

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Zoning Map Amendment Application No. A-10059, Dobson Ridge (Farms), requesting approval in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on July 29, 2021, the Prince George's County Planning Board finds:

- 1. Location and Site Description:** The original application requested to approve a zoning change to a 731.70-acre site in the Residential-Agricultural (R-A), Residential-Estate (R-E), and Rural Residential (R-R) Zones to the Residential Suburban Development (R-S) Zone. The request was amended by letter dated May 20, 2021, and the area and development were reduced by removing the R-R Zone property. The request is now for a 581.06-acre property found on Tax Map 164, in the southern portion of Prince George's County. The property is located on the south side of McKendree Road, about 230 feet west of its intersection with US 301 (Crain Highway). The property is west of Timothy Branch and runs along the north side of Mattawoman Creek to Gardener Road. Access to the property would be provided from a single access point on McKendree Road.
- 2. History:** The property was retained in the R-A and R-E Zones in the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan). Portions of the property have been farmed extensively. More recently, certain parts of the property were the site of surface mining operations. While the central portion of the property has been cleared for the mining operation, the northern, eastern, and southern areas remain generally wooded, especially along Mattawoman Creek and Timothy Branch.

In 1968, the Prince George's County District Council approved Special Exception SE-1719, for the expansion of the golf course and construction of ponds on the property.

In 1969, the District Council approved SE-2004, to permit a golf course, country club, and concession stand on the property.

In 1978, the District Council approved SE-2970, to permit the mining of sand and gravel for five years on a tract of 102 acres on the property.

In 1997, the District Council approved SE-4218, to permit the mining of sand and gravel on the property.

In 2003, the District Council approved SE-4479, to permit the extension of the mining of sand and gravel on a tract of 65 acres for three years on the property.

In 2011, the District Council approved SE-4669, to permit the extension of the mining of sand and gravel for six years on the property.

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

North— Accokeek Road (MD 373), a local scenic and historic road;

South— Mattawoman Creek;

East— Crain Highway, a scenic and historic highway; and

West— Gardener Road, a scenic and historic collector road.

Surrounding Uses and Roadways: The following uses and roadways immediately surround the site:

North— Vacant land in the R-E Zone and surface mining; sand and gravel wet-processing in the R-A Zone.

South— Single-family detached and multifamily dwellings with Charles County Zoning.

East— Single-family detached dwellings in the R-E Zone, single-family detached dwellings in the Residential Medium Development Zone, vacant land in the R-R, R-E, and Townhouse Zones.

West— Single-family detached dwellings and surface mining; sand and gravel wet-processing and vacant land in the R-A Zone.

4. **Request:** The case seeks the rezoning of the property, 581.06 acres, from the R-A and R-E Zones to the R-S Zone to permit a residential development with 758 single-family attached and 1,232 detached dwellings.

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

LAND USE

2014 Plan Prince George's 2035 Approved General Plan (Plan 2035):

The northern, southern, and eastern portions of the property are in the Established Communities policy area, as defined by the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035). The vision for Established Communities is context-sensitive infill and low- to medium-density development. The Generalized Future Land Use Map in Plan 2035 specifically recommends Residential Low land use for the northern, southern, and eastern portions of the property. Plan 2035 defines Residential Low land use as primarily single-family detached residential areas up to 3.5 dwelling units per acre.

The western portion of the property is in the Rural and Agricultural Areas policy area, as defined by Plan 2035, and placed in the Priority Preservation Area. The vision for rural and agricultural areas is the protection of large amounts of land for low-density residential uses with areas of agricultural and forestry production, including agricultural land (cropland, pasture, farm fields), forest, and very low-density residential. Plan 2035 recommends rural and agricultural land use for the western portion of the property of less than 0.5 dwelling units per acre.

The property is not within a Regional Transit District, a Local Center, or an Employment Area, as defined in Plan 2035.

Plan 2035 established the following policies and strategies that are relevant to this application:

Policy 1: Direct a majority of projected new residential and employment growth to the Regional Transit Districts, in accordance with the Growth Policy Map (Map 11, pages 107--108) and the Growth Management Goals set forth in Table 17 (Land Use, page 110).

Policy 8 (page 115): Strengthen and enhance existing residential areas and neighborhoods in the Plan 2035 Established Communities.

Policy LU8.2 (page 115): Use conservation subdivisions in areas adjacent to Rural and Agricultural Areas to transition density and to encourage preservation of green infrastructure corridors, as defined by the County's Green Infrastructure Plan.

Policy 11 (page 117) Preserve and protect the Rural and Agricultural Areas to conserve agricultural and forest resources.

Policy 13 (page 218): Preserve and enhance the County's rural and agricultural character.

Policy HD13.3 (page 218): Use conservation subdivisions or other site planning and landscape conservation tools when developing in Established Communities near Rural and Agricultural Areas to cluster development and preserve land for resource protection or open space.

2013 Approved Subregion 5 Master Plan

The master plan's Future Land Use Map (Map IV-1, page 32) splits the property in three general land use classifications. Each of the classifications have their own density recommendations: Residential Low, Residential Low Transition, and Rural.

Residential Low

The master plan indicates that property classified as Residential Low "is intended for single-family detached residential development that may have up to 3.5 dwelling units per acre."

Residential Low Transition

Per Table IV-1 in the master plan, Residential Low Transition areas are intended for residential areas up to two dwelling units per acre and for primarily single-family detached dwellings with a minimum of 60 percent open space through required conservation subdivisions. The master plan indicates that Residential Low Transition areas “support the 2005 *Approved Countywide Green Infrastructure Plan* and its designation of a portion of the Mattawoman watershed as a Special Conservation Area by encouraging residential subdivision designs that incorporate large, natural, undeveloped areas.” The master plan emphasizes that in these areas “the conservation subdivision technique is strongly recommended.”

Rural

Table IV-1 in the master plan explains that in Rural land use classification, “[n]ew residential development is permitted at densities that generally range from .5 to .2 dwelling units per acre.” The master plan also states that rural areas are “envisioned to protect large amounts of land for woodland, wildlife habitat, recreation and agricultural pursuits, and to preserve the rural character and vistas that now exist.” Furthermore, the plan states that the “county’s intent is for these areas to remain rural and to conserve these areas’ natural resources, primarily forest and forest resources, for future generations.”

The basic plan conforms to the density requirements for Residential Low and Residential Low Transition Areas.

About 141 acres of the property is in the master plan’s Residential Low land use designation. This designation allows up to 3.5 residential dwelling units per acre. Based on this density, the development of 496 residential dwellings would be consistent with the master plan’s recommendation on this portion of the property. There are 369–496 residential dwelling units included on the basic plan in this area of the property.

While the basic plan does not include the conservation subdivision technique for the on-site Residential Low Transition areas, the basic plan conforms to the master plan’s density recommendations. Residential Low Transition Areas permits up to 2.0 residential dwellings per acre and covers about 305 acres of the property. Therefore, the development of 610 residential dwellings would be consistent with the master plan’s recommendation on this portion of the property. The basic plan includes between 488–610 residential dwellings in this area of the property.

About 134 acres of the property are within the master plan’s Rural area. This area permits up to 0.5 dwellings per acre. Therefore, the development of 67 residential dwelling units would be consistent with the master plan’s recommendation on this portion of the property. There are no residential dwelling units included on the basic plan in this area of the property. This provides a wooded buffer between the development and properties to the west.

2017 Countywide Green Infrastructure Plan

According to the 2017 *Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan),

the southern portion of the property is within the Special Conservation Area, and a majority of the site is within the Evaluation Area and Regulated Area designations. Special conservation areas should be carefully considered when land development proposals are reviewed in the vicinity to ensure that their ecological functions are protected or restored and that critical ecological connections are established and/or maintained in those areas. Evaluation Areas contain environmentally sensitive features, such as interior forests, colonial waterbird nesting sites, and unique habitats, that are not regulated (i.e., not protected) during the land development process. Regulated areas, however, contain environmentally sensitive features, such as streams, wetlands, 100-year floodplains, severe slopes, and their associated buffers, that are regulated (i.e., protected) during the land development process. The referral from the Environmental Planning Section (Nickle to Spradley, dated June 15, 2021), which is incorporated herein, outlines policies that support the stated measurable objectives of the Green Infrastructure Plan.

- 6. Environmental Review:** This finding is provided to describe the existing site features on the property and the impact of the requested rezoning as it pertains to environmental conformance.

Existing Conditions/Natural Resources Inventory (NRI)

A NRI is not required as part of a zoning map amendment application.

Woodland Conservation

The Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) provides minimum woodland conservation and afforestation thresholds. This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland.

The basic plan indicated that the total acreage of the site is 581.06 acres, with a floodplain area of 213.84 acres resulting in a net tract area of about 367.22 acres (Net Tract Area = Gross Tract Area - Floodplain). The basic plan shows 183.80 acres of net tract woodland and 203.56 acres of wooded floodplain. PGAtlas maps the floodplain over the R-A Zoned property (Parcels 6, 8, and 10). Using these estimates, a draft standard Woodland Conservation Worksheet was processed utilizing the existing zones of the property and the existing woodland and floodplain estimates provided by the property owner. The resulting woodland conservation threshold under the current zoning would be 45.92 percent, or 168.61 acres. This zoning map amendment to rezone the property to the R-S Zone would result in a reduced woodland conservation threshold to 20 percent, or 73.44 acres, resulting in an estimated loss of almost 95.17 acres of woodland conservation requirement.

The requested change in use will result in a significant decrease to the woodland conservation threshold, which is currently 50 percent in the R-A Zone and 25 percent in the R-E Zone. While this potential reduction of a minimum woodland conservation requirement is not generally supported within the special conservation area of the Mattawoman Stream Valley, the property owner proffers that the development would have a stream corridor assessment survey with the NRI review, to meet the entire woodland conservation requirement for the proposed R-S Zone on-site, the creation and enhancement of wetlands with adjoining meadows focusing on providing

wildlife habitat, selective woodland understory enhancement focusing on habitat and biodiversity, ecological enhancement through selective environmental site design planting motifs that both replicate and increase the biodiversity of the local ecology, and to develop and foster an interconnected community of complimentary micro-ecosystems, established through local hydrology that benefits the overall health of the Mattawoman's floodplain biome. The above proffer by the property owner would provide expanded wildlife habitat that builds on the Mattawoman and Timothy Branch Stream Valleys. All future applications will require tree conservation plans in accordance with the current regulations and to include the property owner's proffers.

With the requested rezoning of the property to the R-S Zone, the property owner proffers the following:

- Provide a stream corridor assessment survey with a NRI plan review;
- Meet the entire woodland conservation requirement for the proposed R-S Zone on-site;
- Create new wetland and enhance existing wetlands with adjoining meadows focusing on providing wildlife habitat;
- Provide selective woodland understory enhancement focusing on habitat and biodiversity; and
- Provide ecological enhancement through selective environmental site design planting motifs that both replicate and increase the biodiversity of the local ecology.

As a result, the property owner believes this will develop and foster an interconnected community of complimentary micro-ecosystems, established through local hydrology that benefits the overall health of the Mattawoman's floodplain biome.

Site Description

Plan 2035's watershed map (Map 15, page 170) shows that the property is entirely located within the Mattawoman Creek Watershed. In addition, the main stem of the Mattawoman Creek is located on the southern portion of the site. Plan 2035 and the master plan provide principles and guidelines for protecting these important environmental features. On page 70, the master plan explains that the "largest continuous forest tracts are located along Piscataway Creek and the Mattawoman Creek Valley, in the south-central portion of the subregion" and that "[m]uch of the subregion's woodlands are included in the green infrastructure network." That notwithstanding, the master plan stresses that "[u]rban and rural forests and woodlands have been damaged and continue to be threatened by human and natural forces, such as sprawling development, insufficient care or maintenance, poor harvesting practices, wildfire, and insects and disease putting ecosystem viability at risk." Furthermore, the plan states, "[w]hen trees and forests are damaged, ecological features such as air and water quality or wildlife and fish habitats are

degraded, and nearby communities suffer, sometimes showing signs of economic and social decline.”

The majority of the site is within the Environmental Strategy Area 2 (formerly the Developing Tier), and the westernmost parcels, Parcels 6 and 8, are within the Environmental Strategy Area 3 (formerly the Rural Tier), as designated by Plan 2035. Parcels 6 and 8 are in the Priority Preservation Area.

The mapped green infrastructure network on this site contains regulated and evaluation areas over a majority of the site. The regulated areas are mapped in association with the Mattawoman Creek and its tributaries, and the evaluation area is associated with the woodland adjacent to the stream valleys which provides wildlife connections between the streams. The Mattawoman Creek Stream Valley is identified in the Green Infrastructure Plan as Special Conservation Area No. 10, containing unique environmental features requiring careful consideration when proposing land development. According to available information from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), rare, threatened, and endangered species are not mapped on site; however, confirmation from DNR is required to be provided during the development review process. The site fronts on McKendree Road and Gardner Road, which are designated as scenic and historic roads. The *2009 Approved Countywide Master Plan of Transportation* designates Gardner Road as a collector roadway (C-532), and the eastern portion of McKendree Road as a major collector (MC-502).

The site is 581.06 acres, with about 387.36 acres of existing woodlands. The northern portion of Parcel 8 is subject to SE-2970, a reclaimed mining site, currently used for agriculture. SE-4669 was approved for a haul road across the site to serve the abutting Robindale Mining site. A Forest Stand Delineation was submitted with this application for informational purposes only. The Forest Stand Delineation will be reviewed with the NRI plan. The property contains mapped regulated environmental features including streams, wetlands, and 100-year floodplain. The site contains mapped forest interior dwelling species habitat. Marlboro Clays and Christiana Complexes are not mapped on site. The Mattawoman Creek is designated by the state as a Tier II waterway, which are those waters that have an existing water quality that is significantly better than the minimum water quality standards. The Environmental Technical Manual requires the delineation of Tier II buffers as part of the NRI.

The property is not located within the Chesapeake Bay Critical Area

Plan Principles and Guidelines

General Plan

At the top of page 163 of Plan 2035, the first page of the Natural Environment chapter, Plan 2035 states that its goal, which guides the remainder of the section, is to “[p]reserve, enhance, and restore our natural and built ecosystems to improve human health, strengthen our resilience to changing climate conditions, and facilitate sustainable economic development.” The plan emphasizes that one of its core principles is to “preserv[e] the remaining resources and restor[e]

lost and degraded areas by developing strategically and compactly” and that strategy is “essential to provid[e] economic and social benefits for current and future generations.”

Plan 2035 also identifies several legislative efforts to protect forests and tree canopy coverage in the County, including the WCO and Green Infrastructure Plan. On page 168, with specific reference to the Green Infrastructure Plan, Plan 2035 explains that this “functional master plan contains policies and strategies to be implemented to preserve, protect and enhance the designated network of natural resources of countywide significance.”

Regarding forests and tree canopy coverage, Plan 2035, on page 169, identifies the Forest Preservation Act of 2013, which “set a ‘no net loss’ goal of 40 percent forest and tree canopy in Maryland.” Plan 2035 “recommends sustaining the County’s combined forest and tree canopy coverage at 52 percent.” In addition, Plan 2035 explains that “the State of Maryland has focused on the reforestation of buffers along streams specifically in order to improve water quality” and that those buffers “improve water quality, provide additional forest canopy, and facilitate green infrastructure connectivity.”

In addition to these stated principles and guidelines, Plan 2035 lists environmental policies that are relevant to this application and clearly recognize the need to protect water quality and to preserve and enhance existing forest and tree coverage:

Policy NE 2: Improve and maintain water quality through stormwater management and water resource protection.

Policy NE 2.5: Identify strategies to reduce impervious surfaces by amending County codes and coordinating County agencies.

Policy NE 2.6: Develop a program to utilize vacant land (both publicly and privately owned) for stormwater management. Acquire land to serve the dual purpose of green infrastructure/stormwater infiltration and recreational/open space.

Policy NE 5: Preserve and enhance existing forest and tree canopy coverage levels.

Policy NE 5.1: Prepare a comprehensive forest and tree canopy coverage strategy that supports Plan 2035’s vision, goals, and development pattern.

Policy NE 5.3: Annually evaluate tree canopy and woodland conservation metrics. This includes data on fee-in-lieu, off-site tree plantings, and mitigation. Report findings to the Planning Board, County agencies, and elected officials.

Policy NE 5.4: Update the 2005 Green Infrastructure Plan to reflect updates and amendments to the regulated areas. This update should include policies and strategies that support the Plan 2035 development pattern and increase green infrastructure connectivity throughout the County and should delineate Natural

Resource and Climate Change Impact Areas pursuant to the Plan Maryland's Preservation/Conservation Planning Areas.

Policy NE 5.5: Integrate into the work programs of all county agencies the priority status of the designated green infrastructure network as the County's highest priority areas for preservation, restoration, and enhancement of natural resources.

Master Plan

On page 67 of the master plan, the beginning of the chapter addressing Subregion 5's environment, the plan states that "Subregion 5 contains environmental assets of County and State importance, especially the Mattawoman Creek Watershed," where the property is located. The plan explains that the "primary environmental issues that are addressed in this chapter are protection of the Mattawoman Creek Watershed, connectivity of the green infrastructure network, and water quality." To that end, the plan highlights two goals:

- **The natural environment and its associated ecological functions are preserved, enhanced, and restored as a fundamental component of sustainable development.**
- **A development pattern that complements the natural systems, incorporating open space and green infrastructure connectivity into growth strategies.**

As will be described in further detail in this section, the requested rezoning will decrease the woodland conservation threshold significantly. With respect to woodlands, wildlife, and habitats, the master plan, on page 71, identifies strategies that serve as environmental guidelines to implement the master plan's desired development pattern; ensure that new development incorporates open space, environmentally sensitive design, and mitigation activities; and protects, preserves, and enhances the identified green infrastructure network.

- **Protect primary corridors (Mattawoman Creek, Piscataway Creek, and Tinkers Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible. Protect secondary corridors to restore and enhance environmental features, habitat, and important connections.**
- **Protect the portions of the green infrastructure network that are outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.**
- **Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.**

- **Evaluate land development proposals in the vicinity of SCAs to ensure the SCAs are not impacted and that green infrastructure connections are either maintained or restored.**
- **Continue to implement the County’s Woodland Conservation and Tree Preservation Ordinance, which places a priority on the preservation of woodlands in conjunction with floodplains, wetlands, stream corridors, and steep slopes and emphasizes the preservation of large, contiguous woodland tracts.**
- **Preserve habitat areas to the fullest extent possible during the land development process.**
- **Target public land acquisition programs within the designated green infrastructure network to preserve, enhance, or restore essential features and special habitat areas.**
- **Increase areas for native grasslands on public lands to provide habitat for ground-nesting birds and other species, particularly opportunities in Piscataway Creek Stream Valley Park.**
- **As agricultural needs change, support the transition of pasture land to native grassland.**

Green Infrastructure Plan

The master plan identifies Mattawoman Creek as one of three green infrastructure Primary Corridors. Notably, the master plan identifies the Green Infrastructure Plan as “a comprehensive vision for conserving significant environmental ecosystems in Prince George’s County” and includes a lengthy discussion concerning that plan; thus, the principles and guidelines within the Green Infrastructure Plan are relevant to approval of the basic plan. The principles and guidelines that are relevant to the property include:

Preserve, enhance, and where appropriate, restore environmentally sensitive features through the identification of green infrastructure elements.

Implement the desired development pattern throughout the county 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 by a high percentage of impervious surfaces, and preserve water quality in areas not degraded.

Preserve some portions of the county from future development, improve water quality, and restore important ecological functions to degraded ecosystems.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan 2035.

1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:

- a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**
- f. **Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters.**

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

- a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**
- b. **Prioritize use of public funds to preserve, enhance, connect, restore, and protect critical ecological systems.**

POLICY 2: Support implementation of the GI Plan throughout the planning process.

2.3 Strengthen regulations where environmental conditions warrant and provide greater flexibility where development is targeted.

- a. Strictly limit development impacts to regulated environmental features to activities that are absolutely necessary and unavoidable for construction of road crossings, the installation of necessary public utilities, or the placement of stormwater outfalls when no alternatives are feasible.**
- b. Allow impacts to regulated environmental features as appropriate to accommodate new development and redevelopment within designated Downtowns, Regional Transit Districts, the Innovation Corridor, and Local Centers and where needed to accommodate planned development on constrained sites. Mitigation for these impacts should be provided as close to the area of impact as possible.**

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure to support the implementation of the GI Plan.

3.2 Ensure that immediate and future impacts to the green infrastructure network are minimized, if not avoided, when public facilities and infrastructure are constructed.

3.4 Ensure full compliance with and enforcement of all existing regulations including the Chesapeake Bay Critical Area (CBCA) and the Woodland and Wildlife Conservation Ordinance.

3.5 Encourage interior forest restoration and preservation by creating exclusion or limited use areas where forest interior dwelling bird species (FIDS) habitat is present on public lands.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

POLICY 7: Preserve, enhance, connect, and restore forest and tree canopy coverage.

Woodland Conservation

The property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size, and it contains more than 10,000 square feet of existing woodland. The resulting woodland conservation threshold under the current zoning would be 45.92 percent, or 168.61 acres. This zoning map amendment to rezone the property to the R-S Zone would result in a reduced woodland conservation threshold to 20 percent, or 73.44 acres, resulting in an estimated loss of almost 95.17 acres of woodland conservation requirement. The requested change in use will result in a significant decrease to the Woodland Conservation Threshold which is currently 50-percent in the R-A Zone and 25 percent in the R-E Zone. While this potential reduction of a minimum woodland conservation requirement is not generally supported within the special conservation area of the Mattawoman Stream Valley, the property owner proffers the following:

- Provide a stream corridor assessment survey with a NRI plan review;
- Meet the entire woodland conservation requirement for the proposed R-S Zone on-site;
- Create new wetland, and enhance existing wetlands with adjoining meadows focusing on providing wildlife habitat;
- Provide selective woodland understory enhancement focusing on habitat and biodiversity; and
- Provide ecological enhancement through selective environmental site design planting motifs that both replicate and increase the biodiversity of the local ecology.

With the addition of the property owner's proffers and recommended conditions, the requested zoning change can be found in conformance with the Woodlands, Wildlife and Habitat Policy of the Environmental Infrastructure Section within the master plan for the reasons outlined above.

7. **Zoning Requirements:** The District Council cannot approve a basic plan unless it finds that the entire development meets the applicable criteria for approval, as set forth in Section 27-195(b) of the Prince George's County Zoning Ordinance. Because the basic plan meets that criteria, and in particular the criteria in Section 27-195(b)(1)(A) and Section 27-195(b)(1)(E), the Prince George's County Planning Board recommends approval of Zoning Map Amendment A-10059, Dobson Farms.

Section 27-195 - Map Amendment approval.

(b) Criteria for approval.

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

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

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

(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;

(iii) The regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of this Code.

(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.

In order to approve a basic plan, the District Council must find, among other things, that the basic plan conforms to either Section 27-195(b)(1)(A)(i), (ii), or (iii). As will be explained, the basic plan meets the criteria in Section 27-195(b)(1)(A).

Section 27-195(b)(1)(A)(i) is drafted in the disjunctive, providing two alternative bases for approval, separated by a semi-colon. With respect to the first, the basic plan conforms to the specific recommendations of the general map plan, the area master plan map, or the urban renewal plan map.

Plan 2035's Future Land Use Map (page 101) classifies the eastern portion of the property as Residential Low, which the plan, on the preceding page, states is appropriate for primarily single-family detached dwellings up to 3.5 dwelling units per acre. The R-S Zone permits a residential density of 1.6–3.5 dwelling units per acre. The statement of justification (SOJ) states that the property owner plans to construct between 758 and 1,232 single-family attached and detached dwellings. The density and housing types included in this plan conform to the recommendation of Plan 2035.

Majority of the property is within the Established Communities category on the Growth Policy Map (Map 11) and Plan 2035 identifies this as a land use policy that is intended as a guideline for future development and an area to direct a majority of projected new residential and employment growth to the Regional Transit Districts. The property is near the Brandywine Local Center; however, it is not within its boundaries. Plan 2035 encourages the use of conservation subdivisions or clustered development in areas adjacent to Rural and Agricultural Areas, like the property, to transition density and to encourage preservation of green infrastructure corridors, as defined by the Green Infrastructure Plan. The basic plan does not include cluster development design strategies; however, the basic plan conforms to the master plan's density recommendations.

The master plan, in its Future Land Use Map, includes a third classification on the property: Residential Low Transition. The master plan states, on page 31, that this classification is intended for residential areas up to two dwelling units per acre, primarily for single-family detached dwellings. In addition, on page 33, the master plan states that, “[i]n a transition area the conservation subdivision technique is strongly recommended” and that “[c]onservation subdivisions are required to be clustered, to be built in less environmentally sensitive areas, and to have a minimum conservation requirement of 60 percent in the O-S Zone, 50 percent in the R-A Zone, and 40 percent in the R-E and R-R zones.” Clustered development is encouraged because it reduces impervious surfaces and pollutant loads from runoff. The basic plan does not include a conservation subdivision design layout. However, the rezoning request conforms to the to 2.0 residential dwellings per acre and covers about 305 acres of the property. Therefore, the development of 610 residential dwellings would be consistent with the master plan's recommendation on this portion of the property. The basic plan includes between 488–610 residential dwellings in this area of the property.

There are no residential dwelling units included on the basic plan in the Rural areas recommended in the master plan. The SOJ indicates that that area provides a wooded buffer between the development and properties to the west.

With respect to the criteria requiring conformance to the “urban plan map,” there is no such map applicable to this property.

As for the second half of Section 27-195(b)(1)(A)(i)—the principles and guidelines of the plan text that address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact that the development may have on the environment and surrounding properties—which is drafted in the conjunctive (i.e., and), the relevant portion is “the impact the development may have on the environment and surrounding properties.” As previously set forth in Finding 6, rezoning the property to R-S would significantly reduce the woodland conservation threshold, resulting in approximately 95.17 acres losing protection that would otherwise be in place under the current zoning. To address this reduction in the woodland conservation threshold, the property owner proffered the following:

- Provide a stream corridor assessment survey with a NRI plan review;
- Meet the entire woodland conservation requirement for the proposed R-S Zone on-site;
- Create new wetland and enhance existing wetlands with adjoining meadows focusing on providing wildlife habitat;
- Provide selective woodland understory enhancement focusing on habitat and biodiversity; and
- Provide ecological enhancement through selective environmental site design planting motifs that both replicate and increase the biodiversity of the local ecology.

The Environmental Planning Section determined that with the addition of the property owner’s proffers and recommended conditions, the requested zoning change to the R-S Zone can be found in conformance with the Woodlands, Wildlife and Habitat Policy of the Environmental Infrastructure Section within the master plan for the reasons outlined above. Therefore, the requested rezoning would not have a significant negative impact on the environment, and it aligns with the master plan’s goals of protecting the Mattawoman Creek Watershed.

The master plan calls for the maintenance of the natural hydrologic patterns during development to the maximum extent practicable. The requested added density does not negatively affect the natural hydraulic patterns post development.

The District Council could also approve the basic plan if it meets Section 27-195(b)(1)(A)(ii)—that is if it finds that the basic plan conforms to 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.” Much of the discussion for Section 27-195(b)(1)(A)(i) could apply to this criterion as well. The basic plan, which does not include clustered development but requests a density that conforms to the master plan’s recommended density, satisfies this criterion. Specifically, the basic plan conforms to the principles and guidelines with respect to the number of dwelling units for Residential Low and Residential Low Transition areas.

Section 27-195(b)(1)(A)(iii) allows approval of a basic plan if “The regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of this Code.” This criterion is inapplicable because the property is not currently zoned R-S or developed with uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b) of the Zoning Ordinance.

In approving this application and basic plan, the District Council is required to consider whether the entire development meets Section 27-195(b)(1)(E), which provides:

“(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.”

As previously mentioned, the rezoning would significantly reduce the forest conservation threshold, and the master plan, on page 70, states that the largest forest tracts are within the Mattawoman Creek Stream Valley. It states further that “[w]hen trees and forests are damaged, ecological features such as air and water quality or wildlife and fish habitats are degraded, and nearby communities suffer, sometimes showing signs of economic and social decline.” The property owner has provided proffers to address the woodland conservation threshold. These proffers reduce the possible impact to the existing woodlands and improve the effect that the development would have on the natural

hydraulic patterns in the watershed. Furthermore, the basic plan satisfies Section 27-195(b)(1)(E).

The property is outside of a Village-Medium or Village-Low Zone.

Pursuant to Section 27-511(a) of the Zoning Ordinance, the property location is consistent with the purposes of the R-S Zone. The complete list of purposes is copied below, followed by comments:

Section 27-511(a) Purposes of the R-S Zone

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

- (1) Establish (in the public interest) a plan implementation zone, in that (among other things): (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; (B) The location of the zone must be in accordance with the adopted and approved General Map Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change; and (C) Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.**

As previously noted, the zoning map amendment is requesting a maximum residential density of 2.6 dwelling units per acre, that is contingent upon the incorporation of public benefit features.

The location of the R-S Zone on the property is in accordance with the following:

- (1) the Residential Low land use recommendation from Plan 2035;
- (2) the Residential Low and Residential Low Transition areas land use recommendation from the master plan; and
- (3) the reduction of the minimum woodland conservation threshold of 95.17 acres, along with the proffers and recommended conditions conforms to the recommendations of the Green Infrastructure Plan.

Per Section 27-515(b), the request for single-family detached and attached dwelling units is a permitted use for the R-S Zone.

- (2) Establish regulations through that adopted and approved public plans and policies (such as the General Map Plan, Master Plans,**

Sector Plans, public urban renewal plans, or Section Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;

The R-S Zone establishes the density ranges and regulations. The site plan will establish the range, as allowed by the R-S Zone. The comprehensive design plan will establish an exact density and apply the other R-S Zone regulations.

- (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;**

As an overall use, the requested single-family attached and detached homes are compatible with the existing and surrounding land uses, with undeveloped single-family residential land and single-family homes immediately adjacent to the property. Adequate existing public facilities and services are available to the property.

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

The site plan has incorporated open space areas and passive and active recreational facilities and trails that creates opportunities for an active environment for residents that eases the impact on the public park system.

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

The site plan conforms with the recommendations of Plan 2035, the master plan, and the Green Infrastructure Plan. Therefore, it encourages and stimulates balanced land development for the immediate adjacent areas. There are no commercial uses included on the basic plan for the property.

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

As previously indicated, there are single-family residential and large vacant single-family residential lands surrounding the property. The site plan incorporates between 758 and 1,232 single-family detached residential units that could improve the overall quality and variety of residential environments in the Regional District. The variety and quality

of the residential units proposed for the property will need addressing during the specific design plan stage.

(7) Allow qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone pursuant to Section 27-515(b) of this Code.

There are no commercial uses included on the basic plan to comply with this section of the Zoning Ordinance.

8. Further Planning Board Findings and Comments from Other Entities: Referral memoranda comments directly related to the request to rezone the property were included in the body of this technical report. Referral memoranda were received from the following divisions, and are incorporated herein by reference:

- a. Transportation Planning Section, dated June 7, 2021 (Ryan to Spradley);
- b. Prince George’s County Department of Parks and Recreation dated March 29, 2021 (Sun to Spradley);
- c. Community Planning Section, dated June 17, 2021 (Calomese to Spradley);
- d. Urban Design Section, dated March 22, 2021 (Zhang to Spradley);
- e. Environmental Planning Section, dated June 15, 2021 (Nickle to Spradley);
- f. Historic Planning Section, dated March 12, 2021 (Stabler to Spradley);
- g. Subdivision Section, dated April 14, 2021 (Heath to Spradley);
- h. Prince George’s County Health Department, dated February 24, 2021 (Adepoje to Spradley); and
- i. Special Projects Section, dated March 21, 2021 (Thompson to Spradley).

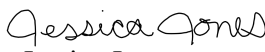
NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George’s County Code, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George’s County,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

* * * * *

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 29, 2021, in Upper Marlboro, Maryland.

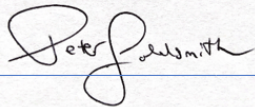
Adopted by the Prince George's County Planning Board this 9th day of September 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:DS:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: August 10, 2021