

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed the Basic Plan Amendment A-9853/02, requesting to add land area to the Hampton property basic plan and add a mixed retirement development component to the Hampton property in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, the Technical Staff Report recommends approval of the Basic Plan amendment with conditions; and

WHEREAS, after consideration of the evidence presented at the public hearing on September 22, 2005, the Prince George's County Planning Board finds:

FINDINGS:

- A. **Location and Field Inspection:** The subject property is located on the west side of Dyson Road approximately 600 feet north of Brandywine Road. The site is a part of a 189.32-acre property known as the Hampton property.

The Hampton property is located in Planning Area 85A on the east and west sides of Dyson Road, a master planned connector, and approximately 500 feet north of its intersection with Brandywine Road (MD 381). US 301 is on the eastern boundary of the property. The Brandywine industrial spine road, designated as A-63 on the Subregion V Master Plan, bisects the southern portion of the site just east of its proposed interchange at MD 5, off site. The site includes a historic site on the east side of Dyson Road. The property surrounds the existing Gwynn Park Middle School on the west side of Dyson Road and abuts Gwynn Park Senior High School to the south.

Sections of the approved development for the Hampton property are currently under construction. Currently under construction are 256 dwelling units; the total number of dwelling units approved is 289.

- B. **History:**

Original Basic Plan

On May 11, 1992, the District Council approved a Basic Plan A-9853 (Zoning Ordinance 19-1992) for 189.32 acres of land known as Hampton property from the R-R and R-A Zones to a Comprehensive Design Zone R-S (Residential Suburban Development). The base density permitted with this zoning was 1.6 du/acre that could be increased to 2.5 du/acre with density increments. The original basic plan proposed a density of 2.44 du/acre that included a 52.5 percent increase in density by use of density increments. A total of 450 dwelling units were approved under the original basic plan. The basic plan included 32 conditions and three considerations.

On September 14, 1993, the Hampton property was included in the new Subregion V Master Plan approved by the District Council.

On November 25, 1995, the District Council approved Basic Plan Amendment A-9853/01 (Zoning Ordinance No. 18-1995) to amend the basic plan, text and conditions 10, 11 and 12 of the original basic plan.

### **Comprehensive Design Plan**

On December 1, 1994, the Planning Board approved Comprehensive Design Plan CDP-9403 (PGCPB No.94-345) for 180 single-family detached units, 289 attached units, a park-and-ride facility, quasi-public uses, and open space for the Hampton property.

### **Preliminary Plan**

On September 7, 1995, the Planning Board approved Preliminary Plan 4-95052 (PGCPB No. 95-259) for 450 lots, one out lot, and ten parcels.

On December 9, 1999, the Planning Board approved Preliminary Plan 4-99048 (PGCPB No. 99-230) for 314 lots and 19 parcels.

### **Specific Design Plan**

On May 9, 1996, the Planning Board approved Specific Design Plan SDP-9517 (PGCPB No. 96-157) for 450 dwelling units.

On March 30, 2000, the Planning Board approved Specific Design Plan SDP-9910 (PGCPB No. 00-32) for 287 single-family dwelling units.

On May 17, 2001, the Planning Board approved a revision to the specific design plan (PGCPB No.01-96) to add a phasing plan.

On November 15, 2001, the Planning Board approved a revision to the specific design plan (PGCPB No.01-206) for the proposed architecture.

- C. **Master Plan and General Plan Recommendations:** The 1993 Subregion V sectional map amendment classifies the subject property in the R-S and R-R Zones. The sectional map amendment approved R-S Zone for the Hampton property with institutional land uses approved for the southern part and single-family residential uses for the northern part. The additional land along the south side of the project was classified in the R-R Zone. The property is identified as a corridor node in the Developing Tier by the 2002 General Plan.
- D. **Request:** The applicant requests an amendment to the basic plan to add land area to the Hampton property basic plan and add a mixed retirement development component to the Hampton property.

The subject basic plan amendment revises the land uses for Parcels G, H, and I of the original basic plan. Parcel H is located at the southwest corner of Dyson Road and the future spine road. Parcel G is located at the northernmost point where the spine road passes through the property. Parcel I is located to the west of Parcel H. The applicant proposes to add 8.84 acres located south of Parcels G and H to the basic plan and rezone the additional acreage from the R-R Zone to the R-S Zone.

The property in the southwest quadrant of the future spine road and Dyson Road that includes Parcels H and I is 27.56 acres in area. The 8.84-acre parcel to the south of this property will be added to the basic plan. Therefore, the total area to be included in the subject basic plan Amendment will be 36.4 acres.

$27.56+8.84 \text{ acres}=36.4 \text{ acres.}$

The original basic plan designated Parcel G for 24 single-family detached lots. Parcels H and I were designated for a proposed park-and-ride lot. The subject basic plan amendment proposes to relocate the proposed park-and-ride lot on Parcel H and I to Parcel G. The entire property in the southwest quadrant of the future spine road and Dyson Road and the additional 8.84-acre parcel will be developed as a mixed-use development.

Access to the mixed retirement community will be from two access points along Dyson Road. Access to the relocated park-and-ride lot will be from the future spine road.

The applicant has not shown the relocated park-and-ride lot on the site plan. The vehicular access points to the relocated park-and-ride lot are also not shown. A condition of approval has been added to require the same. The original parcels, their areas and approved land uses, are also not shown on the site plan. A condition of approval has been added to require the same.

The applicant is proposing an assisted living facility, independent elderly apartments, and independent elderly for-sale condominiums for the mixed retirement development. The specific mix of units will be provided during the comprehensive design plan stage. A condition of approval has been added to require the same. Conditions of approval have also been added to require the applicant to provide the location of these housing types, the internal circulation within the development, the list of amenities, and the location of amenities on the site plan.

**E. Neighborhood and Surrounding Uses:**

The subject 36.4-acre property is surrounded by the following uses:

North—Future spine road and single-family residential uses in the R-S Zone across from the spine road.

East— Dyson Road and Gywnn Park High School in the R-R Zone across from Dyson Road.

South—Vacant property in the R-R Zone.

West— Vacant property in the R-R Zone.

**F. Zoning Requirements:**

Amendment of approved Basic Plan.

Sec. 27-197 (a):

- (1) If an amendment of an approved Basic Plan involves a change in land area or an increase in land use density or intensity for the overall area included in the approved Basic Plan, the Plan shall be amended only in accordance with all the provisions of this Subdivision which apply to the initial approval of the Basic Plan by Zoning Map Amendment application, except as provided in this Section.
- (2) If an amendment to a Basic Plan involves adding new land to the Basic Plan and there is no increase in the number of dwelling units from that previously approved, any determinations or conditions of the approved Basic Plan regarding adequate public facilities or Moderately Priced Dwelling Units shall not be subject to another review.
- (3) If an amendment to a Basic Plan involves adding new land to the Basic Plan and there is no increase in the number of dwelling units from that previously approved, part or all of the previously approved number of dwelling units may be placed on the new land, if the density on the new land is no greater than that shown on the approved Basic Plan, without being limited by the base or maximum densities for the zone.

The subject basic plan amendment involves a change in land area and an increase in density. The change in land area is because 8.84 acres of land are being added to the basic plan. The original basic plan for the Hampton property was approved with a maximum density of 450 dwelling units. At present, 256 dwelling units are being constructed. The remaining approved dwelling units were eliminated from the development. The proposed mixed retirement community will consist of 270 dwelling units at 7.45 du/acre. The mixed retirement development will add 76 dwelling units to the original approved maximum density of 450 dwelling units for the entire development.

Section 27-195(b):

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.

The applicant is proposing a total of 526 units. The original basic plan was approved for a maximum of 450 dwelling units.

The approved Basic Plan (A-9853) established the following land use quantities for the Hampton property:

Gross acreage	189.32 acres
Floodplain	9.75 acres
Half-floodplain	4.88 acres
Area for density calculations	184.44 acres
Base density	1.6 du/acre
Dwelling units allowed	295 units
Density increment factor	52.5%
Additional dwelling units allowed	185 units
Total dwelling units allowed	450 units
Total dwelling units proposed	450 units
Actual density	2.44 du/acre

The subject basic plan amendment established the following land use quantities for the Hampton property:

Mixed Retirement Community

Gross acreage	36.4 acres (27.6 acres of Hampton property and 8.84 acres of the adjacent property)
Floodplain	0.36 acres
Half-floodplain:	0.18 acres
Area for density calculations	36.22 acres
Base density	8 du/acre
Dwelling units allowed	289 units
Density increment factor	0
Additional dwelling units allowed	NA
Total dwelling units allowed	289 units
Total dwelling units proposed	270 units
Actual Density	7.45 du/acre

Remainder of Hampton Property

Gross acreage	161.64 acres
Floodplain	9.39 acres
Half-floodplain	4.70 acres
Area for density calculations	157.24 acres
Base density	1.6 du/acre
Dwelling units allowed	251 units
Density increment factor	2%

Additional dwelling units allowed	5 units
Total dwelling units allowed	256 units
Total dwelling units proposed	256 units
Actual density	1.63 du/acre

According to Section 27-486 of the Zoning Ordinance, a mixed retirement development is to be excluded from density calculations. This issue is discussed in detail in Finding H. Therefore, the proposed density meets the maximum density requirements of the original basic plan.

The subject property is located at a Corridor Node in the Developing Tier. The General Plan envisions residential and nonresidential uses at moderate to high densities and intensities. The Developing Tier is to maintain a pattern of low to moderate suburban communities. The subject basic plan amendment maintains the residential use of the property and maintains a pattern of low to moderate suburban pattern for the Hampton property.

According to the 1993 Subregion V Master Plan, the subject property is located in the North Village of the Brandywine community. This area is considered a neighborhood activity center. The master plan recommends low suburban residential development developed according to village zoning techniques. The village zoning techniques are not applicable to elderly housing. The recommended maximum density is 12 du/gross acre. The subject basic plan amendment maintains a low suburban residential development for the Hampton property and the proposed density does not exceed the recommended maximum density for mixed retirement development.

The 1993 sectional map amendment for Subregion V showed institutional land uses for the southern part of the Hampton property and single-family residential uses for the northern portion of the property. The land to the south was retained in the R-R Zone with a future intention to develop it as a commercial activity center.

The master plan living area guidelines recommend the following:

- High quality design for residential uses
- Residential structures to be harmonious with the surroundings
- Location of high-density residential to maximize public and private services
- Adequate buffering of apartment projects
- Direct access to arterial or collector roads for multifamily development
- Appropriate sites for senior citizen housing

The Hampton property is at present surrounded by institutional, commercial and low-suburban residential uses. The activity center concept for this area will be achieved incrementally by individual applications over time. A mixed retirement development as a residential element for an activity center is consistent with the master plan land use recommendations. The use of apartment-style dwellings is also appropriate. The relocated park-and-ride lot will be adjacent to the proposed interchange between A-63 and MD 5 and will be easily accessible to both commuters and local traffic. The location of the mixed retirement community is in close proximity to major transportation routes.

Conditions of approval have been added to ensure high quality design and compatibility with the surroundings for the proposed mixed retirement community.

The memorandum from the Community Planning Division dated December 14, 2004 states:

“DETERMINATIONS

- “This application is not inconsistent with the 2002 General Plan Development Pattern policies for a Corridor Node in the Developing Tier.
- “This application to amend and enlarge an approved R-S Comprehensive Design Zone basic plan conforms to master plan recommendations for neighborhood activity center land use in this area.

“BACKGROUND

“Location: North and south sides of proposed Mattawoman Drive between MD 5 and Dyson Road in Brandywine.

“Size: 36.4 acres.

“Existing Uses: Undeveloped property.

“Proposal: Amend an approved R-S Zone basic plan to add 8.84 acres of land, introduce a “mixed retirement development” component of 270 units, and relocate the proposed location of a future park-and-ride lot elsewhere on the property.

“GENERAL PLAN, MASTER PLAN AND SMA

“2002 General Plan: This application is located at a Corridor Node in the Developing Tier (approximately one-quarter mile from a designated Node at a future interchange at MD 5 and proposed road A-63). The vision for Corridor Nodes is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable.

“Master Plan: 1993 Subregion V Master Plan.

- “Planning Area/Community: PA 85A/Brandywine.
- “Land Use: Low-Suburban residential land use at 1.6 to 2.6 du/ac for the area located north of proposed Mattawoman Drive. South of proposed Mattawoman Drive along Dyson Road, a Neighborhood Activity Center including commercial, institutional or residential land use is recommended.
- “Environmental: The Natural Features and Environmental Facilities map indicates the site was wooded in 1990. A Natural Reserve Area is indicated for a portion of the application located north of proposed Mattawoman Drive. An existing public sewer line is indicated on the property along Dyson Road.

- “Historic Resources: No historic sites or resources are located on the portion of the site pertaining to this basic plan amendment application. The Gwynn Park House Historic Site (85A-13) is located northeast of the proposed amendment area.
- “Transportation: Dyson Road, located along the east side of the proposed amendment area, is identified as a collector road (C-528). Mattawoman Drive is identified as an arterial road (A-63) connecting proposed interchanges at MD 5 and US 301. A Park and Ride facility is recommended near the west side of the property along A-63 near the interchange with MD 5.
- “Public Facilities: No master plan public facilities are recommended on this site. Gwynn Park High School is located across Dyson Road from this application. Gwynn Park Middle School is located to the north along Dyson Road, surrounded by the Hampton residential development project.
- “Parks & Trails: No master plan parks are proposed on or adjacent to this site. A Pedestrian Bikeway is recommended along A-63 on the north side of this application.
- “SMA/Zoning: The 1993 Subregion V SMA classified this property in the R-S and R-R Zones.

#### “PLANNING ISSUES

“The applicant addresses master plan issues on pages 10 to 12 of the amended statement of justification for A-9853/02. As indicated below, Community Planning Division staff generally concurs with their assessment of master plan recommendations with respect to the subject property and the requested basic plan amendment.

- “Master Plan Neighborhood Activity Center

“This application is located in the North Village of the Brandywine community. ‘The North Village area is composed of three neighborhood enclaves separated by the regional freeway system.... These neighborhoods are primarily recommended for low-suburban residential development, and should be focused around the village or neighborhood activity centers that are recommended in each. Single-family residential construction is emphasized throughout these areas, but extensive use of cluster and comprehensive design zone techniques is advocated to achieve diversity in construction styles and lot sizes. Except for elderly housing, projects developed according to village zoning techniques or planned recreational communities, no apartment buildings are recommended in the North Village area.’ (Plan text, p. 80) The activity center concept is described in the master plan chapter entitled Commercial Areas and Activity Centers (pp. 55-64). In addition to commercial and institutional uses, it is indicated that a neighborhood activity center could also contain a residential component at up to 12 dwelling units per gross residential acre (p. 56). The plan text states that, since most of the recommended activity centers in the Brandywine area ‘will be new, they can be



designed to relate closely to their local markets and should include many of the features advocated by the activity center concept. In each case, use of the L-A-C Comprehensive Design Zone or similar flexible zoning technique is recommended.’(Plan text, p. 80)

- “SMA and Zoning

“In the 1993 SMA for Subregion V, the previously approved R-S Zone for the Hampton project (A-9853) was shown for the portion of this amendment application along Mattawoman Drive (A-63) with institutional land uses approved for the southern part and single-family residential for the northern part. With regard to the additional land along the south side of the project, there was neither a request nor a pressing need to implement commercial zoning for the subject property. This area was classified in the R-R Zone as the base density zone for a future application to implement the commercial activity center land uses recommended by the plan.

“To the east and south of this application there is a mix of older commercial, residential and institutional development on a number of public and privately owned properties. Some are classified in commercial zones and others are still in residential zones, pending appropriate rezoning applications. Recommended future land uses surrounding this application include:

“East—Institutional use (existing high school)

“South—Commercial as part of the evolving activity center or as miscellaneous individual uses (existing residential, commercial businesses, and undeveloped land)

“West—Commercial and Public (Park and Ride) use (undeveloped land)

“North—Low-Suburban residential living areas (land under residential development as Hampton)

“Because of historical development patterns and the combination of ownerships, the activity center concept for this area will be achieved incrementally by individual applications over time. Amending the existing CDZ basic plan for Hampton to incorporate a “mixed retirement development” as a residential element for an activity center encompassing several properties in this area is consistent with the master plan land use recommendations. Since more than one property is involved in this activity center concept, ensuring compatible relationships and linkages between neighboring properties that will comprise the activity center components is an important issue to address.

- “Master Plan Guidelines

“In addition to the description of the activity center referenced above, guidelines for development in Commercial Areas and Activity Center Areas (text, pp.63-64) that are relevant to review of this application include:

“6. Approval of all mixed use proposals should require that the design define and show the relationship of the proposal to nearby public uses, trails, and the open space network.

“17. Activity centers may include day care centers and/or housing for the elderly

when the design plans demonstrate adequately that these uses and structures will be compatible with both the activity center and the surrounding neighborhoods.

“Living Area Guidelines (text, pp. 52-54) that pertain to the review of the residential component of an activity center include:

- “13. Residential and related uses fronting on major highways and scenic roads should conform to a particularly high standard of design both as individual structures and as they blend in among other buildings.
- “16. Recreation areas, school facilities and activity centers should be designed, or redesigned upon future expansion or renovation, to serve as social focal points in residential areas.
- “18. Residential structures should be designed in harmonious relationships to one another, to the terrain, to adjacent roadways, and should be situated to create interesting, useable spaces.
- “20. High-density housing should be located only in such a manner as to relate to, and maximize convenience to, public and private services for the greatest number of people in the area, and only where designated in the Plan. Sufficient space should be available for the provision of new or expanded supporting facilities in proportion to the expected population increase.
- “21. The site planning of apartment projects should provide adequate open space at the perimeter to serve as a buffer between the project and adjacent lower density residential development.
- “22. Multi-family development should have direct access to arterial or collector roads and should not have primary access through single-family residential streets.
- “23. Living areas should include appropriate sites for senior citizen housing and related facilities in locations which can provide a human scale through adequate outdoor space, and can be serviced by social and welfare programs. Ideally they should be located at sites that can provide convenient connections to shops, public transportation and other needs of the elderly. The best options are in the immediate vicinity of recommended activity center shopping areas.”

- (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;

The proposal is for residential development. Since no commercial uses are proposed, this finding does not apply.

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

1. The Transportation Planning Section has stated that although the overall size and number of residences will increase, the trip impact would be decreased by the proposal. Elderly housing has about one-quarter of the peak-hour traffic impact of conventional single-family housing. Since internal circulation is not adequately addressed, the access from Mattawoman Drive to the westernmost parcel of this property must be addressed during the review of the preliminary plan. The section has concluded that the subject basic plan amendment would not change the transportation level of service anticipated by the master plan and would not generate traffic that would lower the level of service anticipated by the land use and circulation systems shown on the approved General or area master plans. The section has recommended that some conditions of approval of the original basic plan be carried over. The conditions of approval have been carried over. Some of the previous conditions of approval required various transportation improvements prior to issuance of use and occupancy permits. The Planning Board added condition of approval #13 to require the applicant to submit information regarding compliance with these previous conditions of approval.

The memorandum from the Transportation Planning Section dated May 24, 2005 states:

“The Transportation Planning Section has reviewed the Zoning Map Amendment application referenced above. The subject parcel consists of approximately 36.4 acres of land in the R-S and R-R zones. The property is located at the between US 301 and MD 5, with frontage on Dyson Road and Mattawoman Drive. The application is an amendment that would add a parcel of 8.84 acres currently zoned R-R to the basic plan, and would propose 275 elderly housing residences on this site. With the 256 residences that have already been platted within the overall Hampton site this amendment would increase the number of allowed residences from 450 to 531.”

#### “Trip Generation and Impacts

“Considerable analysis was done in support of the original A-9853 application and at several more points along the way. A number of determinations regarding the ultimate development of the Hampton basic plan, covering 189.32 acres, were made. These findings include the following:

- “1. The approved basic plan for the overall Hampton property allows for the construction of up to 450 residences, or 331 AM and 392 PM peak hour vehicle trips.
- “2. Comprehensive Design Plan CDP-9403 proposed the construction of 137 detached and 313 townhouse residences. The proposed development would generate 322 AM and 374 PM peak hour vehicle trips.
- “3. Preliminary Plan of Subdivision 4-95052 proposed a similar level of

development to that proposed on the CDP.

- “4. Preliminary Plan of Subdivision 4-99048 reduced the development to 314 detached lots, and this development would generate 236 AM and 283 PM peak hour trips. A total of 256 detached lots were ultimately platted and recorded.

“An analysis of trip generation must consider the uses proposed versus the uses approved on the site. The table below provides this comparison. The guidelines do not specify trip rates for elderly housing. Therefore, the trip generation for the elderly housing is based upon the Institute of Transportation Engineers’ Trip Generation Manual using the listed rates for the “retirement community” use.

Comparison of Estimated Trip Generation, A-9853 versus A-9853/02					
Zoning or Use	Units or Square Feet	AM Peak Hour Trips		PM Peak Hour Trips	
		In	Out	In	Out
Existing Zoning on 189.32 acres					
R-S (residential)	450 residences	66	265	256	136
Proposed Zoning on 198.20 acres					
R-S (single family detached)	256 residences	38	154	151	79
R-S (elderly housing)	275 residences	21	26	41	33
R-S (total)	531 residences	59	180	192	112
Difference (between bold numbers)		-7	-85	-64	-24

“Although the overall size and number of residences is increased, the trip impact would be decreased with the proposal. Elderly housing has about one-quarter of the peak-hour traffic impact of conventional single-family housing. Trip generation of the site would be decreased, in comparison to the original basic plan, by 92 peak-hour trips and 88 PM peak-hour trips. The elderly housing use would generate 47 AM and 74 PM peak-hour trips. The overall Hampton site would generate 239 AM and 304 PM peak-hour trips.

“The submitted plan does not address issues of access or internal circulation to any great degree. It is noted that the parcel east of Mattwomman Drive is proposed to have access from Mattwomman Drive. Because Mattwomman Drive is a master plan arterial facility, such access must be reviewed further during subdivision review for location and design if it will be a driveway.

“In summary, the Transportation Planning Section determines that the proposed basic plan amendment would not change the transportation level of service anticipated by the master plan on any transportation link within the study area of this site. Consistent with the required finding in Section 27-195(b)(1)(C), the uses proposed on this basic plan amendment would not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or area master plans.

“There are several conditions on the original basic plan that were determined by the District Council to be needed to ensure the adequacy of roadway facilities in the area per Section 27-195. Conditions 24 and 30 of the 1992 Council Order approving the original basic plan require the payment of funds toward improvements in the area (otherwise known as the Brandywine Road Club), and these conditions must be carried over to ensure that all residences within Hampton pay toward the needed transportation improvements. However, Condition 24 must be revised to indicate that a rate per unit for proposed elderly housing residences should be determined during review of the Specific Design Plan. Also, Condition 25 of the same Council Order must be carried over; this condition phases the timing of a needed signal warrant analysis and installation at US 301 and Mattawoman Drive (aka Spine Road) to the overall development of Hampton, of which the subject proposal is a part.

“All other conditions were enforced at earlier stages of development of Hampton, and need not be imposed to as a part of the current basic plan amendment.”

- (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;

The Historic Preservation and Public Facilities Planning Section, in a memorandum dated April 6, 2004, states that they have concluded that the existing fire engine service, the ambulance service, and the existing paramedic service are within the travel time guidelines. The existing police facilities will adequately serve the population generated by the proposed development. The proposed retirement development is exempt from the APF test for school facilities.

- (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.

The Environmental Planning Section, in a memorandum dated June 28, 2004, has stated that there are streams, wetlands and 100-year floodplains on the property associated with Piscataway Creek in the Potomac River watershed. The 1993 Subregion V Master Plan shows a natural reserve associated with the property on the western portion of the site. No scenic or historic roads are affected by this proposal. The traffic-generated noise on the adjacent US 301 will not have any noise impacts on the subject property. The proposed use is not a noise generator. There are no rare, threatened, or endangered species found in the vicinity of the property. The principal soils on the site are in the Beltsville and Sassafras series. The site is subject to the requirements of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A forest stand delineation and Type I and Type II tree conservation plans have been reviewed for the subject site. Compliance with the above finding has been made as part of those reviews. The proposed mixed retirement

development and the proposed park-and-ride lot will ensure compatibility with the surrounding environmental features by delineating developable portions of the property.

- (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.

The proposed mixed retirement development will be constructed within six years. The remainder of the Hampton property is currently under construction. Therefore, this section is not applicable.

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

The subject property is in the R-S Zone (Residential Suburban Development). The R-S Zone is a Comprehensive Design Zone.

Sec. 27-511. Purposes.

- (a) The purposes of the R-S Zone are to:
  - (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

The proposed mixed use residential development will require a small amount of public benefit features that will be evaluated at the comprehensive design plan stage. A condition of approval has been added to require the same.

- (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;

The proposal is consistent with the General Plan policies and master plan recommendations.

- (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, and public urban renewal plans) can serve as the criteria for judging individual development proposals;

Section 27-195 (b), criteria for approval of a basic plan, requires compliance of the subject proposal with the General Plan and the Master Plan.

- (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;

The proposed mixed retirement community with several types of retirement houses will be compatible with the surrounding land uses, public facilities, and services. The development will be located in the proximity of major transportation routes and in an area designated as a neighborhood activity center where higher densities and elderly housing are encouraged.

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

The proposed development will have amenities to serve the targeted population. The amenities will be constructed with the development.

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

The proposed development will provide a variety of residential uses to encourage and stimulate a balanced land development.

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

The proposed mixed use residential development will improve the overall quality and variety of residential developments in the Regional District by providing several types of housing and care facilities for the growing needs of the retirement population in Prince George's County.

#### **H. Zoning Ordinance Requirements:**

Section 27-515, Uses Permitted, states that a mixed retirement development is a permitted use in the R-S Zone. Footnote 28 states that the owner of the mixed retirement development shall record among the Land Records of Prince George's County, a declaration of covenants which establishes that the premises will be solely occupied by elderly persons, in accordance with State and Federal Housing Laws, for a fixed term of not less than sixty (60) years. The covenant shall run to the benefit of the County.

A condition of approval has been added to require the declaration of covenants during the final plat stage.

Section 27-513, Regulations, of the Zoning Ordinance establishes a maximum mixed retirement

development density of 8 units per gross acre.

The proposed density is less than 8 units per gross acre. The applicant has not provided the proposed mixed retirement development density in gross acres. A condition of approval has been added to require the same.

Section 27-486 (b), Density and intensity calculations, of the Zoning Ordinance states that portions of the proposal devoted exclusively to a mixed retirement development shall be excluded from the density calculations for the overall proposal, and shall be subject to a separate density calculation specified for mixed retirement development in the general standards for each zone. For the purposes of density calculations, each separate living unit provided in any nursing or care home or assisted living facility shall be considered a dwelling unit. Whatever property in the zone that is not utilized for mixed retirement development shall maintain its approved density, and no density transfer shall be approved.

The mixed retirement development density has not been included in the density calculations for the overall proposal.

Section 27-107.01(a)(151), Definitions, of the Zoning Ordinance states that a Mixed Retirement Development is a residential community for retirement aged persons developed under a uniform scheme of development, containing a mix of attached, detached, or multifamily dwelling units, nursing or care homes, or assisted living facilities. Each community shall be developed with not less than two (2) types of dwelling units.

The applicant is proposing three types of dwelling units.

## **II. Referral Comments**

1. The Community Planning Division (memorandum dated December 15, 2004) comments are discussed in Finding F.
2. The Transportation Planning Section (memorandum dated May 24, 2005) comments are discussed in Finding F.
3. The Historic Preservation and Public Facilities Planning Section (memorandum dated April 6, 2004) are discussed in Finding F.
4. The Environmental Planning Section (memorandum dated June 28, 2004) comments are discussed in Finding F.
5. The Subdivision Section (memorandum dated April 19, 2004) has stated that a preliminary plan will be required. A condition of approval has been added to require the same.
6. The Historic Preservation Section (memorandum dated February 17, 2004) has stated that the proposal will have no effect on the historic site.
7. The Urban Design Section (memorandum dated December 8, 2004) has stated that a



comprehensive design plan will be required. A condition of approval has been added to require the same.

8. The Transportation Planning Section—Trails (memorandum dated February 4, 2005) has stated that two master plan trails impact the subject site. The master plan recommends trails to be constructed along Dyson Road and the proposed spine road. The basic plan recommends an internal trail network. The section has requested several previous conditions of approval to be carried over. The conditions of approval have been carried over.

**J. Other issues**

Several conditions of approval regarding submission of tree conservation plans, bufferyards along banks of streams, streetscapes, etc., are applicable to the subject basic plan amendment. The conditions of approval have been carried over to the subject basic plan amendment.

**CONCLUSION:**

The subject basic plan amendment conforms to the requirements for amending the basic plan as contained in Section 27-197(a) and 27-195(b) of the Zoning Ordinance. The proposal complies with the 1993 Subregion V Master Plan and the 2002 General Plan. The proposed mixed use residential development will improve the overall quality and variety of residential developments in the Regional District by providing several types of housing and care facilities for the growing needs of the retirement population in Prince George's County. The relocated park-and-ride lot will be close to commuters and traffic.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

1. The site plan shall be revised prior to the Zoning Hearing Examiner's hearing to include the following:
  - a. The relocated park-and-ride lot and access to the park-and-ride lot.
  - b. The original parcels, their areas and approved land uses.
  - c. Location of the proposed housing types and internal circulation within the site.
  - d. Access to the relocated park-and-ride lot and other parcels within the Hampton property from the proposed mixed retirement development.
  - e. Land use quantities and density calculations for the original basic plan, the mixed retirement development, and the remainder of the Hampton property.
  - f. Density of the mixed retirement development in gross acres.
2. The applicant shall obtain approval of a 100-year floodplain study by the Department of

Environmental Resources (DER), Watershed Protection Branch, prior to the approval of the preliminary plat of subdivision, unless determined by the Watershed Protection Branch, prior to submittal of the preliminary plan, that this study will not be required until time of specific design plan.

3. The applicant shall obtain approval of a conceptual stormwater management plan by the DER Stormwater Management Branch prior to approval of the Preliminary Plan of Subdivision.
4. A minimum 50-foot buffer shall be provided around the proposed regional stormwater management facility.
5. The applicant shall file comprehensive design plan and preliminary plan applications with the Development Review Division.
6. A Type I tree conservation plan (TCP), in accordance with the County Woodland Conservation and Tree Preservation Program, shall be submitted along with the comprehensive design plan and preliminary plan shall be submitted to the Environmental Planning Section during the review of the comprehensive design plan and the preliminary plan.
7. A minimum 50-foot buffer shall be shown along the banks of all streams within the property and shall be expanded to include the 100-year floodplain, nontidal wetlands, steep slopes of 25 percent and greater, and slopes of 15 to 25 percent having soil erodibility factor of 0.35 and greater. This shall not apply to approved road crossings. The Environmental Planning Section shall approve the buffer during the review of the comprehensive design plan.
8. The applicant shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter in Condition 10 solely by paying \$1,377 per single-family detached dwelling unit and \$1,252 per single-family attached dwelling unit (townhouse unit). Payment is due at the time of issuance of any building permit(s) to the county's Department of Public Works and Transportation. The rate per unit for the proposed elderly housing residences shall be determined during the review of the specific design plan.
9. Once 200 dwelling units are occupied, the applicant shall perform a signal warrant analysis for the US 301/Spine Road intersection. The applicant shall submit the signal warrant analysis to DPW&T/SHA prior to the issuance of the 250<sup>th</sup> building permit. If the analysis demonstrates that at the occupancy of 300 or more dwelling units on site a traffic signal is warranted, then upon approval by the SHA and Prince George's County DPW&T, the applicant shall purchase and install the necessary traffic signal.
10. The off-site transportation improvements the applicant shall contribute toward as described in Condition 8 hereinabove are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed in sequence when sufficient funds for engineering, full design, and construction have been collected. The off-site transportation improvements shall include:
  - a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5

interchange (at T.B.). The construction shall be in accordance with presently approved State Highway Administration (SHA) plans.

- b. Install a traffic signal at Spine Road/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
  - c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
  - d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
  - e. Reconstruct the traffic signal at US 301/MD 381.
  - f. Install a traffic signal at the MD 381/Spine Road intersection, provided said signal is deemed warranted by DPW&T and SHA.
  - g. Provide a grade separation at the point the Spine Road crosses US 301 northeast of T.B.
  - h. Reconstruct the traffic signal at MD 5/Brandywine Road.
  - i. Construction of an interchange in the area of US 301/MD 5 and Cedarville Road.
  - j. Construction of an interchange in the area of MD 5 and the Spine Road north of T.B.
  - k. Construction of the Spine Road as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Road/McKendree Road intersection and MD 5 north of T.B.
  - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
  - m. Widening MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with the Spine Road.
11. The comprehensive design plan application shall include:
- a. A cross section for Dyson Road that meets the functional requirements of a collector road (if so designated). The streetscape for Dyson Road shall propose ways to unify the eastern and western portions of the development through the use of treatments that may include techniques such as sidewalks, landscaping, lighting, signage, street furniture, street width or other design elements. The cross section shall be designed in consultation with the Urban Design staff, Transportation Planning staff, and the Department of Public Works and Transportation.
  - b. An internal loop trail within the proposed development for the purpose of providing a neighborhood circuit for running, jogging, walking and biking. Development pods,

schools, recreational, and historical features shall be connected into the main trail network by feeder trails. Primary trails within the proposed development shall be handicap-accessible.

- c. The locations of the trails, paths and sidewalks proposed shall be evaluated on their interrelationship within the entire development site with respect to pedestrian movement.
  - d. A comprehensive streetscape for the industrial spine road. Particular attention shall be paid to landscaping, signage, lighting, and pedestrian crossings at intersections. The cross section shall be designed in consultation with the Urban Design staff, Transportation Planning staff, and the Department of Public Works and Transportation.
  - e. A list of amenities and the location of amenities on the site plan
  - f. A list of design features, architectural styles, colors and materials for the mixed retirement development that ensures high quality design and compatibility with the surroundings
  - g. A list of landscape materials, concepts, design elements, and street furniture that ensures high-quality design and compatibility with the surroundings.
  - h. The location of the eight-foot-wide master plan hiker/biker trail along the subject property's entire road frontage of the east side of Dyson Road. The trail shall meander in the open space. A long, straight section of trail directly adjacent to the right-of-way shall not be permitted unless necessary to avoid wetlands or the vernal pool.
  - i. The location of the eight-foot-wide master plan hiker/biker trail along the subject property's entire frontage of the spine road, west of Dyson Road, as shown on the master plan.
  - j. A note stating that dry passage shall be assured for the entire trail system. If wet areas must be traversed, suitable structures shall be provided to ensure dry passage.
  - k. A note stating that where all trails intersect with any streets, appropriate ramping, striping, and signage in accordance with the DPW&T's Road Ordinance, AASHTO Guidelines, and/or the Manual on Uniform Traffic Control Devices, Section 9, Bicycle Facilities shall be provided.
  - l. A note stating that both master plan trails shall be free of all above-ground trees, utilities, and stormdrain outlets.
  - m. A discussion of the proposed public benefit features.
12. All previous conditions of approval and CDP considerations listed in the previously approved basic plan amendment (Zoning Ordinance No. 19-1992) and other previous preliminary plans and comprehensive design plans will remain in effect unless otherwise modified by the subject basic plan amendment

13. Prior to approval of the first Specific Design Plan for the mixed retirement development, the applicant shall submit information to the Zoning Section, the Urban Design Review Section and the Transportation Planning Section regarding compliance with all previous conditions of approval (unless modified or deleted by subsequent approvals) requiring various transportation improvements prior to issuance of use and occupancy permits. The previous conditions of approval shall be carried over to the Specific Design Plan if they have not been complied with.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire abstaining from the motion at its regular meeting held on Thursday, September 22, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of November 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator