

R E S O L U T I O N

WHEREAS, Bowie Mall Company, LLC, is the owner of a 31.80-acre parcel of land known as Bowie New Town Center (Lot 4), located on Tax Map 55, Grid B-2, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned M-A-C; and

WHEREAS, on December 4, 2003, Simon Property Group filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for five lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-03121 for Bowie New Town Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 29, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 29, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-03121, Bowie New Town Center for Lots 13-17 with the following conditions:

1. Development of this property shall be in conformance with all previous approvals: Comprehensive Design Plan CDP-8504/01, Preliminary Plan 4-00029, and Specific Design Plan SDP-9711, or any approved revisions thereto.
2. Internal access easements shall be established at the time of final plat. A note referencing that access, pursuant to Section 24-128(b)(15) of the Subdivision Regulations, shall be placed on the final plat.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the south side of Collington Road (MD 197), east of Northview Drive and north of Evergreen Parkway. The subject Lot 4 is in the heart of the Bowie Town Center Mall.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	M-A-C	M-A-C
Uses	Mall, Restaurants and Parking	Mall, Restaurants and Parking
Acreage	31.8	31.8
Lots	1	4
Square-footage	1.225 million	1.225 million (no change)

4. **Environmental**—A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes with highly erodible soils and severe slopes are no longer found to occur within the limits of this application. Although Collington Road, MD 197, has been identified as a transportation-related noise generator, it will not adversely impact this site because of the proposed commercial use. The soils found to occur, according to the Prince George’s County Soil Survey, are no longer correct because of the past grading and development of this site. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads located in the vicinity of this property. This property is located in the Patuxent River watershed and in the Developing Tier as reflected in the adopted General Plan.

**Woodland Conservation**

The detailed Forest Stand Delineation (FSD) submitted with this application was previously reviewed in conjunction with Comprehensive Design Plan CDP-8504 and was found to address the requirements for an FSD.

This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on site, and there are previously approved Tree Conservation Plans.

This application has been reviewed and was found to be in conformance with the previously approved Type I Tree Conservation Plan, TCPI/38/99-01, and Type II Tree Conservation Plan, TCPII/77/97. This application will not impact any previously approved Tree Conservation Areas and no revisions to the TCPs will be necessary.

The streams, wetlands, 100-year floodplain, severe slopes, and steep slopes with highly erodible soils once found within the limits of this application were previously identified and were allowed to be disturbed in accordance with the criteria for impacts to the Patuxent River Primary Management Area or PMA. There are no areas of PMA currently found to occur within the limits of this application.

The previously approved Preliminary Plan of Subdivision included the approval of a Stormwater

Management Concept Plan. Because this application is simply creating new lots and adjusting existing lot lines, the previously approved Stormwater Management Concept plan will not affect the TCP or other environmental issues.

### **Water and Sewer Categories**

The property is in water category W-3 and sewer category S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. It is served by public systems.

5. **Community Planning**—The property is in 71B/Community I. The 2002 General Plan places the property in the Bowie Regional Center in the Developing Tier. The vision for centers includes mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This application is not inconsistent with the 2002 General Plan Development Pattern policies for Centers in the Developing Tier. The 1991 *Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie?Collington?Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A and 74B* recommends retail commercial land use for the property and retained the M-A-C Zone. This application conforms to the master plan recommendation for Retail Commercial land use.
6. **Parks and Recreation**—The entire Bowie Town Center was subject to a number of Department of Parks and Recreation conditions associated with CDP-8504/01. These have been fulfilled and no additional conditions are necessary.
7. **Trails**—Extensive trail recommendations have already been implemented through the development of the existing Bowie New Town Center. There are no further master plan trails issues regarding the subject application.
8. **Transportation**— No traffic study was requested of the applicant because no additional square footage is proposed. The findings and recommendations outlined below are based upon a review of all relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” and in consideration of findings made in connection with past applications.

### **Growth Policy—Service Level Standards**

The subject property is located within the developing tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized intersections:** The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be

conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

### **Staff Analysis of Traffic Impacts**

Because the existing parcel has been previously subdivided, the proposed resubdivision would generate no net trips as a result. There would be no resulting impact on traffic operations at the MD 197/Northview Drive intersection or any other of the development's critical intersections as a result of the resubdivision. As the quantity of development is governed by CDP and SDP reviews and approvals, there is not a need to include a trip or development cap condition as a part of this plan approval.

A number of off-site staging conditions were developed as a part of staff's review of SDP-9711. These conditions are primarily concerned with ensuring that needed street connections and traffic control improvements are completed in concert with the development approved as a part of SDP-9711. These conditions will be discussed below; however, as they have been met with the progress of development, they are not proposed to be changed with this subdivision plan.

### **Plan Comments**

A number of plan comments related to the subject application were raised in 1999 during staff's review of CDP-8504/01, 4-00029, and SDP-9711. These are discussed briefly below.

- A. Evergreen Parkway was originally proposed as a four-lane collector roadway with a median, and this right-of-way has been dedicated. Under CDP-8504/01, Evergreen Parkway was relocated onto a more northerly alignment between Endicott Road and Excalibur Road. The roadway has been built and is operational, and its operation will not be changed by this plan.
- B. The PT-1 alignment shown in the Bowie, Collington, Mitchellville and vicinity master plan affects the subject site. The master plan recognizes two alternative alignments for PT-1 in the vicinity of the site. The first alignment crosses the site from the southwest to the northeast to connect with MD 197. The second alignment follows MD 197 along its frontage with the subject property. The transportation staff, during its review of CDP-8504/01 in 1999, noted the following:
  - (1) A portion of the PT-1 right-of-way that crosses the site had been in reservation for the requisite period. No public agency purchased this property, and the owner decided not to extend the reservation.
  - (2) Records involving the transportation staff's considerations regarding PT-1 at the time of CDP/subdivision in 1985-1986 are sketchy. However, during the review of

4-86049, appropriate steps should have been taken to place portions of the subject property in reservation or otherwise establish the appropriate easements if there was a desire to actively pursue preservation of the PT-1 right-of-way.

- (3) There is a wide landscaped buffer along MD 197 per the approved CDP. If there were a future desire to serve the Bowie New Town Center with a fixed guideway transit system (i.e., rail transit), it could be placed within this buffer area.
- (4) There are no current studies by any agency underway to extend rail transit along MD 197, US 50, or to the Bowie New Town Center, or to otherwise extend transit services along the PT-1 alignment past MD 202.

For these reasons, staff finds no need or justification for providing or retaining any designation of PT-1 on the subject plan.

- C. SDP-9711 included Conditions 16, 17, 18, 19, 20, and 21, which address needed access and traffic control improvements that were deemed necessary to serve the site. Conditions 16, 17, 18, 19, and 21 were addressed at the time that the original 535,000- square-foot Bowie New Town Center Mall was permitted and constructed. All improvements that were deemed to be warranted have been constructed and are operational. Condition 20 was enforceable at the time of issuance of use and occupancy permits beyond 750,000 square feet. During 2003, a traffic signal warrant study for the MD 197/Evergreen Parkway intersection was done in accordance with the requirements of the State Highway Administration (SHA). That study was reviewed by SHA, and a determination was made that a signal would not be warranted at that location. Therefore, all transportation conditions on SDP-9711 have been met and need not be further addressed by this preliminary plan.

In conclusion, the preliminary plan under review is consistent with past plans, and the transportation concerns that were raised during earlier stages of review of this site have been fully addressed. No further right-of-way dedication is required along MD 197 or Northview Drive.

Access will be provided by access easements shown on the preliminary plan in accordance with Council Bill CB-44-2003 (Section 24-128(b)(15) of the Subdivision Regulations). Because this application is not proposing to change layout and circulation that has been previously reviewed and approved, staff finds that the use of this private right-of-way is adequate to serve the amount of development proposed and that it will not have an adverse impact on the access and use of other lots in the integrated shopping center. A note referencing the specific nature of access provided should be placed on the final plat.

### **Transportation Conclusions**

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved. No transportation-related conditions are recommended at this time.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the adequacy test for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities.
  - a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 5.26 minutes, which is beyond the 3.25-minute travel time guideline.
  - b. The existing ambulance service at Bowie Fire Station, Company 43, has a service travel time of 5.26 minutes, which is beyond the 4.25-minute travel time guideline.
  - c. The existing paramedic service at Bowie Fire Station, Company 43, has a service travel time of 5.26 minutes, which is within the 7.25-minute travel time guideline.
  - d. The existing ladder truck service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service travel time of 5.53 minutes, which is beyond the 4.25-minute travel time guideline.

To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The approved and adopted Bowie-Collington-Mitchellville and vicinity master plan proposed a new fire station be located in the vicinity of the Bowie New Town Center. This proposed station is programmed in the adopted FY 2004-2009 Capital Improvement Program and would provide adequate response time for fire engine and ambulance services to subject development.

These findings are in conformance with the standards and guidelines contained in the 1990 *Approved Public Safety Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

11. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of June 30, 2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 69 sworn personnel. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed Bowie New Town Center Mall development.

12. **Health Department**—The Health Department reviewed the application and offered no comments.
13. **Stormwater Management**— The property is within the City of Bowie. The applicant received stormwater concept approval from the city on October 18, 1999.
14. **Cemeteries**—Two family cemeteries (of the Shipley and the Duvall families) have been legally removed from this property in recent years. Although unlikely, it is possible that additional undiscovered burials associated with the Shipley and Duvall families might still be located on the property. However, no new development of the site is proposed; this application is to divide developed property for ownership purposes only.
15. **Public Utility Easement**—There is an existing 10-foot-wide public utility easement. It is accurately reflected on the proposed preliminary plan and will be included on the final plat.
16. **City of Bowie**—The property is within the City of Bowie. Staff has not yet received a position letter from the city. When the application was originally filed, it included a fifth proposed lot in an area now shown as a parking lot. Staff and city staff were concerned that this might lead to development not in conformance with the approved CDP. The applicant has removed that fifth lot and now the development is in conformance with the approved CDP.
17. **Prior Approvals**—The property is subject to the requirements of several prior approvals. Comprehensive Design Plan CDP-8504/01, Preliminary Plan 4-00029, and Specific Design Plan SDP-9711 were recently approved. This subdivision is in conformance with those previous approvals. All conditions of those approvals remain in effect.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

\* \* \* \* \*

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 Vaughns, seconded by Commissioner Eley, with Commissioners Vaughns, Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, January 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of February 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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