

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

**ZONING MAP AMENDMENT
A-10031**

DECISION

Application:	C-S-C to M-X-T
Applicant:	RWSC, LLC.
Opposition:	None
Hearing Date:	May 22, 2014
Hearing Examiner:	Joyce B. Nichols
Disposition:	Approval with Conditions

NATURE OF REQUEST

- (1) A-10031 is a request for the rezoning of approximately 19 acres of land located on the west side of Robert Crain Highway (US 301) approximately 1,200 feet south of its intersection with Mitchellville Road and 500 feet north of Pointer Ridge Drive, Bowie, Maryland, from the C-S-C (Commercial Shopping Center) to the M-X-T (Mixed Use – Transportation Oriented) Zone.
- (2) The Technical Staff recommended approval, with conditions, and the Planning Board did not elect to hold a public hearing and, in lieu thereof, adopted the recommendations of the Technical Staff. (Exhibits 17(d) and 18)
- (3) No one appeared in opposition to the Application, however, the City of Bowie and Mr. Rosario Ideo requested that the previously discussed half-signal at the site access from Robert Crain Highway (US 301) and the median cross-over to Robert Crain Highway(US 301) northbound be retained. (Exhibit 16, T.pp. 116-124)
- (4) At the close of the evidentiary hearing the record was left open for a letter from the Greater Bowie Chamber of Commerce, and upon receipt of which, the record was closed on June 17, 2014. (Exhibit 29)

FINDINGS OF FACT

Subject Property

- (1) The subject property is comprised of one parcel of land (Amber Ridge Shopping Center, Parcel A) in the C-S-C Zone, which was the subject of Preliminary Plan of Subdivision 4-98006 (PGCPB Resolution No. 98-165). The site has been graded but is otherwise undeveloped, with the exception of two stormwater management ponds in the northwest and northeast corners of the property. The northeast section of the site also appears to have a wetland area; a smaller wetland is found in the southwest corner of the site. There are two existing right-in, right-out access points

along Robert Crain Highway (US 301). Secondary circulation is shown via an easement connecting to Pointer Ridge Place. Truck traffic from the site was prohibited from using Pointer Ridge Place by the Planning Board in their approval of 4-98006.

History

(2) The subject property has a long zoning history:

May 27, 1976 – The subject property was subdivided into a single parcel (Mitchellville Plaza, Parcel A) via Preliminary Plan of Subdivision 4-76002. The parcel was recorded later that year in the Land Records of Prince George’s County at Liber 95, Folio 21. This Plat was eventually abandoned, years later, by Equity Case No. E-4793.

Early 1990 – The entire site was graded pursuant to Permit 3800-89-G.

February 18, 1991 – A Construction, Grading and Use and Occupancy Permit (11523-90-CGU) was issued for a 3,000 square foot pad site on a portion of the property. This permit was litigated and was suspended and reinstated numerous times over a six-year period.

Later 1991 – The *Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A and 74B* recommended the property for retail commercial development. Accordingly, the subsequent Sectional Map Amendment rezoned the property from the C-O (Commercial Office) and C-2 (General Commercial, Existing) Zones to the C-S-C Zone.

April 11, 1997 – The Principal Counsel to the District Council, Joyce B. Nichols, wrote a legal opinion advising that Amber Ridge must obtain a new subdivision approval by the Planning Board since the 1976 Preliminary Plan cannot be grandfathered by any of the provisions of County Council Bill CB-100-89.

June 18, 1998 – The Planning Board approved Preliminary Plan of Subdivision 4-98006 via PGCPB Resolution No. 98-165. The resulting parcel was subsequently recorded in the Land Records of Prince George’s County at Liber 193, Folio 32 on January 24, 2002.

As the Applicant proposes new residential development of Parcel A, a new Preliminary Plan of Subdivision is required.

Neighborhood and Surrounding Uses

(3) The neighborhood is coterminous with the 2006 *Master Plan for Bowie and Vicinity’s* designated Pointer Ridge Mixed-Use Activity Center. (Exhibits 28(c), (d) and (e))

(4) The subject property is surrounded by the following land uses:

- North – The South Bowie Community Center in the R-O-S (Reserved Open Space) Zone, as well as single-family dwellings in the “Pointer Ridge at Collington” subdivision (fronting on Pittsfield Lane) in the R-R (Rural Residential) Zone.
- West – Single-family dwellings in the “Pointer Ridge at Collington” subdivision (fronting on Pittsfield Lane and Pickford Lane) in the R-R Zone.
- South – Single-family dwellings in the “Pointer Ridge at Collington” subdivision (fronting on Pointer Ridge Drive and Pickford Lane) in the R-R Zone; the “Pointer Ridge Professional Center” office condominiums in the C-O Zone; and, the Old Line Bank office building in the C-O Zone.
- East – The partially-wooded median of Robert Crain Highway (US 301), with single-family dwellings in the R-A (Residential-Agricultural) Zone beyond.

(5) Other land uses in the neighborhood beyond those described above include a number of automobile dealerships on the west side of Robert Crain Highway (US 301) north of Mitchellville Road, and generally opposite those dealerships are a few auto-related uses in the median of Robert Crain Highway (US 301). South of the site along the north side of Pointer Ridge are the Bowie Volunteer Fire Department, the Mitchellville/South Bowie Post Office and an Exxon Gas Station. On the south side of Pointer Ridge Drive is the Pointer Ridge Shopping Center, which includes a Sunoco Gas Station and a Pizza Hut on pad sites, and a variety of stores in the body of the Center including a CVS pharmacy, a Subway restaurant, a Chinese restaurant, a dry cleaner, a barber, a beauty salon, a nail salon, an eyelash salon, a liquor store, and the vacant space formerly occupied by a Giant grocery store. Further to the south are the Ridgeview Estates subdivision of single-family attached dwellings and a BP Gas Station.

Master Plan and Sectional Map Amendment

(6) The 2006 *Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B*, designates the subject property as part of the Pointer Ridge Mixed-Use Activity Center “intended for future planned residential and commercial development as cohesive pedestrian-oriented mixed-use communities.” The Master Plan describes, on pages 28-29, the Pointer Ridge Mixed-Use Activity Center:

Vision: The Pointer Ridge Mixed-Use Activity Center is a community-scale area that supports the adjacent suburban residential neighborhoods by providing locally-serving retail, office, and public uses closely integrated with residential development.

Goals:

- 1. Reinforce the Pointer Ridge mixed-use activity center as community focal point.**
- 2. Give top priority to traffic concerns and conflicts when determining how to provide adequate vehicular access to development sites where it is needed.**
- 3. Preserve and enhance the suburban residential character of the pointer Ridge and Ridgeview Estates neighborhoods.**
- 4. Promote high-quality, pedestrian-friendly, mixed-use development.**

Policy 1: Encourage low-to moderate-density, pedestrian-oriented mixed-use development.

Strategies:

- 1. Recommend and support future rezoning to an L-A-C (Local Activity Center) Village Comprehensive Design Zone or a suitable Mixed-Use Zone at the time of development and/or redevelopment to allow for an appropriate mix of uses and intensity.**
- 2. Plan successful development and/or redevelopment of the Pointer Ridge Mixed-Use Activity Center in light of L-A-C mixed-use development at Hall Road/Central Avenue and the proposed Karington development in the southwest quadrant of Central Avenue and US 301.**
- 3. Encourage public agencies to locate public facilities to help create a civic core and provide a focal point for the Pointer Ridge Mixed-Use Activity Center.**
- 4. Coordinate with the City of Bowie, appropriate public agencies, and private developers to provide clearly delineated pedestrian paths between civic/public uses and the adjacent residential neighborhood.**
- 5. Encourage the provision of public and private open space, parkland, and plazas to complement the community-oriented nature of the Pointer Ridge Mixed-Use Activity Center.**
- 6. Explore the provision of quality senior housing within the Pointer Ridge Mixed-Use Activity Center. This senior housing should be attractive to current and future residents of nearby neighborhoods and accessible to these neighborhoods and Pointer Ridge mixed-use activity center services via pedestrian-friendly facilities. To accomplish this strategy, such senior housing is encouraged on the undeveloped Amber Ridge site.**

Policy 2: Reduce traffic conflicts, provide multimodal options, and ensure that the traffic pattern of new development does not overwhelm local street capacity.

Strategies:

- 1. Emphasize right-turn only ingress and egress to the Amber Ridge site along Pointer Ridge Place from Pointer Ridge Drive to help alleviate congestion at the existing traffic signal at the intersection of Pointer Ridge Drive and US 301.**
- 2. Consider access to the Amber Ridge site through a portion of the South Bowie Community Center property from Pittsfield Lane. Work with the Department of Parks and Recreation and the City of Bowie to improve vehicular and pedestrian safety and access within the Pointer Ridge Center.**
- 4. Development on the Amber ridge (C-S-C zoned) property should not include discount or “big-box” commercial activities. No individual retail use, other than food or beverage store (grocery store) shall exceed 75,000 square feet in size. Retail sales of alcoholic beverages in a food or beverage store are limited to 5,000 square feet or less.**

Policy 3: Ensure that design is high quality and conforms to form-based design recommendations to create a sense of place and a pedestrian-oriented environment.

Strategies:

- 1. Encourage the highest quality of urban design through the Application of design recommendations that:**
 - a. Create a consistent build-to line along all streets (other than US 301) to frame the streets and provide a pedestrian-friendly environment. Ensure that pedestrians are sufficiently buffered from US 301 and other streets by providing a landscaped strip with trees between street and sidewalk.**
 - b. Provide quality visual and audio screening between existing residential neighborhoods and all commercial developments.**
 - c. Provide wide sidewalks with room for café seating (where appropriate), bike racks, and other street furniture.**
 - d. Use high-quality paving materials and continue sidewalk materials across crosswalks to signify their presence and importance.**

- e. Provide buildings that are appropriately sized for the mixed-use activity center, conform to the proposed land use density, and recognize the adjacent land uses and development.**
- f. Provide high-quality materials and architectural detailing in the design of all buildings. Incorporate pedestrian-scaled features such as awnings arcades, display windows, and balconies to relate to human activity at the street level.**
- g. Ensure that ample amenities such as plazas, public open space, public art, and civic uses are provided.**
- h. Provide high-quality, durable, and attractive signage, pedestrian-scaled lighting, and street furniture such as benches and decorative trash receptacles to contribute to a pedestrian-friendly environment.**
- i. Encourage shared parking facilities and ensure that parking structures are unobtrusive and do not dominate the visual environment.**
- j. Provide attractive landscaping to enhance the development and the streetscape.**
- k. Screen unsightly service areas from the public realm.**
- l. Locate utility line underground whenever possible.**

(7) The 2006 *Sectional Map Amendment Planning Areas 71A, 71B, 74A and 74B* retained the subject property in the C-S-C Zone.

(8) The 2002 *Prince George's County General Plan* places the instant Application within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to-moderate-density suburban residential communities, distinct commercial centers, and employment centers that are increasingly transit serviceable.

Applicant Proposal

(9) The Applicant seeks a rezoning of the subject property from the C-S-C Zone to the M-X-T Zone. The Applicant proposes a mix of development including 320 residential units and three retail pad sites totaling 22,000 square feet. The residential units are shown to the rear of the site, with the retail fronting on Robert Crain Highway (US 301). Access to the site is proposed to be from both Robert Crain Highway (US 301) and Pointer Ridge Place. Two points of access are shown along Robert Crain Highway (US 301); both are existing right-in right-out curb cuts, one at the center of the site's frontage, the other farther south towards the intersection with Pointer Ridge Drive.

APPLICABLE LAW

(1) The Applicant’s request for approval of the M-X-T Zone must be found to satisfy the provisions of §27-213 of the Zoning Ordinance. This Section provides, in pertinent part, as follows:

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

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

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

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

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

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

(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.

(3) Adequate transportation facilities.

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

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

* * * * *

(c) Conditional approval.

(1) When it approves a Zoning Map Amendment, the District Council may impose reasonable requirements and safeguards (in the form of conditions) which it finds are necessary to either:

(A) Protect surrounding properties from adverse effects which might accrue from the Zoning Map Amendment; or

(B) Further enhance the coordinated, harmonious, and systematic development of the Regional District.

(2) In no case shall the conditions waive or lessen the requirements of, or prohibit uses allowed in, the approved zone.

(3) All building plans shall list the conditions and shall show how the proposed development complies with them.

(4) Conditions imposed by the District Council shall become a permanent part of the Zoning Map Amendment, and shall be binding for as long as the Mixed Use Zone remains in effect on the property (unless amended by the Council).

(5) If conditions are imposed, the applicant shall have ninety (90) days from the date of approval to accept or reject the rezoning as conditionally approved. He shall advise (in writing) the Council accordingly. If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance and approving the Map Amendment, at which time the Council's action shall be final. Failure to advise the Council shall be considered a rejection of the conditions. Rejection shall void the Map Amendment and revert the property to its prior zoning classification. The Council shall enter an order acknowledging the rejection, voiding its previous decision, and reverting the property to its prior zoning classification, at which time the Council's action shall be final.

(6) All Zoning Map Amendments which are approved subject to conditions shall be shown on the Zoning Map with the letter "C" after the application number.

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(2) The instant Application must also be found to further the Purposes of the M-X-T Zone, §27-542(a), and the general Purposes, §27-102, of the Zoning Ordinance.

CONCLUSIONS OF LAW

(1) The subject property is located near the intersection of Robert Crain Highway (US 301) and Pointer Ridge Drive. It is also located 0.63 miles north of the ramp to westbound Central Avenue (MD 214) and 0.80 miles north of the overpass carrying Robert Crain Highway (US 301) over Central Avenue (MD 214). Robert Crain Highway (US 301) is classified as a Freeway and Central Avenue (MD 214) is classified as an Expressway.

(2) §27-213(a)(1)(A)(i) requires a finding that the subject property be “located within the vicinity” of an intersection of two streets which are each classified in the Master Plan as an arterial or higher street. Both Robert Crain Highway (US 301) and Central Avenue (MD 214) are streets which are classified as higher than an arterial.

(3) The Technical Staff did not consider this interchange to be sufficiently proximate to the subject property so as to meet this criteria; however, the Planning Staff for the City of Bowie did find this locational criteria to be met. (Exhibits 17(f) and 18) Thus reasoning minds differed as to the sufficiency of proof on this issue. The Zoning Ordinance gives no guidance as to the distance of measurement contemplated by “within the vicinity” but it is not necessary to reach a conclusion as to Criterion 1¹ as the Application clearly fulfills the locational requirement of Criterion 2 and Criterion 1 and 2 are disjunctive. §27-213

(4) The 2006 *Bowie and Vicinity Master Plan and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B* specifically designates the subject property as part of the Pointer Ridge Mixed-Use Activity Center. (Exhibit 28 (b)) The Master Plan’s vision for the Pointer Ridge

1 There are no major transit stops or stations either existing or anticipated within the foreseeable future within the vicinity of the subject property. The Largo Town Center Metro, a rapid rail transit station, is approximately 7 miles as the crow flies from the subject property. Thus §27-213(a)(i)(A)(ii) cannot be found to be satisfied.

Mixed-Use Activity Center is for “a community-scale area that supports the adjacent suburban residential neighborhoods by providing locally-serving retail, office, and public uses closely integrated with residential development.”² (Exhibit 28(e))

(5) The first policy the Master Plan lays out to implement its Vision is to “Encourage low-to-moderate-density, pedestrian-oriented mixed-use development.”³ The first strategy to promote this first policy is to, “Recommend and support future rezoning to an L-A-C (Local Activity Center) Village Comprehensive Design Zone or a suitable mixed-use zone at the time of development and/or redevelopment to allow for an appropriate mix of uses and intensity.”⁴ (Exhibit 28(c)) This specific recommendation meets Criterion 2. §27-213(a)(1)(B)

(6) Other policies and strategies for the Pointer Ridge Mixed-Use Activity Center discuss implementation concerns, including design issues, public amenities, traffic concerns, and issues with certain specific land uses. In all, the Master Plan’s vision is clear, consistent, and specifically includes the Amber Ridge site in both the text and the Map as being a part of a Mixed-Use node that will be a focus of activity for the South Bowie area. (Exhibits 28(b) and (c)) §27-213(a)(I)(B)

(7) The principal character of planned development in the Pointer Ridge Mixed-Use Activity Center is a coordinated assembly of mixed uses; generally, the Master Plan identifies the Mixed Use Activity Centers as, “...specific locations where a pedestrian-oriented mix of residential, commercial, retail, office, civic, recreational and open space land uses should be encouraged.”⁵ As the existing development in the designated Activity Center area already contains retail, office, civic, recreational and open space uses, residential uses are the only missing land use component. §27-213(a)(2)

(8) With appropriate attention paid to the specific transportation-and design-related policies and strategies recommended for development at the Pointer Ridge Mixed-Use Activity Center, as well as the more general recommendations for Environmental Infrastructure and Economic Development, the approval of the subject rezoning will not impair the integrity of the Master Plan. §27-213(a)(2)

(9) As sufficient right-of-way currently exists to provide for the planned configuration of Robert Crain Highway (US 301) as the combination of planned Freeway F-10 and planned Arterial A-61, the Countywide Master Plan of Transportation will not be impaired by the proposed rezoning. §27-213(a)(2)

(10) No elements of the County’s Green Infrastructure Network are mapped on the subject site; accordingly, the Countywide Green Infrastructure Plan will not be impaired by the proposed rezoning. §27-213(a)(2)

2 M-NCPPC, *Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B* (February, 2006), p. 28.

3 *Master Plan*, p. 29.

4 *Ibid.*

5 *Ibid.*, p. 19

(11) The instant Application furthers the Purposes of the M-X-T Zone, §27-542(a), as follows:

- (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 instant Application is in keeping with this Purpose of the M-X-T Zone as (1) the land in question is located in the general vicinity of a major interchange; and (2) the development proposed will enhance economic status of the County and provide an expanded source of desirable living opportunities, as well as a commercial component which will reinforce and enhance the residential component at the subject site as well as the rest of the planned Mixed-Use Activity center area.

- (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 instant Application is in keeping with this Purpose of the M-X-T Zone because it will allow for the creation of a mix of residential and commercial uses in a compact, moderately-dense configuration, in specific accordance to recommendations in the approved Master Plan.

- (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;***

The instant Application is in keeping with this Purpose of the M-X-T Zone because the site, situated in the midst of a planned Activity Center that includes other complementary development such as the adjacent office buildings, the public institutions of the post office and fire station, and the existing retail development at the Pointer Ridge Shopping Center, will maximize the development potential of its location, which serves as a focus of public and commercial activity for the South Bowie area.

- (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 instant Application is in keeping with this Purpose of the M-X-T Zone because the site will provide a mix of residential and non-residential uses in proximity not only to one another, but also to the Metrobus C28 and C29 routes running by the site on Pittsfield Lane which connect to the New Carrollton and Largo Town Center Metro stations respectively.

- (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;***

The instant Application is in keeping with this Purpose of the M-X-T Zone because the site, in conforming to the requirement of Section 27-547(d) to provide a mix of residential and non-residential uses, will contain both retail uses which will be active during the day, and retail and residential uses which will be active in the evenings as well. In addition, the site's integration into the rest of the Pointer Ridge Mixed-Use Activity Center will help to foster the vibrant activity which was contemplated by the creation of the M-X-T Zone.

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

The review process afforded by the M-X-T Zone's regulations will allow the planning of the proposed Application to be in keeping with this Purpose of the Zone by allowing for the design of an integrated center with road and pedestrian networks affording interconnection not only within the subject site, but also to the rest of the Pointer Ridge Mixed-Use Activity Center.

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

The instant Application is in keeping with this Purpose of the M-X-T Zone because it will be able to take advantage of the Zone's unsurpassed flexibility in allowing differing uses to be appropriately co-located to reinforce one another while at the same time allowing for reasonable site planning responses to conditions such as: allowing the more-tolerant commercial uses to bear the brunt of the greater noise and visual impacts from Robert Crain Highway (US 301), while at the same time allowing the perimeter buffering and the residential component to serve as an appropriate transition to the surrounding residential neighborhood by conforming more closely to the intensity of the surrounding residential development.

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

The flexibility of land use and site planning regulations, as well as the permitted development density afforded by the M-X-T Zone allow the location of the subject site to be in keeping with this Purpose of the M-X-T Zone.

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

The instant Application is in keeping with this Purpose of the M-X-T Zone because the achieving the multiplicity of land use types required by the Zone's regulations more easily accommodates the cyclical variations in market demand for those different land use types.

- (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.***

The instant Application is in keeping with this Purpose of the M-X-T Zone because the flexible land planning standards of the Zone allow for a flexible response to the numerous planning considerations which impact the site, specifically including: (1) presentation of an attractive aspect to the peripheral high-classification roadway, while simultaneously minimizing the effects of the adverse impacts from those roadways, including noise; and (2) providing an appropriate transition to the surrounding residential development which addresses density, scale and character.

(12) The instant Application is also in harmony with 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;***

Approval of the M-X-T Zone will allow for a complementary mix of land uses to be planned and constructed at the subject site, yielding benefits of efficiency to the surrounding transportation network, promoting pedestrian activity, providing the purchasing power benefits of additional residential density and the convenience of additional commercial activity in proximity to the previously-developed residential and commercial areas. Additionally, the review process inherent in the M-X-T Zone's regulations provides for a higher level of both planning flexibility and public oversight to promote and protect the public health, safety and welfare. Approval of the subject Zoning Map Amendment is therefore in harmony with the Zoning Ordinance's purpose of protecting and promoting the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County.

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

This Purpose is largely replicated by the criterion for approval of the M-X-T Zone found in §27-213(a)(2); the harmony of the request for approval of the M-X-T Zone with this Purpose of the Zoning Ordinance is discussed at length 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 criterion for approval of the M-X-T Zone found in §27-213(a)(3)(A) addressing transportation facilities; the harmony of the request for approval of the M-X-T Zone with this purpose of the Zoning Ordinance was discussed at length in the testimony of the transportation planning expert, Mr. Michael Lenhart. (T.pp. 61-102) Fire and rescue facilities are nearby at the Bowie Volunteer Fire Department station on Pointer Ridge Drive. As such, approval of the M-X-T Zone at this site will be in harmony with this Purpose.

(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, supra, the multi-stage public review process inherent in the M-X-T Zone's regulations affords a higher level of guidance for the development at the site (and therefore for its contribution to the growth and development of the County as a whole). Additionally, the necessarily-limited location of the higher densities permitted by the M-X-T Zone only to appropriate locations governed by the availability of transportation facilities further promotes the orderly growth and development of the County. As such, the approval of the M-X-T Zone at this site is in particularly close harmony with this Purpose of the Ordinance.

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

As with other zones, the approval of the M-X-T Zone at this site will ensure the provision of adequate light, air and privacy, both for the occupants of the subject site and for its neighbors, because it requires conformance with the Landscape Manual to insure the provision of sufficient distance and buffering between proposed uses and neighboring uses, and conformance with height limitations, in order to allow for access to light and air. The additional standards and design guidelines for the approval of Conceptual Site Plans and Detailed Site Plans, which are required by the regulations for the M-X-T Zone, afford further opportunities to ensure the provision of adequate light, air and privacy. As such, approval of the M-X-T Zone at this site 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;*

As with other zones, the approval of the M-X-T Zone at this site location will promote the most beneficial relationships between land and buildings, because it requires conformance with the Table of Uses as laid out in the Ordinance, and because it requires conformance with the provisions of the Landscape Manual which provide for the screening of service functions and the buffering of incompatible adjoining uses. Furthermore, the standards and design guidelines for the approval of Conceptual Site Plans and Detailed Site Plans, which are required by the regulations for the M-X-T Zone, afford additional opportunities to promote the planning practices suggested by this Purpose. As such, approval of the M-X-T Zone at this site will be in harmony with this Purpose.

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

The approval of the M-X-T Zone at this location will be in harmony with this Purpose because it will require the site to be developed in conformance with regulations established in 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 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 M-X-T Zone on the subject property will be in harmony with this Purpose because it will enable the development of approximately 150 to 320 new housing units. The housing will further be located in close proximity to transportation facilities and to supporting commercial services, and as with other Purposes, the standards and design guidelines enunciated in the Zoning Ordinance for the approval of Conceptual Site Plans and Detailed Site Plans, which are required by the regulations for the M-X-T Zone, afford additional opportunities to promote the healthy living environment addressed by this Purpose.

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

The approval of the M-X-T Zone at this site would be in harmony with this Purpose because it will allow for intensive development (including a significant amount of employment space) which will augment the tax base of the County directly and provide for a significant amount of employment beginning with its development and construction, and extending to its final completed uses.

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

The approval of the M-X-T Zone at this site will be in harmony with this Purpose because it will require the site to be developed in conformance with the various principles in the Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses, 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 M-X-T Zone at this site would be in harmony with this Purpose. As noted above, the criterion of §27-213(a)(3)(A) assures the adequacy of local public transportation facilities as a prerequisite to the approval of the Zone. Additionally, one of the principal criteria

which the Zoning Ordinance requires for approval of the M-X-T Zone is specifically to ensure that transportation facilities that are either existing, or are to be provided, will be adequate to carry anticipated traffic for the proposed development. Finally, the approval of the M-X-T Zone at this site would require the site to be developed in accordance with the regulations established in 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 the provision of adequate off-street parking, and the separation of entrances from nearby intersections.

(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 is prima facie evidence of the Application's harmony with this Purpose. Furthermore, the approval of the M-X-T Zone at this location will promote the economic and social stability of the County by allowing for appropriately-sited intensive development to contribute to the tax base, and by providing sites for useful and convenient residences, employment and commercial services to the surrounding community.

(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 M-X-T Zone at this location will have minimal impact to the natural features in the County. It will not itself generate noise pollution, and the uses will be in compliance with the County's Woodland Conservation policies by virtue of their exemption from the requirement for a Tree Conservation Plan. No steep slopes, stream valleys or scenic vistas will be affected. By conformance to these principles and regulations, the approval of the M-X-T Zone would be in harmony with this Purpose.

The final two purposes,

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

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

are not directly applicable to the approval of the M-X-T Zone at this site, except to the extent that the concentration of residences and commercial activity at a site located at a planned mixed-use Activity Center will minimize the pressure to develop the open lands where agriculture and the extraction of natural resources are practiced.

(14) Pursuant to PGCPB Resolution No. 98-165, the subject property has an approved Preliminary Plat of Subdivision dated May 18, 1998. The Preliminary Plat was approved pursuant to seven conditions, including the following that pertain to transportation:

4. **Total development within the subject property shall be limited to 200,000 square feet of retail space; or different uses generating no more than the number of new peak hour trips (121 AM peak hour trips and 640 PM peak hour trips) generated by the above development. Any development other than that identified herein above shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.**

5. **Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction by the appropriate agency and/or jurisdiction and (c) have a timetable for construction with the appropriate agency and/or jurisdiction:**
 - a. **Intersection of US 301 and Pointer Ridge Drive:**
 - (1) **Construct an exclusive eastbound right-turn lane along Pointer Ridge Drive between Pointer Ridge Place and US 301.**
 - (2) **Widen the median crossover between the northbound and southbound lanes of US 301 in order to allow a double left-turn lane from eastbound Pointer Ridge Drive onto northbound US 301.**

 - b. **Intersection of US 301 and Mitchellville Road:**
 - (1) **Construct a second northbound left-turn lane along US 301 at Mitchellville Road, and provide an additional receiving lane along westbound Mitchellville Road as it leaves the intersection. The length of this receiving lane shall be reasonably determined by the appropriated operating agency.**

(15) The 2002 *Prince George's County General Plan* placed the subject property in the Developing Tier corridor. This Application is generally consistent with the Development Pattern policies for the Developing Tier.⁶ The 2006 *Master Plan for Bowie and Vicinity*, recommends creating a Mixed-Use Center. As such, this request furthers the integrity of those two Plans rather

⁶ *Prince George's County General Plan*, p. 36

than impairing them. The 2006 *Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B* also contains a Natural Resources/Environment chapter which contains goals, policies and strategies, as does the June 2005 *Countywide Green Infrastructure Plan*. The following guidelines have been determined to be applicable to the current project:

Goals: Preserve, enhance, and where appropriate, restore environmentally sensitive features through the identification of a green infrastructure network of local significant and local and countywide SCA's.

- **Implement the Master Plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations**
- **Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**
- **Address through appropriate measures issues of energy consumption, light pollution, and noise impacts.**

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the Master Plan.

The subject property does not contain any designated Regulated Areas, Evaluation Areas, and Network Gap Areas within the network of the *Countywide Green Infrastructure Plan*.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Currently, there are no structures on-site. The subject property is characterized as a fallow field with pioneering woody plants. The submitted to be approved Stormwater Management Plan shows 22 buildings with surface parking and 43 micro-bio-retention areas.

Policy 3: Protect and enhance tree cover within the Master Plan area.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. The site has an approved exemption letter, which exempts the development from doing a Type 1 or 2 Tree Conservation Plan. A Natural Resource Equivalence Letter (NRI-196-13) was approved for this site which identifies less than 10,000 square feet of woodlands on-site.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

The use of green building techniques and energy conservation techniques should be used as appropriate for all buildings. LEED certification should be demonstrated for all buildings to the extent practicable.

Policy 5: Reduce light pollution and intrusion into residential, rural, and environmentally sensitive areas.

The minimization of light intrusion from this site onto the adjacent residential properties is a concern. That use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures should be used to reduce sky glow for all outdoor fixtures; especially in close proximity to the sensitive adjacent existing single family homes.

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

As a mixed-use development, noise impacts from the adjacent arterial roadway Robert Crain Highway (US 301) must be considered in the site design. All residential type uses must be located outside of any areas designated as 65 dBA Ldn, or mitigation must be demonstrated such that all outdoor activity areas are below 65 dBA Ldn and all interior residential noise levels are below 45 dBA Ldn.

Policy 7: Protect wellhead areas of public wells.

This subject property is not located within a wellhead protection area. The surrounding properties are located in a community water system with the land on the east side of Robert Crain Highway (US 301) located within the individual water well system. The site's topography slopes to the northeast towards an adjacent off-site stream system. The subject property drains away from the eastern parcels that are in the individual well system. No community well systems are located near the site.

(15) The comparison of estimated site trip generation indicates that the proposed rezoning could have an impact on the critical intersections of 73 more trips during the AM peak hour, 428 fewer trips during the PM peak hour and an average decrease of weekday travel by about 2,789 daily trips. With an exception for outgoing traffic during the AM peak period, all other vehicular movements will experience a reduction in traffic, compared to what could be allowed under existing zoning.

Trip Generation Rates

		<u>Trip Distribution (In/Out)</u>
Shopping Center (ksf, ITE-820)	Ln(Morning Trips) = 0.61 x Ln(ksf) + 2.24	62/38
	Ln(Evening Trips) = 0.67 x Ln(ksf) + 3.31	48/52
	Ln(Daily Trips) = 0.65 x Ln(ksf) + 5.83	
Pharmacy/Drugstore w/Drive Thru (ksf, ITE-881)	Morning Trips = 3.45 x ksf	52/48
	Evening Trips = 9.91 x ksf	50/50
	Daily Trips = 96.91 x ksf	
Apartments (garden and mid-rise, Prince Georges County Rates)	Morning Trips = 0.52 x Units	20/80
	Evening Trips = 0.60 x Units	65/35
	Daily Trips = 6.5 x Units	
Drive-in Bank (ksf, ITE-912)	Morning Trips = 12.08 x ksf	57/43
	Evening Trips = 24.30 x ksf	50/50
	Daily Trips = 148.15 x ksf	

Trip Generation Totals

Existing Zoning & Approved Preliminary Plan	Shopping Center (ksf, ITE-820)	200,000 sq.ft.	AM Peak			PM Peak			Daily Total ²
			In	Out	Total	In	Out	Total	
	Pass-by (40% AM & 40% PM)		148	90	238	457	496	953	10656
			-59	-36	-95	-183	-198	-381	-4262

Total Trips:	148	90	238	457	496	953	10656
Primary Trips:	89	54	143	274	298	572	6394

Note: The current trip cap for the site is 121 AM trips and 640 PM trips; based upon a 200 ksf shopping center using the trip generation rates from the prior Guidelines. The data shown here is measured against the current Guidelines:

Proposed Zoning	Apartments (garden and mid-rise, Prince Georges County Rates)	320 units	AM Peak			PM Peak			Daily Total ²	
			In	Out	Total	In	Out	Total		
	Two Drive-in Banks (ksf, ITE-912) (@ 4,000 sf each)	8,000 sq.ft.	33	133	166	125	67	192	2080	
	Pass-by (40% AM & 47% PM)		55	42	97	97	97	194	1185	
			-22	-17	-39	-46	-46	-91	-474	
	Pharmacy/Drugstore w/Drive Thru (ksf, ITE-881)	14,000 sq.ft.	25	23	48	69	70	139	1357	
	Pass-by (40% AM & 49% PM)		-10	-9	-19	-34	-34	-68	-543	
			Total Trips:	113	198	311	291	234	525	4622
			Primary Trips:	81	172	253	211	154	366	3605

	AM Peak			PM Peak			Daily Total ²
	In	Out	Total	In	Out	Total	
Net Change in Total Trips due to Re-zoning:	-35	108	73	-166	-262	-428	-6034
Net Change in Primary Trips due to Re-zoning:	-8	118	110	-63	-144	-206	-2789

- NOTE: 1. Trip Generation Rates obtained from the Prince George's County Guidelines and the ITE Trip Generation Manual, 9th Edition
 2. Daily Pass-by Rates were calculated by utilizing the pass-by for retail from County Guidelines (40%).
 3. Pass-by for ITE-912 and ITE-881 in PM peak obtained from ITE Trip Generation Handbook. All other pass-by rates based on County Guidelines for retail pass-by.
 4. Trip Generation Rates and land use totals shown above are believed to be the most conservative possible mix and resulting traffic generation.

(16) The Applicant's Traffic Impact Analysis (December 11, 2013) (Exhibit 7(a)) and its Revised Traffic Impact Analysis (March 4, 2014) (Exhibit 17 (b)) were reviewed by the Transportation Planning Section (Exhibit 18), the State Highway Administration (Exhibit 17(e)), the Department of Public Works & Transportation, and the Planning Staff for the City of Bowie (Exhibit 17(f)). Each of these reviewing bodies have concluded that existing transportation facilities, in combination with the following additional improvement to be provided by the Applicant as part of its mitigation plan, will be adequate to carry the anticipated traffic generated by the proposed development. The additional improvements to be provided by the Applicant are:

a. **US 301 and Pointer Ridge Drive intersection:**

- (1) Provide a second left turn lane at the northbound approach, with a length to be determined by SHA
- (2) Provide a second left turn lane on the eastbound approach, with a length to be determined by SHA

b. **US 301 and Mitchellville Road intersection:**

- (1) Provide a free right-turn lane at the eastbound approach with a 560-foot acceleration lane on southbound US 301. §27-213(a)(3)(A)

(17) This finding of adequate public transportation facilities shall not prevent the Planning Board from amending this finding during its review of any subdivision plats. §27-213(a)(3)(B)

(18) Thus it is incontrovertible that the instant Application meets the criteria for the M-X-T Zone. The sole remaining issue pertains to a proposal made by the City of Bowie and Mr. Ideo for a half-signal to be located at the site access from Robert Crain Highway (US 301) and the median cross-over to Robert Crain Highway (US 301). This request would require the Applicant to provide both a half signal and a roadway break through the existing center median island of Robert Crain Highway (US 301).

(19) Dr. Issac Trouth, the Mayor Pro Tem for the City of Bowie and also the Council Member for District Four, sponsor of the condition contained in the City's approval (Exhibit 16) ("For safety purposes, the previously approved half-signal at the site access from US Route 301 and the median cross-over to US Route 301 northbound shall be retained.") stated

... as Mr. Lenhart had testified to earlier, you can have a series of signals that may be fairly close together, but they work as a system for the benefit of the overall traffic flow. So, the position that the council has on this is that it is something that's critical to the traffic patterns in this area, it was also testified to earlier the trips coming to and from the M-X-T property now because there won't be a half-signal will have to drive up and around Mitchellville Road, or they're going to drive up and through Pointer Ridge Place, and so as the primary means of access. (T.pp. 108-109)

(20) Mr. Rosiero Ideo also testified as to the need for a half-signal at the proposed access drive in order to alleviate traffic problems along Pointer Ridge Place, Pointer Ridge Drive, and the Robert Crain Highway (US 301)/Mitchellville Road intersection. (T.pp. 116-124)

(21) The proposed rezoning from the C-S-C Zone (200,000 square foot Shopping Center) to the M-X-T Zone (320 residential units and 22,000 office/retail) results in a trip generation a.m. increase of 73 and a p.m. decrease of 428. (Exhibit 7(g)) After reviewing this reduction in trip generation,

the Technical Staff recommended approval without proposing a median break and a half-signal. (Exhibit 18) The Applicant's Amended Transportation Analysis supports this result. (Exhibit 17(b))

(22) The City of Bowie Planning Department, after its review of both Applicants Transportation Analysis (Exhibit 7(g)) and Applicants Amended Transportation Analysis (Exhibit 17(b)) commented that "The recent analysis does not include the half-signal at the Robert Crain Highway US Route 301/site access intersection because the Pointer Ridge Drive/Pointer Ridge Place intersection no longer fails." The Planning Staff did not include a condition of half-signalization in its recommendation of its approval. (Exhibit 17(f))

(23) The State Highway Administration, after its review of both of Applicant's Transportation Analysis, is in concurrence with the Technical Staff's proposed transportation conditions, and found that a traffic signal on southbound Robert Crain Highway (US 301) at the site access is not needed to accommodate the site traffic as the new proposal generates significantly less traffic than the original proposal for a 200,000 square foot Shopping Center. (Exhibit 17(e))

(24) All of the transportation experts agree that a median cut and signalization is not supported at this time, however, this issue may be revisited at future stage in the development process.

RECOMMENDATION

APPROVAL of A-10031, subject to the following Conditions and Guidelines:

CONDITIONS

1. At a time to be determined at preliminary plat of subdivision and subject to the concurrence of the Planning Board and State Highway Administration, the following road improvements identified in the Applicant's traffic impact study shall be under construction, one hundred percent (100%) funded within the adopted County "Capital Improvement Program," funded within the current State "Consolidated Transportation program," funded by a specific public facilities financing and implementation program established for the area, or provided by the Applicant:
 - a. **US 301 and Pointer Ridge Drive intersection:**
 - (1) Provide a second left turn lane at the northbound approach, with a length to be determined by SHA
 - (2) Provide a second left turn lane on the eastbound approach, with a length to be determined by SHA.

b. US 301 and Mitchellville Road intersection:

- (1) Provide a free right-turn lane at the eastbound approach with a 560-foot acceleration lane on southbound US 301.

GUIDELINES

The following GUIDELINES should be observed during the preparation and review of the Conceptual Site Plan (CSP), Specific Design Plan (SDP) and Preliminary Plan of Subdivision:

1. A vertical mix of uses should be considered especially along the western side of the extension of Pointer Ridge Place, perhaps on the first story of the proposed multifamily development. This could provide a mix of commercial uses for the residents of the development and encourage a more genuinely mixed use, walkable and economically vital community.
2. Walkability is encouraged by the provision of a street grid enhanced by the provision of sidewalks on both sides of the roadways, specialty paving, sitting areas, plazas, open space and landscaping.
3. Building placement should reinforce the street grid. The establishment of build-to line (BTL) along internal streets should be considered.
4. Additional pedestrian and vehicular connections should be provided, as should access to Pointer Ridge Place and the South Bowie Community Center.
5. The architecture for the mixed-use development on the subject site should be well coordinated. The buildings should create visual interest by their form, massing, fenestration and architectural detail. Durable, high quality materials should be utilized as finish materials on the elevations.
6. Standard sidewalk shall be provided along both sides of Pointer Ridge Place extended, unless modified by Department of Public Works and Transportation (DPW&T) or the City of Bowie.
7. Standard sidewalks shall be provided along both sides of all internal roads, unless modified by DPW&T or the City of Bowie.
8. Bicycle parking shall be provided on-site, with the number and locations(s) to be determined at the time of SDP.
9. The provision of a trail connection from the proposed multi-family dwelling units to the existing M-NCPPC Community Center shall be considered at the time of SDP.

10. The site and landscape plan shall demonstrate the use of full-cut off optic light fixtures to the extent practicable.
11. The Preliminary Plan Application package shall contain a Phase I noise study, certified by a professional acoustical engineer, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours associated with Robert Crain Highway (US 301).
12. Buffering in the form of landscaping, open space, berming, attractive fencing, and/or other creative site planning techniques should be utilized to protect existing residential areas.