly enhance the living experience of the neighboring community by offering connectivity that will allow those residents to access the site through walkable paths that will also accommodate bicycles.

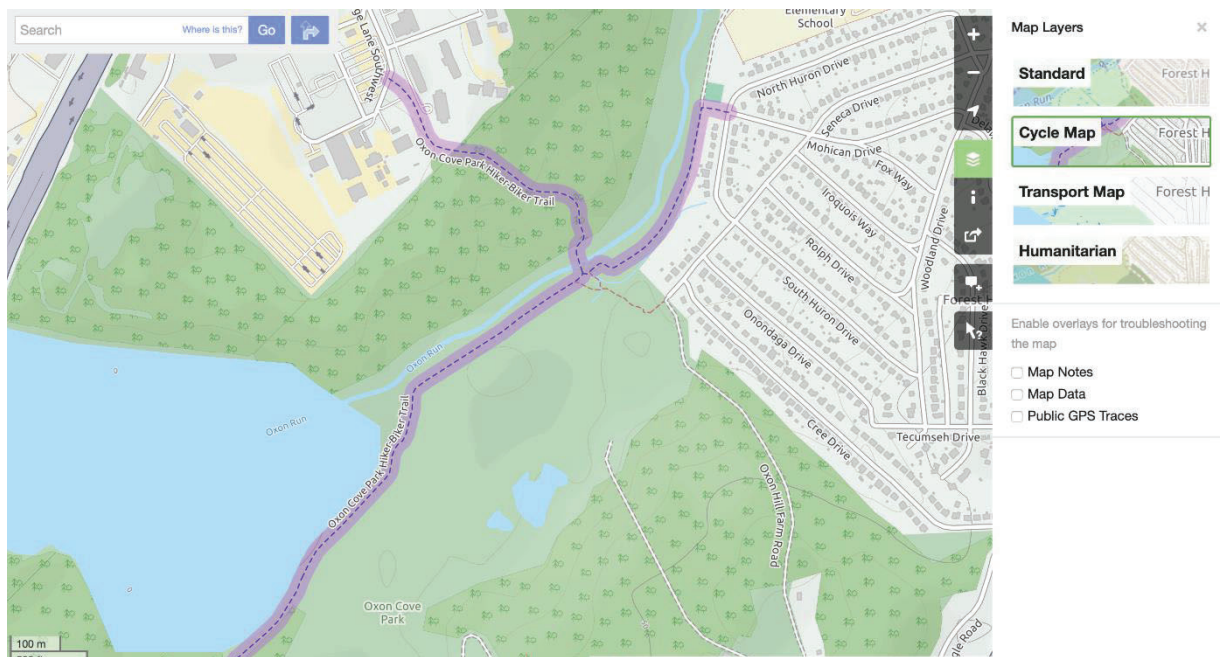
It should be further noted that the adjacent neighborhood is located within the Town of Forest Heights. National View will be developed under a public/private partnership between the developer and the Town. The proposed development will be a true game changer for the Town by

increasing the Town's annual tax revenue by over \$3 Million dollars, thereby strengthening the Town and its neighborhoods, as well as lifting the tax burden from the backs of the residents who carry 95% of the tax burden because the Town has very little commercial development. Further, the County's District 4 Police Headquarters is located at the geographic center of the strip development and provides a secure physical and functional anchor. Just as the County's District 4 Police Headquarters provides a secure physical and functional anchor at the Eastover Shopping Center, the Town's police force will have a new headquarters at National View, which will complement the development in the same manner. Not to mention the fact that the Town's Police Force needs this as they are now operating out of limited office space and at a time when the Town is currently growing its Police Department and moving towards 24 hour patrol coverage in the coming months. The communities of Forest Heights and Glassmanor have challenges that include not only the need for safety services and safe traffic options, but also new construction housing choices as well.

The Applicant's proposal will respect the adjacent Town community. The proposed development will not tower over the one- and two-story suburban homes in the neighborhood because there will be a scaled transition. For example, the more compatible, lower scaled, assisted living buildings will be on the perimeter on the northern portion of the site that is near the existing homes. The development will scale upward as it transitions towards the Capital Beltway.

The Applicant has great appreciation for context- the architectural and cultural character and setting of this area- and aims to create a distinct place. National View, through the public display of art, will tell the story of the historic Butler property. Additionally, as community gardens are booming in the County and new organic urban farms are being established, the development will feature roof-top Community Gardens and promote walking through new

connections to an established trail system. The area plan makes recommendations to add trails where they are missing or incomplete. National View will build upon existing pathways and complete the network of trails that are a part of the system that is part of a National Park Service trail that leads south to the historic Oxon Hill Farm. National View will connect to a major trail network at the top and bottom of the site, balancing the needs of pedestrians, bicyclists and drivers. As illustrated below, the development will connect to an established bike trail by way of the red trail at the north corner of the subject site. This leads to the neighborhood, the farm, as well as into DC. National View will promote connectivity all the way through the site both for pedestrians and bicycles.



The Applicant's believes its request for a rezoning is supported by Plan 2035 and it is not incongruent with the approved area plans which encourage mixed-use development and more housing and commercial options.

5. ZONING MAP AMENDMENT

This ZMA application requests rezoning the subject properties from R-55 and R-R to the M-X-T Zone. An application to request approval of the M-X-T Zone must be found to satisfy the provisions of Section 27-213 of the Zoning Ordinance. The Application must also be found to further the Purposes of the M-X-T Zone (Section 27-542(a)) and the general Purposes of the Zoning Ordinance (Section 27-102).

Section 27-213, provides as follows:

Sec. 27-213. - Map Amendment approval; amendments.

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

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

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

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

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

RESPONSE: The Subject Property clearly meets the requirements of Criterion 1 as it is located within the vicinity of the intersection/interchange of Indian Head Highway (MD 210) and the Capital Beltway (I-95/I-495), both of which are classified as arterial or higher pursuant to the 2009 Approved Countywide Master Plan of Transportation and the 2000 Approved Master Plan and Sectional Map Amendment for the Heights & Vicinity (Planning Area 76A). Precedent has been established in prior zoning cases that, since the term “vicinity” is not defined in the Zoning Ordinance, it is required that the Applicant utilize definitions from acceptable sources such as the Merriam-Webster dictionary. Merriam-Webster’s dictionary defines “vicinity” as, “a surrounding area or district;

neighborhood.” This property is fully located within the same neighborhood (vicinity) as the interchange and therefore this Criterion is satisfied.

Indian Head Highway (MD 210) from the DC Line to the Beltway is classified as an arterial (A-49) roadway. Indian Head Highway (MD 210) from the Beltway to Berry Road (MD 228) is designated as a freeway (F-11). An arterial is defined in the Master Plan as follows:

“A divided highway with intersections at grade, and with geometric designs and traffic controls intended to expedite the movement of through traffic. Direct access to abutting properties may be permitted but may also be controlled. Rights-of-way are generally at a minimum of 120 feet.” (Master Plan, page 53).

The Capital Beltway (I-95/I-495) is classified as a freeway (F-5). A freeway is defined as follows:

“A divided highway for through traffic, with full access control by grade separations at intersections, intended solely to carry large volumes of traffic over medium to long distances. Rights-of-way range from 300 to 600 feet.” (Master Plan, page 53).

The entrance to the subject property off of Bald Eagle Road is located in the northwest quadrant of the interchange of Indian Head Highway (MD 210) with the Capital Beltway (I-95/I-495). At this interchange both Indian Head Highway and the Capital Beltway are classified by the Master Plan of Transportation as an Arterial or higher, as previously noted. Furthermore, the entrance to the Subject Property in question abuts the outer boundary of the interchange as depicted in the PGAtlas Master Plan of Transportation GIS. Roadways classified as Arterials, Expressways and as Freeways would all meet the requirements of §27-213(a)(1)(A)(i). It is only required that an Application be found to satisfy either §27-213(a)(1)(A)(i) or (ii) of Criterion 1.

This application satisfies the locational requirement of Criterion 1, and therefore, it is not necessary to address Criterion 2.

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

RESPONSE:

GENERAL PLAN

The proposed National View development is in harmony with the general purpose and intent of the applicable plans and Prince George's Plan 2035 and allows the vision of these plans to come to fruition. The National Harbor has established a successful trend of mixed-use in the area, and this project has great potential to continue that trend. With the new Amazon campus underway, this area of Prince George's County is poised to capture a share of the demand for housing in close proximity to Amazon's new headquarters, which will be located just 6 miles away. There is a real opportunity to provide access to affordable housing and quick transportation across the region. The site's close proximity to a major transportation network that provides convenient access to MD, DC and Virginia is highly advantageous.

The proposed development will not substantially impair the integrity of the General Plan (Prince George's Plan 2035). On the contrary, it will further its goals and visions. According to Plan 2035, the County's strategy is to use land use policy as a tool to attract new private investment, businesses, and residents in order to generate the revenue the County needs to provide well-maintained, safe, and healthy communities, improved environmental resources, high-quality public schools, and other critical services. Notably, Plan 2035 illustrates that one of the failures of the prior 2002 General Plan was that development in the County was not concentrated to effectively capitalize on existing transportation networks, particularly at the 27 centers. Moreover, Plan 2035 recognizes that in the Developed Tier, where the subject site is located, there has been a failure to create a critical mass of residents, economic activity, and amenities essential to fostering vibrant and sustainable communities and regionally competitive business environments.

Rezoning the Subject Property to the M-X-T Zone will enable the Applicant to immediately begin a mixed-use development that will effectively capitalize on the existing transportation network that will serve this development well. The Subject Property is suitable for mixed-use development as it is nestled in the midst of a major transportation network, situated between two of the County's 27 centers, right off the of the Capital Beltway. Note also that a portion of the Subject Property actually fronts the Beltway. When complete, the proposed development will effectively provide a critical mass of residents, and bring the economic activity, desirable employment opportunities, and amenities that will support and sustain the community.

In real estate, they say it is all about "location, location, location". The target areas identified in Plan Prince George's 2035 refer to "National Harbor & Vicinity." The Subject Property is uniquely located at the edge of the Woodrow Wilson Bridge interchange of I-95 and I-295, in close proximity to Washington, D.C., National Airport, and Virginia. Accordingly, the Subject Property fits squarely within the definition of "vicinity." When completed, this project will become a part of the family of high-quality development attained at National Harbor, and the surrounding areas. From a development standpoint, this project's location is ideal and will attract home buyers from all over the Washington metropolitan area.

As an important aside, consider that during Applicant's due diligence period, which included pre-meetings with M-NCPPC staff, the Applicant learned that most applications requesting a rezoning to the M-X-T Zone are simply inappropriate locations. However, staff opined that this project's location places it in the top one percent (1%) of M-X-T rezoning requests

regarding the appropriateness for the M-X-T Zone.

The Applicant's proposal will also effectively respond to a great housing need not only in the Town of Forest Heights but also in the County. Plan 2035 states that, "Prince George's County is not prepared to meet the housing preferences of many of its seniors – a growing segment of its population – and young professionals – a critical component of its workforce and economic competitiveness." See, Plan 2035, Page 102. According to Plan 2035, the County is facing a looming deficit in multi-family housing, particularly in walkable and mixed-use, transit-accessible locations. The proposed development will address this deficit head-on, providing an estimated 1500-1700 multi-family dwelling units. These units will be a mixture of market-rate apartments, condominiums, senior apartments, and assisted living residences, The driving force behind National View is the creation of a multi-generational development, where the mixture of multifamily housing types will attract the young, the more-established professionals, and seniors. Moreover, the Applicant aims to create an environment where seniors comprise a large part of what makes the neighborhood special, and where they can comfortably age in place. Suffice it to say, the potential housing mix will certainly address the goals of Plan 2035.

PRINCE GEORGE'S COUNTY COMPETITIVE RETAIL MARKET STRATEGIC ACTION PLAN

According to the *Prince George's County Competitive Retail Market Strategic Action Plan*, **National Harbor and Vicinity** is a target area for high-density mixed-use development. Given the proposed development's proximity to National Harbor, the Applicant believes the development will in turn become a significant economic generator for the County and surrounding area. According to the *Prince George's County Competitive Retail Market Strategic Action Plan*, the County should:

PRIORITIZE INVESTMENTS TO SEED FUTURE LOCATIONS TO ATTRACT HIGH-END RETAIL OVER THE LONG TERM;

"Create long-lasting, high-value places to support high-end retail over the long-term by prioritizing the investments and physical improvements that will enhance existing strong retail destinations. Create walkable places that include transit options and are settings that attract restaurants, entertainment, and retail activity. High-end retailers prefer to locate in vibrant, unique lifestyle centers and town center-type locations. Generally these centers must be mixed-use, walkable, and compelling environments." See, *Prince George's County Competitive Retail Market Strategic Action Plan*, page 27.

INCREASE SPENDING POWER SURROUNDING TARGETED RETAIL CENTERS.

"Strengthening the market surrounding healthy and stable retail centers with high quality, dense housing and office employment will increase the spending

power of target areas and lay the ground work for attracting higher-quality retail.” See, *Prince George’s County Competitive Retail Market Strategic Action Plan*, page 31.

The Applicant’s development proposal aligns with the strategies outlined in *Prince George’s County Competitive Retail Market Strategic Action Plan* above. The project will complement the current development in the area, and will continue a development trend that has brought desirable high-end retail uses to the area. Note that the County’s most recent development successes all feature high-end luxury retailers, such as Whole Foods, and mixed-use projects, such as Riverdale Park Station, UMD and National Harbor. See, *Prince George’s County Competitive Retail Market Strategic Action Plan*, page 16. Rezoning the Subject Property to the M-X-T zone will ensure that National View will be added to the list of successful County developments.

THE EASTOVER-FOREST HEIGHTS-GLASSMANOR SECTOR PLAN

When the 2014 Eastover Sector Plan was written, the goal was to develop a plan that established a path for growth and transformation of the sector plan area in response to changing demographics and development projects in the surrounding areas. See, page 6 of Sector Plan.

Other goals included:

- Create safe and attractive streetscapes and a public realm that accommodates multiple transportation options.
- Address environmental concerns including: flooding, stream and water quality degradation, quality and quantity of open space, and urban tree canopy.
- Provide land use recommendations and rezoning proposals to provide a foundation for revitalization.**

The Sector Plan recognizes that proximity to the District of Columbia, Southern Avenue Metro Station, Oxon Hill Farm/Oxon Cove Park, National Harbor, Alexandria VA, and access to the Capital Beltway (I-95/I-495) and the Woodrow Wilson Bridge are crucial community assets and influence development and redevelopment potential. See, Page 5 of Sector Plan. Yet, Eastover Shopping Center remains the retail anchor for the Sector Plan area, is located at the northwestern quadrant of the sector plan area, and lacks the quality retail and services that the residents of Forest Heights deserve. For instance, the Sector Plan notes on page 10 that some of the remaining commercial structures within the strip are poorly maintained and have lost relevancy over time; and further, that some businesses have been shuttered leading to unattractive, poorly-performing commercial development that fails to adequately support the community. The shopping center’s commercial frontage at MD 210/Indian Head Highway consists of fast food and service establishments situated on pad sites.

According to the Sector Plan, there are only about 23 other retail properties, six office properties and two churches in the sector plan area. It is noted that much of the retail activity concentrates on auto service uses and the majority of the commercial buildings were built in the 1950s. There are no opportunities for new commercial development so the Town of Forest Heights can only hope for upgrades and/or redevelopment of the aforementioned commercial sites. *See*, Pages 9-10 of Sector Plan. For example, at the time of writing of this Sector Plan nearly a decade ago, recent upgrades had been made to the Giant grocery store located within the Eastover Shopping Center.

It should be further noted that the Southern Avenue Metro Station is just one mile beyond the sector boundary, making the area desirable and valuable. This sector plan also addresses the local street and sidewalk networks: cars, bicycles, and pedestrian movements; street corners; crosswalks; bridges; and channels in order to establish a safe and functional system for the orderly movement of people, traffic, water, and wildlife. *See*, page 5 of Sector Plan.

The success of National Harbor is spurring a reimagining of the potential for areas in proximity through high-quality development. The Eastover Sector Plan recognizes that the planning area still has challenges, including the need for new construction housing choices. *See*, Eastover Plan, page 15. The Sector Plan also recognizes that certain sites have the potential to catalyze additional investment within the Sector Plan area. The Sector Plan has identified that the success of a particular site depends on its location, aesthetics, size and opportunity for redevelopment; relationship to other sites; ability to draw people; safety and accessibility; and its ability to positively effect the property value of other nearby sites. *See*, Eastover Plan, page 30. The proposed National View project checks all these boxes.

The Eastover Plan provides further that, “[I]ncreasingly, desirability and appeal of neighborhoods is tied to the quality of the natural environment including parks, trails, trees, and open space.” *See*, Eastover Plan, page 17. The Applicant plans to capitalize on the proposed site’s location within a park-like setting and abutting a national park constructing a trail and connecting it to the existing trail system at the site’s northern and southern tips as proposed by the Master Plan of Transportation (MPOT) and the Eastover Plan both of which propose a trail for the subject property.

With regard to mixed-use, the Eastover Plan “strives to make Eastover, Forest Heights, and Glassmanor places where people comfortably **live, recreate, shop, and work.**” *See*, Eastover Plan, page 17. This is an instance where **the applicable Master Plan recommends mixed land uses similar to those permitted in the M-X-T Zone.** The proposed National View will meet the vision of the Eastover Plan by providing a place where people can comfortably live, recreate, shop, and work. For this Capital Beltway site, the future land uses will be mixed in a compatible manner throughout the development. The Applicant contends that the M-X-T Zone is appropriate for the subject property. The allowable uses in the M-X-T Zone include office, residential, and retail. The site lends itself to mixed-use development as its location aligns with the tenets of M-X-T zoning which was intended for properties located near major intersections and interchanges.

The Eastover Plan recommends conducting an analysis of the existing physical environment

and provide strategies “to restore, remediate, and enhance areas of poor quality and function.” The plan supports the overall sustainability and revitalization of the Sector Plan area. *See*, Eastover Plan, page 17. Specifically, regarding housing, one of the Eastover Plan’s comprehensive community revitalization goals is to “replace distressed housing with high-quality, mixed-income housing that is well-managed and responsive to a diversity of needs. *See*, Eastover Plan, page 24. The subject application proposes to revitalize two significant properties that have great potential. These properties have sat in an idle manner for many years. In the case of the former Habib property, and as discussed above, the land was subdivided into 48 lots some time ago but homes have never been constructed. Similarly, ever since the Butler family vacated the property decades ago, the property has remained mostly undeveloped and the old structures on site are in a severely dilapidated condition.

The Eastover Sector Plan provides five redevelopment goals that are to be considered when evaluating the effectiveness of various recommendations: (1) Beautification; (2) Walkability, Access and Safety; (3) Environment and Water Management; (4) Property Value Creation and Economic Development; and (5) Recreation, Public Spaces, and Services. *See*, Eastover Plan, page 17-18. With regard to beautification, the proposed National View will provide a healthy and attractive physical environment – one that instills community pride – and will thus satisfy the goal of beautifying the area. The development will further provide a connected network of sidewalks, streets, and trails to facilitate access to transit, work and convenient access to the businesses and services that will operate within the development. The Applicant will adhere to stormwater management regulations and provide a development with improved natural systems for a healthy environmental infrastructure.

Note that the Eastover Plan specifically “recommends **developing the density needed to support high quality businesses and mixed use sites that can create active street edges focusing on retail and commercial activity.**” *See*, Eastover Plan, page 17. National View will attract high quality businesses and commercial activity. National View will be a diverse community offering a full range of recreational opportunities, neighborhood pocket parks/plazas, nature, walking and trails. The proposed development will carry forth the Eastover Sector Plan’s redevelopment goals.

The Eastover Sector Plan at page 19 sets forth the following urban design recommendations, among others not listed, for new development:

- Ensure new development supports functional common space within the public realm that provides for safety, enjoyment, and sociability.
- Offer zoning incentives for private developers to provide public space improvements.
- Concentrate efforts to improve the character and overall safety of streets and public spaces.

- Redevelopment and new construction should be sustainable with “green building” features to reduce carbon footprints, manage stormwater, and reduce heat island effects.

National View will fulfill the goals and objectives of both applicable area plans and Plan 2035, and in no way substantially impair the integrity of any of the plans. The Applicant’s proposal will address underserved senior population by providing diverse options in housing, and will address the shortfall of new construction and lack of housing choices that the area is currently experiencing. Redevelopment of the Property will also address the urban design recommendations noted above.

THE HEIGHTS AND VICINITY MASTER PLAN & SECTIONAL MAP AMENDMENT

The 2000 Approved Heights and Vicinity Master Plan & SMA governs the southern portion of the site. This is the portion that contains the former Butler property. It has been twenty years since the Master Plan was adopted. This Master Plan, which is outdated, suggests that the subject Property be used for a park in the future. The Applicant disagrees. Though the site is next to federal park land, it is notable that the park is underutilized and receives very little funding from the federal government. Adding more park land contributes nothing to the area. This site is at the gateway to Prince George’s County. It has great potential due to its visibility, high elevation and unique location. Development of the site would complete the framing of the Capital Beltway.

In the last 20 years, areas located in the vicinity of National Harbor have experienced significant transformation as a result of the high-quality development at National Harbor. The current Master Plan was written before National Harbor was built, and thus, does not contemplate or factor the impacts National Harbor has on the immediate surrounding areas. With that being said, this plan does articulate a vision for the study area that prioritizes creating mixed-use, transit-oriented development with improved connectivity between residential, recreational, and commercial areas.

The Master Plan recognizes that, “[t]here are limited opportunities for new residential development because of the built-up character of the corridor.” *See*, The Heights Master Plan, page 35. “However, remaining undeveloped sites or other appropriately sized and located sites should be considered for appropriate residential use to enhance the existing community and to provide for housing options.” *See*, The Heights Master Plan, page 3. The Applicant is proposing several housing options at National View, to include high-rise senior living units, high-rise condominiums and high-rise apartments, some of which will be workforce housing rentals. This site is the only remaining undeveloped site in Forest Heights that is appropriately sized and located that should be considered for appropriate

residential use to enhance the existing community and to provide for housing options.

The general rule in Maryland is that Master Plans are to be used only as a guide. Master Plans have generally been viewed as non-binding advisory recommendations. Additionally, While there is no particular definition of “substantial impair”, the State Land Use Article, which applies to Prince George’s County, Maryland courts have consistently held that, as long as a proposed development is not presenting a conflict to the goals of the Master Plan, and as long as the development proposal does not make it impossible for the goals of the Master Plan to be achieved, the proposed development is in conformance. Certainly, the Applicant’s proposal does not impair the integrity of the Master Plan, which is the standard against which this proposal is to be reviewed.

The Heights and Vicinity Master Plan concentrates on five focus areas within the planning area. Notably, of the five focus areas, three contain Metrorail stations and a fourth is within half mile of a station. According to the Master Plan, “[T]hese focus areas are the basis for concentrating growth where the growth can be accommodated and for integrating transportation and land use to that the County fully capitalizes on its \$688 million investment in the Metrorail system.” *See*, The Heights Master Plan at page 61. The subject property is not within any of the focus areas, but lies just outside of Focus Area 5. The Forest Heights community in which the subject property is located abuts Focus Area 5 to the south.

The Forest Heights community in which the subject site is located has been defined as a priority funding area by the 1997 Neighborhood Conservation and Smart Growth Initiative because the community is located completely inside the Capital Beltway. *See*, The Heights Master Plan at page 55. According to the Master Plan, the goal for this area is to produce more compact and transit-oriented development alternatives to conventional suburban sprawl development.” *See*, page 55. Further, the Neighborhood Conservation and Smart Growth initiative seeks to use planning, zoning, and design techniques in the area to promote **mixed-use**, transit-oriented development and to explore multimodal transportation options.” *See*, The Heights Master Plan at page 61).

Additionally, the Master Plan sets forth implementation strategies for the Heights community. With regard to Mixed-Use, the plan states:

“The use of innovative subdivision and zoning techniques, such as cluster, **mixed-use development**, comprehensive design and overlay zones, will permit greater flexibility in site design **and should be considered in appropriate situations within the planning area**...The Mixed-Use Transportation (M-X-T) Zone provides for a mix of economically beneficial uses and offers density bonus incentives to projects which include open arcades, enclosed pedestrian space, rooftop activities and outdoor plazas, theaters and residential uses above a given minimum size.” (The Heights Master Plan, page 137) (emphasis added).

As noted above, the subject property falls just outside Focus Area 5. Its real significance lies in the fact that it is uniquely located at a major interchange as alluded to above.

Furthermore, the site abuts Focus Area 5. A goal for Focus Area 5 is “to provide an opportunity for new residential opportunities that will project an attractive well-designed setting and reinforce the appeal of the adjacent residential neighborhood as well as **invite new energy to the area.**” *See, The Heights Master Plan* at page 35. The Plan further states that, “the general concept is to provide for new residential development and opportunities that will reinforce the established residential community. *See, The Heights Master Plan* at page 35.

The Applicant believes this site is a strong example of what the Master Plan speaks of when it encourages flexibility in considering other properties that may be appropriate for mixed-use development, in addition to those located in the five focus areas. The Applicant also emphasize that the site is also in an Opportunity Zone. Mixed-use development is encouraged in Opportunity Zones.

Lastly, this Application is in keeping with the Purposes of the M-X-T Zone as (1) the land in question is located in the general vicinity of a major interchange; and (2) the development proposed will enhance economic status of the County and provide a desirable living environment, as well as a commercial component which will complement the residential component of the development. The Purposes of the M-X-T Zone are addressed in further detail below and the Applicant has demonstrated that this application is in keeping with said purposes.

(3) Adequate transportation facilities.

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

RESPONSE: The Heights Master Plan recognizes that, “the Heights is a mature, inner-County community where the road network has largely been completed,” and that “innovative and ongoing transportation solutions are required to accommodate additional traffic volumes.” (The Heights Master Plan, page 53). Accordingly, the proposed development will complement the already existing and adequate transportation facilities currently in place.

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

RESPONSE: This is understood by the Applicant. During subdivision approval, the adequacy of public facilities must be demonstrated, and stormwater management, pedestrian connectivity, and other development requirements must be met.

6. THIS REQUEST IS IN HARMONY WITH THE PURPOSES OF THE M-X-T ZONE (27-542)

The Applicant believes the subject property is uniquely located and is the proper size to become a focal point of mixed-use development. As demonstrated below, the subject property meets the purposes of the M-X-T Zone.

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

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

RESPONSE: The subject application meets the locational mandate of the M-X-T Zone as it concerns the development and redevelopment of land in the vicinity of a major interchange. Rezoning the subject property to the M-X-T Zone will ensure orderly development of this property which is located in close proximity to the Indian Head Highway/Capital Beltway interchange. The Applicant will develop plans through the Conceptual and Detailed site plan approval process required in the M-X-T Zone that will demonstrate a compact mixed-use development capable of complementing the adjacent residential community with a variety of mixed commercial uses. The development will provide appropriate open space and recreational amenities that will enhance pedestrian connections and promote walkability to and from the subject site. Should the M-X-T Zone be approved, the Applicant will be required to obtain a number of subsequent zoning approvals, such Conceptual Site Plan approval, subdivision approval, Detailed Site Plan approval, final subdivision plat approval, and approval of grading, building and use and occupancy permits. This extensive approval process, which will involve various County agencies and departments, will ensure orderly development of the property.

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses.**

RESPONSE: See above discussion regarding General Plan and Master Plan. The

Applicant is proposing a mix of residential and commercial uses. The Applicant will develop plans through the Conceptual and Detailed site plan approval process required in the M-X-T Zone. The Applicant's plans will demonstrate a compact mixed-use development that will complement the nearby residential community with a variety of mixed commercial uses and services as well as amenities. This development will also include appropriate areas of open space and recreational amenities that will enhance pedestrian connections and promote walkability.

(3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;

RESPONSE: As noted above, National View will be a continuation of a concept that has already begun to materialize in the area. By expanding the variety of residential units available in the area, along with the mix of uses and site improvements the Applicant is proposing, the goal of conserving the value of land and buildings by maximizing the private development potential will be furthered.

Rezoning the Property to the M-X-T Zone will also increase the value and tax base of the subject property by providing a mixed-use development at a location capable of accommodating more intensive development. The proposed mixed-use development will meet certain sector plan policies and strategies for mixed-use development at appropriate locations.

(4) To promote the effective and optimum use of transit and reduce automobile use by locating mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle and transit use;

RESPONSE: There are several bus routes that run by the site on Oxon Hill Road across from the Wilson Bridge. NH1 Route is close by. Additional density at this location will make Metro more feasible. Metro looks at ridership. National View helps make the case for a new Metro stop given the planned densities. In addition to being right off the Capital Beltway, near the I-295 exchange and a short ride across the Woodrow Wilson Bridge to Northern VA, which makes it an ideal location to be near desired amenities and get anywhere quickly – National View will also have walking paths and trails to facilitate walking and biking.

By working with Metro to bring bus service to the proposed development, the Applicant is meeting the following two goals of the Sector Plan:

- Offer safe, accessible, and efficient transit service to destinations that provide employment, services, or access to goods; and

Evaluate transit service routes, schedules, facilities, and efficiency routinely to ensure the service is consistent with changing trends and needs.

(5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

RESPONSE: A twenty-four hour environment is assured by the mix of residential and commercial uses and by the utilization of the medical component of the development. The proposed National View development will have a 24-hour medical clinic. Uses proposed are expected to include workforce housing as condos, and 2 over 2 units, open space, recreation, and retail/commercial uses. There will be maximum interaction among the varying uses. Restaurants and other businesses would be open well past workday hours and therefore would further facilitate a twenty-four (24) hour environment for those who live, work in, or visit the area.

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

RESPONSE: Diverse land uses are inherent to this project. As described above, the proposed National View will offer a mix of uses that include residential units and an assisted living facility. In addition, this mixed-use development will include approximately 80,000 +/- square feet of commercial/retail space and a medical building with a 24-hour medical clinic. All the proposed uses are intended to blend together harmoniously. The commercial uses will serve the residents who live in the proposed development and neighboring development, and those visiting the area as well. This site also has federal park land on both sides, which enhances the scenic and natural beauty of the site's surrounding environment.

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

RESPONSE: National View will present a number of individual uses within a distinctive visual character. The Applicant will present sketches, photographs, landscape treatment and parking lot/garage design in upcoming approval applications. The proposed National View development will have a distinctive visual character and identity. Development of the subject property will further the goal of creating dynamic, functional relationships among individual uses by remaining in character with the adjacent uses and developing the site in a manner that will further build upon the functional relationships already in place. This purpose will be further implemented during the Conceptual and Detailed Site Plan review process.

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

RESPONSE: In future phases of the development process, the Applicant's Conceptual Site Plan application and Detailed Site Plan application will further the goal of promoting optimum land planning. To be sure, the process involves various agencies and departments

having the ability to comment and make recommendations that serve to improve and optimize land use.

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

RESPONSE: As discussed above, the current market demand for the type of affordable, upscale mixed-use community with senior units at this location is, at least partially, due to the following factors: (1) proximity to National Harbor; (2) Amazon’s headquarters in northern Virginia; and (3) housing shortages throughout the region.

(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

RESPONSE: National View will be designed as a high-quality community, and architecturally it will live up to the expectations of today’s housing consumer.

7. SECTION 27-544 – M-X-T REGULATIONS

(a) Except as provided in Subsection (b), additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

RESPONSE: Division 3 contains the Table of Uses (b) for the M-X-T Zone. Only uses that are permitted or permitted by Special Exception are being proposed. Table of Uses (d) requires at least two (2) of the following three (3) uses (retail; office, research, industrial; and dwellings, hotel or motel) be shown on a subsequent Conceptual Site Plan and provided in the ultimate development. It is anticipated that the proposed development will provide at least two (2) of the three (3) categories. Division 4 of this Part sets forth regulations for development in the M-X-T Zone and provides as follows:

Section 27-548 – M-X-T Zone

(a) Maximum floor area ration (FAR):

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

RESPONSE: There are two distinct methods of development in an M-X-T Zone, the Standard Method and the Optional Method. Under the Standard Method of Development, the M-X-T Zone allows a maximum floor area ratio (FAR) of 0.40. The Optional Method allows an accumulation of density bonus amenities to allow the FAR to go as high as 8.0. The proposed development will utilize the optional method of development and will have its floor area ratio determined at the time of the Conceptual or Detailed Site Plan review.

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

RESPONSE: The uses proposed at National View will be located in more than one (1) building, and on more than one (1) lot.

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

RESPONSE: These standards will be addressed at the time of Conceptual and Detailed Site Plan review.

- (d) **Landscaping, screening, and buffering of development in the M-X-T Zone shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the M-X-T Zone and to protect the character of the M-X-T Zone from adjoining or interior incompatible land uses.**

RESPONSE: The Applicant will comply with all landscaping requirements.

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

RESPONSE: Gross floor area will be determined during Conceptual Site Plan review.

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

RESPONSE: No such structures are being proposed at this development.

- (g) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been**

authorized pursuant to Subtitle 24 of this Code.

RESPONSE: This standard can be met.

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. The minimum lot size, maximum number of units per building group and percentages of such building groups, and building width requirements and restrictions shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000. In no event shall there be more than ten (10) dwelling units in a building group and no more than two (2) building groups containing ten (10) dwelling units. For purposes of this section, a building group shall be considered a separate building group (even though attached) when the angle formed by the front walls of two (2) adjoining rows of units is greater than forty-five degrees (45°). Except that, in the case of a Mixed-Use Planned Community, there shall be no more than eight (8) townhouses per building group, except when the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (16) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area. Garages may not dominate the streetscape. Garages that are attached or incorporated into the dwelling shall be set back a minimum of four (4) feet from the front façade and there shall not be more than a single garage, not to exceed ten (10) feet wide, along the front façade of any individual unit. Garages may be incorporated into the rear of the building or freestanding in the rear yard and accessed by an alley. Sidewalks are required on both sides of all public and private streets and parking lots. At the time of Detailed Site Plan, the Planning Board or the District Council may approve a request to substitute townhouses, proposed for development as condominiums, in place of multifamily dwellings that were approved in a Conceptual Site Plan approved prior to April 1, 2004. Such substitution shall not require a revision to any previous plan approvals. Further, at the time of Detailed Site Plan for a Mixed-Use Planned Community, the Planning Board or the District Council may approve modifications to these regulations so long as the modifications conform to the applicable regulations for the particular

development.

RESPONSE: Townhouses are not being proposed at this development.

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

RESPONSE: The Applicant takes note of the height requirement.

- (j) **As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).**

RESPONSE: The proposed development is not based on any comprehensive land use planning study conducted by the Technical Staff prior to or concurrent to initiation of the sector plan.

8. CONCLUSION

For all of the foregoing reasons, the Applicant requests approval of A-10055 to rezone the subject properties from the R-55 and R-R Zones to the M-X-T Zone. The Applicant believes that this application conforms to the purposes and recommendations of the applicable Master Plan and Plan 2035 and respectfully requests approval of the subject application.

Respectfully submitted,

Traci Scudder

By: _____

Traci R. Scudder

October 15, 2020

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November 30, 2020

MEMORANDUM

TO: Tom Sievers, MA, MAIS, Senior Planner, Subdivision and Zoning Review Section,
Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Thomas Lester, Planner Coordinator, Long-Range Planning Section, Community
Planning Division TEL

SUBJECT: **A-10055 National View**

FINDINGS

Community Planning Division staff finds that this application does not meet the requirements of Section 27-213(a)(1)(B) because the 2000 *Approved Master Plan for The Heights and Vicinity* and the 2014 *Eastover-Forest Heights-Glassmanor Sector Plan* does not recommend mixed land uses for the subject property similar to those recommended in the M-X-T (Mixed Use-Transportation Oriented) zone.

Community Planning Division staff finds that, pursuant to Section 27-213(a)(2), this application will substantially impair the integrity of 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) primarily because the proposed high-density mixed-use development is not supported by the recommended land use for Established Communities Growth Policy Area, as designated by Plan 2035.

Community Planning Division staff finds that, pursuant to Section 27-213(a)(2), this application will substantially impair the integrity the 2000 *Approved Master Plan for The Heights and Vicinity*, primarily because the proposed high-density mixed-use development does not conform to the recommended infill development that is compatible with the low-density character of the surrounding neighborhoods (The Heights p. 13).

Community Planning Division staff finds that, pursuant to Section 27-213(a)(2), this application will substantially impair the integrity of the 2014 *Eastover-Forest Heights-Glassmanor Sector Plan* primarily because the proposed high-density mixed-use development does not conform with recommendation that the area's existing land use, described as dense single-family housing, remain the same (*Eastover-Forest Heights-Glassmanor Sector Plan* p. 12).

Community Planning Division staff finds that, pursuant to Section 27-213(a)(2), this application does not keep with the purposes of the M-X-T zone.

BACKGROUND

Application Type: Zoning Map Amendment to reclassify the subject property to the M-X-T zone.

Location: Approximately 1,000 feet north of I-95/I-495 (Capital Beltway) and its intersection with MD-210 (Indian Head Highway,) and east of the Woodrow Wilson Bridge

Size: 17.77 acres

Existing Use: Vacant, wooded

Proposal: High-density mixed-use development

GENERAL PLAN, MASTER PLAN, AND SMA

2014 Plan Prince George's 2035 Approved General Plan (Plan 2035): The northern and southern properties are in the Established Communities policy area. The vision for Established Communities is context-sensitive infill and low- to medium-density development (p. 20). The general plan specifically recommends Residential Low land use for the northern properties and Parks and Open Space land use for the southern properties, as seen in **Attachment A** (Map 10, p. 101). The properties are not within a Regional Transit District, Local Center or an Employment Area as defined in the general plan (pp. 19-12, 106, 109). In addition, the general plan makes the following recommendations that affect the subject property:

Policy LU 1: Direct a majority of projected new residential and employment growth to the Regional Transit Districts in accordance with the Growth Policy Map [Map 11, pp. 107-108] and the Growth Management Goals [Table 17, p. 110] set forth in Table 17 (Land Use, p. 110);

Strategy LU 1.1: To support areas best suited in the near term to become economic engines and models for future development, encourage projected new residential and employment growth to concentrate in the Regional Transit Districts that are designated as Downtowns (see the Strategic Investment Program under the Implementation section ([pp. 252-254], Land Use, p. 305);

Policy LU 7: Limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers (Land Use, p. 114).

Policy LU 9: Limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers to encourage reinvestment and growth in designated centers and in existing commercial areas (Land Use, p. 116).

Policy HN 1: Concentrate medium- to high-density housing development in Regional Transit Districts and Local Centers with convenient access to jobs, schools, childcare, shopping, recreation, and other services to meet projected demand and changing consumer preferences (Housing and Neighborhoods, p. 187); and

Strategy HD 9.9: Implement urban design solutions to ensure appropriate transitions between higher intensity and density development and surrounding lower-density residential

neighborhoods. Urban techniques include decreasing (stepping down) building heights, reducing development densities, and otherwise modifying architectural massing and form (Community Heritage, Culture, and Design, p. 215).

Master Plan and Sector Plan:

As shown in **Attachment B**, the subject properties fall within two master/sector plans. The southern properties are in the 2000 *Approved Master Plan for The Heights and Vicinity* and the northern properties are in the 2014 *Eastover-Forest Heights-Glassmanor Sector Plan*.

The 2000 *Approved Master Plan for The Heights and Vicinity* does not make a specific future land use recommendation for the southern properties. However, it does recommend that infill development be compatible with the low-density character of surrounding neighborhoods (p. 13). In this case the surrounding neighborhood is lower density housing and open space. Therefore, the subject properties should have similar land uses and densities.

The northern properties are in the 2014 *Eastover-Forest Heights-Glassmanor Sector Plan*. The sector plan does not make a specific future land use recommendation but defines the area as Focus Area 5, Town of Forest Heights (p. 55). Unlike the other focus areas, no recommendations are made to change the current land use. This indicates that the area's existing land use, described as dense single-family housing, should remain the same (p. 12). In addition, the sector plan also makes the following recommendations that affect the subject property. "[The sector plan] proposes completing sidewalks on each side of the streets" and that there must be "a study to address the open stormwater culverts" before sidewalks are implemented (p. 55).

Planning Area: PA 76A

Community: The Heights

Aviation/MIOZ: This application is not located within an APA (Aviation Policy Area) or the M-I-O (Military Installation Overlay) zone

SMA/Zoning: The 2014 *Eastover-Forest Heights-Glassmanor Sectional Map Amendment* retained the northern properties in the R-55 (One-Family Detached Residential) zone. The 2000 *Approved Sectional Map Amendment for The Heights and Vicinity* retained the southern properties in the R-R (Rural Residential) zone (See Attachment C).

MASTER PLAN AND SECTOR PLAN RECOMMENDATION FOR MIX OF USES

Community Planning Division staff finds that this application does not meet the requirements of Section 27-213(a)(1)(B) because the 2000 *Approved Master Plan for The Heights and Vicinity* and the 2014 *Eastover-Forest Heights-Glassmanor Sector Plan* do not recommend mixed land uses for the subject properties to those recommended in the M-X-T zone. Instead, the 2000 *Approved Master Plan for The Heights and Vicinity* and 2014 *Eastover-Forest Heights-Glassmanor Sector Plan* indicate maintaining low-density, single-use land uses.

GENERAL PLAN SUBSTANTIAL IMPAIRMENT ISSUES

Community Planning Division staff finds that, pursuant to Section 27-213(a)(2), this application will substantially impair the integrity of Plan 2035, the County's general plan. As stated above, Plan 2035 recommends, "context-sensitive infill and low- to medium-density development" within the Established Communities policy area (p. 20); and specifically recommends Parks and Open Space and Residential Low land use for the subject properties (Map 10, p. 101).

Plan 2035 defines Parks and Open Space land use as public- and privately-owned open space. The existing zoning, R-R and R-55 zones allows for residential development at a maximum of 2.17 and 6.7 dwelling units per net acre, respectively. The M-X-T zone allows for land uses, including multifamily, at much higher densities. This substantially impairs the general plan because it prevents the implementation of lower density residential land use and open space.

Furthermore, the rezoning of the subject property at this location contradicts the Plan 2035 County's growth policies regarding recommendations to limit higher density, mixed-use land uses to the Regional Transit Districts and Local Centers. There is currently one Regional Transit District and one Local Center nearby, the National Harbor Regional Transit District and Oxon Hill Local Neighborhood Center, where there is a substantial amount of property zoned for mixed-use and commercial use. Any additional mixed-use and commercial zoning would hinder commercial growth and revitalization in the area and pull mixed-use growth away from where it is more desirable. This type of development in this area significantly impairs the County's growth policy goals.

Lastly, rezoning to M-X-T promotes a scale and mix of development that is out of context with the surrounding lower density residential neighborhood, the wooded areas, and the adjacent National Park (Oxon Cove Park and Oxon Cove Farm). The rezoning of the subject property challenges the general plan's recommendation to ensure appropriate transitions between higher intensity and density development to the surrounding lower-density residential neighborhoods.

MASTER/SECTOR PLAN SUBSTANTIAL IMPAIRMENT ISSUES

Community Planning Division staff finds that, pursuant to Section 27-213(a)(2), this application will substantially impair the integrity of Plan Prince George's 2035 (Plan 2035) and the 2000 *The Heights and Vicinity Master Plan* and the 2014 *Eastover-Forest Heights-Glassmanor Sector Plan*.

2000 The Heights and Vicinity Master Plan:

The proposed southern properties are in the 2000 *Approved Master Plan for The Heights and Vicinity*. One of the key themes, noted in the plan on page 13, is to strengthen the character of the neighborhood by reducing potential for incompatible land uses in residential neighborhoods and prevent the encroachment of incompatible land uses. This is further emphasized on page 73, where the plan discusses that for properties in the general area of Eastover-Forest Heights (loosely shown on map 9, page 70), infill development should occur and be compatible with the prevalent neighborhood character. The subject properties are in and just south of the Town of Forest Heights, characterized by lower density single-family housing, and surrounded by open space to the west and east. M-X-T would allow for higher density mixed-use development that would be incompatible with the neighborhood and create an inappropriate transition between high-density to low-density uses.

Furthermore, on page 111-112, the plan discusses perceptual assets, defined as areas having positive aesthetics, such as picturesque scenery and beautiful landscapes, and this is clearly stated as including woodlands, historic sites, ridgelines, and scenic vistas. The subject property is located to the west of a National Park which contains a County-Designated Historic Site (Mount Welby) and undeveloped wooded properties to the east. The subject properties are also wooded and contain a County-Designated Historic Site (The Butler House). Rezoning the property would destroy the positive aesthetics including picturesque scenery as scene from Mount Welby and would ultimately demolish the Butler House.

2014 Eastover-Forest Heights-Glassmanor Sector Plan

The properties to the north fall under the 2014 *Eastover-Forest Heights-Glassmanor Sector Plan*. Within this plan, the properties are in the Eastover-Forest Heights focus area. The recommendation for that area is the construction of sidewalks (p. 38.) The redevelopment concept on page 55, only recommends sidewalk and a pedestrian bridge. No other development is recommended, which implies that this area is recommended to stay undeveloped or be developed under the current zoning. The Sectional Map Amendment, that accompanied this plan, analyzed the zoning for the entire plan area and did not rezone the subject properties, but saw the current zoning of R-55 appropriate. Increasing the density of development or introducing non-residential uses to the property impairs the integrity of the sector plan by introducing unwanted land uses at densities deemed inappropriate.

PURPOSES OF THE M-X-T ZONE

Community Planning Division staff finds that, pursuant to Section 27-213(a)(2), the application does not keep with the purposes of the M-X-T zone.

(1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated general plan centers so that this area will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

Comment: The subject property is not within the vicinity of a major interchange, major intersection, major transit stop or a designated general plan center. The closest interchange is I-495/I-95 (The Capital Beltway) and MD 210 (Indian Head Highway) and the nearest centers are National Harbor Regional Transit District and the Oxon Hill Neighborhood Center. If measuring one-half mile from the nearest ramp associated with that interchange – the entire tract is not within one-half mile. The two centers are outside one-half mile as well when measuring from the farthest boundary of the subject property and the nearest boundary of the center. Though the project may expand employment and living opportunities, and enhance economic status of this area, this expansion is undesirable and inappropriate at this location because it directs mixed-use, high-density land use away from the Regional Transit Districts, Local Centers and Employment Areas. Therefore, rezoning the subject property to the M-X-T zone does not embody orderly development because it is in the vicinity of the specified locations.

(2) To implement recommendations in the approved general plan, master plans, and sector plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses.

Comment: The proposed rezoning of the subject property does not implement the recommendations of the general plan or the master plan and permits development that contradicts those recommendations. With the M-X-T zone in place, the property could be compact, mixed-use, and internally walkable; however, the master plan does not recommend this density, land use, or type of development at this location.

(3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment.

Comment: As described in purpose three, the M-X-T zone strives to protect land and building values as well as increase development potential by concentrating M-X-T-zoned properties at strategic locations, such as the Regional Transit Districts, Local Centers and Employment Areas. Currently, the Subregion and adjacent Planning Areas already have a substantial amount of M-X-T-zoned properties concentrated in appropriate areas, such as National Harbor and Oxon Hill Shopping Center. The proposed location for the rezoning to M-X-T is not compatible with nearby land uses, such as the low-density residential community (Forest Heights) or the undeveloped land to the west and east.

(4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use.

Comment: The location of the subject property is not in proximity to other mixed-use developments. The Northern properties have residential land use. The properties to the east (zoned O-S [open space]) and west (zoned R-O-S [reserved open space]) are undeveloped. Though there are several properties to the south zoned for mixed-use they are separated by I-495/I-95. Also, the location of the property is not in proximity of transit facilities. The word transit, in this context, refers to non-automobile transit. Transit does not refer to a major intersection because a major intersection, intrinsically, promotes automobile use as opposed to discouraging it. Therefore, M-X-T-zoned property at this location cannot facilitate transit use or reduce automobile use.

(5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

Comment: An M-X-T zoned property at this location, with a twenty-four (24) hour environment, is inappropriate and out of context. The subject property is surrounded by undeveloped land, and low- to -density residential communities. It is unlikely that there is a large enough daytime or residential population existing near the subject property to support a twenty-four (24) hour environment and the residence of these neighborhoods may find it a nuisance and incompatible with the character of their neighborhood.

(6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously.

Comment: At this location, mixed-use development, either horizontal or vertical, may blend internally, but would not blend with adjacent uses. Instead, it would be isolated from the mixed-use zoned properties to the south due to I-495/I-95. Purpose number six presumes the subject property is in an urban or urbanizing area and that the development would become part of the urban fabric. This is not the case for this property.

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

Comment: At this stage of the development review process, there are no urban design or site plans, or architectural drawings to review to determine functional relationships among uses or distinctive visual character and identity.

(8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects.

Comment: Mixed-use development is inherently more efficient by using economies of scale and typically provides energy savings during construction. However, with no plans for constructing or improving infrastructure or public facilities, the proposed development will most likely burden these systems which are already insufficient. At this stage of the development review process, there are no stormwater management plans, or public facilities recommendations to evaluate.

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

Comment: Mixed-use development is inherently flexible in terms of market response. However, with the chosen location, the project would shift economic vitality and investment away from where it is needed and desired, specifically the Regional Transit Districts, Local Centers and Employment Areas.

(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

Comment: At this stage of the development review process, there are no architectural or urban design plans to evaluate.

Attachment A: Plan 2035 Future Land Use Map

Attachment B: Master/Sector Plan Map

Attachment C: Existing Zoning

c: Long-range Agenda Notebook

Scott Rowe, AICP, CNU-A, Supervisor, Community Planning Division



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Countywide Planning Division
 Transportation Planning Section

301-952-3680

November 17, 2020

MEMORANDUM

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

VIA: Bryan Barnett-Woods, Supervisor, Transportation Planning Section, Countywide Planning Division 

FROM: Michael Jackson, Transportation Planning Section, Countywide Planning Division 

SUBJECT: National View Zoning Map Amendment Review for Master Plan Compliance

The following Preliminary Plan of Subdivision was reviewed for conformance with Subtitle 27, the 2009 *Approved Countywide Master Plan of Transportation, The Heights 2000 Approved Master Plan and Sectional Map Amendment*, and the *Eastover Forest Heights Glassmanor 2014 Approved Sector Plan and Sectional Map Amendment* to provide the appropriate pedestrian and bicycle transportation recommendations.

Preliminary Plan Number: **A- 10055**

Development Case Name: **National View**

Type of Master Plan Bikeway or Trail

Private R.O.W.*	<u>X</u>	Public Use Trail Easement	<u>X</u>
PG Co. R.O.W.*	<u>X</u>	Nature Trails	<u> </u>
SHA R.O.W.*	<u>X</u>	M-NCPPC – Parks	<u>X</u>
HOA	<u>X</u>	Bicycle Parking	<u>X</u>
Sidewalks	<u>X</u>	Trail Access	<u>X</u>

Subject to 24-124.01: Yes

Bicycle and Pedestrian Impact Statement Scope Meeting Date: N/A

Zoning Amendment Plan Background	
Building Square Footage (non-residential)	280,000 square-feet
Number of Units (residential)	1,500 to 1,700
Abutting Roadways	Oxon Farm Road, Bald Eagle Road
Abutting or Nearby Master Plan Roadways	A-49 MD 210/Indian Head Highway, F-5 I-95 &

	I-495/Capital Beltway, A-48 MD 414/Oxon Hill Road, F-8-295/Anacostia Freeway
Abutting or Nearby Master Plan Trails	Oxon Cove Trail, Potomac Heritage National Scenic Trail, Woodrow Wilson Bridge Trail
Proposed Use(s)	Multi-family units, four (4) assisted living buildings, 200,000 sf retail/commercial/office space, 50,000 square feet medical building, 3,000 sf police substation, rooftop community gardens walking trails and promenade.
Zoning	Rezone request from R-R and R-55 zones to M-X-T zone.
Centers and/or Corridors	MD 210/Indian Head Highway
Prior Approvals on Subject Site	N/A

The subject application is to amend the zoning map and rezone a property that is currently R-R and R-55 as M-X-T. This property is partially within the Indian Head Highway General Plan Corridor and any future preliminary plan of subdivision applications for the property will be subject to Section 2-124.01, Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors. At that time, the Planning Board must make a finding of adequate pedestrian and bikeway facilities both within the subject site and within the surrounding area.

Review of Internal Sidewalks and Bike Infrastructure

The submitted, October 15, 2020 statement of justification states, “National View will be designed as a diverse and distinct community that promotes walkability and provides convenient access to employment, retail, and entertainment options,” (page 15, 10/15/20). The subject site is currently undeveloped, and as a zoning map amendment application, a detailed exhibit of internal pedestrian and bikeway circulation is not required.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to residential housing in the Town of Forest Heights. It is nearby the Eastover shopping center, Tanger Outlets, MGM National Harbor Casino, Oxon Hill neighborhood center and National Harbor. There is not an existing connection between the subject property and the adjacent residential housing nor the Eastover shopping center. A submitted conceptual pedestrian and bicycle connectivity exhibit indicates a roadway connection between the subject site and the residential community that would be closed to private motor vehicles, but would be accessible to pedestrian, bicyclists, and emergency response vehicles. The other nearby properties are connected by way of Bald Eagle Road, Oxon Hill Road, and MGM National Avenue couplet.

Additionally, the submitted statement of justification (SOJ) states the development will, “promote walking through new connections to an established trail system. The area plan makes recommendations to add trails where they are missing or incomplete. National View will build upon existing pathways and complete the network of trails that are a part of the system that is part of a National Park Service trail that leads south to the historic Oxon Hill Farm. National View will connect to a major trail network at the top and bottom of the site, balancing the needs of pedestrians, bicyclists and drivers.” It is further stated “National View will promote connectivity all the way through the site both for pedestrians and bicycles,” (page 15, revised SOJ).

Review of Criteria for Approval of the M-X-T Zone

Section 27-213(A) provides for the criteria to approve an M-X-T zone amendment:

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

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

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

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

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

Comment: The subject property is a long irregular shaped parcel that starts at the intersection of Bald Eagle Road and the Oxon Hill Bike trail, near the parking lot for the Oxon Cove Park. It follows an existing right of way for Bald Eagle Road, which has not yet been built. The northern boundary of the subject site is about 250 feet south of Seneca Road. Southeast of the subject site is the MD 210 and I-95/I-495 interchange, which includes two streets classified arterial or higher. At its closest point, the subject site is less than 0.25 mile from the center of the interchange; at its furthest point it is approximately 0.61 mile from the center of the interchange. Similarly, there is a bus transit stop, the Oxon Hill Park & Ride, which is a stop for five bus routes. If this were to be considered a major transit stop, the subject site is 0.27 mile from the boarding area at its closest point; at its furthest point, the subject site is approximately 0.81 miles from the boarding area.

Section 24-124.01, which requires pedestrian and bikeway adequacy both within a subject site and in the surrounding area considers the “surrounding area” to be one-half mile from the subject site.

If “vicinity” is considered to be 0.5 mile, the “entire tract” of the subject site is not within the vicinity of either the interchange or the Oxon Hill Park & Ride. The second criterion is beyond the scope of the pedestrian and bicycle transportation review.

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

The Complete Streets element of the MPOT reinforces policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

POLICY 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

POLICY 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The 2014 *Eastover Forest Heights Glassmanor Approved Sector Plan and Sectional Map Amendment* includes the following recommendations applicable to the subject site:

Recommendation 1: Include pedestrian infrastructure such as sidewalks, crosswalks, including pedestrian/bicycle refuge islands and raised crosswalks or speed tables; accessible pedestrian signals, including audible cues for people with low vision and push buttons reachable by wheelchair user; and sidewalk curb extensions.

Recommendation 2: Incorporate traffic calming measures to lower driving speeds and define the edges of vehicle travel lane (sic), incorporating road diets, center medians, short curb turning radii to eliminate free-flow right turn lanes, street trees, planter strips and ground cover.

Recommendation 3: Include transit accommodations, bus pull-outs or special bus lanes, or other mass transit alternatives such as light rail.

Recommendation 4: Offer safe, accessible, and efficient transit service that provides regular service to destinations that provide employment, services, or access to goods.

Recommendation 5: Evaluate transit service routes, schedules, facilities and efficiency routinely to ensure the service is consistent with changing trend and needs.

Recommendation 6: Provide bicycle accommodations such as dedicated bicycle lanes, cycle tracks, side paths or wide-street shoulders.

Recommendation 7: Develop a comprehensive and accessible trail network, designed to meet the recreational needs of all trail groups including equestrians, mountain bikers, pedestrians, and bicyclists.

Recommendation 8: Incorporate appropriate pedestrian-and transit-oriented features to the extent practical and feasible, in all new development within the plan area.

The 2000 *Approved Master Plan and Sectional Map Amendment for the Heights & Vicinity/Planning Area 76A* includes the following recommendations and guidelines applicable to the subject site:

Recommendation – Oxon Cove Park Trail

This trail recommendation extends the existing trail located on National Park Service property at Oxon Cove Park through Forest Heights municipal parkland and M-NCPPC parkland near the Eastover Shopping Center.

Guidelines:

1. A system of trails and walks for pedestrians, bicyclists, and equestrians should be developed to connect neighborhoods, recreation areas, commercial areas, employment areas, and transit facilities.
2. Where remaining opportunities exist, bikeways, equestrian and pedestrian trails should be located as far from conflict with the automobile as possible.
3. In order to save public funds and make the best use of available land, trails should utilize existing rights-of-way, whenever possible, including those of existing roads, water, sewer and power lines.
4. As the local road system is expanded and improved, highway designs should incorporate appropriate clearances, grades, and paving to accommodate trails.
5. Applications for preliminary subdivision plans should show interior trails and proposed connections with the planned trails system.
6. Trails provided privately within subdivisions shall be encouraged to connect with the planned trails system.
7. When and where feasible, all trails and sidewalks are to be handicapped accessible.

The submitted statement of justification states, “The development will further provide a connected network of sidewalks, streets, and trails to facilitate access to transit, work and convenient access to the businesses and services that will operate within the development (page 24 revised SOJ).” It further states, “The Applicant plans to capitalize on the proposed site’s location within a park-like setting and abutting a national park constructing a trail and connecting it to the existing trail system at the site’s northern and southern tips as proposed by the Master Plan of Transportation (MPOT) and the Eastover Plan both of which propose a trail for the subject project (page 23 revised SOJ).”

In Applicant’s Response to SDRC comments “The current project application is not auto-centric in nature. In fact, a major part of the development program will be to add sidewalks and trails where needed in order to provide true connectivity from all directions to and from the National View development. Bald Eagle Road will not dead end at National View but rather be proposed to extend through the development and connect to Seneca Drive in Forest Heights. This connection or secondary access will be proposed for EMS, Fire and Rescue, bicycle and pedestrian access only,” (page 8, Scudder to Sievers, 10/14/20).

Comment: A detailed layout of pedestrian, bicycle, and transit facilities are beyond the scope of a zoning map amendment application and it should be noted that the conceptual exhibits and

descriptions included in the statement of justification do not address Policy 2 and Policy 4's requirement that bicycle-friendly roadways be provided, nor is there discussion of Complete Streets policies. Should the subject property be rezoned consistent with the subject application, multimodal connectivity, access, and Complete Streets will all be reviewed and required at subsequent development applications. Staff also notes that while it is possible to comprehensively design a site consistent with the M-X-T standards, Complete Streets policies, and following the area master recommendations, the location of the subject property limits its accessibility. Connections ostensibly from only Bald Eagle Road for motor vehicles and transit, and from Seneca Drive for pedestrians and bicyclists restricts the access and convenience to the site and thereby reduces the likelihood of a non-auto-centric development.

The submitted statement of justification also discusses transit access, "There are several bus routes that run by the site on Oxon Hill Road across from the Wilson Bridge. NH1 is close by. ...By working with Metro to bring bus service to the proposed development, the Applicant is meeting the following two goals of the Sector Plan" (page 29 revised SOJ)".

- Offer safe, accessible, and efficient transit service to destinations that provide employment, services, or access to goods; and
- Evaluate transit service routes, schedules, facilities, and efficiency routinely to ensure the service is consistent with changing trends and needs.

A submitted exhibit illustrates a distance of 0.4 miles from the subject property to the Oxon Road transit center. However, this distance is measured from the southernmost and closest point within the subject property to the transit center. The actual distance between most locations within National View would be over 0.5 miles and may be at least one mile from the furthest point within the property.

Comment: At this stage, there is no on-site transit connections. While transit stops could be proposed in future development applications, the provision of future transit is contingent upon the Department of Public Works & Transportation (DPW&T) or the Washington Metropolitan Area Transit Authority (WMATA). Safe, accessible, and efficient transit service is service provided within the development site and not over one half-mile. This is significant because the majority of pedestrian trips are 0.25 miles according to the *AASHTO Guide for the Development of Pedestrian Facilities* (AASHTO Guide). It says most people are willing to walk 5 to 10 minutes at a comfortable pace (page 8). The submitted exhibit indicates it takes 9 minutes for a pedestrian to travel 0.4 mile from the closest point of the subject property, following the shortest pedestrian route, and given the likelihood of the average walking distance being appreciably further, the average travel time to the bus stop on foot is greater than the 10 minutes, which is more than what the AASHTO Guide suggests most people are willing spend walking. Staff note that at future applications transit connectivity will be reviewed and without transit service linking the grounds of National View with Eastover Shopping Center to the north and Oxon Hill Road to the south, the area master plan recommendations cannot be met. Moreover, due to the subject site's somewhat isolated location, it is not clear if transit provision by DPW&T or WMATA would be considered.

Section 27-542 of the zoning ordinances states one the purposes of the M-X-T zone is "To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle and transit use." However, the natural and manmade barriers including the Beltway, MD

210 and the National Park Service ownership of adjacent lands appear to make this project auto-centric in nature, particularly because Bald Eagle Road will dead end at National View. Transit oriented development without direct connections to transit will not be able to effectively maximize transit ridership.

Staff assert that while the subject site can be designed internally to support pedestrian, bicycle, and transit modes of transportation consistent with the goals, recommendations, and policies of the area master plans and the functional master plan, the location of the subject site precludes it from keeping within the purposes of the M-X-T zone.

3. *Adequate transportation facilities.*

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

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

The submitted statement of justification and exhibits describe and discuss pedestrian and trail connections within the site and to the nearby trail facilities, including two new trail connections to the nearby Oxon Hill Trail. The exhibits also depict necessary improvements for motor vehicle access at the intersection of Bald Eagle Road and Oxon Hill Roads.

Comment: The subject site is within the MD 210 / Indian Head Highway corridor and will be subject to Section 2-124.01, Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors. At the time of preliminary plan of subdivision, the Planning Board will need to be able to make a finding of pedestrian and bikeway adequacy within the subdivision and in the area surrounding the subject site. In addition to pedestrian and bicycle facilities already discussed, adequacy in the surrounding area will likely require an improved connection to transit.

Correspondence from the applicant indicates, “There are continuous sidewalks along this entire route with ADA ramps, crosswalks, and ped signals with APS/CPS at the signalized intersections. See imagery below from Google Maps. The existing sidewalk is ADA compliant and meets all ADA requirements,” (page 7, Scudder to Sievers, 10/14/20).

Staff note that while there is a continuous and ADA compliant pedestrian route, the walk is not pleasant. The AASHTO Guide provides guidance for encouraging pedestrian travel. Page 9:

Personal Comfort and Attractiveness

A decision to walk is also influenced by the comfort, convenience, visual interest, and other potential destinations along the route. Unlike motorists, pedestrians’ slower speeds mean that they prefer more, rather than less, detail in their environment. Does the route have

shade and is it separated from traffic? Do the street and adjacent buildings or landscape provide a pleasant visual environment? Are there benches or other places to sit and rest? Since pedestrians travel more slowly and are not surrounded by the protective environment of a motor vehicle, their immediate physical environment has a profound effect on their level of comfort.”

Many factors combine to create an environment that makes walking an easy and natural choice. Generally, areas with high levels of walking have:

- A good mix of land uses
- Continuous and connected pedestrian facilities that are adequately separated from fast moving traffic
- Safe and convenient street crossings
- Pedestrian-scale lighting
- A pleasant visual environment”

Many of these criteria are lacking along this route. The majority of sidewalk segments do not have a buffer space between the walking surface and the curb face thus placing pedestrians within uncomfortable proximity to the noisy and high-speed traffic volumes along Oxon Hill Road and the Bald Eagle Road overcrossing of the Capital Beltway. Pedestrians have to cross under three freeway overpass structures which are unappealing spaces. There is no pedestrian crosswalk or ADA ramps for crossing the south leg of the intersection of Bald Eagle Road and Oxon Hill Road, denying users with an ADA accessible crossing. Furthermore, at National Avenue and Oxon Hill Road there are missing sidewalk ramps and crosswalk connecting the northwest and northeast corners of the intersection. Finally, there is no continuous sidewalk section along the north side of National Avenue between Oxon Hill Road and the bus transit center. This lack of pedestrian infrastructure forces pedestrians into longer travel than necessary.

There is no indication of what type of on-road facilities will be provided for bicyclists. There are existing intermittent shared roadway pavement markings and share-the-road signage along MD 414.

As a zoning map amendment application, pedestrian and bicycle adequacy is not part of the review. At the time of Conceptual Site Plan and Preliminary Plan of Subdivision, these facilities will be reviewed in detail for both consistencies with M-X-T requirements and pedestrian and bikeway adequacy.

Conclusion

Based on the findings presented above, staff do not find that the subject application can keep within the purposes of the M-X-T zone from the perspective of pedestrian, bicycle, and transit transportation, pursuant to 27-213(a), Criteria for approval of the M-X-T zone. Staff do not recommend that the subject application for zoning map amendment from the R-R and R-55 zones to the M-X-T zone be approved.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Transportation Planning Section

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November 19, 2020

MEMORANDUM

TO: Thomas Sievers, Subdivision and Zoning Review Section, Development Review Division

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

SUBJECT: **A-10055: National View**

Proposal

The applicant is proposing a rezoning of a property to the M-X-T Zone. The applicant proposes a mixed-use development of residential, retail/commercial, and medical uses.

Background

This is a proposed zoning change to the M-X-T Zone. In reviewing the zoning map amendment, the zoning change is reviewed against the relevant master plan to ensure that it will not substantially impair the plan. The purposes of the M-X-T Zone are also reviewed to ensure that the zone is truly appropriate at a given location. There are also specific transportation-related criteria that will be reviewed within this memorandum.

Additionally, there is a requirement that transportation facilities will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density.

There are no prior approvals for this site that require consideration at this time.

Analysis of Traffic Impacts

Because the proposal is expected to generate more than 50 peak-hour trips, a traffic impact study (TIS) has been submitted. The traffic study was referred to the County (the Department of Public Works and Transportation (DPW&T) and the Department of Permitting, Inspections and Enforcement (DPIE)) as well as the Maryland State Highway Administration (SHA).

The subject property is located within Transportation Service Area (TSA) 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The table below summarizes trip generation in each peak hour that will be used for the analysis. The proposed uses have the following trip generation (with the use quantities shown in the table as described in the submitted traffic study). The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines) and *Trip Generation* (Institute of Transportation Engineers (ITE)):

Trip Generation Summary, A-10055, National View									
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour			Daily Trips
			In	Out	Tot	In	Out	Tot	
Existing Zoning (and maximum density)									
R-R (1.85 residences per acre, 9.02 acres)	16	units	2	10	12	9	5	14	144
R-55 (4.20 residences per acre, 11.07 acres)	46	units	7	28	35	27	14	41	414
Total Trips Under Existing Zoning			9	38	47	36	19	55	558
Proposal Under M-X-T Zone									
Assisted Living	374	Beds	45	26	71	37	60	97	1,586
Hotel	204	Rooms	57	40	97	65	62	127	1,705
Less Internal Trips			0	-3	-3	-10	-3	-13	
Multifamily	1,402	Units	84	337	421	365	196	561	5,608
Less Internal Trips			-2	-3	-5	-47	-18	-65	
Retail/Commercial	120,000	Square Feet	70	43	113	143	182	325	4,530
Less Internal Trips			-6	-2	-8	-17	-53	-70	
Total Trips Under M-X-T Proposal			248	438	686	536	426	962	13,429
Difference: Existing Zoning Versus M-X-T			+239	+400	+639	+500	407	+907	+12,871

The comparison of estimated site trip generation indicates that the proposed rezoning could have an off-site impact of 600 to 900 additional trips, depending on the peak hour being considered. The daily trip impact could be as high as 12,900 daily trips.

The applicant provided staff with a July 2020 traffic impact study (TIS) as part of the application documentation. The purpose of the TIS was to identify and evaluate the critical intersections, in order to determine the impact of the proposed zone changes on the performance of these intersections.

It needs to be noted that the M-X-T Zone approval is not based upon a conceptual plan. The only development yield is shown in the traffic impact study, and the traffic-related findings can be amended at the time of preliminary plan in accordance with Section 27-213(a)(3)(B). While the transportation staff has always interpreted this part of the law to allow the scope of transportation improvements to be amended as future traffic patterns changes, it appears to also allow more intensive uses to be proposed at later review stages. The M-X-T Zone allows a range of uses and no restriction on density. It is strongly advised the plans be reviewed to ensure that the zone is appropriate from a land use perspective at this location.

The traffic generated by the proposed PPS would impact the following intersections, interchanges, and links in the transportation system:

- MD 210 at southbound (SB) I-95 Ramps/Bald Eagle Road (signalized)
- Bald Eagle Road at Oxon Hill Farm Driveway (unsignalized)
- MD 414 at MD 210 SB Ramps/Bald Eagle Road (signalized)
- MD 414 at MD 210 NB Ramps (signalized)
- Oxon Hill Farm Driveway at site access (future/unsignalized)

Existing Traffic:

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 210 at SB I-95 Ramps/Bald Eagle Road	696	1038	A
Bald Eagle Road at Oxon Hill Farm Driveway	9.9*	11.0*	--	--
MD 414 at MD 210 SB Ramps/Bald Eagle Road	584	492	A	A
MD 414 at MD 210 NB Ramps	913	889	A	A
Oxon Hill Farm Driveway at site access	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Due to the effects of the ongoing COVID-19 pandemic, the process of collecting traffic counts for traffic studies became problematic. In accordance with Planning Board policy adopted on April 9, 2020, applicants were allowed to scope and prepare studies using older counts that are factored for annual traffic growth. That policy expired on September 10, 2020; studies that have been scoped and/or prepared between April 9 and September 10 using pandemic-factored counts are allowed to be accepted during 2020. In the case of this TIS, it was scoped prior to April 2020 and completed during the summer of 2020, and all traffic counts utilized have been adjusted in accordance with the Planning Board’s policy.

Background Traffic:

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation “Consolidated Transportation Program” or the Prince George’s County “Capital Improvement Program.” Background traffic has been developed for the study area using 5 approved but unbuilt developments within the study area. A 1.0 percent annual growth rate for a period of six years has been assumed. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 210 at SB I-95 Ramps/Bald Eagle Road	788	1171	A
Bald Eagle Road at Oxon Hill Farm Driveway	10.3*	11.7*	--	--
MD 414 at MD 210 SB Ramps/Bald Eagle Road	685	648	A	A
MD 414 at MD 210 NB Ramps	1024	1039	B	B
Oxon Hill Farm Driveway at site access	Future			
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges and links identified above, when analyzed with total future traffic as developed using the "Transportation Review Guidelines, Part 1" (Guidelines) including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
	MD 210 at SB I-95 Ramps/Bald Eagle Road	1242	1659	C
Bald Eagle Road at Oxon Hill Farm Driveway (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	170.7*	+999*	Fail	Fail
Minor Street Volume Test (100 or fewer)	440	433	Fail	Fail
CLV Test (1,150 or fewer)	994	1459	Pass	Fail
MD 414 at MD 210 SB Ramps/Bald Eagle Road	685	658	A	A
MD 414 at MD 210 NB Ramps	1109	1139	B	B
Oxon Hill Farm Driveway at site access	11.9*	13.0*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The table above notes traffic inadequacies that require discussion. in either peak hour.

MD 210 at SB I-95 Ramps/Bald Eagle Road

In the TIS, the applicant proposes improvement to the intersection provide a second approach lane along Bald Eagle Road to provide separate left-turn and right-turn lanes. With the second approach lane in place, the MD 210 at SB I-95 Ramps/Bald Eagle Road intersection would operate at LOS A,

with a CLV of 975, in the AM peak hour. In the PM peak hour, the intersection would operate at LOS E with a CLV of 1,517.

**Bald Eagle Road at Oxon Hill Farm Driveway
Oxon Hill Farm Driveway at site access**

The applicant currently shows two concepts for this pair of intersections:

- A. The first concept would maintain existing Bald Eagle Road as the major through roadway, adding a right-turn lane at the approach to Oxon Hill Farm Driveway, and widening the Oxon Hill Farm Driveway to provide a left-turn and a right-turn lane. The site access would be about 220 feet west of the intersection along Oxon Hill Farm Driveway. Both the Bald Eagle Road at Oxon Hill Farm Driveway and the Oxon Hill Farm Driveway at site access would remain unsignalized.
- B. The second concept would involve some realignments to have Bald Eagle Road from the east become a through roadway onto Oxon Hill Farm Driveway. Existing Bald Eagle Road from the south would “tee” into this realignment through roadway. The Oxon Hill Farm Driveway would be widened to provide a through lane eastbound and a right-turn lane. The right-turn lane from Bald Eagle Road from the south would be channelized, and a left-turn lane would be added along westbound Bald Eagle Road. The site access would be about 220 feet along Oxon Hill Farm Driveway. Both the Bald Eagle Road at Oxon Hill Farm Driveway and the Oxon Hill Farm Driveway at site access would remain unsignalized.

While the transportation planning staff are inclined to accept these concepts as evidence that the two intersections nearest the site can be made to be adequate, the concept of creating access to this site needs greater thought. Both access concepts involve usage of a National Park Service roadway, and this applicant has not shown that the use of that roadway is feasible. One access concept involves all traffic entering and leaving the site to make two 90-degree turns; the other concept involves making a park road into a through roadway. Neither of these ideas is conducive to creating a dense mixed-use community. Also, given that there is potential for more than 13,000 daily vehicles accessing the site, more serious consideration must be given to signalization near the site access.

Review of Plan/Request

Approval of the M-X-T Zone has some particular locational criteria as stated in Section 27-213(a)(1) of the Zoning Ordinance:

- (1) The District Council shall only place land in the M-X-T Zone if at least one (1) of the following two (2) criteria is met:**
 - (A) Criterion 1. The entire tract is located within the vicinity of either:**
 - (i) A major intersection or major interchange (being an intersection or interchange in which at least two (2) of the streets forming the intersection or interchange are classified in the Master Plan as an arterial or higher classified street reasonably expected to be in place within the foreseeable future); or**

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

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

While the transportation staff offers no comment on Criterion 2 as noted above, but Criterion 1 merits further discussion. The phrase “within the vicinity” is not well-defined, but in terms of walkability the Department already has a standard of one-half mile. If one-half mile is measured from the point that MD 210 and the Capital Beltway cross, the entire tract is not within one-half mile; the measured straight-line distance that would encompass the entire tract is approximately 3,250 feet (one-half mile is 2,640 feet). If one-half mile is measured from the nearest street forming the interchange of MD 210 and the Capital Beltway – i.e., the nearest ramp associated with that interchange – the entire tract is still not within one-half mile. The measured straight-line distance that would encompass the entire tract is approximately 2,900 feet.

The applicant has not addressed the second part of Criterion 1.

Regarding the purposes of the M-X-T Zone, the transportation planning staff would note the following:

- The fourth purpose of the M-X-T Zone seeks “to promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use.” This site is not near any type of transit, and no agency has plans to extend transit to serve this site. There are virtually no pedestrian or bicycle-serving uses within one-half mile of this site – only a large interchange which provides no access to this site (the Town of Forest Heights is adjacent to this site, but there is no plan for access between this site and Forest Heights). The applicant cites transit services along Oxon Hill Road, but the nearest part of this site to Oxon Hill Road contains no development per concepts provided with the submission.
- In discussing the ninth purpose of the M-X-T Zone, the applicant makes note of the proximity of this site to National Harbor. However, from a transportation standpoint one cannot travel easily between this site and National Harbor. It is approximately one mile from the middle of this site to the MGM casino. The two sites are connected by a Capital Beltway overpass with two travel lanes and a four-foot-wide sidewalk. The intersection of Oxon Hill Road and Bald Eagle Road has restricted movements; one cannot turn left from Bald Eagle Road onto eastbound Oxon Hill Road, and one cannot turn left from eastbound Oxon Hill Road toward the site. The applicant currently proposes no remedies to widen the Beltway overpass or to modify the Oxon Hill Road/Bald Eagle Road intersection to provide full movements.

Conclusion

Based on the preceding findings, the Transportation Planning Section concludes that the request to rezone the subject property to the M-X-T Zone is deficient in several areas. Given the proposed uses and the associated traffic projection outlined in the traffic study, it is determined that the

transportation facilities in the area would be adequate to carry anticipated traffic for the proposed development as required by Section 27-213(a)(3).

Nevertheless, the transportation staff indicate that the location does not meet the criteria in Section 27-213(a)(1)(A) for the granting of the M-X-T Zone areas and there are concerns about the site meeting the purposes of the zone per Section 27-542:

1. Measurements indicate that the entire tract proposed for rezoning is not “within the vicinity of ... a major intersection or major interchange” per Section 27-213(a)(1) of the Zoning Ordinance. This is based on the use of a one-half mile distance as a determinant of “within the vicinity.”
2. The fourth purpose of the M-X-T Zone shown in Section 27-542 seeks “to promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use.” This site is not near any type of transit, and no agency has plans to extend transit to serve this site.
3. Several times in the justification, the applicant makes note of the proximity of this site to National Harbor. However, it is approximately one mile from the middle of this site to the MGM casino. The two sites are connected by a Capital Beltway overpass with two travel lanes and a four-foot-wide sidewalk. The intersection of Oxon Hill Road and Bald Eagle Road has restricted movements; one cannot turn left from Bald Eagle Road onto eastbound Oxon Hill Road, and one cannot turn left from eastbound Oxon Hill Road toward the site. The applicant currently proposes no remedies to widen the Beltway overpass or to modify the Oxon Hill Road/Bald Eagle Road intersection to provide full movements.
4. The access concepts for accessing this site involve usage of a National Park Service roadway, and this applicant has not shown that the use of that roadway is feasible or permissible.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: November 17, 2020

TO: Thomas Sievers
Subdivision Section

VIA: Sonja Ewing, Land Acquisition, Planning Program Manager
Department of Parks and Recreation

FROM: Paul J. Sun, Land Acquisition Specialist
Park Planning and Development Division

SUBJECT: **A-10055- National View**

The Department of Parks and Recreation (DPR) staff has reviewed and evaluated the requested re-zoning for conformance with the requirements and regulations of: The Heights & Vicinity Master Plan (Planning Area 76) along with the surrounding Sector Plans, the Formula 2040: Functional Master Plan for Parks, Recreation and Open Space, as they pertain to public parks and recreation.

BACKGROUND & ANALYSIS

The applicant is proposing to create an assemblage of properties totaling 20.1 acre on the north side of the Capital Beltway (I-495/I-495) at its interchange with Indian Head Highway (MD Route 210). The subject property is bordered on its east and west sides by federal parkland, and by existing residential development in the Town of Forest Heights. With this application is proposing to re-zone the properties from One Family Residential (R-R and R-55) to M-X-T (Mixed Use- Transportation) zone.

Should the proposed zoning change be accomplished, the applicant is proposing to develop 1,500-1,700 multi-family units, four (4) assisted living buildings, 200,000 square feet of retail/commercial/office space, a 50,000 square-foot medical building, along with a 3,000 square foot police substation.

With respect to the 1,500- 1700 multi-family units, DPR is especially interested in meeting the parks and recreation needs for the new residents of this new community. DPR staff has analyzed the area and offer the following information on existing parks and recreation opportunities within the surrounding area. Developed M-NCPPC owned parks in proximity of the proposed development (within a 3-mile radius) consist of:

- Forest Heights Park (approximately 1.5 miles east of Indian Head Highway) which contains a playground, basketball courts and picnic areas.
- Birchwood City Park, which contains a park building, ballfields, playground and picnic areas.
- Glassmanor Community Center which is located adjacent to Glassmanor Elementary School.
- Southern Regional Technology and Recreation Complex (Approximately 3 miles to the northwest) which the as the closest multigenerational facility to the development.
- Oxon Hill Manor Historic Site (Approximately 2.5 miles to the northwest) The existing sidewalk that runs along the property frontage at Oxon Hill Manor has a direct connection to the Woodrow Wilson Bridge Trail and National Harbor

As previously noted, the subject property is bordered on its east and west sides by federal parkland, known as Oxon Hill Farm, which is managed by the National Park Service. The property also borders existing residential lots located in the Town of Forest Heights approximately 1/2 mile from Bell Acres Park. A segment of the Oxon Hill Farm Trail runs behind Bell Acres Park. Funding was approved in the FY21 - FY26 CIP for rehabilitation and extension of the Oxon Run Trail in this location. The Potomac Heritage Trail also connects to the Oxon Hill Farm Trail crossing the Capital Beltway and heading south along Oxon Hill Road.

The Eastover/Forest Heights/Glassmanor Sector Plan encourages building upon the existing pathways and completion of the trail network in the area. The applicant has indicated plans to promote walking through new connections to the established trail system from the proposed future development.

The Heights & Vicinity Master Plan recommends the acquisition by M-NCPPC of a 10-acre parcel on a portion of the Applicant's property near the historic Butler House (76A-014). The master plan recommends acquisition for passive parkland uses as well as community gardens. The Applicant proposes interpretation of the Historic Butler property and the creation of rooftop community gardens as part of the development plan. DPR staff has no issues the applicant's current proposal to provide the historic interpretation on the Butler Property. Further details of the applicant's shall be provided with the future development plans for this project.

Summary

In general, DPR staff has no issues with applicant's proposal to re-zone of the subject property from R-R and R-55 to M-X-T. Considerations should be made with the proposed residential component for their future parks and recreation needs. Should the proposed zoning change be accomplished, Mandatory Dedication of Parkland will be required with the future development plans for this project. The applicant has provided conceptual information on trail connections, rooftop community gardens, and interpretation of the Butler House, DPR staff recommends that the Applicant look at creating a centralized open green space to serve not just the residential community but the entire development.

November 18, 2020

MEMORANDUM

TO: Thomas Sievers, Senior Planner, Urban Design Section, Development Review Division

FROM: Howard Berger, Supervisor, Historic Preservation Section, Countywide Planning Division, Jennifer Stabler, Archeology Master Planner, Historic Preservation Section Countywide Planning Division

SUBJECT: **A-10055 National View**
(contains Butler House, Historic Site 76A-014; adjacent to Mt. Welby, Historic Site 76A-013)

The Historic Preservation Commission reviewed the subject application as part of its November 17, 2020 public meeting agenda. The Historic Preservation Commission received a presentation from staff that included a PowerPoint presentation based on the staff memorandum dated November 10, 2020, as well as a presentation from the applicant that included a PowerPoint presentation on the project. After discussion with staff and the applicant, the Historic Preservation Commission voted on a staff-generated draft recommendation to the Planning Board. This recommended motion did not pass. After further discussion, the Historic Preservation Commission determined that it would not comment on the subject rezoning application. Therefore, staff is providing the memorandum that was prepared for the Historic Preservation Commission's review for the Planning Board's consideration.

Background

The subject property comprises 20.1± acres located inside the Capital Beltway (I-95/495) approximately 1,000- feet north of the Beltway, between the Woodrow Wilson Bridge and its interchange with Indian Head Highway (Maryland Route 210) east of the Potomac River and Oxon Hill Road, in Forest Heights. The subject application proposes the rezoning of the subject properties from R-55 and R-R to M-X-T, for the development of residential, retail, commercial, and medical uses. The applicant is proposing 1,500-1,700 multi-family units, four (4) assisted living buildings, 200,000 square-feet of retail/commercial/office space, a 50,000 square-foot medical building, and a 3,000 square-foot police substation. The subject application was previously known as A-10055 Harbor View.

The subject rezoning application was reviewed by the Historic Preservation Commission (HPC) in accordance with the County Historic Preservation Ordinance [Subtitle 29-106 (6)] which provides the authority for the HPC:

To review any legislation, applications for zoning map amendment, special exception, site plan, and subdivision approval, and other proposals affecting historic preservation, including preparation and amendment of master plans, and to make recommendations thereon to the appropriate authorities.

Findings

Historic Preservation

1. The subject property contains the Butler House (PG:76A-014/National Register) a Prince George's County Historic Site that was designated in 1981 and was listed in the National Register of Historic Places in March 2005. The Butler House property is adjacent to Mount Welby (PG:76A-013/National Register), also a Prince George's County Historic Site (designated in 1981), that is owned by the National Park Service and located within the Oxon Cove Farm. The Oxon Cove Farm property was listed in the National Register of Historic Places in September 2003.
2. The Butler House is a three-bay, 2 ½-story wood-frame-and-log dwelling with a steeply pitched side-gable roof and a large, shed addition. It stands on a triangular piece of land between Forest Heights, the Capital Beltway, and the Oxon Hill Children's Farm/Oxon Cove Farm in the Oxon Hill vicinity. The Butler House is significant for its association with the themes "African-American experience, 1660-1865" and "The Freedmen's Bureau, 1865-1872" as set forth in the Multiple Property Documentation for African-American Historic Resources in Prince George's County, Maryland. Henry Alexander Butler, a free African American from Charles County, moved with his family to the property around 1853, and completed construction of the house. The property had been continuously associated with the Butler family since that time and until its recent sale to the applicant for the subject application (Prince George's County Deed Records, Liber 41808 page 190).

The Butler House, now in ruinous condition, and its associated property are nevertheless rare surviving examples of a documented pre-Civil War landholding/farmstead inhabited by a free African American family. Until recently, the house was covered in cast stone, although wood lap siding was visible on the gable ends. The steeply pitched, side-gable roof was covered in metal panels and wood shake. The main entry was in the south bay of the west (front) elevation and has a mid-20th century, half-glass door. The window openings contained mid-20th century metal sash. A large, 1 1/2-story shed addition containing a kitchen extended from the north gable end. A parged brick chimney rose between the north gable end and the shed addition. A 1-story screen porch was added to the east elevation.

According to Butler family oral history, the Butler house was begun in 1851 as a post office. Henry Alexander Butler, a free African American man from Charles County, moved with his family to the property in 1853 and completed construction of the house. The Butler family possesses receipts for taxes paid on the property by Henry Butler in 1859 and 1860. However, the property was not legally deeded to Butler until 1873. The Butlers turned their property into a small farm that included a chicken house, meat house, barns, and other agricultural buildings. The Butler House faced the main road from Washington, D.C., through Prince George's County. During the Civil War, Union officers are said to have stopped at the house when traveling through the area. Family photographs indicate that the Butlers lived a comfortable, middle class life. They also enjoyed high status in the African American community. Henry Butler became a Reconstruction-era community leader,

serving as trustee of the Freedmen's Bureau school near Oxon Hill. The Butlers associated with prominent African American Washingtonians including the first African American priest and a Mr. Lewis, master barber at the U.S. Capitol.

The 1938 aerial photographs show another house to the south of the Butler House, which was demolished between 1984 and 1993. A third Cape Cod style house, to the south of the second house, was built on the Butler property in the 1940s. That house is still standing in ruinous condition. The property remained in the Butler family until it was sold to Harbor View Development, LLC in 2019.

The property also holds potential to yield information about African American material culture. The Butler House meets Criterion A for listing in the National Register of Historic Places: It is associated with events that have made a significant contribution to the broad patterns of history.

3. The northern portion of the subject property was owned by several other African American families, including the Hattons and the Proctors. Henry Hatton acquired 21 acres of Mt. Welby from Joseph H. Bowling on January 9, 1868. Hatton had a blacksmith shop in Oxon Hill. This tract was to the north and west of the Butler property. Two of Hatton's sons, Henry and George W. Hatton joined the U.S. Colored Troops during the Civil War. The 1860 Census shows the Butlers, Hattons, and Proctors residing near one another. The Hattons and Butlers continued to reside near each other through the 1880s. The 1880 Census shows Henry Hatton's daughter, Sarah Gray, her husband Ned Gray, and several members of the Proctor family residing between Henry Hatton and Henry Butler. The 1894 Hopkins Map shows the Butler House and four houses owned by Hattons and Proctors along Bald Eagle Road, which extends through the subject property to the north.

Henry Hatton died in 1896 and in his will devised portions of his Oxon Hill farm to his children, Martha Harris, Sarah L. Gray, Susanna Ayers, Josephine E. Carroll, and his grandson George C. Hatton. The Gray and Ayers families appear in the 1900, 1910 and 1920 Census records near the Butler family.

Henry A. Butler died in 1904 and devised 1 acre lots to his children, Amelia, Ellen, Louisa, Sarah's daughter, Charles, William, James, John and Julia. Several of Henry Butler's children and grandchildren continued to live in the Butler House through the late twentieth century. The Hatton property appears to have been abandoned in the 1940s to 1950s when the Forest Heights housing development was platted.

4. The Mount Welby Historic Site/Oxon Cove Farm Historic District (76A-013) is adjacent to the subject property. Oxon Cove Farm is an agricultural complex, encompassing 14 buildings and two structures, which occupies a rural site in Prince George's County, Maryland, approximately ten miles south of Washington, D.C. in the vicinity of Oxon Hill, Maryland. The property is currently part of a living farm museum operated by the National Park Service. The resources encompassed in the historic district are associated with the property's sequential development as a plantation, an institutional agricultural complex, and a farm museum, during the nineteenth and twentieth centuries. The area surrounding the historic district is utilized for pasture, cultivation, and passive recreation. The following historic resources are included within the boundaries of the district: a brick masonry house; hexagonal wooden-frame outbuilding; brick root cellar; wooden-frame hog house; wooden-

frame horse and pony barn; wooden-frame chicken house; steel-frame implement shed; wooden-frame visitor barn; steel-frame windmill; wooden-frame hay barn; wooden-frame feed building; brick masonry stable; wooden-frame tool shed; wooden-frame "sorghum sirup" shed; and wooden-frame dairy barn, and tile silo.

The Oxon Cove Farm historic district is located on the crest of a ridge overlooking the east bank of the Potomac River, north of U.S. Interstate 95. The complex is oriented to the south and commands a view of the river valley, including views of the municipal jurisdictions of Alexandria and Arlington, Virginia, and Washington, D.C. The agricultural complex is spatially divided into two areas, defined by the farmstead and farmyard. The dwelling and domestic area dominates the complex from the crest of the ridge; the majority of the outbuildings lie in a swale east of the dwelling and define the farmyard. Access to the district is by way of a straight gravel drive that extends approximately 0.2 mi. past the dairy barn and the "sorghum sirup" shed to the main complex of outbuildings. This complex consists of the visitor barn, windmill, hay barn, feed building, tool shed, stable, implement shed, and chicken house. The drive continues beyond this area to the farm dwelling, approximately 370 ft. to the west. Northwest of the outbuilding core are the horse and pony barn, hog house, and root cellar. Turn-of-the-century farm implements, and machines are scattered throughout the park grounds. The buildings that comprise the historic district date from the early nineteenth to the late twentieth centuries.

The Oxon Cove Farm historic district is a 16-element agricultural complex encompassing 14 buildings, two structures, and associated landscape features. The eight contributing elements constitute a recognizable agricultural complex that is significant for its association with mental health care. Buildings included within the district are associated with two time periods and two principal themes. The time periods are ca. 1800-1850, and 1891-1943. The historic themes important to the district include agriculture and mental health care. Oxon Cove Farm historic district was among the first agricultural complexes to be used as a therapeutic treatment center for the mentally ill. This innovative approach marked a change in patient therapy for the mentally ill, from warehousing of patients to treatment within an active work atmosphere. Under the ownership of St. Elizabeth's Hospital, Oxon Cove Farm, then known as Godding Croft, provided innovative treatments for the mentally ill within an active agricultural context.

Mount Welby was determined eligible for listing in the National Register under Criterion A for its association with St. Elizabeth's Hospital in Washington, D.C. Mount Welby was used by the hospital as a farm where mental patients could be helped in their treatment by honest labor in fresh air. The farm provided not only beneficial labor for the patients, but also helped to make the hospital self-sufficient by providing food for patients and staff.

The property was also determined eligible under Criterion C for architecture. The house, (Mount Welby), which was constructed in 1811 and substantially altered in the last quarter of the 19th century (c. 1891), is an unusual melding of a Federal period house with the urban row house aesthetic of the Victorian period. In addition, the farmstead encompasses a fairly complete grouping of agricultural buildings dating from the early to late 19th century and is a rare reminder of the area's agricultural past. The property includes eight buildings: a two story brick house, a two story brick barn, a wood framed barn, a granary, root cellar, implement shed, cattle shed, and hexagonal outbuilding, and occupies a prominent site overlooking the Potomac River across from Alexandria, Virginia.

Archeology

1. Phase I archeology survey was conducted on the subject property in October and November 2019. The fieldwork consisted of a pedestrian survey and shovel testing as the subsurface investigation. The archeological survey was completed prior to submittal of a development plan to the Planning Department.

The fieldwork was initiated with a pedestrian survey in which several bottle and container glass dumps were identified. Several trash dumps were noted along the ravine to the east of the Butler houses. A large modern scatter of materials around the Butler houses are possibly associated with their abandonment in the late 20th century. Similar modern dump areas were identified within the area subdivided for the Forest Heights property and near the residences on Cree Drive. No historic artifact concentrations or scatters were noted on the surface.

Subsurface investigations comprised a shovel test pit (STP) survey with a spacing interval of 50 feet. A total of 196 STPs were laid out in a grid and 20 of those STPs were not excavated. Artifacts were recovered from 55 of the STPs. Most of the positive STPs were concentrated around the two extant Butler houses. An overlying plow zone stratum was noted in most of the STPs and contained artifacts from different time periods that were mixed. Due to the sloping topography, many of the soils had eroded over time.

Artifacts recovered date from the prehistoric to modern periods. Prehistoric artifacts include debitage and non-debitage of local quartz related to tool making. One quartzite fire-cracked rock was recovered. The prehistoric artifacts were not found in any concentration and were scattered over an area 600 feet in length. A site was not designated for this diffuse artifact scatter. Modern material recovered includes artifacts from the architecture, clothing, domestic, fauna, and miscellaneous categories. Most of the historic artifacts recovered date to the twentieth century occupation of the property.

Cultural features identified include a combination well house and adjacent well east of the Butler House. A buried septic tank was partially exposed on the west side of the Butler House. Both features are constructed of concrete and are likely related to the last occupation of the Butler House. An area to the southwest of the Butler House and to the east of the entry road was indicated to be a possible cemetery. Several large specimen oak and cedar trees surround the area, along with a line of boxwood bushes and patchy ground cover of periwinkle. A buried impermeable surface was also encountered running along the rear of the 1853 Butler House and extending to the mid-20th century house to the south. This likely represents a driveway that can be seen extending off Bald Eagle Hill Road in the aerial photographs.

Three additional features were noted to the north of the Butler House property on land owned by the Hatton and Proctor families. These include a possible trash pit, a large anomalous depression or pit, and a pile of disarticulated field stone. These features possibly represent the remnants of buildings depicted on the 1894 Hopkins Map that were likely occupied from the 1870s to the 1950s.

Two ruinous houses remain on the portion of the property formerly occupied by the Butler family. One is the 1853 Butler House (76A-014), with more modern additions. The house

fronts on Bald Eagle Hill Road and has collapsed in the early 21st century. The 1940s house is located to the south of the Butler House and is a Cape Cod style building. All windows and doors are missing, and the interior is exposed to the elements.

Conclusions

Historic Preservation

1. African Americans are integral to the narrative of Prince George's County history and to what makes Prince George's County distinctive today. The unique set of circumstances that shaped Maryland's famed "middle temperament" left an indelible imprint on the African American experience in the County. African Americans first arrived in Maryland on the *Ark* and the *Dove* in 1634. By 1720, one quarter of Maryland planters owned slaves; by 1760, this percentage had risen to half. By 1850, Maryland had more free blacks than any other state, with over 29,000 living in Baltimore. In 1860, free and enslaved African Americans constituted 25% of the state's population. However, unlike other states with large African American populations, the power structure in Maryland was dominated by mercantile, rather than agricultural interests. Consequently, despite considerable southern sympathy, Maryland did not secede. Thus, Maryland's large African American population was denied many of the protections and political benefits of Reconstruction. Although the Freedmen's Bureau was active in the state, constitutional amendments that gave African Americans specific legal protections and rights in the former Confederacy did not apply to Maryland. Because Maryland remained in the Union, most of its white citizens could still vote and run for political office. The political vacuum that allowed former slaves to hold elective office in other parts of the South did not exist in this border state.

Within Maryland, Prince George's County occupied a unique position. By 1660, European settlers, their slaves, and indentured servants moved north into what is now Prince George's County. In 1850, there were over 11,000 slaves in the County, a number that had remained fairly constant since 1790 and was the highest numerical population of any Maryland County. As with Calvert and Charles County, the African American population exceeded the white population. In 1850, there were 12,648 African Americans in Prince George's County, of whom 1,138 were free, and 11,510 slaves. The white population totaled 8,901. By 1870, over 45% of the population of the County was African American, a percentage similar to Anne Arundel County and the rest of Southern Maryland.

As a result, the Butler House property is a rare and significant remnant of pre-Civil War Prince George's County, wherein a small population of free African Americans owned their own property, farmed their own land, and raised their families. The property remained within the ownership of a single family for more than 150 years and while the history of the above-ground structures that until recently were located on the land describe in part the history of the use of the property over time, the potential for resources below the ground is significant. Other portions of the subject property were also associated with historic habitation by two other prominent African American families, the Hattons and the Proctors.

2. The applicant's proposal would rezone the subject property for more intensive uses that will eliminate all aspects of the Butler family's 150 years of habitation. The proposed density and type of construction would consume most of the subject property and loom over the adjacent agricultural landscape of the Oxon Cove Farm in a jarring juxtaposition that provides for little or no opportunity for landscape or open space buffering between the

verdant historic rural landscape of the Mount Welby/Oxon Cove Farm property and the proposed development. Given the low-rise single-family residential and the agricultural character of the adjacent property, the applicant's proposed rezoning is incompatible with the adjacent historic site/parkland and with the neighborhood's character.

3. Any proposal to remove features within the Butler House Historic Site (76A-014) or to conduct archeological investigations within its Environmental Setting must be reviewed and approved according to the Historic Preservation Ordinance (Subtitle 29-107).

Archeology

1. The Phase I archeology survey delineated four archeological sites. Site 18PR1150 represents the Butler House, the surrounding yard scatter and another twentieth century house to the south. The Butler House is listed in the National Register of Historic Places and was occupied by members of the Butler family from the 1850s until the late twentieth or early twenty-first century. This site is represented by an artifact scatter, a possible burial ground, and several yard features. Phase II investigations are recommended.

Site 18PR1151 is located on the southern end of the Butler property. This site was defined by two positive STPs containing post 1820 artifacts. No features were identified, and the artifacts were recovered from the plow zone. No additional investigations are recommended on site 18PR1151.

Site 18PR1152 is in the southern portion of the Forest Heights subdivision in the northern part of the study area. This site was defined by two positive STPs. One of the positive STPs may represent a cultural feature. This historic artifact concentration is believed to be associated with a possible early 20th century residence. Phase II investigations are recommended on this site.

Site 18PR1153 is located at the northern terminus of the study area and is in a forested setting. This site was defined by four positive STPs, defining a site measuring approximately 100 ft. by 50 ft. A disarticulated pile of stone rubble may represent a dumping episode. Artifacts recovered include brick fragments, window glass, a corroded nail, clear flat glass, and bottle glass. The mix of domestic and architectural materials suggest that this may have been a house site dating between 1878 and 1900. Historic maps show a house in the vicinity of this site. Phase II investigations are recommended on site 18PR1153.

2. Historic Preservation staff agrees with the report's findings and recommendations that Phase II excavations should be conducted on sites 18PR1150, 18PR1152 and 18PR1153. A Phase II work plan should be submitted to Historic Preservation staff for these three sites. Efforts should be made to confirm the potential presence of any burials on the property; if identified, proper measures should be implemented to ensure the protection of any burials until such time as their lawful disposition is resolved.

Recommendations

Staff recommends to the Planning Board that the proposed rezoning of the subject property from R-55 and R-R to M-X-T is incompatible with the rural historic character of the adjacent historic site, Mount Welby (76A-013), and further, that the proposed rezoning would fully destroy any remnants of the Butler, Hatton, and Proctor families' historic habitation of the subject property. In addition,

specific efforts should be made to confirm the potential presence of any burials on the subject property. If identified, proper measures shall be implemented to ensure the protection of any burials until such time as their lawful disposition is resolved.



Countywide Planning Division
Special Projects Section

October 30, 2020

MEMORANDUM

TO: Tom Sievers, Senior Planner, Subdivision and Zoning Section, Development Review Division

VIA: **BHR** Bobby Ray, AICP, Planning Supervisor, Special Projects Section, Countywide Planning Division

FROM: Ivy R. Thompson, Senior Planner, Special Projects Section, Countywide Planning Division

SUBJECT: **A-10055 National View**

Project Summary: Rezone Property from the Rural Residential (R-R) and One-Family Detached Residential (R-55) Zones to the Mixed-Use Transportation (M-X-T) Zone.

RESIDENTIAL

Police Facilities

Station/Location: Police District IV located at 5135 Oxon Hill Road in Oxon Hill.
Test: The response time standard is ten minutes for emergency calls and 25 minutes for non-emergency calls.

Fire and Rescue

Station/Location: Oxon Hill Volunteer Fire/EMS Co. 842 located at 1100 Marcy Avenue, in Oxon Hill.
Test: The residential response time standard is a maximum of seven-minute travel time from the first due station.

Capital Improvement Program (CIP)

Title: The Prince George's County FY 2020-2025 Approved CIP
Planning Area: 76A Henson Creek (The Heights), Subregion VII
Projects: Fire/EMS- Saint Barnabas Fire EMS
Board of Elections- Benjamin Stoddert Middle School.

Water and Sewerage Findings

Category: The section of the development known as the Forest Heights Subdivision (WWW 28 P5) Blocks 122-124 are in Water and Sewer Category 3, Community System Adequate for Development Planning.

Parcels 26, 32, 35, 36, 37 are in Water and Sewer Category 6, Individual Systems. Parcels 26, 32, 35, 36, 37 are within the Planned or Existing Community Systems Sewer Envelope.

Countywide Planning Division
Prince George's County Planning Department

301-952-3650

November 20, 2020

MEMORANDUM

TO: Thomas Sievers, Senior Planner, Subdivision and Zoning Section, DRD

VIA: Megan Reiser, Supervisor, Environmental Planning Section, CWPD

FROM: Chuck Schneider, Planner Coordinator, Environmental Planning Section, CWPD

**SUBJECT: National View; A-10055
Petition for Zoning Map Amendment**

The Environmental Planning Section has reviewed the above referenced Zoning Map Amendment application stamped as received on August 26, 2020. Verbal and written comments were provided in a Subdivision Development Review Committee (SDRC) meeting on September 18, 2020. After the SDRC meeting, the applicant provided response comments on October 15, 2020. The following comments are provided for your consideration.

Background

The Environmental Planning Section (EPS) previously reviewed the following applications and associated plans for the subject site:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
NRI-184-14	N/A	Staff	Expired	2/9/1995	N/A
NRI-146-2019	N/A	Staff	Approved	3/25/2000	N/A
A-10055	N/A	Planning Board	Pending	Pending	Pending

Proposed Activity

This application requests a zoning map amendment for a 17.77- acre split zoned site from R-R (Rural Residential) and R-55 (One-Family Detached Residential) zoning to M-X-T (Mixed Use-Transportation Oriented) zoning.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012. The portion of the site located in the Chesapeake Bay Critical Area is subject to Subtitle 5B.

Site Description

The subject application area is 17.77 - acres in the R-R and R-55 zones located in the northwest quadrant of the interchange of the Capital Beltway (Interstate 495) and Indian Head Highway (Maryland Route 210). Approximately 1.80 acres of the site is within the Chesapeake Bay Critical

Area (CBCA) - Intense Development Overlay (IDO) zone. The application area is divided into two areas the "Butler Tract" (south) and the single lot area (north).

The Butler Tract is located on the southern half of the overall site, consisting of 6 parcels totaling 8.75 acres and zoned R-R. This portion of the site contains no Regulated Environmental Features (REF) but is adjacent to an extensive ephemeral stream channel and contains specimen trees. This stream was investigated during the Natural Resource Inventory (NRI) review and was determined to be ephemeral. This area is mostly wooded and contains mapped Forest Interior Dwelling Species (FIDS) Birds Habitat. The predominant soils found to occur, according to the US Department of Agriculture (USDA), Natural Resources Conservation Service (USDA NRCS), and Web Soil Survey (WSS) are the Beltsville silt loam, Beltsville – Urban Land Complex, Sassafras and Croom soils, and Sassafras sandy loam series. Neither Marlboro clay nor Christiana clay occur in this area. According to the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017), the Butler Tract is mostly located within a Regulated Area with the southernmost area of the site located in the Evaluation Areas. Parcel 35 of the Butler tract is located within a Historic Site Environmental Setting that is associated with the Butler residence (#76A-014). The Capital Beltway (Interstate 495) is adjacent to the southern portion of the site and this roadway is identified as a master planned freeway.

The north area consists of platted single family detached lots that are undeveloped. The north area totals 9.02 acres and is zoned R-55. This site does not contain any mapped REFs but contains specimen trees, FIDS habitat, and is entirely wooded. The north west corner of the site is within the CBCA – IDO overlay zone. The predominant soils found to occur according to the US Department of Agriculture (USDA), Natural Resources Conservation Service (USDA NRCS), Web Soil Survey (WSS) are the Croom – Urban Land Complex, Sassafras and Croom soils, and Udorthents soil series. Neither Marlboro clay nor Christiana clay occur in this area. According to the *Countywide Green Infrastructure Plan* (2017), the platted lot area is entirely within the Regulated Area. No master planned roads are mapped adjacent to this section of the application.

An unimproved road, Bald Eagle Drive, extends through the site eventually connecting with an off ramp from MD210. This road has historically connected Oxon Hill to Washington DC as far back as 1850 and earlier. This roadway is not identified as historic or scenic. Off-site to the west of Bald Eagle Drive is the Historic Setting for Mount Welby residence (#76A-013) and Oxon Hill Farm National Park. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program (DNR NHP) there are no Rare, Threatened, or Endangered (RTE) species found to occur on or in the vicinity of the application area.

Plan Prince George's 2035 Approved General Plan (2014)

The site is located within Environmental Strategy Areas 1 (formerly the Developed Tier), and 4 (Chesapeake Bay Critical Area), of the Regulated Environmental Protection Areas Map and has a Growth Policy of Established Communities as designated by *Plan Prince George's 2035 Approved General Plan*.

Master Plan Conformance

The application area is located within two different master plan areas. The north area consisting of single family lots is located within the Approved Eastover/Forest Heights/Glassmanor Sector Plan (2014) and the south area (Butler Tract) is within the Approved Master Plan for the Heights and Vicinity (2000).

Following are the environmental goals and recommendations of both plans and how they impact the application area.

2014 Approved Eastover/Forest Heights/Glassmanor Sector Plan and Sectional Map Amendment(North Area)

Recommendation 1: Reduce flooding and personal property damage due to flooding (Forest Heights, Rolph Road, and North Heron Drive).

Rolph Road and North Heron Drive are located north of the subject site. The topography shown on PGAtlas.com indicates the application area draining away from the identified roadways in a different drainage area. Drainage from the subject site is not expected to cause flood impacts to the above-mentioned roads.

The north area of the application is within the Forest Heights section but not within a designated floodplain area. Any development of the site will require stormwater management (SWM) measures to prevent flooding through the review and approval of a SWM plan. This could be best achieved with development consistent with the current zoning which would result in less impervious area and more natural infiltration.

Recommendation 2: Restore ecological function and environmental diversity in streamways, woodlands, and other natural areas.

The site, as it exists today, is in its most natural condition, fully wooded with no development. A development plan has not been submitted at this time. Any development of the site would require the removal of some woodland; however, if the request is approved, significant negative impacts to on-site woodlands would occur due to a lower woodland conservation threshold and could significantly limit on-site woodland conservation. Opportunities for restoring vegetation would be very limited as well. These impacts would be more than impacts associated with development consistent with the current zoning. The requested zoning would be in conflict with this recommendation.

Recommendation 3: Maintain open space linkages, reduce gap distances between natural areas, and provide traversable pathways for plant and animal migration.

Currently, the area consisting of single family lots is entirely wooded and is in an area identified as potential Forest Interior Dwelling Species (FIDS) habitat. Impacts to on-site woodlands and natural areas should be minimized and preservation or planting of these areas should be provided to the fullest extent possible. The species associated with FIDS habitat are very sensitive to development. Forest fragmentation eliminates the large contiguous woodland tracts that are essential for the survivability of these sensitive species. The zoning request from R-R/R-55 to M-X-T will have a negative impact on potential FIDS habitat due to the proposed zoning resulting in a lower woodland conservation threshold, which could result in more clearing.

Recommendation 4: Reduce and remove impervious cover and increase urban tree canopy.

Presently, there are no impervious surfaces within the northern half of the site. The proposed M-X-T zoning would allow for the creation of larger impervious areas for mixed uses and significant clearing of existing woodlands than what would occur with the current zoning. The proposed request, if approved would reduce the tree canopy coverage requirement from 15 percent to 10 percent. This reduction, along with a reduction of the woodland conservation threshold, does not support the recommendations of this master plan.

Recommendation 5: Incorporate Low Impact Development (LID) stormwater management to restore water quality and ecological function.

No development plan has been submitted at this time. Any future development plans must have SWM concept approval from the Prince Georges County Department of Permits, Inspection and Enforcement (DPIE). The current regulations required that Environmental Site Design (ESD), which is equivalent to Low Impact Development (LID), be implemented to the maximum extent practicable.

The CBCA portion of this area will be required to remove 10% nitrogen and phosphorous that is released back in the environment from a development associated with stormwater runoff. Various stormwater designs and structures may be required to achieve required pollutant reduction. The proposed M-X-T zoning would have a higher use density than the existing R-R and R-55 zoning, which would result in more impervious area and more stormwater control to ensure proper drainage and prevent flooding. The lower density of the current zoning (R-R and R-55) would allow for more on-site woodland conservation, less impervious surface, and more natural infiltration.

Recommendation 6: Encourage property owners to plant trees and other vegetation.

The entire area of platted lots is entirely wooded with no open area or structures. The proposed M-X-T zoning would be comprised of a mix of non-residential uses which would require more parking and increased impervious area. The design should seek to incorporate tree planting above what is required; however, opportunities for planting are significantly limited zones with a mix of uses that result in high density development.

Development consistent with the current zoning would result in more preservation and/or planting of trees and vegetation. If the request is granted, the applicant should go above and beyond the minimal planting requirements.

Recommendation 7: Incorporate “green building” techniques in new and redevelopment construction.

Information regarding the use of green building techniques and the use of alternative energy are encouraged and will be evaluated with future applications by the Urban Design Section.

Recommendation 8: Reduce pollutants such as trash, nitrogen, and phosphorous in streams and the watershed.

The entire north area is wooded, and the northwest portion of those woodlands are located within the CBCA. The CBCA ordinance requires new development within the IDQ zone to reduce the amount of nitrogen and phosphorous that is released back in the environment from a development

associated with stormwater runoff. The Intensely Developed Overlay (IDO) requires that various techniques such as site design, infiltration practices, and structural stormwater treatment practices such as sand filters and swales be considered during the development design. A development with these techniques must be capable of reducing pollutant loads generated from a developed site to a level at least 10% below the loads generated at the same site prior to development. This requirement is commonly referred to as the "10% Rule".

For development proposed in the area outside of the CBCA, SWM is required. DPIE will review for water quality and quantity control in accordance with the Stormwater Management Act of 2007 which required a development of a site to implement Environmental Site Design (ESD) to the maximum extent practicable.

The proposed rezoning request which would include of non-residential uses, would require more trash receptacles to reduce littering and the presence of in-stream waste.

2000 Approved Master Plan for the Heights and Vicinity (Butler Tract)

Goal: To protect and enhance the environmental qualities of the planning area by preserving natural environmental assets as an integral part of the community.

Recommendation 1: Woodland Preservation – The existing woodlands in Natural Reserve Areas must be retained. Other existing woodlands should be retained to the extent possible in order to maintain or increase the current percentage of woodland. Furthermore, the expansion of woodlands through afforestation and reforestation is encouraged in the implementation of the greenways and open space program linkages.

The Master Plan does not designate any areas on the site as Natural Reserve Area but does designate a portion of the area as wooded. The site also contains steep slopes in several locations, and these areas are underlain with Sassafras and Croom soils (15-25% and 25-40% slopes), which are highly erodible soils. One of these areas of steep slopes is adjacent to an ephemeral stream channel. The woodlands are contiguous with woodland on the north portion of the site, as well as woodlands extend west to the Potomac River, Oxon Run, and the CBCA. The woodland contributes to potential FIDS habitat. The only unforested area on-site is the southernmost area of the Butler Tract. This area was cleared of woody vegetation for an electric transmission line that is from a pole along Bald Eagle Road, which crosses the site to the Oxon Hill Farm National Park site to the west.

The Master Plan states that "Woodlands associated with floodplains, wetlands, stream corridors and steep slopes shall be given priority for preservation. To the extent practicable, large tracts of woodland should be conserved in both upland and bottomland (lowland) situations in order to reduce forest fragmentation to maximize woodland interiors and reduce edge area ratio." The reduced Woodland Conservation Threshold from 20 percent to 15 percent will result in significant clearing and more impervious area, thereby significantly diminishing the opportunity for preservation/planting of greenways and open space.

Recommendation 2: The County should pursue efforts to minimize development impacts on contiguous woodland areas adjacent to Henson Creek and the Oxon Run Tributary through land acquisition for parks, where feasible, and through appropriate land use recommendations.

The site is part of a large contiguous vegetated area with potential FIDS habitat. This site, and the site to the west have environmental settings associated with designated historic sites. The requested zoning change will result in more clearing and more uses, which will require more infrastructure to support the development. The significant increase in impervious area would significantly impact a contiguous area of woodland, potential FIDS habitat, viewshed and historic structures. The proposed zoning would not minimize impacts on woodland.

Recommendation 3: Stormwater Management – The County should ensure that stormwater is properly managed, and major streams and detention/retention basins should be monitored for water quality and flow characteristics. The plan recommends the development of five stormwater management ponds as shown on the plan map.

&

Recommendation 4: Alternative solutions to provide remedial action for on-site stormwater management may be necessary, until such time as the Department of Environmental Resources (DER) implements the proposed potential regional stormwater management ponds in the planning area.

No SWM has been proposed at this time nor is it required with this application. Any development on-site will be subject to review by the Department of Permitting, Inspections and Enforcement (DPIE) for SWM design, and the Prince George's County Soil Conservation District (PGSCD) for sediment and erosion control. Subtitle 32 Water Quality Resources and Grading Code, which requires that Environmental Site Design (ESD) be implemented to the maximum extent practicable (MEP) in accordance with the Stormwater Management Act of 2007.

The lower density requirement of the current zoning (R-R and R-55) is more conducive with single family detached and rural residential uses and would allow for more woodland preservation or planting, other vegetative planting, and open space to serve as infiltration.

Recommendation 5: Noise Attenuation – In areas of 65 dBA (Ldn) or greater, residential development proposals should be reviewed and certified by a professional acoustical engineer stating that the building shell of habitable structures located within a prescribed noise corridor will attenuate ultimate exterior noise level to an interior level not to exceed 45 dBA (Ldn), especially in the AICUZ designated noise corridor.

The proposed M-X-T development is a mix of retail, commercial and residential uses. This application area is located adjacent to the Capital Beltway (I-495/I-95), which is designated as a freeway master planned roadway. This roadway is regulated for noise with respect to proposed residential development. A noise study may be required with future applications and will be evaluated by the Urban Design Section.

Recommendation 6: Air Quality: The County should continue to participate aggressively in metropolitan efforts to prevent further air quality deterioration and should support all available measures to improve local air quality.

Air quality is a regional issue that is currently being addressed by the Metropolitan Council of Governments.

Recommendation 7: Proposed developments should meet stringent standards and guidelines and the potential environmental impacts of human activities should be identified as early as possible in the planning process. The constraints of Natural Reserve and Conditional Reserve Area must be adhered to.

No development plan has been submitted at this time; however, the proposed change from residential to mixed use would increase the impacts associated with human activities by allowing higher density, more impervious surface, more litter and less woodland/planting.

The site is not in a Natural Reserve Area or Conditional Reserve Area, but the site is wooded and contains areas of steep slopes associated with highly erodible slopes. The on-site woodland should be preserved or planted to the fullest extent possible.

Summary Sector Plan Conformance

Based on the recommendations above of both area master plans the proposed rezoning would not be consistent with environmental goals if the rezoning request is granted. The requested zoning change from R-R and R-55 to M-X-T will result in a reduction of the Woodland Conservation Threshold from 20 percent to 15 percent, and reduction of the Tree Canopy Coverage requirement from 15 percent to 10 percent. These reductions encourage, more woodland clearing, more impervious surface more stormwater runoff and more litter. Onsite and off-site areas would be negatively affected due to impact to historic sites, viewshed, and potential FIDS habitat. The existing zoning will allow for more green area, open space, and more tree canopy.

Conformance with the Green Infrastructure Plan

According to the 2017 *Countywide Green Infrastructure (GI) Plan*, the entire application area is mapped within the *Green Infrastructure Plan Network*. Approximately 90 percent of the application area is located within the Regulated Area and the remaining areas are within the Evaluation Area. The Regulated Area is identified on the northern portion of the site and a portion of the Butler Tract on the southern portion of the site. The Regulated Area incorporates Forest Interior Dwelling Species (FIDS) habitat, CBCA, and the buffers associated with the mapped streams considered Regulated Environmental Features (REF) and is part of a large continuous tract of existing woodlands.

No development plan has been submitted at this time; however a change in zoning from less dense residential uses to the proposed mixed use will increase the likelihood of impacts to the on-site sensitive environmental features and will put added pressure on the functions of those sensitive environmental features located on adjacent properties. The following policies support the stated measurable objectives of the *Countywide Green Infrastructure Plan*:

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

The Potomac River Shoreline is identified in the GI plan as such a Special Conservation Area. The National Park "Oxon Hill Farm" is located adjacent to the subject property and part of this SCA area needing preservation of existing woodlands. This application also contains land within the Intensely Developed Overlay (IDO) zone of the Chesapeake Bay Critical Area (CBCA), which is the

most developed of the CBCA overlay zones.

The existing natural area and open space on the subject site complements the character of the area, specifically Oxon Hill farm. M-X-T development of the site would significantly limit opportunities for preservation, enhancement, and protection of the natural features of the site due to the amount of woodland loss and increase in impervious area.

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

More impervious surface would result from the proposed request when compared to development consist with the current zoning. While some ecological functions would be compromised from any development of the site, less would occur with the current zoning, which would allow for more greenspace and planting and natural infiltration.

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

As previously discussed, opportunities for preservation and planting would be significantly limited, due to the mix of uses and the needed infrastructure to support it. Both the tree canopy and woodland conservation threshold would be reduced. Development within this area is be preserved to the fullest extent possible.

Summary of Green Infrastructure Plan Compliance

The proposed rezoning would be in conflict with the *Green Infrastructure Plan* due to the reduction of the woodland conservation threshold and tree canopy requirement. The proposed rezoning will also result in a significant increase in impervious area. Woodland clearing could also significantly impact the onsite potential FIDS habitat and the CBCA portion of the site.

Environmental Review

Existing Conditions/Natural Resource Inventory (NRI)

An NRI is not required as part of a zoning amendment application. An NRI is necessary to confirm the presence or absence of REF. Through various past proposals an NRI was submitted on the single lot area (north) and just recently with the Butler Tract (south).

On February 9, 2020, the single lot area NRI (NRI-184-14) expired and all future applications for this project, that includes all of the land area covered by the project, must have a revised NRI submitted covering the entire land area of the application. The expired NRI shows scattered specimen trees throughout the site that are identified as good to fair condition. No Primary Management Areas (PMA) were identified on-site.

The Butler Tract has an approved NRI (146-2019) that expires on (3/25/2025). The NRI shows specimen trees throughout the site and no on-site PMA. This site contains steep slopes in several locations on-site, and these areas are underlain with Sassafra and Croom soils (15 25% and 25-40% slopes), which is a highly erodible soil. One of these steep slope areas goes off-site to a large swale that contains deep and expansive debris pile and at the bottom is an ephemeral stream

channel. This debris pile also continues on-site. If any development occurs on this Butler Tract, all the debris should be removed and taken to a licensed landfill.

Woodland Conservation

The portion of the site located outside of the CBCA is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012. The requested zoning change from R-R and R-55 to M-X-T will result in a lowering of the Woodland Conservation Threshold from 20 percent to 15 percent. This lower threshold would allow more woodland clearing and reduce the stie's woodland conservation requirement. All future applications will require a Tree Conservation Plan covering the land area outside of the CBCA included in the application, in accordance with the current regulations.

The rezoning is not supported due to the significant impact on woodlands which conflicts with the area master plan and the *Green Infrastructure Plan*.

Chesapeake Bay Critical Area

This application also contains land within the Intense Development Overlay zone of the Chesapeake Bay Critical Area (CBCA). Land within the CBCA is located in the northwestern section of application area. This platted area was approved in May 1956 and has remained wooded ever since. The State of Maryland Critical Area program became effective in November 1989 and Prince Georges County adopted their CBCA regulations in May 1990. As part of the mapping associated with the implementation of the CBCA regulations, CBCA zoning overlay designations were given to areas within the CBCA. The area to the north was already developed with small single-family lots and the area to the south was parkland owned by the federal government. The platted single-family lot area was designated IDO and the adjacent federal park was designated as Resource Conservation Area (RCO). The 2014 CBCA mapping update retained these designations.

This on-site CBCA area is entirely wooded. Although there is no limit on lot coverage, the CBCA regulations have strict requirements on the amount of vegetation clearing. The woodlands are contiguous with areas of woodland associated with potential FIDS habitat, Oxon Run, GI Regulated Areas, and Special Conservation Areas. The CBCA regulations contain special provisions for the protection of FIDs habitat that must be met as part of any proposed development application. The on-site woodlands should be preserved to the fullest extent possible.

Special Roadways

Bald Eagle road, an unimproved road, runs along the southwestern boundary adjacent to Oxon Hill Farm. While not a designated scenic or historic road, this old road has historically connected Oxon Hill to Washington DC as far back as 1850 and earlier. A portion of this road is within the environmental settings of both the Butler Tract and Mount Welby residence. The existing topography of this roadway is very unique in that it goes back to a time of horse and buggy use. The proposed rezoning may negatively impact this road to accommodate increased traffic. Appropriate buffering for special roadways should be considered for this road and maintained on future development applications. (See Historical Planning Memo for more on Bald Eagle Drive).

Summary of Zoning Amendment Request

The current application as submitted does not meet the policies and strategies of the Green Infrastructure Plan, the environmental section of the *Approved Eastover/Forest Heights/Glassmanor*

Sector Plan and Sectional Map Amendment (2014), or the environmental section of the *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (2000)*. Development under the proposed zoning would make it difficult to meet the technical requirements of Subtitle 5B (The Chesapeake Bay Critical Area Ordinance), and the requirements of Subtitle 25 (The Woodland and Wildlife Habitat Conservation Ordinance).

The zoning change from R-R and R-55 to M-X-T will result in a reduction of the Woodland Conservation Threshold from 20 percent to 15 percent and a reduction of the Tree Canopy Coverage requirement from 15 percent to 10 percent. This reduction in the woodland conservation threshold and the M-X-T zoning will result in significant woodland clearing and increased impervious area and increased stormwater runoff. Opportunities to maintain the Regulated Area connection would diminish greatly. Potential FIDS habitat will be impacted as well.

The existing zoning will allow the opportunity for more preservation and tree planting than would the proposed zoning request, which is typically characteristic of the high-density development. The proposed high-density could significantly impact the viewshed of Oxon Hill Farm National Park and several historic structures. The proposed rezoning is not supported.

If you have any questions concerning this review, please contact me by e-mail at Alwin.schneider@ppd.mncppc.org or call 301-952-3650.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3530

November 16, 2020

MEMORANDUM

TO: Thomas Sievers, Senior Planner, Subdivision and Zoning Section

VIA: Henry Zhang, Master Planner, Urban Design Section

FROM: Adam Bossi, Planner Coordinator, Urban Design Section

**SUBJECT: Zoning Map Amendment Application A-10055
National View**

The Urban Design Section has reviewed the application package submitted in support of A-10055 for National View. The subject site consists of multiple undeveloped lots and parcels in the one-family detached residential (R-55) and Rural Residential (R-R) Zones totaling approximately 20.1 acres of land. The Zoning Map Amendment Application proposes to rezone the subject site to the Mixed-Use Transportation (M-X-T) Zone and provides for a mixed-use development of up to 1,500 – 1,700 multifamily dwelling units, 200,000 square feet of retail, commercial and office space, a 204-room hotel, a 50,000 square-foot medical building, and a 3,000 square-foot police substation.

The site is bound to the north by the right-of-way Seneca Drive, to the east by existing single-family detached dwellings in the R-55 Zone in the Town of Forest Heights and the land in the Open Space (O-S) Zone, to the south by the right-of-way of Bald Eagle Road, and to the west by land in the Reserved Open Space (R-O-S) Zone. Park properties abutting the subject site are part of the National Park Service's Oxon Cove Park and Oxon Hill Farm. Based on the Urban Design Section's review of A-10055, we offer the following comments:

Urban Design Analysis

1. **Zoning ordinance:** Section 27-213(a) – Map Amendments, Criteria for approval of the M-X-T Zone includes either of the two findings that must be made for the zoning amendment to be approved. A discussion of conformance with these findings is as follows:
 - a. Most of the area of the subject site is not located within the vicinity of a major existing interchange and does not satisfy Criterion 1 for rezoning into M-X-T Zone. Specifically, a significant portion of the site is over ½ mile from the existing interchange of I-495 and MD-210. Additionally, there is not a viable vehicular access point to the site to handle the traffic of the proposed intense development without generating significant negative impact on the abutting established traditional single-family neighborhoods. The Transportation Planning Section should further evaluate the traffic impact and adequate access to serve the proposed development.

The second part of Criterion 1 involves the presence of a major transit stop or station. A major transit station does not exist near the subject site, and any plan for a future rail station in the area appears to be a long-term vision.

- b. The applicant provided a description of how the proposed rezoning conforms with recommendations of the General Plan and is in keeping with the purposes of the M-X-T Zone. However, none of the governing plans recommend any mixed land uses similar to those permitted in the M-X-T Zone for the area immediately surrounding the subject site. This rezoning application fails to meet the Criterion 2.

The General Plan, Plan 2035, classifies this property within the Established Communities on the Growth Policy Map (page 18), which are most appropriate for context sensitive infill development and low to medium density development. The Generalized Future Land Use Map retains this property as park and open space.

The *2014 Eastover-Forest Heights-Glassmanor Sector Plan* applies to the northern portion of the site and *2000 Approved Master Plan for The Heights and Vicinity* applies to the southern portion of the site. Regarding the Forest Heights-Glassmanor Sector Plan, the applicant contends development of the subject site was not contemplated at the time the Plan was written and frames the proposed M-X-T rezoning as an opportunity to capitalize on the success nearby developments at National Harbor. This Sector Plan placed a focus on revitalization opportunities, to include mixed-use developments, primarily along MD 210.

The *Master Plan for the Heights and Vicinity* recommends the southern portion of the site be used for park in the future. The proposed rezoning does not conform with this recommendation. The applicant contends this Plan and its recommendation for the southern portion of the site are outdated and did not consider the nearby development of National Harbor.

- 2. **Development Pattern and Intensity:** The subject site is encumbered with significant regulated environmental features and is in a very narrow linear shape that results in limited buildable envelope. A northern portion of the site is also within the Resource Conservation Overlay (R-C-O) Zone of Chesapeake Bay Critical Area that is not intended for any urban development, not mentioning the intense development proposed in this Zoning Map Amendment Application.

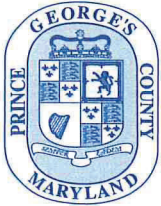
The site is surrounded on the east side with lower density (6.7 dwelling units per acre) single-family detached established neighborhoods; on the west site by public park. The proposed gross residential density only in this Zoning Map Amendment Application is estimated at 85 dwelling units per acre, which is almost 13 times of the existing residential density. If up to 200,000 square feet of retail and up to 50,000 square of medical uses are taken into the density calculation, minus the environmental features from the developable envelope, the net density of this development will be much higher and that is totally out of the characters with the surrounding development patterns north of the Capital Beltway.

The proposed development includes multiple mid- to high-rise vertical mixed-use buildings. Given the constrained shape of the site, it is not possible to provide any transition in terms of building typology and density between the proposed development and the existing single family detached houses. The proposed development will be commanding, dominating, and

overshadowing the existing neighborhood to the east that will create a stark visual contrast between the low, tiny single-family detached homes and the tall, massive mid- to high-rise buildings.

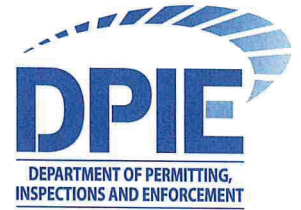
Urban Design Section Recommendation

Based on the foregoing analysis, the Urban Design Section does not support Zoning Map Amendment A-10055 for National View because the proposed rezoning is not consistent with the recommendations from the General Plan or the Master Plan and will therefore substantially impair both plans. If the M-X-T Zone is adopted, then at the time of the Conceptual Site Plan and Detailed Site Plan reviews, special attention should be given to ensure project's compatibility with the surrounding neighborhoods, as well as any restrictions associated with the R-C-O Zone.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Office of the Director



MEMORANDUM

October 2, 2020

TO: Thomas Sievers, Thomas.sievers@ppd.mncppc.org
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director *Mary C. Giles* 10/6/2020
Site/Road Plan Review Division, DPIE

RE: A-10055 National View
Rezone Property from R-R and R-55 Zones to M-X-T Zone

CR: Indian Head Highway (MD 210)
CR: Capital Beltway (I-495)

In response to the Zoning Amendment Application (A-10055) referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is located approximately 1,000 feet north of the Capital Beltway (I-495) at the Woodrow Wilson Bridge and Indian Head Highway (MD 210).
- MD 210 and I-495 are State-maintained roadways; therefore, coordination with the Maryland State Highway Administration (SHA) is required. Sidewalks and ADA ramps are required along State roads with concrete curb and gutter, in accordance with current SHA standards and specifications.
- The applicant is requesting a rezoning amendment of the subject property from R-R and R-55 Zones to the M-X-T Zone. DPIE has no objection to this proposed rezoning.
- An appropriate DPIE permit is required for all additional access points from existing County roads, improvements of existing access points, utility taps and on-site grading work associated with this site.
- The proposed zoning amendment application does not have an approved stormwater management concept.

Thomas Sievers
October 2, 2020
Page 2

- The access road into this site appears to be flood prone. Unless the applicant can propose an alternate means of access or in some way demonstrate non-flood prone access, DPIE will not be able to support this development.
- Lots with flooding or excessive surface flow (most of the lots along Bald Eagle Drive and Chippewa Way) may not be developable. A detailed floodplain study shall be required to further assess the feasibility of this development.
- This project is subject to presence of high shrink swell clays. A detailed geotechnical analysis and slope stability analysis is required to assess the feasibility of this development.

If you have any questions or need additional information, please contact Mr. Formukong Nanji, District Engineer for the area, at 301.636.2060.

MCG:MT:ag

cc: Nanji Formukong, District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Mengis Tesfatsion Engineer, S/RPRD, DPIE
Traci Scudder, 137 National Plaza, Suite 300, Oxon Hill
Maryland 20745
Harbor View, LLC, 1875 Connecticut Avenue, NW
Washington, DC 20009



United States Department of the Interior

NATIONAL PARK SERVICE

Piscataway Parks
6411 Oxon Hill Road
Oxon Hill, MD 20745

IN REPLY REFER TO:

1.A.1 (NCA OXHI)

September 15, 2020

Thomas Sievers, MNCPPC
Development Review Division
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772
Thomas.Sievers@ppd.mncppc.org

Subject: Response Points to Zoning Application A-10055, National View, Development Review Division, Thomas Sievers, First Response

Dear Mr. Sievers:

The National Park Service (NPS) appreciates the opportunity to comment on the zoning application A-10055 for National View, which is bounded on two of three sides by NPS lands known as Oxon Hill Farm and Oxon Cove Park (Park). Opened in 1967 under the authority of the Capper-Cramton Act of 1930 (Public Law 71-284), to be part of the Maryland section of the George Washington Memorial Parkway, the Park's 737 acres preserves the unique history of the area, and provides an opportunity for people to come and stand on the same porch of the Mount Welby farmhouse, where the DeButts family witnessed the burning of Washington, DC, during the War of 1812.

The Park was established for scenic and recreation values, as part of the corridor of trails, parkways, forests and wetlands in the comprehensive system of parks in and around our nation's capital. This remarkable refuge from the urban development that surrounds it provides a place for people to experience seeing wildlife, such as bald eagles flying overhead, flocks of wild turkeys, deer, foxes; while cycling, taking a contemplative walk or fishing. Within the intensively developed urban area of the Washington D.C. beltway, the Park provides hands-on opportunities for children to milk a cow and collect fresh eggs from chickens, and to explore the history of farming at the site—from its connection to early plantation farming and enslaved people, to farming as a therapeutic treatment for the mentally ill, and the local food production and sustainability movements. The NPS does not support the extraordinary level of development proposed by this this zoning application. Specific points are detailed as follows:

IMPACT TO PARK ENTRANCE (TRAFFIC)/SAFETY (SINGLE POINT OF ENTRANCE AND EXIT)

The property (National View) proposed for rezoning shares driveway access with the Park to Bald Eagle Road. All development on this property will have only a single constrained access point (width of historic roadbed), and there is not an opportunity for another egress point without additional property acquisition, as it is bounded on two of three sides by NPS land and on the third by privately owned and occupied homes.

The Traffic Impact Analysis (TIA) prepared for the proposed National View development analyses the impacts of developing a 374 bed assisted living facility, 204 room hotel, 1,402 high-rise apartments, and 120,000 square feet of retail space on the surrounding traffic intersections and patterns. What the TIA ignores or is lacking in the analysis and discussion of, is the impacts to Park. This is a significant omission as the Park shares the same singular driveway entrance to Bald Eagle Road. Additionally, the TIA does not discuss the safety and emergency access concerns with having only a single point of access for the population (374 bed assisted living facility) and density of development proposed. According to the applicant's Traffic Impact Assessment, there will be nearly 1000 vehicles entering and exiting this driveway during the PM peak hour. That means a vehicle coming or going every four seconds – an impossibly high volume when one factors in the traffic control devices that would likely be needed.

The application states clearly that improvements to the site's entrance intersection and Bald Eagle Road would be needed and that such improvements cannot occur without permission from the NPS. The NPS, as the shared user of this driveway access opposes this rezoning application, and does not support the widening of Bald Eagle Road.



IMPACT TO PARK VIEWSHED

The existing zoning for the property (National View), allows moderate residential development, which is in keeping with the adjacent suburban Forest Heights' neighborhood. The introduction of any higher density use than currently zoned for will have profound impacts on the historic setting of the Park and the rural experience park visitors now enjoy at the site. Specifically, the proposed changes in zoning will greatly impact the Park's viewshed with the introduction of high-rise structures that will be seen from all areas of the Park farm's historic core (illustration).

I would also note, that the proposal brought forward by the developer mentions the value of the view that will be enjoyed from the proposed high-rise construction, but does not consider the impacts to the viewshed that this project will create for existing neighborhood residents or the Park.

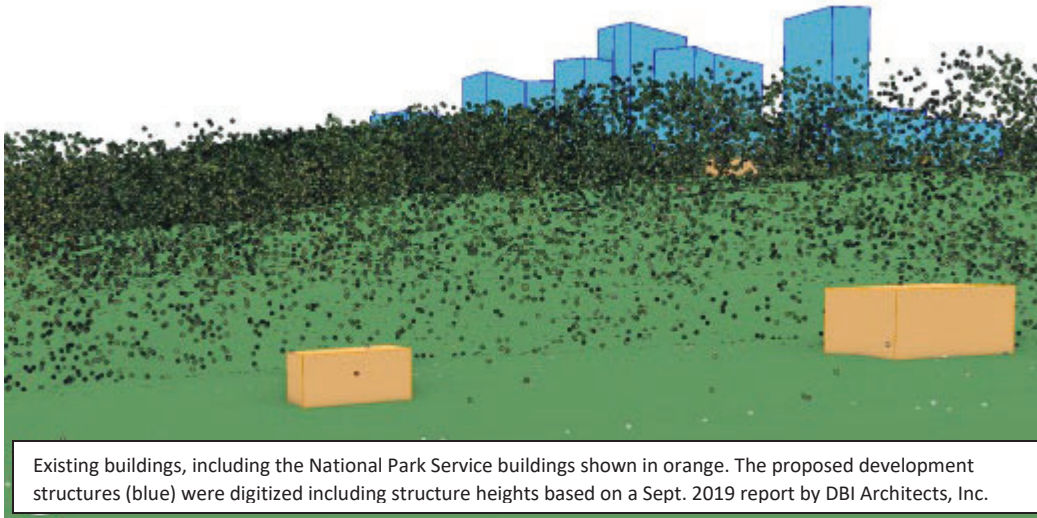


Illustration of impacts to view from the historic core of the park, if proposed zoning and development are approved.

Existing buildings, including the National Park Service buildings shown in orange. The proposed development structures (blue) were digitized including structure heights based on a Sept. 2019 report by DBI Architects, Inc.

IMPACTS TO HISTORIC RESOURCES


A significant portion of the area being put forward for rezoning is a parcel known as the Butler property, which is on the National Register of Historic Places (PG:76A-14). This adjoining property to the Park, includes the Butler house (ca. 1853), the only surviving antebellum free black homestead in Prince George’s County. It has been documented by the county historic preservation office as one of the most important existing black history sites in Prince George’s County. The propose rezoning and development plans for National View will remove from the landscape this important historic resource.

Reference Information National Register of Historic Places Information
<https://mht.maryland.gov/nr/NRDetail.aspx?NRID=1479&COUNTY=Prince%20Georges&FROM=NRCountryList.aspx>

LACK OF NOTIFICATION

For all of the seven zoning application packages filed [Jan. 15, Feb. 5 and 18, June 24, July 27 and Aug. 26] the address listed for National Park Service (NPS) notification is United States of America, 18th and F Street, NW, Washington, DC 20405. Only the Aug. 26, 2020, set of mailing labels indicates providing notification to the correct address for Oxon Hill Farm and Oxon Cove Park’s (Park) , (Christine Smith) as a registered person of record. NOTE: As of September 9, 2020, information on this zoning request has yet to be received by mail.

Thank you for the opportunity to respond to this zoning application and provide details on why the National Park Service does not support this zoning change, because of the resulting decimation of viewsheds and the site of the county’s only surviving antebellum free black homestead, and the overwhelming lack of traffic and safety planning. If there additional questions or clarification is required, please contact me via email Christine_Smith@nps.gov or phone 202.437.3711.

Sincerely,


Christine M. Smith
 Superintendent

