

Case No.: A-9968-01
Willowbrook
(Amendment of Basic Plan
and Conditions)

Applicant: WBLH, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 5-2019

AN ORDINANCE to amend the Basic Plan and Conditions previously approved by the District Council in Zoning Map Amendment A-9968.

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

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

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

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

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

WHEREAS, Zoning Map Amendment A-9968-01 is a request to amend the Basic Plan for Willowbrook to increase the number of dwelling units, to increase the percentage of single family attached dwelling units, to change the size and location of dwelling units, and to revise conditions and considerations of Basic Plan approval, pursuant to §27-197(c) of the Zoning Ordinance, on approximately 442.30 acres of land, in the R-S (Residential Suburban Development), the I-1 (Light Industrial) and the R-A (Residential Agricultural) Zones, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway), Upper Marlboro, Councilmanic District 6; and

WHEREAS, the application was advertised and the property was posted prior to public hearings, in accordance with all requirement of law; and

WHEREAS, the application to amend the Basic Plan and Conditions was reviewed by the Planning Department's Technical Staff; and

WHEREAS, Technical Staff recommended that the application be approved with conditions; and

WHEREAS, after consideration of the evidence presented at the public hearing held on September 20, 2018, the Planning Board recommended that the application be approved with conditions; and

WHEREAS, on November 7, 2018, an evidentiary hearing was held on the application to amend the Basic Plan and Conditions before the Zoning Hearing Examiner; and

WHEREAS, on April 2, 2019, the Zoning Hearing Examiner issued a notice of decision; and

WHEREAS, the Examiner recommended that the application to amend the Basic Plan and Conditions be approved with conditions; and

WHEREAS, as the basis for its final decision, the District Council adopts and incorporates by reference, as if fully stated herein, the Examiner's decision issued on April 2, 2019.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The request to amend the Basic Plan and Conditions for Willowbrook to increase the number of dwelling units, to increase the percentage of single family attached dwelling units, to change the size and location of dwelling units, and to revise conditions and considerations of Basic Plan approval, pursuant to §27-197(c) of the Zoning Ordinance, on approximately 442.30 acres of land, in the R-S (Residential Suburban Development), the I-1 (Light Industrial) and the

R-A (Residential Agricultural) Zones, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway), Upper Marlboro, Councilmanic District 6, is hereby conditionally APPROVED.

SECTION 2. Use of the subject property shall be subject to all requirements in the applicable zones and to the requirements in the conditions herein. Failure to comply with any stated condition shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to annul the rezoning and Basic Plan as conditionally approved; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

Amendment of the Basic Plan and Conditions in A-9968-01, is subject to the following Conditions and Considerations:

Conditions:

1. Proposed Land Use Types and Quantities

Total Area:	442.30 acres
Total in (I-1 Zone):	15± acres (not included in density calculation)
Total area (R-A Zone):	0.78± acres (not included in density calculation)
Total area (R-S Zone):	426.52 acres per approved NRI
Land in the 100-year floodplain:	92.49 acres
Adjusted gross area (426 less half of the floodplain):	380.27 acres
Land devoted to mixed-retirement development:	28 acres
Adjusted gross area (380.27 less 28 acres):	352.27 acres

Market Rate Development

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

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

Mixed-Retirement Development

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

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

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

Open Space

Public active open space: 20± acres

Private active open space: 11± acres

Passive open space: 220± acres

2. In the event of a townhouse or multifamily, a buffer area shall be located between Leeland Road and any townhouse or multifamily development sufficient to appropriately screen these units with plantings, as determined by the Staff of the Development Review Division, from view from the roadway and to retain the current wooded character of the frontage, consistent with the buffering for Leeland Road as shown on SDP-1603.
3. A small activity recreation area shall be centrally located within the proposed development, as shown in the original 2006 approved Basic Plan.
4. The amenities proposed for the mixed retirement development shall be listed on the Comprehensive Design Plan.
5. At the time of the submission of a Comprehensive Design Plan or Preliminary Plan of Subdivision, the Applicant shall provide a traffic study that analyzes the following intersections:
 - a. US 301/MD 725
 - b. US 301/Village Drive
 - c. US 301/Leeland Road
 - d. US 301/Trade Zone Avenue
 - e. Leeland Road/Safeway Access
 - f. Oak Grove Road/Church Road
 - g. Oak Grove Road/MD 193
 - h. MD 202/MD 193

6. At the time of Preliminary Plan of Subdivision, the Applicant shall provide the dedication for one-half of the 100 feet of dedication required to build Leeland Road (MC-600) to its ultimate cross section, per the Department of Public Works and Transportation standards.
7. At the time of Preliminary Plan of Subdivision, the Applicant shall dedicate 100± acres of parkland to M-NCPPC, including the Collington Branch stream valley and 20 acres of developable land for active recreation, as shown on Department of Parks and Recreation Exhibit A. (Bates Stamped 62 of 63, Exhibit 28, A-9968/01).
8. The land to be conveyed to M-NCPPC shall be subject to the conditions of Exhibit B, attached to the June 21, 2005, memorandum from the Department of Parks and Recreation. (Bates Stamped 63 of 63, Exhibit 28, A-9968/01).
9. The Applicant shall construct a ten (10)-foot-wide Master Plan hiker/biker trail located in Collington Branch Stream Valley and six-foot-wide feeder trails to the development pods. The ten (10)-foot width of the Master Plan trail may be modified at appropriate locations to respond to environmental constraints.
10. A revised Plan showing parkland dedication and Master Plan trail shall be reviewed and approved by the Department of Parks and Recreation staff at the time of Comprehensive Design Plan.
11. The Applicant shall provide adequate private recreational facilities to meet the future subdivision requirements for the proposed development. The private recreational facilities shall be constructed in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.
12. The Applicant shall construct recreational facilities typical for a 20-acre community park, such as ball fields, a playground, tennis or basketball courts, shelters, and restroom facilities. The list of recreational facilities shall be determined at the Preliminary Plan of Subdivision and Specific Design Plan stage. The construction of park facilities shall be eligible for the award of density increments based upon the regulations of the R-S Zone.
13. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resource Inventory Plan. The signed NRI plan shall be used by the designers to prepare a site layout that minimizes impacts to the regulated areas of the site.
14. A geotechnical study that identifies the location and elevation of the Marlboro Clay layer throughout the site shall be submitted as part of the Comprehensive Design Plan application.

15. A protocol for surveying the locations of all rare, threatened, and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources, prior to acceptance of the Comprehensive Design Plan and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for Preliminary Plans.
16. Prior to the signature certification of the Preliminary Plan of Subdivision, a Phase I archeological investigation shall be conducted according to the Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1194); and a report shall be submitted in accordance to the MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 20-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report.
17. Public benefit features shown on the Basic Plan, and any future Comprehensive Design Plans, such as a swimming pool, community buildings, recreation facilities, and open space, shall either be constructed or provided as described on the Plan.
18. If a determination is made at the time of Comprehensive Design Plan, based on the proposed total density, that the proposed dedication of public parkland and public recreational facilities are insufficient, additional on and/or off dedication of public parkland and/or public recreational facilities shall be provided to satisfactorily meet the recreational needs of this community.
19. Prior to acceptance of the Preliminary Plan of Subdivision, a revised Natural Resources Inventory Plan shall be submitted and approved.
20. At the time of Comprehensive Design Plan, specific lot sizes for both single-family attached and detached dwelling units shall be specified to ensure the lot sizes are compatible with the surrounding Beechtree and Oak Creek development.
21. At the time of Comprehensive Design Plan, the Applicant shall demonstrate that public benefit features above those previously required will be provided to justify the density proposed with this Application.
22. At the time of Comprehensive Design Plan review, specific acreage of parkland dedications shall be determined. This area may include a 1.7± acre parcel of land which was not previously committed for parkland dedication. The conditions of conveyance shall be determined by appropriate staff of M-NCPPC.

23. At the time of Comprehensive Design Plan the Applicant shall address its plan to grade a 10-acre developable portion of the dedicated parkland (including a 1.7± acre parcel of land from the Willowbrook project area which was not previously committed for parkland dedication) on the northeast corner of the property next to the Pennsylvania Railroad right-of-way to accommodate ball fields and a parking lot.

Comprehensive Design Plan Considerations:

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

SECTION 3. The Ordinance shall become effective upon enactment.

ENACTED this 13th day of May, 2019, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent:

Vote: 11-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Todd M. Turner, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council