

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-10060, Saddle Ridge, 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 8, 2021, the Prince George's County Planning Board finds:

- 1. Location and Site Description:** The subject property is 289.10 acres, found on Tax Map 144 in Grids C-1, C-2, C-3, C-4, D-2, and D-3 in the southern portion of Prince George's County. The property is located south of Floral Park Drive and approximately 6,500 feet west of the intersection of Branch Avenue and Brandywine Road. A Potomac Electric Power Company (PEPCO) right-of-way bisects the site. The proposed access to the property is provided from two points on Floral Park Road and two points on Accokeek Road.
- 2. History:** The subject property is a combination of record lots and acreage parcels. The record lots included in the subject property are Partial Lots 43–44, Lots 45–47, and Partial Lots 61–66 of the Littlewood Subdivision, recorded in Plat Book SDH 3 at page 86, dated May 13, 1930. The acreage parcels included in the subject property are Tax Parcels 37, 66, 110, 143, and 236, recorded among the Prince George's County Land Records in Liber 43180 at folio 565 and Tax Parcels 86 and 157, recorded among the aforementioned Land Records in Liber 37115 at folio 531. Tax Parcels 37, 143, and 236 are not subject to a previously approved preliminary plan of subdivision (PPS). Partial Lots 43–44, Lots 45–47, and Partial Lots 61–66 of the Littlewood Subdivision, and Tax Parcels 86, 110, 157, and 166 are subject to a Sketch Plan (S-07002) and PPS 4-07076 for the Estates at Pleasant Valley. PPS 4-07076 was approved by the Prince George's County Planning Board (PGCPB Resolution No. 08-64(A)) as a conservation subdivision on March 22, 2012, for 258 single-family detached residences, subject to 31 conditions of approval. S-07002 expired on November 7, 2009, and PPS 4-07076 is valid until December 31, 2021. The subject property was retained in the Residential-Estate (R-E), and Rural Residential (R-R) Zones in the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). Portions of the property have been used for surface mining operations permitted by special exception and listed below. The property has been cleared of the mining operation and the majority of the site remains wooded.

In 1966, the Prince George's County District Council approved Special Exception SE-1299, which approved a sand and gravel mine on a larger tract of land that included the subject property.

In 1967, the District Council approved SE-1589, SE-1590, and SE-1593, which was requested by the Washington Gas Light Company on three separate parcel areas for a well for gas storage field operations. No conditions were required for these special exceptions. Further information can be found in Zoning Resolutions 444-1967, 445-1967, and 450-1967.

In 1976 and 1992, the District Council approved SE-2903 and SE-4043; the applications were requested by Lone Star Industries on several parcels for sand and gravel mining operations. No conditions were required for these special exceptions.

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

North— Floral Park Road;

South— Accokeek Road;

East— MD 381 (Brandywine Road), a local scenic and historic road; and

West— South Springfield Road.

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

North— Single-family detached dwellings in the R-R Zone.

East— Single-family detached dwellings in the R-E Zone and vacant land in the R-R Zone.

South— Surface mining; sand and gravel wet-processing, vacant land, and a single-family detached dwelling in the R-R Zone.

West— Single-family detached dwellings and vacant land in the R-E Zone.

4. **Request:** The application seeks the rezoning of the site from the R-E and R-R Zones to the Residential Suburban Development (R-S) Zone, to permit a residential development with up to 955 single-family attached and detached dwellings.

5. **General and Master Plan Recommendations:** Pursuant to Section 27-195(b)(1)(A) Criteria for Approval, of the Prince George's County Zoning Ordinance, the proposed basic plan amendment is in conformance with the Subregion 5 Master Plan and SMA and with the vision of *Plan Prince George's 2035 Approved General Plan* (Plan 2035) Established Communities Growth Policy Area.

LAND USE

2014 Plan Prince George's 2035 Approved General Plan

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established Communities are most appropriate for context-sensitive infill and low- to

medium-density development (page 20; also refer to Map 1, Prince George's County Growth Policy Map, page 18).

There are three locations in the lower portion of the subject property, as depicted in the graphic that was included in the technical staff report, that are not currently part of the Future Water and Sewer Service Area. Plan 2035 recommends placing properties that are located within the growth boundary, but which have not been approved for a water and sewer category change (which would allow for denser development) in future water and sewer service areas. The future water and sewer service areas are holding zones in which near-term development is deferred until additional residential capacity is required (page 20). In other words, denser development is not able to occur in those areas not covered by the future water and sewer service areas. The three areas are unlikely to be densely developed, as they are located on the fringes of the property in wooded areas or areas that are otherwise unfavorable for development. The majority of the site is within the sewer envelope for planned or existing sewer service. The portions of the property not within the future water and sewer service area are not detrimental to the approval of this application. Additional details concerning water and sewer categories may be found below in Part 7 (response to Section 27-195(b)(1)(D)) of this technical staff report.

2013 Approved Subregion 5 Master Plan

The Subregion 5 Master Plan and SMA recommends the future land use of residential low on the subject property.

Residential Low

According to the master plan, property classified as residential low "is intended for single-family detached residential development that may have up to 3.5 dwelling units per acre."

Master Plan Conformance Issues

Pursuant to Section 27-195(b)(1)(A), the proposed basic plan does conform to the recommended residential low future land use in the Subregion 5 Master Plan and SMA. However, the proposed basic plan does not conform with all of the text which states "residential low" areas are designated for single-family detached suburban residential development (page 33).

The applicant has made clear in the statement of justification (SOJ) that the applicant envisions "a residential low-density development of townhouses and single-family homes."

The townhouses envisioned are not consistent with the intent of the master plan. The applicant proposed a "high-quality suburban development, below the maximum density envisioned for Residential Low areas."

The applicant has tied the vision for the subject property to the vision for the Brandywine Community Center. The Brandywine Community Center is a medium-density development intended for mixed-use. The subject property is neither in, nor adjacent to, the Brandywine Community Center and should not derive proposed densities from the Brandywine Community Center.

2017 Countywide Green Infrastructure Plan

According to the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the entire site is within the evaluation and regulated areas designations. 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 (Schneider to Sievers, dated May 24, 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

A natural resources inventory (NRI) is not required as part of a zoning amendment application; however, an approved NRI covering a portion of the site, but showing the entire land area included in the application was provided. Previously, NRI-0150-06 was approved in March 2007. This NRI has since expired and now a new NRI is required with any new development applications to include the additional property proposed with the zoning map amendment. A review of the NRI plan showed regulated environmental features and 118 specimen trees. No further information is needed at this time.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010 and February 1, 2012 because the development proposal will be required to file a PPS application to reflect the development proposed with the basic plan.

The entire site is within the Environmental Strategy Area 2 (formerly the Developing Tier) as designated by Plan 2035. The property is within the Subregion 5 Master Plan and SMA.

The site fronts on Floral Park Road and Accokeek Road, which are designated as scenic and historic roads. The 2009 *Master Plan of Transportation* (MPOT) designates Floral Park as a primary roadway, and a portion of Accokeek Road as a collector.

Plan Principles and Guidelines

GENERAL PLAN

Plan Prince George's 2035 Approved General Plan

Plan 2035 located the entire application area within the Established Community's growth policy areas, residential low future land use, future water and service area policy area, and the Environmental Strategy Area (ESA) 2.

The Zoning Ordinance provides guidance regarding the impact and relationship of general plans with master plans and functional master plans. Specifically, Section 27-640(a) of the Zoning Ordinance states the following regarding the approval of a general plan, and its effect on a previously approved master plan:

Section 27-640. Relationship between Master, General, and Functional Plans.

- (a) **When Functional Master Plans (and amendments thereof) and General Plan amendments are approved after the adoption and approval of Area Master Plans, the Area Master Plans shall be amended only to the extent specified by the District Council in the resolution of approval. Any Area Master Plan or Functional Master Plan (or amendment) shall be an amendment of the General Plan unless otherwise stated by the District Council.**

MASTER PLAN

The Subregion 5 Master Plan and SMA approved by the District Council is the current master plan for this area. The master plan identifies the on-site Burch Branch as a secondary corridor to Piscataway Creek (a primary corridor). This master plan included environmentally related policies and their respective strategies in the Environmental Infrastructure section.

Summary of Subregion 5 Master Plan Conformance

The proposed application to rezone 289.36-acres in the R-E and R-R Zones to the R-S Zone does meet the intent of the Environmental Infrastructure section within the Subregion 5 Master Plan because the approval would only result in slightly lower woodland conservation threshold (WCT). The existing WCT goes from 25 percent in the R-E Zone and 20 percent in the R-R Zone to a proposed 20 percent for the entire property in the proposed R-S Zone. This difference is minimal and will allow similar overall woodland clearing. The basic plan shows woodland preservation within the riparian buffer areas and areas adjacent to the riparian buffers, in accordance with established preservation priorities. One stream road crossing and four development pods are shown on the plans, as submitted. The applicant shall provide the minimum WCT on-site to the fullest extent practicable.

Green Infrastructure Plan

The entire site is mapped within the green infrastructure network, as delineated in accordance with the Green Infrastructure Plan. The mapped green infrastructure network on this site contains

regulated and evaluation areas. The regulated areas are mapped in association with Burch Branch stream and its tributaries, and the evaluation area is associated with the woodlands adjacent to the stream valleys, which provide wildlife connections between the streams.

Summary of Master Plan Conformance

The basic plan is in conformance with Plan 2035, the Subregion 5 Master Plan and SMA, and the Green Infrastructure Plan, and reflects the intent of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). The proposed zoning change will have a minimal effect on the overall WCT, and the applicant has shown on the basic plan the proposed preservation of wooded regulated environmental features and the reduction of stream impacts. The WCT shall be met on-site.

Environmental Considerations

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland.

The requested change in use will result in a minimal change to the WCT, which is currently 25 percent in the R-E Zone and 20 percent in the R-R Zone. The proposed zoning change to the R-S Zone would reduce the WCT to 20 percent.

All future development review applications are subject to the WCO and are not grandfathered for woodland conservation regulations. A tree conservation plan, in accordance with the current regulations, is required with future applications.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Environmental Technical Manual."

With the NRI review, all on-site specimen trees will be identified, and health status will be noted. A variance request for the removal of specimen trees shall be submitted with the acceptance of future development applications.

Regulated Environmental Features

There is primary management area, comprised of regulated environmental features, which include floodplain, streams and associated buffers, steep slopes, and wetlands with their associated buffers located on-site. Under Section 27-521(a)(11) of the Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible. A letter of justification with exhibits shall be submitted for review, prior to acceptance of any application requesting impacts to regulated environmental features.

Stormwater Management

A site development concept will be reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and should be submitted for review with the acceptance of future development applications.

Erosion and Sediment Control

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland, as designated by the Maryland Department of the Environment that are afforded special protection under Maryland's antidegradation policy. A 150-foot-wide expanded buffer is required on-site for all intermittent and perennial streams, in accordance with the Prince George's Soil Conservation District requirements. This buffer is required to be shown on the NRI. Redundant erosion and sediment control measures may be required on the erosion and sediment control plan reviewed by the Soil Conservation District. The limits of development on the erosion and sediment control plans must match the limits of development on the site development plan and the tree conservation plans.

Scenic and Historic Roads

Floral Park Road is designated as a scenic/historic road and Accokeek Road is designated as an historic road in the MPOT.

The MPOT includes a section on special roadways, which includes designated scenic and historic roads, and provides specific policies and strategies which are applicable to these roadways, including to conserve and enhance the viewsheds along designated roadways. Any improvements within the right-of-way of an historic road are subject to approval by the County under the 1994 *Prince George's County Design Guidelines and Standards for Scenic and Historic Roads*.

The 2010 *Prince George's County Landscape Manual* (Landscape Manual) addresses the requirements regarding buffers on scenic and historic roads. These provisions will be evaluated at the time of the review of the specific design plan. Adjacent to an historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier (now ESA 2). In ESA 2, the required buffer along an historic road is a minimum of 20-foot-wide, to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost-effective treatment which provides a significant visual enhancement to the appearance of an historic road.

The special roadway buffer must be located outside of the right-of-way and public utility easements, and preferably by the retention of existing good quality woodlands, when possible.

Summary

The rezoning request is supported because it has been found to meet Section 27-195(b)(1)(A) and (E). The proposal will result in a minimal change to the WCT, which is currently 25 percent in the R-E Zone and 20 percent in the R-R Zone. The proposed zoning change to the R-S Zone would reduce the WCT to 20 percent for the entire site. This proposed application will be required to have an environmental site design to measure, control, and treat stormwater runoff,

in accordance with current County requirements. The basic plan shows woodland preservation, with limited impacts to the on-site riparian buffer areas, for one stream road crossing and four development pods. The basic plan demonstrates that the 20 percent WCT can be met on-site. Future development applications shall demonstrate preservation of the designated scenic and historic nature of both Floral Park Road and Accokeek Road.

7. **Zoning Requirements:** The District Council cannot approve a basic plan unless it finds that the entire development meets the criteria for approval set forth in Section 27-195(b).

Section 27-195. - Map Amendment approval.

(a) In general.

- (1) The District Council may approve or deny the application (including the Basic Plan). Approval shall be an approval of the general land use types; range of dwelling unit densities, including the base, minimum, and maximum densities; and commercial/industrial intensities, general circulation pattern, general location of major access points and land use relationships shown on the Basic Plan. Whenever an applicant designates a limitation of uses within an application, the District Council may approve specific land use types and their general locations within the development, in accordance with the applicant's designation, as part of its approval of the Basic Plan, in order to ensure overall compatibility of land use types within the proposed development and with surrounding land uses. Such an approval by the District Council shall become a part of the approved Basic Plan. The District Council may also specify certain planning and development matters (known as "considerations") for the Planning Board and Technical Staff to consider in later Comprehensive Design Plan, Specific Design Plan, or subdivision plat review. The specifics of the considerations shall be followed, unless there is a clear showing that the requirement is unreasonable under the circumstances.**

The applicant seeks approval to amend the basic plan with single-family attached, single-family detached, open space, trails, and recreational facilities with density ranging from 737 to 955 dwellings, or 2.7 to 3.5 dwellings per acre, in accordance with the low-density recommendations and provisions of the R-S Zone. Density above 2.7 units per acre will require the provisions of public benefit features; those proposed include paths, open areas, and a pool with clubhouse.

Ingress and egress are proposed at two access points on Floral Park Road, with a right-of-way of 70-feet, and two access points on Accokeek Road, with a right-of-way of 80 feet.

- (2) **The finding by the Council of adequate public facilities shall not prevent the Planning Board from changing or modifying this finding during its review of Comprehensive Design Plans, Specific Design Plans, or subdivision plats. The Planning Board shall, at each phase of plan or subdivision review, find that the staging of development will not be an unreasonable burden on available public facilities or violate the planning and development considerations set forth by the District Council in the approval of the Basic Plan.**

The staging of development will not be an unreasonable burden on the available public facilities and will not violate the planning and development consideration made by the District Council.

- (3) **Where the property proposed for the Zoning Map Amendment is located within the Resource Conservation Overlay Zone, no Comprehensive Design Zone shall be granted for the subject property.**

The subject site is not located within a Resource Conservation Overlay Zone.

- (4) **In the approval of a Basic Plan in the V-M and V-L Zones, the District Council shall find that a variety of types of dwelling units shall be constructed at each stage of development, and that the storefront, civic, and recreational uses are staged to coincide with the initial stages of development.**

The subject site is not located in the Village Medium (V-M) or Village Low (V-L) Zones.

(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; or**
- (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.**

The Future Land Use Map (Map IV-1, page 32, Subregion 5 Master Plan and SMA) places the property within the Residential Low area. The intent of the residential low designation is for single-family detached suburban development. This residential low development may have up to 3.5 dwelling units per acre.

The subject site proposed density from 2.7 to 3.5 dwelling units per acre, in keeping with the residential low recommendation. However, the provided SOJ further describes the development project as containing single-family detached and attached (townhouse) units. The application does not conform to subpart (ii) of the above criteria, as the proposed townhouses do not follow the text or designation of the site as a single-family detached suburban development. Furthermore, as discussed above, three areas of the subject site are not located in the Future Water and Sewer Service Area.

- (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;**

No commercial uses are proposed with this application.

- (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;**

The site would generate 4,869 additional daily trips with the rezoning. The rezoning would also result in 400 to 500 additional peak-hour trips.

Staff does not believe that the additional volumes would lower the level-of-service anticipated by the master plan. The Subregion 5 Master Plan and SMA is, to a degree, based on the continued use of the Brandywine Road Club as a means of sharing in the major roadway improvements in the area. To augment the roadway recommendations, the master plan also recommends a transit line (also known as the Southern Maryland Rapid Transit line) parallel to MD 5 between the Branch Avenue Metrorail Station and Charles County. These facilities together ensure that adequate capacity exists in the MD 5 corridor to accommodate the rezoning.

- (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;**

Per Subtitle 24 of the Subdivision Regulations, methodology for testing adequate public facilities occurs at the time of PPS review; however, the above-referenced section requires a public facilities finding at the time of review of a proposed map amendment. The following information is provided in response to these findings, in order to allow for a determination of compliance.

RESIDENTIAL

Water and Sewer

The 2018 *Water and Sewer Plan* identifies the proposed development within water and sewer Category 4 (Community System Adequate for Development Planning) and Category 5 (Future Community Service).

Specifically, Parcel 188 (identified as Walton Maryland, LLC ETAL, Tax ID 11891820), and Part of Lot 44 (Walton Maryland, LLC ETAL, Tax District 11 and Tax Account 1189141) are designated water and sewer Category 5, Future Community Service. Parcel 188 is not included in Pod E of future development, per the basic plan exhibit. Likewise, the parts of Lot 44 in Category 5 fall within regulated environmental features and will not be developed. If the applicant wishes to develop any land in Category 5, they will need to apply for a change to Category 4 before PPS.

The Prince George's County Council Resolution CR-045-2020 changed Parcels 37, 143, and 236 from water and sewer Category 5 to Category 4.

In addition, Parcels 037, 143, 236, 188, Part of Lot 44 totaling 37.52, and Part of Lot 43 totaling 1.04 acres are in Tier 2 of the Sustainable Growth Act. Tier 2 comprises property currently planned for public sewer service.

Per the Growth Policy Map, the majority of the subject property is within a future water and sewer service area.

Capital Improvement Program (CIP)

The subject project is located in Planning Area 85A, Brandywine Vicinity. The Prince George's County FY 2021–2026 Approved Capital Improvement Program does not identify any schools and/or public safety facilities in the planning area.

Police

This project is served by Police District VII, Fort Washington, located at 11108 Fort Washington Road in Fort Washington.

Per Section 24-122.01(c)(1)(A) of the Prince George's County Subdivision Regulations, the Planning Board test for police adequacy is based on a response time residential standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls. The residential response time standard of 10 minutes for priority calls in this area is currently failing (as of acceptance); therefore, mitigation may be required. However, per Section 24-122.01(f) (CB-20-2020, enacted July 21, 2020) the public safety facilities mitigation requirement may be waived by Council Resolution. The test for police adequacy will be further evaluated at the time of specific design plan and again at time of PPS review.

Fire and Rescue

This project is served by Brandywine Volunteer Fire/EMS, Company 840, located at 13809 Brandywine Road in Brandywine, as the first due station. Per Section 24-122.01(d)(1)(A), the Planning Board test for adequacy recognizes the national standard of a 7-minute total response time for fire/EMS response times for residential development. This will be further evaluated at the time of PPS review.

Schools

This project is in School Cluster 6. Gwynn Park High School, Gwynn Park Middle School, and Brandywine Elementary School serve this area. Per Section 24-122.02, Council Resolutions CR-23-2001 and CR-38-2002, *Adequate Public Schools Facility Regulations for Schools*, impacts to school facilities will be further evaluated at the time of PPS.

Library

This area is served by the Accokeek Branch Library, 15773 Livingston Road, Accokeek, Maryland and the Surratts-Clinton Branch Library, 9400 Piscataway Road, Clinton, Maryland.

- (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 proposed basic plan does meet the environmental criteria for approval. The basic plan does conform to the specific recommendations of Plan 2035, the Subregion 5 Master Plan and SMA, or the Green Infrastructure Plan. The principles and guidelines set forth in those plans seek to preserve, enhance, and restore the County's natural and built ecosystems; and with the rezoning to R-S, the application must follow the guidelines of the above approved plans.

Under the WCO, the forest conservation threshold would be slightly lower in the R-S Zone, requiring 20 percent for the entire application area, compared to that found for the two existing zones, which required 25 and 20 percent. The on-site wooded stream systems and riparian stream buffers, if preserved to the fullest extent practicable, could provide the minimum amount of woodland conservation required on-site.

- (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 to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.**

The applicant has indicated in the SOJ that the development project will be completed within six years.

- (3) **In the case of an L-A-C Zone, the applicant shall demonstrate to the satisfaction of the District Council that any commercial development proposed to serve a specific community, village, or neighborhood is either;**
- (A) **Consistent with the General Plan, an Area Master Plan, or a public urban renewal plan; or**
 - (B) **No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.**

The subject site is not located in the Local Activity Center Zone.

- (4) **In the case of a V-M or V-L Zone, the applicant shall demonstrate to the satisfaction of the District Council that the commercial development proposed to serve the village is no longer than needed to serve existing and proposed residential development within and immediately surrounding the village, within the parameters of Section 27-514.03(d)(1)(A).**

The subject site is not located in the V-M or V-L Zones.

Section 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;**
 - (B) **The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change; and**
 - (C) **Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.**

The development of the site as an R-S-zoned property allows a density of 2.7 to 3.5 dwelling units per acre. Public benefit features are anticipated, in order to achieve density above 2.7 dwelling units per acre. As stated above, the location of the requested zone is in conformance with the standards of the Subregion 5 Master Plan and SMA and Plan 2035. Section 27-515(b) permits residential dwellings in the R-S Zone. The proposed rezoning application meets the requirements of this purpose.

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

The specific zone in which a property is located designates the density ranges and other regulations. The criteria of the R-S Zone and the recommendations of Plan 2035 and the Subregion 5 Master Plan and SMA govern the subject site.

- (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 area immediately surrounding the subject site is composed of undeveloped land and single-family detached residences. The application includes a conceptual layout for both single-family attached and detached dwellings. The townhouses in the conceptual layout are proposed near the periphery of the property where they are separated from adjoining uses by PEPCO transmission lines and/or natural features. Private recreational facilities are also proposed towards the interior of the development. The development is situated in the larger Brandywine community, where further residential development will help to stimulate the commercial businesses in the area. As stated above, public facilities are present and will be further tested at the time of PPS. While the townhouse use does not meet the text/intent of the Subregion 5 Master Plan and SMA, the conceptual layout exhibits compatibility with existing and proposed surrounding land uses and is found to promote the health, safety, and welfare of the present and future inhabitants of the regional district.

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

The proposed zone will allow for more density, which encourages the preservation of open space. The applicant has proposed on-site recreational facilities such as a swimming pool and club house, open space areas, and walking paths with sitting areas throughout the community.

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

The development of the site is purely residential in nature, which will help to stimulate the economic activity of the Brandywine Community. Through the rezoning of the site, the proposed development will offer a set of housing types and lot sizes that are unique to the surrounding zones, thereby encouraging varied yet balanced land development.

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

The current zoning of the property is intended for larger lot sizes and less density. The rezoning and subsequent development of the property to the R-S Zone will improve the overall quality and variety of surrounding residential environments by allowing density and lot sizes that will help to preserve natural features on-site, such as the Burch Branch stream, and wooded and open space areas.

(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.

All proposed uses are permitted in the R-S Zone. The development proposal is not associated with uses pertinent to the Employment and Institutional Use Area Zone; therefore, this purpose does not apply.

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 staff report. Referral memoranda were received from the following divisions, all are included as backup to this report and are incorporated herein by reference:

- a. Transportation Planning Section (Bicycle/Pedestrian Facilities), dated May 22, 2021 (Ryan to Sievers);
- b. Transportation Planning Section (Traffic), dated June 3, 2021 (Masog to Sievers);
- c. Prince George's County Department of Parks and Recreation, dated May 10, 2021 (Burke to Sievers);
- d. Community Planning Section, dated May 24, 2021 (Calomese to Sievers);
- e. Urban Design Section, dated May 18, 2021 (Zhang to Sievers);
- f. Environmental Planning Section, dated May 21, 2021 (Schneider to Sievers);
- g. Historic Planning Section, dated April 28, 2021 (Stabler to Sievers);
- h. Subdivision Section, dated May 14, 2021 (DiCristina to Sievers);
- i. Special Projects Section, dated May 14, 2021 (Perry to Sievers);
- j. Prince George's County Department of Permitting, Inspections and Enforcement (Water/Sewer), dated April 16, 2021 (Branch to Sievers); and

- k. Prince George's County Department of Permitting, Inspections and Enforcement (Site/Road), dated April 30, 2021 (Giles to Sievers).

9. Planning Board Hearing— At the Planning Board hearing on July 8, 2021, the applicant's attorney, Matt Tedesco, entered one exhibit into the record. Staff also provided one exhibit. The applicant's exhibit contained a virtual public hearing notice and mailing list. The staff exhibit added the most recent Statement of Justification to the additional backup.

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 without proposed conditions.:

* * * * *

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 and Hewlett voting in favor of the motion, and with Commissioner Geraldo opposing the motion at its regular meeting held on Thursday, July 8, 2021, in Upper Marlboro, Maryland.

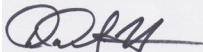
Adopted by the Prince George's County Planning Board this 29th day of July 2021.

Elizabeth M. Hewlett
Chairman

Jessica Jones
By Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: July 20, 2021