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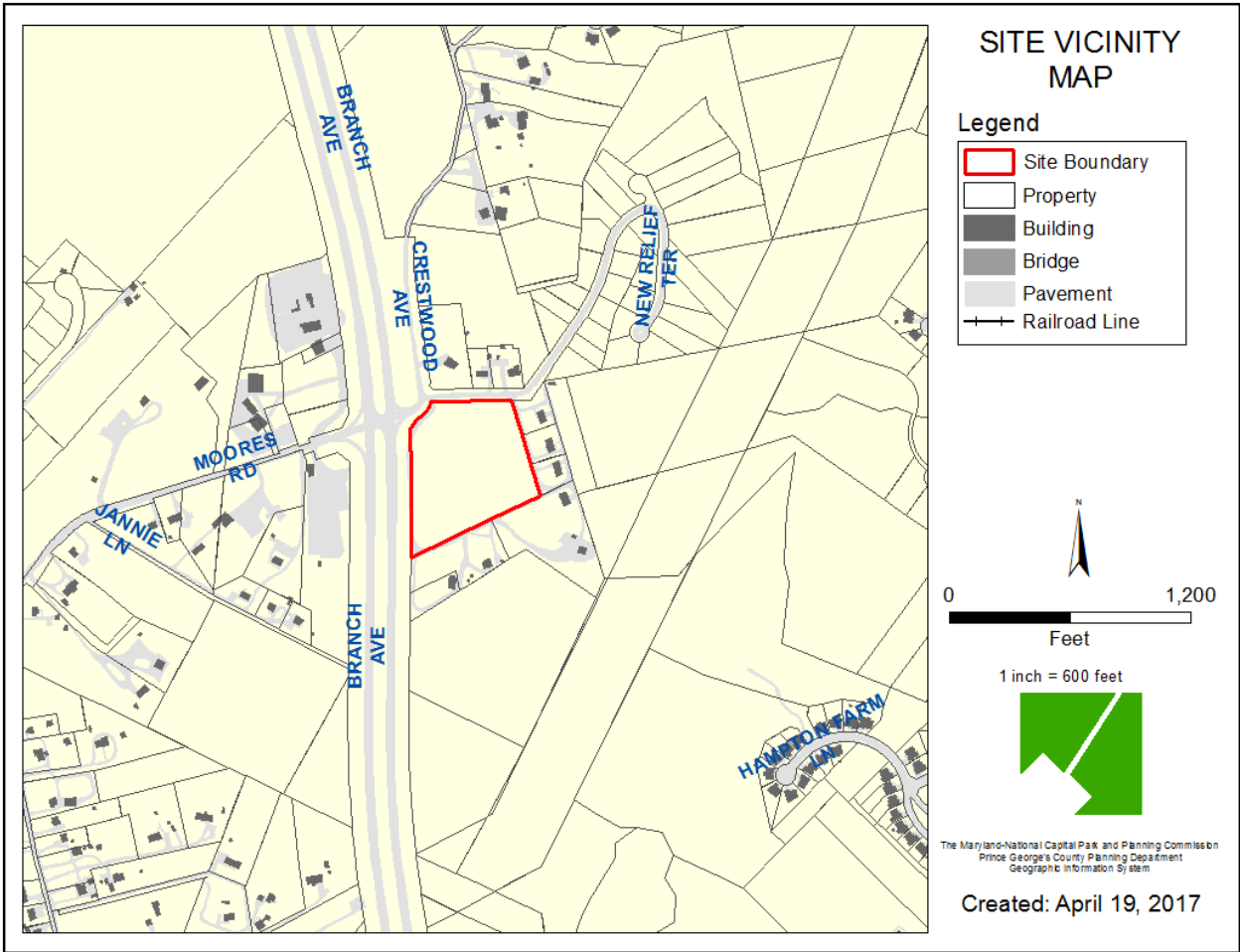
# Zoning Map Amendment

# A-10044

| Application   | General Data                 |          |
|---|------------------------------|----------|
| <p><b>Project Name:</b><br/>Moore's Corner</p> <p><b>Location:</b><br/>On the east side of MD 5 (Branch Avenue) in the southeast quadrant of its intersection with Moore's Road.</p> <p><b>Applicant/Address:</b><br/>Moore's Corner, LLC<br/>5620 Linda Lane<br/>Camp Springs, MD 20748</p> <p><b>Property Owner:</b><br/>Moore's Corner, LLC<br/>5620 Linda Lane<br/>Camp Springs, MD 20748</p> | Planning Board Hearing Date: | 01/04/18 |
|   | Staff Report Date:           | 12/16/18 |
|   | Date Accepted:               | 10/18/17 |
|   | Planning Board Action Limit: | 01/04/18 |
|   | Plan Acreage:                | 8.279    |
|   | Zone:                        | R-R      |
|   | Gross Floor Area:            | N/A      |
|   | Lots:                        | N/A      |
|   | Parcels:                     | 103      |
|   | Planning Area:               | 85A      |
|   | Council District:            | 09       |
|   | Election District:           | 11       |
|   | Municipality:                | N/A      |
| 200-Scale Base Map:   | 217SE07                      |          |

| Purpose of Application                            | Notice Dates           |          |
|---|------------------------|----------|
| Request to rezone the property from R-R to M-X-T. | Informational Mailing  | 05/16/17 |
|   | Acceptance Mailing:    | 10/17/17 |
|   | Sign Posting Deadline: | N/A      |

|                             |                                 |  |                   |
|-----------------------------|---------------------------------|--|-------------------|
| <b>Staff Recommendation</b> |                                 | <b>Staff Reviewer:</b> Taslima Alam<br><b>Phone Number:</b> 301-952-4976<br><b>E-mail:</b> Taslima.Alam@ppd.mncppc.org |                   |
| <b>APPROVAL</b>             | <b>APPROVAL WITH CONDITIONS</b> | <b>DISAPPROVAL</b>   | <b>DISCUSSION</b> |
|                             |                                 | <b>X</b>   |                   |



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, Acting Supervisor, Subdivision and Zoning Section  
Development Review Division

FROM: Taslima Alam, Senior Planner, Subdivision and Zoning Section  
Development Review Division

SUBJECT: **Zoning Map Amendment Application No. A-10044  
Moore's Corner**

REQUEST: **Rezone property from the R-R to the M-X-T Zone.**

RECOMMENDATION: **DISAPPROVAL**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of January 4, 2018. 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 or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties 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 Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

## FINDINGS

- A. **Location and Field Inspection:** The subject 8.279-acre site also known as Part of Parcel 103, is located on the east side of MD 5 (Branch Avenue) and south side of Moore's Road, in the southeast quadrant of the MD 5 and Moore's Road intersection. The site is currently undeveloped. The site is located within the Piscataway Creek watershed of the Potomac River basin. The site contains a drainage swale along the eastern property line adjacent to an off-site private driveway. The site has frontage on MD 5 and Moore's Road. Access to the site is from Moore's Road.
- B. **History:** The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), retained the property the Rural Residential (R-R) Zone. On July 25, 1972, a Special Exception, SE-2699 was approved with conditions for approximately 5.38 acres of the of subject site for mining sand and gravel use. From reviewing various aerial maps in PGAtlas it appears this use was never established.

According to a deed recorded in Liber 7538, folio 637 among the Land Records of Prince Georges County, Parcel 103 was 9.70 acres in size. On February 18, 1993, approximately 0.7757 acre of land, known as Parcel 168, was created by deed recorded in Liber 9317 folio 651 among some of the property owners. This in turn created part of Parcel 103, which is the subject of this application. Based on this deed history, it was determined that the subdivision of Parcel 168 was not legally a created parcel because it was not subdivided prior to January 1, 1982. Therefore, at the time of the preliminary plan of subdivision (PPS), the adjacent parcel 168, must be included in the PPS to make it into a legal lot.

- C. **Neighborhood and Surrounding Uses:** In planning, a neighborhood is considered a smaller unit of a community. Communities tend to comprise several neighborhoods. Significant natural features, or major roads, normally define neighborhoods. Staff finds that the following boundaries create the neighborhood for the subject property:

**North**— Piscataway Creek  
**South**— Brandywine Road  
**East**— Crain Highway  
**West**— MD 5 (Branch Avenue)

Given the perimeter roadways, the property is surrounded by the following uses:

**North**— Moore's Road, and beyond, existing single-family detached homes in the R-R Zone.  
**South**— Residential single-family detached developments in the R-R Zone.  
**East**— Residential single-family detached developments in the R-R Zone.  
**West**— MD 5 (Branch Avenue)

- D. **Request:** The applicant is requesting to rezone subject Part of Parcel 103 from the R-R Zone to Mixed Use-Transportation Oriented (M-X-T) Zone to facilitate a mix of development consisting

of commercial/retail uses and single-family attached dwelling units. The applicant's statement of justification proposes the conceptual development of 25,000 square feet of retail/commercial uses and a range of 45 to 55 single-family attached dwelling units or other uses being explored; such as institutional uses. The traffic study included in this application, however, evaluates the development of 90 single-family attached dwelling units and 40,000 square feet of retail uses.

It is important to note that, although the applicant indicates a specific density of development, such information is immaterial in this request to change the 2013 zoning classification of the subject properties. Once the requested zoning is approved, the property owner is entitled to propose the maximum density permitted by the Zoning Ordinance in the M-X-T Zone (8.0 FAR).

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

**General Plan:** The subject properties are located within the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) designated Established Communities policy area. Plan Prince George's 2035 defines Established Communities as "existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. "Plan Prince George's 2035's vision for Established Communities is "context-sensitive infill and low- to medium-density development" (page 20).

Pursuant to Section 27-213(a)(2) of the Zoning Ordinance, this proposed reclassification will substantially impair the Plan Prince George's 2035 policies for Established Communities areas suitable for context-sensitive infill and low- to medium-density development, as discussed further.

**Master Plan:** The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) retained the subject properties in the R-R Zone. The master plan recommends residential low land uses on the subject property. Residential low is defined as "...intended for single-family detached residential development that may have up to 3.5 dwelling units per acre" (master plan, page 33).

Pursuant to Section 27-213(a)(2) of the Zoning Ordinance, development at this location under the M-X-T Zone would substantially impair the master plan recommendations for residential low-land use by:

1. Permitting development at a scale, density, and a mix of uses that is in opposition to the recommended land use; and
2. Preventing the implementation of the master plan's land use recommendations for the Subregion 5 community by permitting development that is out of character and context with the surrounding development.

Section 27-213(a) of the Zoning Ordinance sets forth the criteria for approval of the M-X-T Zone, and is discussed further below.

**F. 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 stops or station (reasonably expected to be in place within the foreseeable future).**

The application does not satisfy the criteria in the section. The subject property is not within the vicinity of a major intersection or interchange (i.e. the intersection or interchange of two roadways classified as arterial or higher), nor is it within the vicinity of a major transit stop or station.

This conflicts with the applicant's Statement of Justification (SOJ). The applicant contends that this criterion is met and that the subject property is within 2,200 linear feet of the intersection of Branch Avenue and the planned Old Fort Road (A-65) extended to the north, and 2,500 linear feet from the intersection of Branch Avenue and planned Brandywine Employment Spine Road (A-63) to the south. The applicant, therefore, concluded that, "there is no debate that Criterion 1 is met, as the subject property is within the vicinity of two interchanges that include roads classified as arterial or higher in the Master Plan."

Staff interprets "within the vicinity of" in the context of walkability. The subject property is three quarters of a mile north the existing MD 5/MD 381(Brandywine Road) intersection and one-half mile from the MD 381 interchange that is under construction, with no possible way for a pedestrian to access that area. As there is no sidewalk along MD 5 north or south of the subject property, proximity to the intersections at MD 381 or the future C-517 is not relevant to the future development of this property. It cannot become part of a walkable community. Development at this location, pursuant to the M-X-T Zone, would not be in keeping with the concepts of walkability and increased transit and bicycle use. Rather, it would be an isolated, stand-alone development.

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

The applicant is not contending that this criterion is met in anyway. In the SOJ, the applicant simply indicates that, "the Sector Plan acknowledged development alternatives for the subject property. Although the Master Plan's Land Use Map shows the subject property as 'Residential low density,' the General Plan places the property along a General Plan Corridor. The applicant is proposing a mix of uses that will include retail commercial uses and single-family attached residential, or a combination thereof that could also include institutional uses." Staff believes that the applicants statement is not correct. Plan Prince George's 2035 eliminated MD 5 as a General Plan development corridor. The current General Plan does not support mixed use development at this location.

Section 27-542(a)(2) of the Zoning Ordinance describes mixed use as “walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses.” In the master plan, mixed-use is defined as “residential, commercial, employment, and institutional uses. Mixed use areas are designated in Brandywine and Clinton.” (master plan, page 33). The Future Land Use map shows that the subject property is located entirely within the Residential low land use category, as defined previously. The master plan does not recommend a mix of uses for the subject property, but single-family detached residential.

According to Section 27-428(a)(1) of the Zoning Ordinance, the purposes of the R-R Zone are to: provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots in order to better utilize the natural terrain; facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles; encourage the preservation of trees and open spaces; and prevent soil erosion and stream valley flooding. The development defined by the R-R Zone is the same type of development supported by the master plan, whereas development defined by the M-X-T Zone, i.e., intense development with a mix of uses, is not. In terms of land uses, the proposed M-X-T Zone is not similar to the land uses allowed in the existing R-R Zone that is supported by the master plan. Commercial, industrial, and institutional land uses that are permitted in the M-X-T Zone are prohibited in the existing R-R Zone. For example, the M-X-T Zone permits 28 commercial uses compared to 17 commercial uses permitted in the R-R Zone, and 13 educational/institutional uses compared to 8 educational/institutional uses in the R-R Zone.

In terms of intensity, the proposed M-X-T Zone is not similar to the existing R-R Zone. For example, townhouses are permitted by-right in the M-X-T Zone, whereas in the R-R Zone they are prohibited except under extremely limited circumstances. Townhouses are permitted in the R-R Zone “only to replace an existing surface mining or Class III fill operation located directly adjacent to an interstate (with “I” classification, not “US” or “MD”) highway, which operation has an active permit at the time of preliminary plan approval for the townhouse, two-family dwelling or multifamily development” per Footnote 79 under, Section 27-441(b)(7) of the Zoning Ordinance. These limitations in the R-R Zone are necessary and intentional to ensure that development in the zone implements the plan’s land use recommendation; in this instance, for Residential low development.

In addition, no text in the master plan supports the requested M-X-T zoning. The Future Land Use Map designates the subject property for residential low land use, suggesting that the master plan envisions that the future development will be residential and integrated into the surrounding community of one-family detached dwellings.

Reclassifying the subject properties to the M-X-T Zone from the R-R Zone would enable a drastic departure from the future that the master plan envisions and recommendations at this location. To summarize, the master plan recommends a single-family, low-density residential land use that is dissimilar to the various mixed land uses enabled in the M-X-T Zone.

- (2) **Prior to approval, the Council shall find that the proposed location will not substantially impair the integrity of an approved General Plan, Area Master plan, or Functional Master plan and is in keeping with the purposes of the M-X-T Zone.**

**In approving the M-X-T Zone, the District Council may include guidelines to the Planning Board for its review of the Conceptual Site Plan.**

In the applicant's statement of justification (SOJ), the applicant states that "the proposed location will not substantially impair the integrity of the General Plan or sector plan and is in keeping with the purposes of the M-X-T Zone." Given the existing residential development surrounding the subject site to the north, south and to the east, the applicant contends that "the location of the retail commercial, institutional and single-family attached residential component provides a sustainable community structure that strengthens the sense of the community identity and provides for a broad range of development opportunities. The proposed development will enhance the overall quality of life in the Brandywine community by fostering residential stability and community character, all within a development that would include commercial/retail business, institutional uses, and residential opportunities." The applicant further asserts that rezoning the subject property will provide an effective transition between MD 5 to its neighboring residential uses and increase the overall quality of the area.

Staff disagrees with the applicant's assertion because it substitutes the applicant's unjustified opinion on planning objectives for this property with the residential low planning objectives approved by the Prince George's County District Council and recommended by the Planning Board, after thoughtful consideration by the community and staff during the preparation of the master plan. Staff believes reclassifying the subject properties will substantially impair the integrity of the General Plan and master plan and is not in keeping with the purposes of the M-X-T Zone as explained in the subsections below.

**Master Plan**

The master plan has directed much of its attention to the plan-defined Brandywine Community Center. It specifically delineates boundaries for the Brandywine Community Center Core and Edges as well as surrounding areas. It recommends future mixed-use development for much of the land within these boundaries. The master plan does not recommend rezoning properties outside of the plan-defined Brandywine Community Center to mixed-use zones. The master plan recommends mixed-use development in the Core Area of the Brandywine Community Center, where a future transit stop is recommended. If the master plan supported mixed-use development at the subject location it would have recommended the area for mixed-use development on the Future Land Use map; however, it recommends low density residential development. Based on the master plan's recommendation of residential low land use, the existing R-R Zone is the most appropriate zone to implement the vision of the master plan and the M-X-T Zone would impair its implementation.

In addition, a mixed-use zone such as M-X-T, would directly contradict the goals of the master plan to achieve low-density residential uses on the subject property. The current and surrounding residential zoning (R-R) yields densities up to two dwelling units per acre, the master plan recommends up to 3.5 dwellings units per acre; both are considered low-density residential development, appropriate to implement the master plan's recommended Residential low land use. Rezoning to M-X-T would result in an extremely large increase in the density over what is presently allowed, or recommended for the property. Given the low density of surrounding uses, and the high density possible in the M-X-T Zone, the requested rezoning would be grossly inappropriate and would not be an "effective transition" between MD 5 and the surrounding single-family detached



dwellings, but an abrupt transition in density and use. The character of M-X-T Zone development, whether it is composed of townhouses, multifamily, office, or commercial development, would be vastly different from the envisioned low-density residential uses. This proposed deviation in density and use of the property is a substantial impairment of the master plan.

In summary, the goals and land use recommendations of the master plan were carefully crafted by stakeholders, planning staff and the Planning Board, and reviewed and approved by the District Council in 2013 after many years of public engagement and participation, including community meetings, Planning Board and County Council work sessions, and public hearings. Deviating from the master plan by redirecting mixed-use development away from the carefully planned Brandywine Community Center, and increasing the intensity and density of uses different from the master plan's land use recommendations, would substantially impair the master plan.

### **General Plan**

The hallmark of Plan Prince George's 2035 is to concentrate mixed-use development, such as that permitted by and encouraged in the M-X-T Zone, in designated Regional Transit Districts and Local Centers, rather than scattered throughout the County. Plan Prince George's 2035's Land Use Policy 7 (page 114) states that the County should "limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers." Plan Prince George's 2035 did not designate the area comprising the subject property a Local Center, because mixed-use development would be out of context, as the area is surrounded by low-density residential uses without access to transit. Approval of the M-X-T Zone on the subject property would substantially impair Plan Prince George's 2035 by allowing mixed-use development in an inappropriate area, out of context with the Established Communities existing land use, and by re-directing mixed-use growth away from designated centers. Mixed-use development is more appropriate for, and should be directed to, the Branch Avenue Metro Station area, nine miles north of the subject property, which Plan Prince George's 2035 designated as a Regional Center, or several miles south in the Plan Prince George's 2035 designated Local Center in Brandywine.

Plan Prince George's 2035 Land Use Policy 9 states that the County should "limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers to encourage reinvestment and growth in designated centers..." (page 116). Rezoning the subject property from R-R to M-X-T substantially impairs Plan Prince George's 2035 by expanding commercial development outside of the Regional Transit Districts and Local Centers and pulling potential, new commercial growth away from those preferred locations.

### **(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.**

The applicant has submitted a traffic impact study (TIS) as part of this application, which was completed on August 29, 2017. The purpose of the TIS was to identify and evaluate the critical intersections in order to determine the impact of the proposed zoning changes on the performance of the intersections based on specific uses and densities.

**Trip Generation and Impacts**

In the applicant’s SOJ, a range of uses were proposed. Those uses are 15,000 to 25,000 square feet of retail/commercial development and 45 to 55 single-family attached dwellings. To that end, the applicant provided staff a TIS based on specific uses and densities. A table was prepared comparing the uses with the highest traffic generator for the current zoning, against the zoning change being sought.

| Zoning or Use  | Units or Square Feet                          | AM Peak-Hour Trips |             |             | PM Peak-Hour Trips |             |             | Daily Trips   |
|--|---|--------------------|-------------|-------------|--------------------|-------------|-------------|---------------|
|  |   | In                 | Out         | Total       | In                 | Out         | Total       |               |
| <b>Existing Zoning (and maximum density)</b>         |   |                    |             |             |                    |             |             |               |
| R-R (1.85 residences per acre)                       | 15 single-family dwellings                    | 2                  | 9           | 11          | 9                  | 5           | 14          | 135           |
| <b>Total 1</b>                                       |   | <b>2</b>           | <b>9</b>    | <b>11</b>   | <b>9</b>           | <b>5</b>    | <b>14</b>   | <b>135</b>    |
| <b>Proposed Zoning (and proposed density)</b>        |   |                    |             |             |                    |             |             |               |
| M-X-T (retail)                                       | 40,000 sq. ft. retail less 40 percent pass-by | 79                 | 85          | 164         | 94                 | 101         | 195         | 2,246         |
| M-X-T (residential)                                  | 90 townhouses                                 | 13                 | 50          | 63          | 47                 | 25          | 72          | 720           |
| <b>Total 2</b>                                       |   | <b>92</b>          | <b>135</b>  | <b>237</b>  | <b>141</b>         | <b>126</b>  | <b>267</b>  | <b>2,966</b>  |
| <b>Difference (between Existing Zoning vs M-X-T)</b> |   | <b>+90</b>         | <b>+126</b> | <b>+216</b> | <b>+132</b>        | <b>+121</b> | <b>+253</b> | <b>+2,831</b> |

The comparison of estimated site trip generation indicates that the proposed rezoning could have an impact on the critical intersections with an increase of 216 trips during the AM peak hour, 253 trips during the PM peak hour and an increase of 2,831 daily trips based on the square footages proposed by the applicant at this time.

It needs to be noted that the M-X-T Zone approval is not based upon a conceptual development proposed at this time. Only the conceptual development yield is shown in the TIS, and the traffic-related findings can be amended at the time of PPS 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 change, 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 a maximum density of 8.0 FAR.

**Traffic Study Analyses:**

The study identified the following intersections as the ones on which the proposed development would have the most impact:

| <b>Existing Traffic</b>   |              |              |
|---|--------------|--------------|
| Intersection  | AM - Delay   | PM - Delay   |
| MD 5 @ Moore's Road *   | >999 seconds | >999 seconds |
| Moore's Road @ Site Access *  | Future       | 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 <i>Guidelines</i> , 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 |              |              |

The traffic study identified five background developments whose impact would affect the study intersections. The TIS also applied a growth rate of one percent to the existing traffic counts at the subject intersections. A second analysis was done to evaluate the impact of the background traffic on existing infrastructure. The analysis revealed the following results:

| <b>Background Traffic</b>   |              |              |
|---|--------------|--------------|
| Intersection  | AM-Delay     | PM-Delay     |
| MD 5 @ Moore's Road *   | >999 seconds | >999 seconds |
| Moore's Road @ Site Access *  | Future       | 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 <i>Guidelines</i> , 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 |              |              |

The TIS then evaluated a scenario based on the proposed uses of retail and residential. Using these projected site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

| <b>Total Traffic</b>  |              |              |
|---|--------------|--------------|
| Intersection  | AM-Delay     | PM-Delay     |
| MD 5 @ Moore's Road *   | >999 seconds | >999 seconds |
| Moore's Road @ Site Access *  | <50 seconds  | <50 seconds  |
| *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 <i>Guidelines</i> , 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, |              |              |

The proceeding results revealed that while the site access will operate well within the adequacy threshold, the intersection of Moore's Road and MD 5 will operate inadequately under all conditions. The TIS further concluded that remedial action such as mitigation (CR-29) is not likely to yield practical results. To that end, the TIS recommended that the proposed development provide funds as part of the active Brandywine Road Club, under the provisions of CR-9-2017.

In reviewing the TIS, staff agrees with its conclusions.

**Master Plan Right-of-Way dedication**

The property is located in an area where the development policies are governed by the Subregion 5 Master Plan and SMA. Two of the recommendations from the master plan are the upgrade of MD 5 to a freeway (F-9), and the creation of an interchange at the intersection of MD 5 and Shady Oak Parkway (unbuilt). This future interchange will be approximately 2,900 feet north of the subject property. A master planned interchange at the intersection of MD 5 and the confluence of MD 373 (Accokeek Road) and MD 381 is currently under construction. This interchange will be approximately 3,000 feet south of the subject property.

Within the past 15 years, the Maryland State Highway Administration (SHA) has undertaken various project planning studies along the MD 5 corridor, between the Capital Beltway (I-95/495) and the confluence of US 301 and MD 5. A number of options involving various interchange designs and varying potential impacts on local properties have been evaluated. As of this writing, no final decision has been made by SHA regarding a preferred alternate. It would appear that SHA is no longer actively moving forward with the study along this corridor. Staff, therefore, concludes that the provision of any interchange within the vicinity of the proposed development is not likely to be realized within the foreseeable future.

**Conclusions**

Given the proposed uses and the associated traffic projection outlined in the traffic study, it is determined that the proposed rezoning and the proposed uses will add in excess of 200 trips during either peak hour. While the applicant is amenable to pay into an active road club, there is no indication that such payment will alleviate the congestion at the critical intersection of MD 5 and Moore’s Road in the near term. In any regard, that determination will be made at the time of PPS.

Pursuant to Section 27-213(a)(1)(A) of the Zoning Ordinance, for the granting of the M-X-T Zone, staff concludes that the location of the proposed development does not meet the criteria. The site is not within the vicinity of a major intersection or interchange (that being the intersection or interchange of two roadways of arterial or higher classification), nor is it within the vicinity of a major transit stop or station. The M-X-T Zone allows a range of uses and flexible density. Staff believes it is the intent of Plan Prince George’s 2035 to direct dense mixed-use zoning to designated centers rather than to scatter such zoning around the County.

**G. Conformance with the Purposes of the Zone:**

**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 a designated General Plan center where more intense, mixed-use development is justified. The subject property is also not in the vicinity of a major

interchange or intersection, or transit stop. It is one-half mile or more from the MD 5/MD 381/373 intersection, approximately ten miles south of the I-495/MD 5 interchange, and more than nine miles from the Branch Avenue Metro Station. M-X-T Zone development at this location would be isolated within a low-density residential community.

- (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 zoning reclassification does not implement recommendations of either Plan Prince George's 2035 or the master plan, and permits development that stands in complete contrast to those recommendations, and would be at best only internally walkable, due to the surrounding auto-dependent, suburban, and rural environment.

- (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;**

Mixed-use development at this location would contribute to the scattering of development that the M-X-T Zone seeks to reduce.

- (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;**

Rezoning to M-X-T would do little to reduce automobile use as there is no pedestrian or bicyclist infrastructure planned near the subject location. Additionally, the subject property is not directly accessible from any existing trails or transit stop.

- (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;**

Insufficient daytime or residential population exists near the subject properties to support a 24-hour environment. The adjacent residents may find that the types of uses characterized by 24-hour businesses a nuisance and incompatible with the character of the neighborhood.

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

At this location, mixed-use development would be isolated from the mixed-use developments to the south in the Brandywine Community Center and to the north in the Clinton focus areas recommended for mixed-use development in the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*. Purpose number six for M-X-T presumes the zone is in an urban or urbanizing area, and that the development would become part of the urban fabric. To the contrary, the subject property is in a low-density suburban community.

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

This purpose of the M-X-T Zone addresses urban design features of development. At this rezoning stage, it is premature to evaluate the urban design features.

- (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;**

The applicant suggests that “economies of scale” are satisfied by constructing a mixture of townhouses and commercial uses at once on the same property, and that the employment opportunities created would “reduce travel time.” Staff states that while at the appropriate location, this purpose is achievable, it does not justify M-X-T zoning at that location.

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

The applicant has not provided any indication that there is a market for the type of uses permitted by the M-X-T Zone.

- (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 time, there are no architectural elevations or urban design features to be evaluated.

#### I. **Referrals:**

1. **Environmental**—The project is subject to the environmental regulations contained in Subtitle 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012.

##### **Site Description**

This 8.27-acre site is located on the southeast corner of the MD 5 and Moore’s Road intersection. According to PGAtlas.com, the site contains a drainage swale along the eastern property line adjacent to an off-site private driveway, and no wetlands are mapped on the property. The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Beltsville silt loam, Grosstown gravelly silt loam, and Sassafras-Urban land complex. According to available mapping information, no Marlboro Clay or Christiana complexes are mapped on-site. A review of available mapping information indicates the subject area is not within a Sensitive Species Project Review Area and does not contain potential forest interior dwelling species (FIDS) habitat. The site is located within the Piscataway Creek watershed of the Potomac River basin.

##### **Plan Prince George’s 2035 Approved General Plan (2014)**

The site is located within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George’s 2035

**Master Plan Conformance**

The 2013 *Approved Subregion 5 Master Plan and Sectional Amendment* is the current master plan for this area. This master plan included environmentally related policies and their respective strategies in the Environmental Infrastructure Section.

**Policy 1: Implement the master plan’s desired development pattern while protection sensitive environmental features and meeting the full intent of environmental policies and regulations.**

When future applications are reviewed, every effort must be made to incorporate the strategies to implement Policy 1 at this site.

**Policy 2: Ensure that new development incorporates open spaces, environmental design, and mitigation activities.**

When future applications are reviewed, every effort must be made to incorporate the strategies to implement Policy 2 at this site.

**Policy 3: Protect, preserve, and enhance the identified green infrastructure network within Subregion 5.**

The on-site 2017 *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* network areas, were identified along the southern property line. These areas are mapped as Regulated and Evaluation areas. No change to the existing development is proposed at this time.

**Policy 4: Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

When future applications are reviewed, every effort must be made to incorporate the strategies to implement Policy 4 at this site.

**Policy 5: Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

When future applications are reviewed, every effort must be made to incorporate the strategies to implement Policy 5 at this site.

**Policy 6 Ensure that, to the extent that is possible, land use policies support the protection of the Mattawoman Creek.**

This site drains to Piscataway Creek.

**Policy 7: Conserve as much land as possible in the Rural Tier portion of the watershed as natural resource land (forest, mineral, and agriculture).**

This site is not in the Rural Tier.

**Policy 8: Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center,**

**incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

When future applications are reviewed, every effort must be made to incorporate the strategies to implement Policy 8 at this site.

**Policy 9: Enhance the county’s Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

This site is not in or near the Chesapeake Bay Critical Area (CBCA).

**Policy 10: Reduce air pollution through transportation demand management projects and Programs.**

**Policy 11: Promote “climate friendly” development patterns through planning processes and land use decisions.**

**Policy 12: Increase awareness of the sources of air pollution and greenhouse gas emissions.**

**Policy 13: Encourage the use of green building techniques that reduce resource and energy consumption.**

Information regarding the use of green building techniques and the use of alternative energy will be evaluated with future applications.

**Policy 14: Ensure that excessive noise producing uses are not located near uses that are particularly sensitive to noise intrusion.**

MD 5 is a 2009 *Approved Countywide Master Plan of Transportation* (MPOT) designated freeway roadway that is regulated for noise with respect to proposed residential development. A noise study may be required with future applications.

#### **Conformance with the Green Infrastructure Plan**

According to the approved 2017 *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan*, the Countywide Green Infrastructure Plan, along the southern property line there is a mapped Regulated and Evaluation areas. No change to the existing development is proposed at this time.

#### **Environmental Review**

##### **Existing Conditions/Natural Resource Inventory**

A natural resource inventory (NRI) is not required as part of a zoning amendment application, but this site has an NRI Equivalency Letter for this process. This equivalency letter stated that there are no regulated environmental features located on-site. All future applications will require an approved full NRI covering the entire land area included in the application, approved under the current regulations.



### **Woodland Conservation**

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the County Codes that came into effect on September 1, 2010 and February 1, 2012. This site has an approved Woodland Conservation Ordinance Exemption letter since the overall site contains less than 10,000 square feet of woodlands. No further information regarding woodland conservation is required.

2. **Special Projects Section**—The request to rezone the subject site will have no impact on public facilities.
3. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE has no objection to the proposed rezoning provided that the development project evaluates and improves Moore’s Road to ensure sufficient traffic capacity and operations into the subject property.
4. **Trails**—The plan has been reviewed for conformance with MPOT and the Subregion 5 Master Plan and SMA in order to implement planned trails, bikeways, and pedestrian improvements. Because the site is located within the Branch Avenue Corridor, it will be subject to Section 24-124.01 of the Transportation Review Guidelines–Part 2, 2013, (“Guidelines”) at the time of Preliminary Plan.

### **Review Comments (Master Plan Compliance and Prior Approvals)**

There are no master plan trails issues that impact the subject site identified in either the Subregion 5 Master Plan and SMA or MPOT. The area master plan recommends that MD 5 be upgraded to freeway status with no bicycle or pedestrian access. North-south bicycle movement is more appropriately accommodated along Old Branch Avenue. Moore’s Road is a dead-end cul-de-sac east of MD 5.

The MPOT also includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

#### **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.**

Consistent with these policies, at the time of Preliminary Plan and/or site plan the following sidewalk connections will be evaluated:

- Standard sidewalk along the site’s frontage of Moores Road
- Standard sidewalks along both sides of all internal roads
- Pedestrian access from the residential area to the retail/commercial area

### **Conclusion**

There are no master plan trails recommendations. Internal sidewalk access will be evaluated at the time of Preliminary Plan and/or site plan. Due to the site's location within the Branch Avenue Corridor, it will be subject to Section 24-124.01 of the "Guidelines" at the time of Preliminary Plan pursuant to the Subdivision Regulations.

5. **Housing and Community Development**—No comments were offered for this proposal.
6. **Maryland State Highway Administration (SHA), and Prince George's County Department of Public Works and Transportation (DPW&T) and Maryland State Planning**—As of the writing of this report, SHA, DPW&T and MD State Planning did not provide any comments.

### RECOMMENDATION

The requested M-X-T Zone will substantially impair the *Plan Prince George's 2035 Approved General Plan* policies for Established Communities, areas suitable for context-sensitive infill and low- to medium-density development. It will also impair the land use recommendations of the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* which recommends low-density residential land use on the subject property. In addition, deviating from the master plan by redirecting mixed-use development away from the carefully planned Brandywine Community Center and increasing the intensity and density of uses different from the master plan's recommendation would substantially impair the master plan.

As previously stated, the intent of 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 these lots to be low-density residential development, rather than high-density mixed-used development. The intense character of M-X-T Zone development would be vastly different, inappropriate, and an abrupt transition in density and uses. 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 No. A-10044, Moore's Corner, for rezoning from the R-R Zone to the M-X-T Zone.