

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

**AMENDMENT OF BASIC PLAN  
A-9968/01**

**DECISION**

Application:	Amendment of Basic Plan & Conditions
Applicant:	Willowbrook
Opposition:	N/A
Hearing Date:	November 7, 2018
Hearing Examiner:	Joyce B. Nichols
Disposition:	Approval with Conditions

**NATURE OF REQUEST**

(1) A-9968/01 is a request to amend the Basic Plan for Willowbrook to increase the number of dwelling units, to increase the percentage of single family attached dwelling units, to change the size and location of dwelling units, and to revise conditions and considerations of Basic Plan approval, pursuant to §27-197(c) of the Zoning Ordinance, on approximately 442.30 acres of land, in the R-S (Residential Suburban Development), the I-1 (Light Industrial) and the R-A (Residential Agricultural) Zones, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway), Upper Marlboro, Maryland.

(2) Both the Technical Staff (Exhibit 28) and the Planning Board<sup>1</sup> (Exhibit 27) recommended approval with conditions.

(3) No one appeared in opposition to the instant Amendment request.

(4) The record was kept open for several elevation plans, upon receipt of which the record was closed on February 1, 2019. A second evidentiary hearing was held on April 2, 2019 which reopened the record in order to include certain documents<sup>2</sup> and the record was closed at the conclusion of this hearing.

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<sup>1</sup> The Planning Board's Notification of Planning Board Action letter, which had the Planning Board's Resolution in the instant Application appended, contained the incorrect Code citation and also incorrectly stated that the Planning Board's approval of A-9968/01 would become final unless an appeal was noted within 30 days.

<sup>2</sup> A technically revised Planning Board Resolution dated February 19, 2019 was included in the record during the second evidentiary hearing, April 2, 2019, which was held for the sole purpose of submitting the revised Planning Board Resolution (Exhibit 44) and a revised Affidavit (Exhibit 45) into the record.

## **FINDINGS OF FACT**

### **Subject Property**

(1) The subject property is located on the north side of Leeland Road, all but 2 acres of which are east of the Popes Creek Branch of the CSX Railroad right-of-way, and approximately 3, 178 feet west of US 301 (Robert Crain Highway). Leeland Road is a master planned right-of-way, which abuts the subject property to the south and is a designated scenic road. The property is undeveloped, wooded, and contains numerous environmental features.

(2) The subject property has frontage on, and access from, Leeland Road.

### **Neighborhood and Surrounding Uses**

(3) The neighborhood is as accepted in the original Basic Plan approval (A-9968) in 2006.

(4) To the west of the subject property, across Collington Branch, are a number of tracts of unsubdivided acreage in the R-A (west of the Pope's Creek Branch railroad) and O-S (Open Space) (east of the Pope's Creek Branch railroad) Zones, with the Oak Creek Club planned development beyond them in the R-L (Residential Low Development) (1.0-1.5) Zone. The undeveloped Locust Hill property in the R-L (1.0-1.5) Zone (also owned by the Applicant) abuts the subject property to the west, on both sides of Leeland Road. (A-9975/01)

To the south of the subject property are single-family dwellings and an agricultural supply company on unsubdivided acreage in the R-A Zone. An undeveloped and wooded triangular portion of Parcel 36, the tract occupied by the agricultural supply company, projects into the southern edge of the subject property on the north side of Leeland Road; this triangular area is listed by the PG Atlas site as being in the E-I-A (Employment Institutional Area) Zone, though the 2006 Bowie and Vicinity Sectional Map Amendment had rezoned it from R-R (Rural Residential) to the R-S<sup>3</sup> Zone. Also to the south of the subject property is the Beechtree planned development in the R-S (1.6-2.6) Zone. Beechtree contains a mix of single-family detached dwellings along Lake Forest Drive, but these are separated from Leeland Road by dense woods.

To the east of the subject property is the Collington Center planned industrial area in the E-I-A Zone. The uses which are most proximate to the subject property are the Nordstrom warehouse and distribution center, the office of the Washington Research Library Consortium, a FedEx Ground shipping distribution center, and the Safeway distribution center. Also, to the east of the subject property are several single-family dwellings on odd lots and parcels in the R-R (Residential Rural) Zone.

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<sup>3</sup> M-NCPPC, Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B (February, 2006), p. 128.

To the north of the subject property is a portion of the Collington Branch Stream Valley park in the O-S Zone.

### **Zoning History**

(5) The site was rezoned from the R-A to the E-I-A Zone during the 1991 Approved Bowie-Collington-Mitchellville and Vicinity Master Plan and Sectional Map Amendment. In 2005, Zoning Map Amendment A-9968 was filed to request a rezoning of the Willowbrook property from the E-I-A Zone to R-S Zone. At that time, the approval of a new Bowie and Vicinity Master Plan and Sectional Map Amendment was underway. Basic Plan A-9968 was recommended for approval by the Prince George's County Planning Board (PGCPB Resolution No. 05-178) and was transmitted to the Prince George's County District Council for incorporation into the 2006 Bowie and Vicinity Sectional Map Amendment.

The 2006 Bowie and Vicinity Master Plan and Sectional Map Amendment, was approved by Council Resolution (CR-11-2006) on February 7, 2006, which rezoned the subject property to the R-S Zone (CR-11-2006, Amendment 7, pages 18 and 31 through 34) subject to the 13 Conditions and three (3) Considerations.

(6) On April 9, 2007, a Comprehensive Design Plan, CDP-0505, subject to 34 conditions, and Type I Tree Conservation Plan, TCPI-010-06 were approved by the District Council for a total of 818 residential dwelling units, of which 602 were market rate (97 townhouse and 505 single-family detached units) and 216 units were in a mixed-retirement component (50 single-family detached, 56 townhomes, and 110 multifamily units). The CDP Conditions are not applicable to the review of this Application.

(7) On March 15, 2007, Preliminary Plan of Subdivision, PPS-4-06066, and Type I Tree Conservation Plan, TCPI-010-06-01, were approved by the Prince George's County Planning Board (PGCPB Resolution No. 07-43) subject to 31 Conditions. Subsequently a number of extensions, waivers and reconsiderations were approved by the Planning Board. Most recently on March 8, 2018 (PGCPB Resolution No. 07-43(A)) the Planning Board reconsidered the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. The PPS conditions are not applicable to the review of the current Application, but the modification of the intersection is noted for informational purposes.

(8) On March 30, 2017, Specific Design Plan, SDP-1603, and associated Type II Tree Conservation Plan, TCPII-028-2016, (PGCPB Resolution No. 17-144), for Phase One (Phase I) of the development, which proposed 183 single-family detached and 93 single-family attached market-rate lots, 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture, was approved subject to 15 conditions. The SDP Conditions are not applicable to the review of the instant Application.

### **Master Plan and Sectional Map Amendment**

(9) The subject property is located in Planning Area 74A. The applicable Master Plan is the Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B, approved on February 7, 2006.

The Bowie and Vicinity Master Plan designated the subject property for “Residential Low” future land use, defined by the Bowie and Vicinity Master Plan as, “areas intended for suburban neighborhoods with single-family houses on lots ranging from 6,500 square feet to one acre in size and retirement or planned residential development”. This could yield development densities of up to 6.70 dwelling units per acre.

The October, 2002 General Plan placed the subject property within the Developing Tier.

The Growth Policy Map in the May, 2014 General Plan (Plan 2035) placed the property in the Established Communities category, and the Generalized Future Land Use Map designated it for “Residential Low” land use.

The subject property is not within a Priority Preservation Area.

Adjoining land to the west and south is also designated by the Master Plan for “Residential Low” land use<sup>4</sup>, adjoining land to the north is designated for “Parkland/Open Space” land use, and adjoining land to the east is designated for “Industrial” land use.

### **Applicant’s Request**

(10) The proposed Basic Plan Amendment is being requested to integrate the new provisions for Comprehensive Design Zones that were adopted by CB-91-2016; which increased the allowable proportion of attached dwellings from 20% to 35%.

The first requested amendment addresses the layout of the Basic Plan Map. The new Plan reflects a revision to the location of the Mixed Retirement Development component, an intent to allow the distribution of attached dwelling sites in some of the areas where single-family units would be located rather than proposing an absolute segregation of lot sizes and housing types, realignment of the interior circulation concepts, and a minor relocation of the concentration of attached units.

The second amendment is to allow an increase in the proportion of attached dwelling units from a maximum of 20% to a maximum of 35%, and to increase the range of totals of dwelling units

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<sup>4</sup> Land to the south across Leeland Road is subject to the Subregion 6 Master Plan; the land use recommendation of that Plan is also “Residential Low,” though that land use classification is defined differently by the Subregion 6 Master Plan, intending it for densities of up to 3.5 dwelling units per acre.

permitted at the subject property from between 627 and 826 units to between 624<sup>5</sup> and 1,139 units. This amendment is also associated with an amendment to the Conditions of approval of the Basic Plan addressing the tabulation of land use locations, types and quantities.

The third requested amendment is to add flexibility to the unit mix of the Mixed Retirement Development component.

The fourth amendment is to revise certain Conditions and Considerations of approval of the Basic Plan. One of the requested revisions was described above, another addresses the deletion of a church site as a public benefit feature. Remaining revisions include clarification of language reflecting the intent of buffer areas along Leeland Road and Collington Center, and additions of flexibility in the trail layout to accommodate environmental conditions.

The final amendment addresses the specification of sites for an improved public park.

## **LAW APPLICABLE**

(1) §27-197(c) of the Zoning Ordinance sets forth the procedures by which requests to amend an approved Basic Plan which does not involve a change in land area or an increase in land use density or intensity may be approved.

(2) Section 27-195(b) of the Zoning Ordinance sets forth the criteria which must be met prior to the approval of a request to amend an approved Basic Plan as follows:

(b) **Criteria for approval.**

(1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

(A) The proposed Basic Plan shall either conform to:

(i) The specific recommendation of a General Plan map, Area Master Plan map; or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or

(ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.

(B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;

(C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service

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5 The decrease in the lower end of the range is associated with the completion of a modern boundary survey, and the approval of a new, expanded delineation of the 100-year floodplain.

anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;

(D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;

(E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.

(2) Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

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(3) The Application must also be found to satisfy the general purposes of the Zoning Ordinance, §27-102(a), and the specific purposes of the R-S Zone, §27-511(a).

## **CONCLUSIONS OF LAW**

(1) The instant Application satisfies the general Purposes of the Zoning Ordinance, §27-102(a), as follows:

**(1) *To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;***

The approval of the requested amendments to the Basic Plan at the subject property will allow for the planning and construction of a complementary mix of dwelling types which can better respond to the environmental constraints of the subject property and the views from the surrounding road network while providing sufficient development yield to allow the project to move forward. The approval will protect and promote the health and safety of the present and future inhabitants of the County by providing sufficient buffers from environmental hazards such as floodplain, and by protecting the future residents from visual impacts from the adjoining planned industrial development. The approval will protect the comfort and convenience of the surrounding neighbors by providing for a compatible mix of dwelling types, and by the provision of substantive natural buffers. Furthermore, the review process inherent in Comprehensive Design Zones provides for a higher level of both planning flexibility and public oversight to promote and protect the public health, safety and welfare.

**(2) *To implement the General Plan, Area Master Plans, and Functional Master Plans;***

This Purpose is addressed in the Zoning Ordinance by the criterion for approval of Comprehensive Design Zones found in §27-195(b)(1)(A); the extent to which the approval of the requested amendments to the Basic Plan for the subject property in the R-S Zone implements the Master Plan is discussed *supra*.

**(3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;***

As with the Purpose of implementing the General and Master Plans, this Purpose is largely replicated by the criteria for approval of Comprehensive Design Zones found in §27-195(b)(1)(C) and (D) addressing transportation facilities, police, fire, schools and water and sewerage; the harmony of the request for approval of amendments to the R-S Zone Basic Plan with this Purpose of the Zoning Ordinance was discussed at length in the testimony of the transportation planning expert, Mr. Mike Lenhart, and by Technical Staff in the Countywide Planning referral.

**(4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;***

As noted in the discussion of the Purpose of protecting and promoting the public health and safety, above, the multi-stage public review process inherent in the Comprehensive Design Zones' regulations affords a higher level of guidance for the development at the property and therefore for its contribution to the growth and development of the County as a whole. These principles are reflected in the approved Basic Plan, and the requested amendments will not affect the review process going forward; as such, the approval of the requested amendments to the R-S Zone Basic Plan at this property will continue to be in particularly close harmony with this Purpose of the Ordinance.

**(5) *To provide adequate light, air, and privacy;***

The lot standards which will be established in the Comprehensive Design Plan will ensure the provision of adequate light, air and privacy for the proposed development, and the existence of substantive wooded natural buffers will ensure the provision of adequate light, air and privacy for its neighbors.

The additional standards and design guidelines for the approval of a Comprehensive Design Plan and Specific Design Plans, which are required by the regulations for Comprehensive Design Zones, afford additional opportunities to ensure the provision of adequate light, air and privacy. These principles are reflected in the approved Basic Plan, and the requested

amendments will not affect the adequacy of light, air or privacy; as such, approval of the requested amendments will be in harmony with this Purpose.

**(6) *To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;***

The approval of the R-S Zone at this property was initially found to promote the most beneficial relationships between land and buildings, because of its conformance with the land use recommendations of the Master Plan, and because of the environmental relationships inherent in the approved Basic Plan Map. The requested amendments to the Basic Plan Map will preserve the buffers to regulated environmental features and between the subject property and the adjacent development and will protect viewshed from Leeland Road. As such, approval of the requested amendments will be in harmony with this Purpose of the Zoning Ordinance.

**(7) *To protect the County from fire, flood, panic, and other dangers;***

The approval of the requested amendments will not affect the original approval of the R-S Zone at the subject property and its harmony with this Purpose of the Zoning Ordinance, as they will not affect the requirements for the proposed development to conform with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the floodplain regulations, Stormwater Management regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

**(8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;***

The approval of the requested amendments would be in harmony with this Purpose because it would allow for the more flexible location of development, housing styles and a broader range of affordability, and will reinforce the suitable and healthy living environment which was reflected in the original Basic Plan approval.

**(9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;***

This Purpose is not strictly applicable to the approval of the requested amendments because Willowbrook is a wholly-residential development. The amendments, however, will allow for a greater number of developable units which will make the project more economically feasible, and would thereby augment the tax base of the County.

**(10) *To prevent the overcrowding of land;***

The approval of the requested amendments would be in harmony with this Purpose because the amended Plan will still require the property to be developed in conformance with regulations that are approved through a Comprehensive Design Plan to ensure the prevention of overcrowding, including height limits and setbacks.

**(11) *To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;***

The approval of the requested amendments would be in harmony with this Purpose because of several factors. First, as noted above, the criterion of §27-195(b)(1)(C) assures the adequacy of local public transportation facilities as a prerequisite to the approval of the Zone.

And second, the approval of the proposed amendments would not affect the requirements for the property to be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements for multiple entrances to allow for continued access by emergency vehicles in the event of a local road blockage; and, the requirement for the improvement of an upgraded Leeland Road.

**(12) *To insure the social and economic stability of all parts of the County;***

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, conformance with the requirements and regulations of the Zoning Ordinance will be *prima facie* evidence of the Application's harmony with this Purpose.

Beyond that, however, the approval of the requested amendments would promote the economic and social stability of the County by allowing for a range of housing styles and lot sizes to provide housing opportunities to contribute to the tax base, and by providing for a greater number and proportion of medium-density attached residences, will expand housing opportunities to a larger segment of the housing market.

**(13) *To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;***

The approval of the requested amendments will have minimal impact to the protections to the County's natural features which were inherent in the original approval of the R-S Zone; in fact, the additional flexibility afforded by the amendments to two of the conditions of approval will provide greater protection as they will afford flexibility to avoid and minimize environmental impacts in the construction of the trail network.

**(14) *To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space;***

The approval of the requested amendments will have minimal impact to the open space network which was proposed in the original approval of the R-S Zone; the bulk of the open space, including the buffers to regulated environmental features will retain the same configuration.

The final purpose,

**(15) *To protect and conserve the agricultural industry and natural resources***

is not directly applicable to the subject property, except to the extent that the greater proportion of concentration of attached residential units and greater development yield minimize the pressure to develop the open lands where agriculture and the extraction of natural resources are practiced.

(2) The instant Application satisfies the specific Purposes of the R-S Zone, §27-511(a), as follows;

- (1) *Establish (in the public interest) a plan implementation Zone, in which (among other things):***
  - (A) *Permissible residential density is dependent upon providing public benefit features and related density increment factors; and***
  - (B) *The location of the Zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change;***

This Purpose addresses the establishment of the R-S Zone as a zone in which achievable density of a proposed development is related to the provision of public benefit features, and that the R-S Zone, like all Comprehensive Design Zones, is a plan implementation zone, such that the application of the zone to a tract of land must be in accordance with the adopted and approved General Plan, Master Plan, or special purpose Plans.

While the proposed amendments request an increase in the top end of the permissible development density at the subject property, the range of densities which are proposed by the requested amendments at this Basic Plan stage are in keeping with – and are in fact substantially below – the densities reflected by the Master Plans’ land use recommendations. In necessary accordance with the existing regulations, the final density cap for the subject project will be determined by the subsequent Comprehensive Design Plan, which will stipulate the density increments permitted in return for provision of the public benefits which are proposed, such as

the creation of open space, provision of recreational facilities, creation of a trails network and so forth.

The location of the proposed zone with respect to the adopted and approved Master Plan has been discussed in the foregoing text but is in any case moot to the approval of the requested amendments, as the R-S Zone has already been applied to the subject property.

(2) *Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, or Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;*

This Purpose addresses the reason for the establishment of Comprehensive Design Zones and their function to enable the use of the various planning documents cited as criteria for judgment of individual development proposals. The discussion, *supra*, of the conformance of the proposed project with the specific recommendation of the Master Plan demonstrates that the approval of the subject Application would continue to be in conformance with this Purpose for the R-S Zone.

(3) *Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;*

This Purpose of the R-S Zone is to assure compatibility between the proposed land uses and the surrounding land uses, and the adequacy of public facilities so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District. The discussion of the compatibility of the proposed general land use types and the surrounding land uses, *supra*, demonstrates that the Application is in conformance with this Purpose for the R-S Zone.

(4) *Encourage amenities and public facilities to be provided in conjunction with residential development;*

This Purpose encourages the provision of amenities and public facilities in conjunction with the residential development. By (1) the establishment of the mechanism of density increments that are tied to public benefit features, and (2) the close connection of all planning approvals with a finding of adequacy of public facilities, the intent of the Zone's Purposes is met. By its conformance with the requirements for adequacy of public facilities, and further by the provision of public benefit features (the extent of which will be determined at the time of the Comprehensive Design Plan), the subject Application is in harmony with this Purpose.

(5) *Encourage and stimulate balanced land development;*

This Purpose of the R-S Zone requires the regulations of the zone to encourage and stimulate “balanced land development”. The development proposed by the subject Application will be balanced in its relationship to the surrounding development by its continued conformance with the Master Plan’s specific recommendation. The balance of its relationship to the surrounding physical environment will be demonstrated by the extensive natural corridors which will be provided pursuant to the regulations establishing stream buffers, the conditions and considerations for the establishment of landscaped buffers to Leeland Road and Collington Center, as well as the other numerous regulations which safeguard environmental quality in the development process.

**(6) *Improve the overall quality and variety of residential environments in the Regional District.***

The Purpose of improving the overall quality and variety of residential environments is met by the signal feature of Comprehensive Design Zones generally that allows applicants to develop unique development regulations that are specific to the features and conditions of each particular tract. In this way, the application of a single zoning district does not result in a uniform array of dwelling types and lot sizes which often do not fit properly with the local natural environment, but rather allow a carefully tailored response to each site’s own needs.

(3) The Willowbrook development is in conformance with the specific recommendations of the 2006 Bowie and Vicinity Master Plan, which imposed on the R-S zoning five “limitations,” thirteen conditions and three considerations.

The text of the Master Plan specifically addressing Willowbrook is as follows:

**“b. Property located on the north side of Leeland and Oak Grove Roads between US 301 and Church Road:** This property, also known as Willowbrook, contains approximately 442 acres. The majority of this site is recommended for residential development, as opposed to employment development recommended in the prior Master Plan, for several reasons. The policies of the 2002 General Plan direct growth toward designated centers and corridors. This Plan follows the General Plan’s policy to shift growth, including employment, to designated centers such as the Bowie Regional Center. This property is in the Developing Tier policy area designated by the 2002 General Plan and residential development at this location is consistent with the land use policies for the Developing Tier. In addition, a large volume of traffic that would have been generated by employment development in the Collington Corporate Center would have used A-44, formerly a Master Plan arterial roadway extending from US 1 to US 301. However, employment development projections have diminished with the approval of the mixed-use community of Karrington, located at the former site of the Collington Corporate Center, and the prior 1991 Master Plan recommendation to build A-44 was eliminated by the 2006 Master Plan.

This Plan recommends suburban intensity residential development at this location. Zoning techniques that provide for flexibility in lot layout, while protecting open space and environmentally sensitive areas, are encouraged. Residential development in the low range of the R-S Zone is a suitable transition between adjacent neighborhoods. The intent is for development at this location to be more intense than the development to the west (Oak Creek) and less intense than the development to the south (Beechtree). The District Council approved A-9968 simultaneously with the approval of this Master Plan and Sectional Map Amendment on February 7, 2006, subject to the limitations and conditions set forth in CR-11-2006.

Approximately 13 acres of the Willowbrook site—located between the Safeway Distribution Center site that is in the northwest quadrant of US 301/Leeland Road and the residential portion of the Willowbrook site—are designated for employment land use. Employment land use is appropriate because of the physical separation of this portion of the Willowbrook site by a stream and steep topography that orients it toward the abutting, existing employment development. At this location, Prince George's Boulevard (I-300) is to be extended from its southern terminus through this area and continue through the Safeway Distribution Center site to Leeland Road.”<sup>6</sup>

The portion of the Plan text describing the intended development density, “the intent is for development at this location to be more intense than the development to the west (Oak Creek) and less intense than the development to the south (Beechtree),” will continue to be implemented with the requested amendments: Willowbrook will remain in the R-S density range of 1.6 to 2.6 dwelling units per acre; Beechtree remains a much larger project with more than twice as many dwelling units and a planned commercial component.

The Technical Staff of the Community Planning Division, in analyzing the Master Plan conformance and the proposed density, confirmed the foregoing analysis as follows: “The revised density range is consistent with the Zoning Ordinance density range for the R-S Zone. This density is also consistent with the Master Plan’s definition of recommended Future Land Use in the Bowie Master Plan, Residential Low: between 1 and 6.7 dwelling units per acres (see full definition under “Master Plan”).”<sup>7</sup>

The Plan text for the Developing Tier of the Master Plan’s Developing Pattern Element includes a Policy (of which the foregoing discussion of Willowbrook is a part of the third implementing Strategy) to, “improve site design to maximize the preservation of environmentally sensitive areas, encourage a diversity of housing types, provide a mix of land uses in appropriate locations, and reduce the cost of providing new roads and other public facilities.”<sup>8</sup> The proposed amendments to the Basic Plan would directly address that Policy by

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6 Master Plan, p. 17. (Exhibit 28)

7 Memorandum, Wendy Irminger to Taslima Alam, May 30, 2018; pp. 42-43 of 77 in the backup material to the Technical Staff Report. (Exhibit 28)

8 Bowie Master Plan, p. 12.

allowing flexibility to avoid or minimize environmental impacts in the trail design, and by adding flexibility to location of the unit mix in the layout. Addressing the preservation of environmentally sensitive areas, the Technical Staff of the Environmental Planning Section of the Countywide Planning Division found, “the environmental relationships proposed between the proposed low-density development pattern and the extensive environmentally sensitive features of the site demonstrate compatibility between the land use proposed, surrounding land uses, and promote the health, safety and welfare of the residents of Prince George’s County.”<sup>9</sup>

The requested amendments will thus continue or improve the existing Basic Plan’s conformance with the land use recommendations and development guidelines of the Bowie Master Plan. §27-195(b)(1)(A)

(4) The instant Application does not have a proposed retail commercial area. §27-195(b)(1)(B)

(5) The subject property has an approved Preliminary Plan of Subdivision (PPS)(4-06066) for 623 single family homes and 227 townhouses. The Statement of Justification for the instant Application identifies a potential range of product with an upper limit of 915 single family detached (SFD) residential units and 224 mixed retirement dwelling units. The Applicant’s Traffic Impact Analysis, July 19, 2018 (Exhibit 39), included a trip generation and analysis of four different scenarios to determine the potential trip generation that might occur depending on the future development. One of the scenarios (Scenario 2) included the maximum development of market rate (915 SFD units) and mixed retirement (224 units). One potential scenario would be the development of 988 SFD market rate units with no retirement units, and this scenario (Scenario 4) was determined to yield the highest trip generation (8 AM and 7 PM trips higher than Scenario 2). As a conservative approach, the scenario that generates the largest number of site trips was used (Scenario 4) in the Traffic Impact Analysis.

(6) The results of the Traffic Impact Analysis under total traffic conditions show that all of the intersections will operate adequately, provided that certain improvements are made. The Technical Staff concurred.

- The US 301 corridor between MD 214 and MD 725 is identified as a developer funded Capital Improvement Project (CIP) in the County CIP. The Applicant, heirs, successors or assigns shall pay a fee of \$1,550 per dwelling unit x (FHWA Construction Cost Index at time of Payment)/(FHWA Construction Cost Index for 2<sup>nd</sup> Quarter, 1989) as its share of the costs for improvements to US 301 between MD 725 and MD 214. Based on the proposed Willowbrook development, the total fee shall not exceed \$1,531,400 x (FHWA construction Cost Index at time of payment)/(FHWA Construction Cost Index for 2<sup>nd</sup> Quarter, 1989). The \$1,531,400 is calculated by multiplying \$1,550 by the proposed density from

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<sup>9</sup> Memorandum, Kim Finch to Taslima Alam, May 24, 2018; pp. 52-57 of 77 in the backup material to the Technical Staff Report. (Exhibit 28)

Willowbrook (988 dwelling units). In lieu of the payment of fees into the CIP, and subject to approval by DPWT and SHA, the Applicant, heirs, successors, or assigns may be required to construct a third northbound through lane on US 301 from a point north of Leeland Road to a point north of Trade Zone Avenue. Additionally, the improvement may include a third eastbound left turn lane along Leeland Road at its intersection with US 301. The total cost of these improvements as allocated to the Willowbrook development, or other variation determined by SHA, shall not exceed an amount calculated as \$1,531,400 x (FHWA Construction Cost Index at time of payment)/(FHWA Construction Cost Index for 2<sup>nd</sup> Quarter, 1989)

- All of the unsignalized intersections are projected to pass the three-tier test with the exception of Oak Grove Road at Church Road which does not pass the three-tier test. However, the construction of an eastbound left turn lane and a westbound right turn lane will result in the intersection passing the third tier of the test. The alignment of Oak Grove Road is planned to be shifted north of the existing intersection by about 550 feet. The original approval required a roundabout to be constructed at the intersection of Oak Grove Road (Relocated) and Church Road; however, the original approval of the 2006 plan was based on the old Traffic Impact Study Guidelines which did not include a three-tier analysis for unsignalized intersections. Furthermore, the Oak Grove subdivision recently underwent a reconsideration to replace the proposed roundabout with a traffic signal. Based on the current and projected traffic volumes and the current Guidelines, this intersection will pass the APFO test with the installation of a traffic signal, or if left unsignalized, an eastbound left turn lane and a westbound right turn lane along relocated Oak Grove Road.
- The intersection of MD 193 at Oak Grove Road is a one lane roundabout. The original approval of Locust Hill was based on a combined Traffic Impact Study with Willowbrook and Locust Hill which resulted in an overall trip cap of 1,369 AM and 908 PM trips for the two properties combined. (626 AM and 743 PM trips for Willowbrook; and 413 AM and 495 PM trips for Locust Hill). This original approval resulted in a condition requiring a second approach lane on the Oak Grove Road approach for a separate right and left turn lane prior to the issuance of the first building permit. There have been other projects approved since the original Willowbrook/Locust Hill approvals that result in the need for a two-lane roundabout with two approach lanes on all three approaches. However, since Locust Hill and Willowbrook are approved and vested Preliminary Plan of Subdivisions, they have a vested overall trip cap of 1,369 AM and 908 PM trips for the two properties combined. (626 AM and 743 PM trips for Willowbrook; and 413 AM and 495 PM trips for Locust Hill). It is recommended that a condition of approval be retained that requires two phases of improvements. Prior to the issuance of the first building permit within Willowbrook or Locust Hill, the

Applicant shall provide an exclusive right turn lane on the westbound approach of Oak Grove Road at MD 193. Prior to the issuance any building permit that generates more than 1,369 AM or 908 PM trips for the two properties combined, the Applicant shall bond and permit a two-lane roundabout with two approach lanes on all three legs. Note that with Phase II improvements, the roundabout will operate with a volume to capacity ratio of 0.721 during the AM peak hour and 0.685 during the PM peak hour. Therefore, the intersection meets the requirements of M-NCPPC and SHA which both require that a roundabout operate with a volume to capacity ration of 0.85 or better to be considered adequate.

- MD 202 and MD 193 is projected to operate at a LOS “E” under future conditions without any additional improvements. The original approval for Willowbrook contained a condition requiring the following improvements: 1) Provide a left turn, a shared left/through, and a right turn lane on the southbound MD 193 approach, 2) Provide a second left turn land on the eastbound MD 202 approach (this has already been constructed but there is not a second receiving lane on northbound MD 193), 3) Provide two receiving lanes on MD 193 to receive the double left turns from eastbound MD 202. However, the results of the updated Traffic Impact Analysis indicate that the full set of improvements mentioned above will not be necessary and constructing either an additional east – or southbound left turn lane provides adequate mitigation. The updated Traffic Impact Analysis was prepared for the purpose of obtaining a Basic Plan Amendment and once approved, will go through Preliminary Plan of Subdivision which will require an updated study. It is recommended that the proposed improvement scenarios at this intersection be evaluated at the time of Preliminary Plan of Subdivision to determine which alternative is optimal.
- The new trip cap for Willowbrook is 741 AM trips and 889 PM trips.
- The original approval of Willowbrook contained a condition of approval to dedicate the ultimate Master Plan right-of-way, but to construct only a minimum of 2 lanes of the ultimate 4-lane Master Plan alignment between US 301 and MD 193, in accordance with DPWT standards. Based on the projected traffic volumes, Leeland Road will operate with a volume to capacity ratio (v/c) of 0.53 during both the AM and PM peak hours. It is unclear why or how the original approval resulted in a condition to construct a portion of the ultimate Leeland Road Master Plan right-of-way off-site between US 301 and MD 193. There are no failures or adequacy issues that would require any construction of the ultimate Master Plan roadway outside of boundaries of this site. This amendment should eliminate the requirement for any off-site construction of Master Plan roadways. The construction of the Master Plan road within the property

boundaries should be limited to a two lane road as this is all that is required to serve the site and has been shown to operate acceptably.

- As part of the original approval, a signal warrant study is required at the intersections of Leeland Road and the Safeway Access, Leeland Road at the site access points, and Oak Grove Road at Whistling Duck Drive. These intersections now pass the M-NCPPC's three tier test for unsignalized intersection analyses, and it is anticipated that traffic signal warrant analyses will no longer be required.
- The uses proposed will not lower the LOS below the levels anticipated on the Master Plan or General Plan. The MC-600 was derived in the 1993 Master Plan based on full buildup of the land areas. Most of these areas are now built out, and/or shown as built out and based on the findings of the Traffic Impact Analysis the Major Collector designation is not necessary. The Applicant will continue to dedicate the Major Collection ROW but only build the two-lane section as required in the original conditions as one-lane in each direction is all that is needed.

Based on the preceding, the Technical Staff and the Applicant's expert transportation planner, Mr. Mike Lenhart, agree that existing transportation facilities and those to be provided by the Applicant will be adequate to carry the anticipated traffic generated by the development, based on the maximum proposed density. Furthermore, the uses proposed will not generate traffic which would lower the LOS anticipated by the land use and circulation systems shown on the approved area Master Plan, in accordance with Section 27-195(b)(1)(C).

(7) The Technical Staff of the Special Projects Countywide Planning Section has found that the police, fire and rescue public facilities would be adequate for the uses proposed with the mitigation that was approved in Preliminary Plan 4-06066, and that the impact fees paid by the Applicant would fund the mitigation for any deficiency in school capacity which might be found. They further found that the water and sewer category is sufficient evidence of the availability of planned water and sewerage systems.<sup>10</sup>

(8) Environmental relationships reflect comparability between the proposed land use type and surrounding land uses so as to promote the health, safety, and welfare of the present and future inhabitants.

## Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and future development must be in

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<sup>10</sup> Memorandum, Jay Manghalvede to Taslima Alam, August 9, 2018; pp. 58-59 of 77 in the backup material to the Technical Staff Report. (Exhibit 28)

conformance with an approved Tree Conservation Plan. A Type I and Type 2 Tree Conservation Plan will be reviewed with future development applications.

### **Regulated Environmental Features**

According to available information, the site contains streams, floodplain, wetlands and steep slopes. Impacts to any regulated environmental features should be limited to those that are necessary for the development of the property.

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 (SOJ) must be submitted in accordance with Subtitles 24 and 27 of the Prince George's County Code. The SOJ must address how each impact has been avoided and/or minimized.

### **Rare, Threatened and Endangered Species**

During the review of the previously approved Application for this site, the Environmental Planning Section conducted an extensive review of the site regarding rare, threatened, and endangered species. In an updated letter dated October 13, 2017 submitted with NRI-047-06-03, the Department of Natural Resources, Natural Heritage Program, noted that rare, threatened, and endangered (RTE) species are known to occur on the subject property. The letter specifically addressed three fish species identified as the state-listed endangered Stripeback darter (*Percina notogramma*), the state-listed threatened American brook lamprey (*Lampetra appendix*), and the state-listed threatened Glassy darter (*Etheostoma vitreum*). Also identified on the site was one RTE plant species, coville's phacelia (*Phacelia covillei*), which is listed as endangered by the State of Maryland and is globally rare. These, along with several other RTE plant species, have been identified in Collington Branch of the Western Branch watershed in the Patuxent River basin, which runs north-south along the eastern portion of the subject site.

It should be noted that the distribution of the Stripeback darter in Maryland is limited to Western Branch, which is ranked eighth out of 84 watersheds in Maryland with respect to aquatic biological diversity and priority for conservation. Zekiah Swamp, which is partially located within Prince George's County, is ranked first. The only other known location of this species is along the James River in Virginia. Preservation and protection of the biological integrity of Western Branch is critical to the continued sustainability of this diverse and sensitive community of fish and plant species.

When property is located within the Patuxent River watershed, certain designated features comprise the Patuxent River Primary Management Area Preservation Area (PMA). Because this site contains fish and plant species designated as threatened and/or endangered, it is very important that impacts be limited to only those areas necessary for development.

### **Soils, Christina and Marlboro Clay**

Special requirements related to the presence of Christiana and Marlboro Clay on the site will be addressed at the appropriate time in the development sequence. The Department of Permitting, Inspections and Enforcement is the lead agency for geo-technical review.

The Willowbrook development will be highly compatible with surrounding land uses. The existing residential projects within relevant proximity (for purposes of visual and physical compatibility with Willowbrook) would be the Oak Creek development, which is zoned R-L and L-A-C (Local Activity Center) to the north and west. Oak Creek's residential development consists of DUs with a density level of 1.0-1.3 DU per acre. This site was approved for a total of 1,148 DUs of which 219 or 19 percent were single-family attached units. The Beechtree project is located to the southeast of the subject site, within the R-S Zone, which allowed a density range of 1.6-2.6 DUs per acre. That development was approved for 2,400 DUs of which 37 percent are single-family detached, 37 percent are single-family attached, and 36 percent are multifamily units, which were approved with an 18-hole championship golf course integrated into the residential community.

Based on the density analysis above, the proposed Willowbrook density (i.e. 1.6-2.6 DUs per acre) is between the approved Beechtree and the Oak Creek densities. As such, Willowbrook will be fully compatible with surrounding land uses and is a suitable transition between the Oak Creek and Beechtree neighborhoods. All of the density and unit types proposed in the Willowbrook development are permitted by right in the R-S Zone. Further, the density ranges proposed (both market rate and MRD) are within the acceptable ranges allowed for in the Zoning Ordinance for the R-S Zone. §27-195(b)(1)(E)

(9) The anticipated construction schedule for the instant Application does not exceed 6 years. §27-195(b)(2)

(10) The instant Application does not include the V-M (Village-Medium), V-L (Village-Law) or L-A-C Zone. §27-195(b)(3) and (4)

### **RECOMMENDATION**

Approval of A-9968/01 subject to the following Conditions and Considerations:

#### **Conditions**

##### **1. Proposed Land Use Types and Quantities**

Total Area:	442.30 acres
Total in (I-1 Zone):	15+ acres (not included in density calculation)
Total area (R-A Zone):	0.78 ± acres (not included in density calculation)

Total area (R-S Zone): 426.52 acres per approved NRI  
 Land in the 100-year floodplain: 92.49 acres  
 Adjusted gross area (426 less half of the floodplain): 380.27 acres

Land devoted to mixed-retirement development: 28 acres  
 Adjusted gross area (380.27 less 28 acres): 352.27 acres

#### Market Rate Development

352.27 acres @ 1.6 to 2.6 DU/acre =563 to 915 dwellings\*

\*Attached dwelling units shall not exceed 35% of total number of dwelling units (i.e., 624 to 1,139 dwelling units pursuant to Section 27-513(d)(3)).

#### Mixed-Retirement Development

28 acres @ 2.2 to 8.0 DU/acre =61 to 224 dwellings\*

\*Mixed-retirement units may include single-family attached, single-family detached and multifamily units.

\*The 35% limitation on attached dwelling units shall not include attached mixed-retirement units pursuant to Section 27-513(d)(3).

#### Open Space

Public active open space: 20± acres  
 Private active open space: 11± acres  
 Passive open space: 220± acres

2. In the event of a townhouse or multifamily, a buffer area shall be located between Leeland Road and any townhouse or multifamily development sufficient to appropriately screen these units with plantings, as determined by the Staff of the Development Review Division, from view from the roadway and to retain the current wooded character of the frontage, consistent with the buffering for Leeland Road as shown on SDP-1603.
3. A small activity recreation area shall be centrally located within the proposed development, as shown in the original 2006 approved Basic Plan.
4. The amenities proposed for the mixed retirement development shall be listed on the Comprehensive Design Plan.

5. At the time of the submission of a Comprehensive Design Plan or Preliminary Plan of Subdivision, the Applicant shall provide a traffic study that analyzes the following intersections:
  - a. US 301/MD 725
  - b. US 301/Village Drive
  - c. US 301/Leeland Road
  - d. US 301/Trade Zone Avenue
  - e. Leeland Road/Safeway Access
  - f. Oak Grove Road/Church Road
  - g. Oak Grove Road/MD 193
  - h. MD 202/MD 193
6. At the time of Preliminary Plan of Subdivision, the Applicant shall provide the dedication for one-half of the 100 feet of dedication required to build Leeland Road (MC-600) to its ultimate cross section, per the Department of Public Works and Transportation standards.
7. At the time of Preliminary Plan of Subdivision, the Applicant shall dedicate  $100 \pm$  acres of parkland to M-NCPPC, including the Collington Branch stream valley and 20 acres of developable land for active recreation, as shown on Department of Parks and Recreation Exhibit A. (Bates Stamped 62 of 63, Exhibit 28, A-9968/01)
8. The land to be conveyed to M-NCPPC shall be subject to the conditions of Exhibit B, attached to the June 21, 2005, memorandum from the Department of Parks and Recreation. (Bates Stamped 63 of 63, Exhibit 28, A-9968/01)
9. The Applicant shall construct a ten (10)-foot-wide Master Plan hiker/biker trail located in Collington Branch Stream Valley and six-foot-wide feeder trails to the development pods. The ten (10)-foot width of the Master Plan trail may be modified at appropriate locations to respond to environmental constraints.
10. A revised Plan showing parkland dedication and Master Plan trail shall be reviewed and approved by the Department of Parks and Recreation staff at the time of Comprehensive Design Plan.
11. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be constructed in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.
12. The Applicant shall construct recreational facilities typical for a 20-acre community park, such as ball fields, a playground, tennis or basketball courts, shelters, and restroom facilities. The list of recreational facilities shall be determined at the Preliminary Plan of

Subdivision and Specific Design Plan stage. The construction of park facilities shall be eligible for the award of density increments based upon the regulations of the R-S Zone.

13. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resource Inventory Plan. The signed NRI plan shall be used by the designers to prepare a site layout that minimizes impacts to the regulated areas of the site.
14. A geotechnical study that identifies the location and elevation of the Marlboro Clay layer throughout the site shall be submitted as part of the Comprehensive Design Plan application.
15. A protocol for surveying the locations of all rare, threatened, and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources, prior to acceptance of the Comprehensive Design Plan and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for Preliminary Plans.
16. Prior to the signature certification of the Preliminary Plan of Subdivision, a Phase I archeological investigation shall be conducted according to the Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1194); and a report shall be submitted in accordance to the MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.
17. Public benefit features shown on the Basic Plan, and any future Comprehensive Design Plans, such as a swimming pool, community buildings, recreation facilities, and open space, shall either be constructed or provided as described on the Plan.
18. If a determination is made at the time of Comprehensive Design Plan, based on the proposed total density, that the proposed dedication of public parkland and public recreational facilities are insufficient, additional on and/or off dedication of public parkland and/or public recreational facilities shall be provided to satisfactorily meet the recreational needs of this community.
19. Prior to acceptance of the Preliminary Plan of Subdivision, a revised Natural Resources Inventory Plan shall be submitted and approved.
20. At the time of Comprehensive Design Plan, specific lot sizes for both single-family attached and detached dwelling units shall be specified to ensure the lot sizes are compatible with the surrounding Beechtree and Oak Creek development.

21. At the time of Comprehensive Design Plan, the Applicant shall demonstrate that public benefit features above those previously required will be provided to justify the density proposed with this Application.
22. At the time of Comprehensive Design Plan review, specific acreage of parkland dedications shall be determined. This area may include a  $1.7\pm$  acre parcel of land which was not previously committed for parkland dedication. The conditions of conveyance shall be determined by appropriate staff of M-NCPPC.
23. At the time of Comprehensive Design Plan the Applicant shall address its plan to grade a 10-acre developable portion of the dedicated parkland (including a  $1.7\pm$  acre parcel of land from the Willowbrook project area which was not previously committed for parkland dedication) on the northeast corner of the property next to the Pennsylvania Railroad right-of-way to accommodate ball fields and a parking lot.

**Comprehensive Design Plan Considerations:**

1. The natural aesthetic qualities of the site should be accentuated by a design that is in part determined by the environmental constraints of the site. Streets should not be uniformly double loaded. Single loaded streets and/or breaks between lots should be strategically placed to provide visual relief and afford views into open space.
2. Recreational facilities should be dispersed throughout the subdivision so as to provide nearby recreational facilities for all residents. The type of recreational facilities shall be determined at the time of Comprehensive Design Plan. They should accommodate all age residents and should include such elements as a pool, tot lots, preteen lots, tennis courts and trails, and passive recreational facilities.
3. A 200-foot buffer should be maintained, if determined appropriate at the time of Comprehensive Design Plan, between the residential lots and adjacent land other than parkland that is in the E-I-A Zone. The existing woodland may be augmented by additional plantings so that the project is sufficiently protected from the impacts of the adjacent development.
4. Ensure that the relationship between dwellings preserves privacy and improves the streetscape to promote the best relationships from one dwelling to another and the open space.
5. Single-family dwelling units shall have a range of lot sizes and lot standards, to ensure a variety of housing types, which shall include carriage homes and townhouses for attached dwellings, and large and small lots for detached dwellings.