



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

# Zoning Map Amendment

## Carozza Property

# A-10051

REQUEST		STAFF RECOMMENDATION			
Rezone property from the R-R Zone to the M-X-T Zone.		DISAPPROVAL			
<p><b>Location:</b> In the southwest quadrant of the interchange of MD 4 (Pennsylvania Avenue) and MD 223 (Woodyard Road), on the north side of Marlboro Pike.</p>					
Gross Acreage:	60.02				
Zone:	R-R				
Gross Floor Area:	N/A				
Lots:	0				
Parcels:	3				
Planning Area:	77				
Council District:	09				
Election District:	15				
Municipality:	N/A				
200-Scale Base Map:	207SE09				
<p><b>Applicant/Address:</b>          Maria Volpe and Sandra Carey          3027 Davenport Street, NW          Washington DC, 20008-2116</p>				Planning Board Date:	10/31/19
<p><b>Staff Reviewer:</b> Ras Tafari Cannady II, AICP  <b>Phone Number:</b> 301-952-3411  <b>Email:</b> Ras.Cannady@ppd.mncppc.org</p>				Planning Board Action Limit:	N/A
				Staff Report Date:	10/17/19
		Date Accepted:	07/23/19		
		Informational Mailing:	08/14/18		
		Acceptance Mailing:	07/18/19		
		Sign Posting Deadline:	N/A		

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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: Ras Tafari Cannady II, AICP, Senior Planner, Subdivision and Zoning Section  
Development Review Division

SUBJECT: **Zoning Map Amendment Application A-10051**  
Carozza Property

REQUEST: **Rezoning from the R-R Zone 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 October 31, 2019. 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 Zoning Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## FINDINGS

- 1. Location and Field Inspection:** This 60.02-acre site is located on Tax Maps 99 and 100 in Grids A-2 and F-2. The subject site identified as 9702 and 10200 Marlboro Pike, is an assemblage of Parcels 32, 35, and 92 recorded in Liber 13557, folio 730. The property has street frontage along Marlboro Pike to the south and Woodyard Road to the east. Access to the subject site, as proposed, is via Marlboro Pike.
- 2. History:** The 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA) retained the subject properties in the Rural Residential (R-R) Zone. Map 7 of the Subregion 6 Master Plan and SMA made few changes to the future land use pattern established in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion VI Study Area* and the *Approved Master Plan and Sectional Map Amendment for Melwood–Westphalia*. Both plans maintained the recommendation of residential low on the subject property.

The designation of Residential Low is defined as “Residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.” (Subregion 6 Master Plan and SMA).

The 2016 *Approved Military Installation Overlay Zoning Map Amendment* retained the subject property in the R-R Zone and applied the Military Installation Overlay (M-I-O) Zone. More specifically, the subject application is located within the (M-I-O) Zone in Surface E (Conical Surface), which limits height to approximately 350 feet, and Noise Intensity Zone Decibel Range of 60–75 dBA Ldn, which limits certain uses.

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

<b>North—</b>	MD 4 (Pennsylvania Avenue), a master plan designated freeway.
<b>East—</b>	MD 223 (Woodyard Road), a master plan designated arterial roadway.
<b>South—</b>	Dower House Road, a master plan designated arterial roadway, and McCormick Road, a master plan designated major collector roadway.
<b>West—</b>	Dower House Road

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

<b>North—</b>	MD 4 and north of MD 4, Mixed Use-Transportation (M-X-T) zoned property currently being developed as the Westphalia Town Center Development.
<b>East—</b>	MD 223 (Woodyard Road) and east of MD 223, vacant Local Activity Center (L-A-C) and M-X-T zoned properties.

**South—** Marlboro Pike and south of Marlboro Pike, single-family detached dwellings in the R-R Zone and townhouses within the Townhouse Zone.

**West—** A vacant commercial building on a 2-acre Commercial Office (C-O) zoned parcel and, further west, commercial uses in the C-O and Commercial Shopping Center zones.

4. **Request:** The subject application seeks rezoning of the subject site, 60.02 acres, from the R-R Zone to the M-X-T Zone. In addition, the subject application proposes a mixture of residential, commercial, retail, office, and institutional development.

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

**General Plan**

The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) designated the subject site within the Established Communities area as “existing residential neighborhoods and commercial areas served by public water and sewer *outside of the Regional Transit Districts and Local Centers*” (italics added for emphasis). Development growth is to be focused in the Regional Transit Districts and Local Centers. Plan 2035’s vision for the Established Communities area is “context-sensitive infill and low- to medium-density development” (page 20). In addition, Plan 2035 recommends residential low land use for the subject property (Map 10, page 101). The subject property is not within a Regional Transit District, Local Center, or an Employment Area, as defined in Plan 2035 (pages 19, 106, and 109).

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**

The Subregion 6 Master Plan and SMA recommends retaining the residential low land use for Parcels 32, 35, and 92. Residential low land use is described as “Residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.” (page 40).

This is consistent with the purposes of the current R-R zoning, defined by Section 27-428(a) of the Prince George’s County Zoning Ordinance to “facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles;”

In addition, the Subregion 6 Master Plan and SMA recommends goals, policies, and strategies that apply to properties in the sector plan area:

### **Development Pattern and Land Use**

**Goal:** Promote a development pattern that improves mobility options by making transit service more accessible, preserves irreplaceable agricultural and natural resource lands, concentrates commercial centers, and sustains a diverse and vibrant economy (Development Pattern and Land Use, page 39).

**Policy 1:** Promote a development pattern that allocates appropriate amounts of land for residential, commercial, employment, industrial, and institutional land uses, in accordance with County development goals by considering local and regional needs, the integration of land uses wherever possible, and the impact of development proposals on the economy, environment, equity, and efficiency;

**Strategy 1:** Maintain low- to moderate-density land uses except as part of mixed-use development and planned communities (Developing Tier, page 58).

### **Environmental**

**Policy 1:** Protect, preserve, and restore the identified Green Infrastructure network and areas of local significance within Subregion 6, in order to protect critical resources and to guide development and mitigation activities;

**Strategy 2:** Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals, to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements.

Protect secondary corridors to restore and enhance environmental features, habitat, and important connections;

**Strategy 4:** Preserve or restore regulated areas designated in the Green Infrastructure Network through the development review process for new land development proposals (Wildlife and Habitat, pages 68-69).

**Policy 2:** Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.

### **Transportation Systems**

**Major Roads MD 4 (Pennsylvania Ave):** This plan recommends the upgrade of MD 4 to freeway status from I-495 to the Anne Arundel County line. Part of this upgrade is complete in Subregion 6, although interchange upgrades are still necessary to achieve freeway status. In particular, interchanges to replace at-grade intersections of MD 4 with Westphalia Road, Suitland Parkway, and Dower House Road have not been completed, and several existing interchanges, such as those at MD 223 and US 301, need to be upgraded (Major Roads, page 84).

**Policy 1:** Develop a road network that balances regional mobility and local accessibility needs.

**Strategy 1:** Continue to manage existing and future traffic by building the Subregion Plan's road network (as shown in Table 9 [page 99] and Map 14 [page 86]). Give priority to key roads that would be heavily impacted by growth (including BRAC-related growth): Old Marlboro Pike (Transportation Needs Based on Growth Trends, page 92).

**Policy 3:** Maintain and improve both the arterial and nonarterial systems to provide for safe and efficient travel.

**Strategy 1:** Fund and construct the following road projects listed in the Capital Improvement Program and MDOT Consolidated Transportation Program – Reconstruction of MD 4 (including interchanges at Suitland Parkway and Dower House Road (Transportation Needs Based on Growth Trends, page 93).

**Policy 2:** Ensure that the road system is improved concurrently with development, so that road and intersection capacities match demand (Transportation Needs Based on Growth Trends, page 93).

### **Economic Development**

**Policy 1:** Intensify and grow economic development at strategic locations zoned for industrial and commercial uses to increase employment opportunities, income, and the tax base within Prince George's County and the subregion.

**Strategy 1:** Ensure that adequate amounts of land are available for economic development while avoiding over-zoning land as commercial that encourages sprawl and inhibits revitalization efforts.

**Strategy 4:** Support redevelopment and revitalization of existing employment areas rather than greenfield development (Employment, page 147).

**Policy 4:** Provide commercial development in strategic locations to serve the needs of communities giving preference to improving existing centers (Living and Community Areas, page 177).

In regard to the applicability of the environmental policies and strategies contained within the Subregion 6 Master Plan and SMA, staff has analyzed the subject site in context of the green infrastructure plan, woodland conservation, and regulated environmental features as contained below:

#### **Green Infrastructure Plan**

According to the *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan* (May 2017), the majority of the site falls within regulated areas and evaluation areas. Based on available information, the regulated areas include the headwaters of streams, associated stream buffers, and adjacent steep slopes, which comprise the primary management area (PMA). The evaluation areas adjacent to regulated environmental features provide opportunities for building larger riparian buffers and habitat corridors, and opportunities to provide linkages between environmental features. Based on staff's analyses, the developable area outside of the regulated environmental features and Green Infrastructure network would not support the density requested. Any impacts to regulated environmental features on the subject property are not supported.

#### **Woodland Conservation**

Development of the site will be subject to the provisions of Subtitle 25, Division 2, of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), and future development of the site must be in conformance with an approved tree conservation plan. The site is currently zoned R-R and has a required woodland conservation threshold of 20 percent of the net tract area. If approved, the proposed change to the M-X-T Zone will reduce the woodland conservation threshold to 15 percent. Based on the stream and Green Infrastructure network mapped on-site, the proposed zoning change is not supported. The current thresholds are appropriate and should be met with on-site preservation of the highest priority woodlands within the Green Infrastructure network. Future land development applications will require conformance with the WCO.

#### **Regulated Environmental Features**

According to information available on PGAtlas, there are regulated environmental features, as defined in Section 25-118(b) 63.1 on this site. A final delineation of all regulated environmental features will be determined at a later stage of development, with the approval of a natural resources inventory, under the current environmental regulations.

Impacts to any regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by



County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management (SWM) facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted, in accordance with the Environmental Technical Manual. The justification must address how each impact has been avoided and/or minimized.

Future land development applications will require a finding of preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible, per Sections 24 and 27 of the County Code. Impacts to regulated environmental features would not be supported in order to accommodate higher density.

**6. 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).**

The site is within the vicinity of a major intersection or interchange (that being the intersection or interchange of two roadways of arterial or higher classification), namely the intersection of MD 4 and MD 223. Therefore, the location meets the criteria in Section 27-213(a)(1)(A) of the Zoning Ordinance.

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

This application does not meet the requirements of Section 27-213(a)(1)(B) because the Subregion 6 Master Plan and SMA does not recommend mixed land uses similar to those recommended in the M-X-T Zone. Section 27-542(a)(2) of the Zoning Ordinance describes mixed land use as “a mix of residential, commercial, recreational, open space, employment, and institutional uses.” Based on this description and the combination and types of uses included, the sector plan does not recommend mixed land uses similar to those recommended in M-X-T and is explicit in the land uses that are recommended. This is evident in the applicable master plan (Westphalia Sector Plan) Future Land Use Map (Map 27), which illustrates the recommended land use for the subject properties is residential-low. (Strategy 1, Developing Tier, page 58)

**(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 July 2, 2019, 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:

**PROPOSED REZONING SUBSTANTIALLY IMPAIRS THE INTEGRITY OF THE GENERAL PLAN**

Pursuant to Section 27-213(a)(2), this application would substantially impair the integrity of Plan 2035 in the following manners:

Plan 2035 recommends, “context-sensitive infill and low- to medium-density development” within the Established Communities policy area (page 20); and specifically recommends residential low land use for the subject property (Map 10, page 101).

More specifically, Plan 2035 defines the residential low land use as up to 3.5 dwelling units per acre (page 100). The R-R Zone allows a maximum of 2.17 dwelling units per acre, well within this range. The M-X-T Zone allows the possibility of densities significantly higher, including permitting multifamily and single-family attached dwellings that are only economical at higher densities. Under certain conditions, the zone can permit a floor area ratio (FAR) as high as 8.0.

Furthermore, the rezoning of the subject property at this location contradicts the Plan 2035 recommendations to:

- “Concentrate medium- to high-density housing development to Regional Transit Districts and Local Centers” (Housing and Neighborhoods, Policy HN 1, page 187);
- “limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers” (Land Use, Policy 7, page 114);
- “limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers...” (Land Use, Policy 9, page 116);
- “...encourage growth to concentrate in the Regional Transit Districts that are designated as Downtowns” (Land use, Strategy LU 1.1, page 305); and
- “Direct a majority of projected new residential and employment growth to the Regional Transit Districts...” (Land Use, Policy LU 1, page 110).

Plan 2035 indicates that medium- to high-density housing, mixed-use, and commercial development in this area of Prince George’s County is to be located within the Westphalia Local Town Center, north of MD 4 from the subject property, and other regional transit districts and local centers, and nowhere else. The County’s development goals are stated in Plan 2035, as further discussed.

Mixed-use and commercial zoning should be limited to the designated regional transit districts, local centers, and employment areas. Currently, there are 985.38 acres of property, wholly or partially within a 1-mile radius of the subject property, zoned for mixed-use; L-A-C, Residential Medium Development, (R-M) and Residential Suburban Development (R-S). Staff notes that the R-M and R-S Zones allow non-residential uses, such as food and beverage stores, as well as beauty salons. It is evident that there is a substantial amount of property zoned for mixed-use in Subregion 6 and adjacent planning areas, and any additional mixed-use zoning would inhibit commercial revitalization in the areas where it is desired.

Allowing the subject property to be rezoned to the M-X-T Zone at the proposed location, outside the regional transit districts and local centers, pulls mixed-use growth away from designated areas where it is more desirable (including the Westphalia Local Town Center across MD 4 from the subject property); and promotes a scale and mix of development that is out of context with the surrounding low- to medium-density residential neighborhoods. The rezoning of the subject property challenges Plan 2035’s recommendation to “ensure appropriate transitions between higher intensity and density development and surrounding lower-density residential neighborhoods” (Community Heritage, Culture, and Design, HD 9.9, page 215).

**PROPOSED REZONING SUBSTANTIALLY IMPAIRS THE INTEGRITY OF THE MASTER PLAN**

Pursuant to Section 27-213(a)(2), this application would substantially impair the integrity of the Subregion 6 Master Plan and SMA in the following manners:

**Land Use and Density:** The Subregion 6 Master Plan and SMA recommends maintaining, “low- to moderate-density land uses...” (Strategy 1, Developing Tier, page 58), within the developing tier (now known as the Established Communities area pursuant to Plan 2035). In addition, the Subregion 6 Master Plan and SMA specifically recommends the residential low land use (Map 27) for the subject property. Though Strategy 1, as contained on page 58, recommends maintaining “...low- to moderate density *except* as part of mixed-use development” the property is not recommended for mixed-use, therefore the exception does not apply.

The Subregion 6 Master Plan and SMA defines the residential low land use as “Residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.” (page 40). As previously stated, the R-R Zone allows a maximum of 2.17 dwelling units per acre, well within this range. In addition, the M-X-T Zone allows the possibility of densities significantly higher, including permitting multifamily and single-family attached dwellings that are only economical at higher densities. Under certain conditions, the zone can permit a FAR as high as 8.0.

Furthermore, the M-X-T Zone requires at least two land uses to be included in a development, which can include office/industrial/research, hotel/motel, retail and/or residential in any combination. This means that under the M-X-T Zone, it is possible that residential land uses may not be included in a new development.

Given that the M-X-T Zone allows high-density, non-residential development; the rezoning of the property will not only permit a density and mix of uses that is contrary to that envisioned by the plan, but would also prevent the execution of the Subregion 6 Master Plan and SMA’s vision of low-density, residential land uses, which greatly impairs the integrity of the Subregion 6 Master Plan and SMA.

**Development Pattern and Location:** A key component of the Subregion 6 Master Plan and SMA, that is evident throughout, is the recommended development pattern or, more specifically, the location of mixed-use and commercial zoning and land use. The Subregion 6 Master Plan and SMA recommends promoting, “...a development pattern that...concentrates commercial centers...” (Goal 4, Development Pattern and Land Use, page 39); consolidating, “...commercial development in strategic locations to serve the needs of communities giving preference to improving existing centers.” (Policy 4, Living and Community Areas, page 177); intensifying and growing, “...economic development at strategic locations zoned for industrial and commercial uses...” (Policy 1, Employment, page 147); and supporting, “...redevelopment and revitalization of existing employment areas rather than greenfield development” (Strategy 4, Employment page 147).

The subject property is not located in or as part of an existing commercial center or an employment area, nor is it zoned commercial or industrial. It is a vacant greenfield property, that abuts low- to medium-density residential neighborhoods to the south and northeast, and vacant land to the north and east.

Though it is located near the proposed Westphalia Town Center, the subject property was not envisioned to be part or an extension of the future development

by either the 2007 *Approved Westphalia Sector Plan* or the Subregion 6 Master Plan and SMA.

Furthermore, a major concern contained in the Subregion 6 Master Plan and SMA is the amount of mixed-use and commercial zoning already in place in the Subregion 6 Master Plan and SMA area and the County. The Subregion 6 Master Plan and SMA recommends avoiding, "...over-zoning land as commercial..." to discourage, "...sprawl and inhibit revitalization efforts in existing commercial centers" (Strategy 1, Employment, page 147).

Instead, the Subregion 6 Master Plan and SMA recommends allocating, "...an appropriate amount of land for residential, commercial, employment, industrial, and institutional land uses in accordance with County development goals..." (Policy 1, Developing Tier, page 58).

**Environment:** The Subregion 6 Master Plan and SMA considers several other factors before recommending high-density, mixed-use, or commercial land use for specific areas. One factor that is considered is environmental constraints. The Subregion 6 Master Plan and SMA recommends the protection, preservation, and restoration of the identified green infrastructure network, in order to protect critical resources and to guide development and mitigation activities (Policy 1, Wildlife and Habitat, pages 68-69); and the preservation or restoration of regulated areas designated in the green infrastructure network through the development review process for new land development proposals, (Strategy 4, Wildlife and Habitat, pages 68-69). Approximately 10.74 acres are designated as regulated areas and 47.02 acres as evaluation areas (a total 57.76 acres of 60.02 acres) by the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*.

The environmental constraints within the subject property, as contained in the resource conservation plan, comprises nearly the entire subject property, with the most sensitive areas, namely the streambeds, bisecting the property. The proposed M-X-T Zone, which encourages intense, high-density land uses, would permit development that greatly impedes efforts to preserve the tree canopy and restore the waterways, while the R-R Zone, a low-density low-intensity zone, would promote development that limits disturbance to the green infrastructure network.

**PROPOSED REZONING IS NOT IN KEEPING 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 within the vicinity of a major interchange (MD 4 and MD 223) and could expand employment and living opportunities and enhance economic status in these areas. However, 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. Thus, if the subject property is granted approval of the M-X-T Zone, the intent of the M-X-T Zone insofar as promoting orderly development will not be upheld.

**(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 Plan 2035 or the Subregion 6 Master Plan and SMA and permits development that directly contradicts those recommendations. If the property was granted approval of the M-X-T Zone, the property could be compact, mixed-use, and internally walkable; however, the Subregion 6 Master Plan and SMA does not recommend this density, land use, or type of development at this location. Based on the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017) the majority of the site falls within regulated areas and evaluation areas. According to available information, the regulated areas include the headwaters of streams, associated stream buffers, and adjacent steep slopes, which comprise the PMA. The major roadways and significant environmental features may prevent this development, if zoned M-X-T from being walkable to other communities in the neighborhood.

**(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 this purpose, the M-X-T Zone strives to protect the value of land and buildings within the zone, 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, Subregion 6 contains a substantial amount of M-X-T-zoned properties concentrated in appropriate areas, such as the Westphalia Town Center.

Rezoning the subject property to the M-X-T Zone scatters M-X-T zoned properties in inappropriate areas and weakens the value and development potential of properties where M-X-T zoned land has been concentrated. In addition, the proposed location for the rezoning to M-X-T is not compatible with nearby developments, such as the low-density residential communities. The property has a tenuous connection to Westphalia Town Core due to the significant barrier that is MD 4.

- (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. Properties to the northeast and south have residential land uses on the properties. The northern and eastern properties zoned for mixed-use, separated from the subject site by MD 4 and MD 223, remain undeveloped. In addition, the location of the subject property is not in proximity of transit facilities.

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, M-X-T zoning at this location cannot facilitate bicycling. There are no established or funded bicycle facilities or infrastructure on MD 4, MD 223, or Marlboro Pike. Also, M-X-T zoning at this location cannot facilitate walkability. Pedestrians would be required to cross MD 4, a freeway, or MD 223, a master-planned arterial road, without the assistance of a pedestrian bridge or underpass.

- (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 vacant land, and low- to medium-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 north and east due to MD 4 and MD 223. This purpose 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. At this stage of the development review process, there are no SWM plans or public facility 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.

- (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.**

Staff has completed a full evaluation of the transportation facilities serving the proposed and adjacent developments. This application is supported by a traffic impact analysis (TIA) dated June 20, 2019, provided by the applicant and referred to the Maryland State Highway Administration, the Prince George's County Department of Public Works and Transportation, and the Prince George's County Department of Permitting, Inspections and Enforcement. All agencies concurred with its findings.



The purpose of the TIA was to identify and evaluate the critical intersections to determine the impact of the proposed zoning change on the performance of these intersections. The submitted TIA was based on the following proposed uses for the subject site: 30,000-square-foot shopping center; 220 room hotel; 180 townhouse dwelling units; 60,000 square feet of general office; and a 250 seat church.

**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>		
<b>Intersection</b>	<b>AM-LOS/Delay</b>	<b>PM-LOS/Delay</b>
MD 223 & Old Marlboro Pike/MD 4 entry ramp*	<50 seconds	<50 seconds
MD 223 & MD4 NB Ramp*	<50 seconds	<50 seconds
MD 223 & MD4 SB Ramp*	>50 seconds	<50 seconds
MD 223 & Marlboro Pike	B/1100	E/1483
MD 223 & Dower House Road	E/1462	D/1426
MD 223 & Rosaryville Road	A/812	A/930
MD 4 & Dower House Road	F/1761	E/1433
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable, if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (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. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

The traffic study identified four background developments whose impact would affect the studied intersections. In addition, the study applied a growth rate of one half of one percent to the existing traffic counts at the subject intersections for a period covering six years. An analysis was done to evaluate impact of the background traffic on existing infrastructure. The analysis revealed the following results:

Background Traffic		
Intersection	AM-LOS/Delay	PM-LOS/Delay
MD 223 & Old Marlboro Pike/MD 4 entry ramp*	A/660	A/840
MD 223 & MD 4 NB Ramp*	NA	NA
MD 223 & MD 4 SB Ramp*	A/926	B/1086
MD 223 & Marlboro Pike	A/958	D/1394
MD 223 & Marlboro Pike (relocated)*	>50 seconds	<50 seconds
MD 223 & Dower House Road	E/1581	F/1640
MD 223 & Rosaryville Road	A/871	B/1001
MD 4 & Dower House Road	F/1878	E/1550

\*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable, if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (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. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.

### Trip Generation and Impacts

The trip generation of the site, in consideration of trip rates taken from “Transportation Review Guidelines, Part 1,” is summarized in Table 1 below based on existing and proposed zoning:

Table 1						
	AM			PM		
	In	Out	Total	In	Out	Total
<b>EXISTING R-R Zoning</b>						
Rate per DU	0.15	0.60	0.75	0.59	0.31	0.90
1.85 DU/acre = 60 x 1.85 = 111	17	66	83	65	34	99
<b>PROPOSED M-X-T</b>						
Shopping Center 30k sq. ft.	104	63	167	107	116	223
<i>Less pass-by (40% AM, PM)</i>	<i>-42</i>	<i>-25</i>	<i>-67</i>	<i>-43</i>	<i>-46</i>	<i>-89</i>
Hotel - 220 rooms	62	43	105	71	68	139
Townhouse - 180 DU's	25	101	126	94	50	144
General Office - 60k sq. ft.	108	12	120	21	90	111
Church - 250 seats	1	2	3	3	5	8
Total New Development	258	196	454	253	283	536
<b>Net Change by rezoning</b>	<b>+241</b>	<b>+130</b>	<b>+371</b>	<b>+188</b>	<b>+249</b>	<b>+437</b>

The comparison of estimated site trip generation indicates that the proposed rezoning would result in an increase of 371 AM and 437 PM trips during the respective peak hours.

Using these projected site-generated trips, an analysis of total traffic conditions was done, and the following results were determined:

<b>Total Traffic</b>		
<b>Intersection</b>	<b>AM-LOS/Delay</b>	<b>PM-LOS/Delay</b>
MD 223 & Old Marlboro Pike/MD 4 entry ramp*	A/660	A/859
MD 223 & MD 4 NB Ramp*	NA	NA
MD 223 & MD 4 SB Ramp*	A/926	B/1127
MD 223 & Marlboro Pike	B/1131	D/1376
MD 223 & Marlboro Pike (relocated)*	>50 seconds	>50 seconds
MD 223 & Dower House Road	D/1449	C/1234
MD 223 & Rosaryville Road	A/912	B/1014
MD 4 & Dower House Road	D/1425	C/1189
Marlboro Pike & Site Access 1	<50 seconds	<50 seconds
Marlboro Pike & Site Access 2	<50 seconds	<50 seconds
Marlboro Pike & Site Access 3	<50 seconds	<50 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable, if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (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. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

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 would not bring about a substantial impact on the existing transportation facilities in the area of the subject site in the near term. While the new proposed development will result in an increase in activity in the area, the transportation facilities would be adequate to carry anticipated traffic for the proposed development, as required by Section 27-213(a)(3). However, if the requested rezoning were approved, the property owner is entitled to propose the maximum density permitted by the zoning ordinance in the M-X-T Zone with the review of subsequent applications, which may yield different transportation impact results.

It needs to be noted that the M-X-T Zone approval is not based upon a conceptual site plan. Only the current proposed development yield is shown

in the traffic impact study, 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). While 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 density, which may exceed the development proposal put forth herein.

7. **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 September 29, 2019 (Burton to Cannady II)
  - b. Trails Section, dated August 7, 2019 (Shaffer to Cannady II)
  - c. Community Planning Section, dated September 26, 2019 (Lester to Cannady II)
  - d. Prince George's County Department of Permitting, Inspections and Enforcement, dated July 30, 2019 (Giles to Cannady II)
  - e. Urban Design Section, dated September 27, 2019 (Burke to Cannady II)
  - f. Environmental Planning Section, dated September 30, 2019 (Finch to Cannady II)

## CONCLUSION

This application meets the requirements of Section 27-213(a)(1)(A) due to the subject site's location within the vicinity of a major intersection or interchange (that being the intersection or interchange of two roadways of arterial or higher classification), namely the intersection of MD 4 and MD 223.

This application does not meet the requirements of Section 27-213(a)(2). This application will substantially impair the integrity of the 2014 *Plan Prince George's 2035 Approved General Plan* and Subregion 6 Master Plan and SMA. 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) of the Zoning Ordinance, this application does not keep with the purposes of the M-X-T Zone.

This application meets the requirements of Section 27-213(a)(3) 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* and the Subregion 6 Master Plan and SMA. 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-10051, Carozza Property, for rezoning from the R-R Zone to the M-X-T Zone.