

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 15, 2004, regarding Specific Design Plan SDP-0313 for Bowie New Town Center, Parcels J and K, the Planning Board finds:

1. **Request:** The subject application is for a five-story office building consisting of 132,250 square feet and two bank pad sites with one-story buildings consisting of 4,466 square feet and 3,200 square feet on Parcels J and K of the Bowie New Town Center. A medical practitioner’s office will occupy up to 32,250 square feet of the five-story office building.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	M-A-C	M-A-C
Use(s)	Vacant	Office
Acreage	8.15	8.15
Lots	2	2
Parcels	1 (part of Parcel I)	1 (part of Parcel I)
Square Footage/GFA	0	139,916
Dwelling Units:	N/A	N/A

Other Development Data

	REQUIRED	PROPOSED
Total Parking Spaces	441	467
HC Spaces	9	10
Universal Spaces (9'x18')**	N/A	467
Loading	2	2

**A departure has been granted for the development by the City of Bowie for a universal parking space size of 9 feet x 18 feet.

3. **Location:** The site is located on the north side of MD 197, approximately 700 feet east of the intersection with Northview Drive. The site’s access is directly across from the Bowie Town Center Mall main access.
4. **Surroundings and Uses:** The site is bounded by existing office development to the west and northwest, multifamily and townhouse development to the north and northeast, and Historic

Resource # 71B-6, the Enfield Chase Site (Parcel I), which contains the grave site of Revolutionary War Major Thomas Lancaster Lansdale to the east. The site has access to MD 197 to the south.

5. **Previous Approvals:** The site has an approved basic plan, A-8589-C, which zoned the property M-A-C; an approved comprehensive design plan, CDP-8504; an approved preliminary plan, 4-86049; and an approved specific design plan (SDP-9902) for Advance Distribution Systems that was never constructed. The site also has an approved Type II Tree Conservation Plan (TCPII/56/99) associated with SDP-9902.
6. **Design Features:** The proposal is for a five-story office building consisting of 132,250 square feet and two bank pad sites on either side of the main access drive and along the frontage of MD 197 consisting of 3,200 and 4,466 square feet. The five-story office building is a structure to be constructed of a masonry, split-face and glass base, a brick and glass middle section and EIFS and glass on the upper story. The structure is 77 feet tall (5-stories) at the front elevation, including the part of the building that screens the mechanical equipment and four stories at the back of the building.

The site also features masonry entrance walls on either side of the entry drive the match the materials and colors of the building. The walls will also provide a location for project signage identification. Four building-mounted signs are proposed on the front elevation of the building. A plaza with special paving, seating and an area for sculpture will be provided at the front entrance.

Architecture for the two bank sites was not provided with the subject application. Staff and the City of Bowie recommend that both pad sites obtain approval of a limited specific design plan by the Prince George's County Planning Board or its designee for signage, landscaping, lighting and building architecture, prior to approval of a building permit for those buildings.

Compliance with Evaluation Criteria

7. The specific design plan is in conformance with the requirements of the basic plan, A-8589-C, and applicable conditions in terms of allowed land uses and densities.
8. The plan is in conformance to the approved comprehensive design plan, CDP-8504 with regard to building height, setbacks, greenspace and density. Condition 5.b. of the reconsidered CDP-8504 (PGCPB No. 92-386) requires the applicant to provide two sitting areas on the site, and the applicant has provided the equivalent of two sitting areas in the plaza at the front of the building. Condition 5.f. requires the provision of one tennis court each for Parcels J&K or a fee-in-lieu, at the discretion of the Department of Parks and Recreation. See Finding 15 below for further discussion.
9. The specific design plan is in conformance with the preliminary plan, 4-86049 and applicable conditions of approval. In a memorandum dated February 24, 2004 (DelBalzo to Wagner), the Subdivision Office offered the following comments:

The property is the subject of two record plats, VJ 177 @ 97 and VJ 177 @ 98. A portion of the property, a small rectangular piece in the southeast corner is on an unrecorded acreage parcel, described on the SDP as Parcel I. A lot line adjustment is also proposed to incorporate part of the acreage parcel into the record lot.

Section 24-108 of the Subdivision Regulations allows the adjustment of lot lines between like properties without the need for a preliminary plan. When two abutting parcels are unrecorded acreage, the lines between them may be adjusted by deed. When the two abutting parcels are the subjects of record plats, a minor plat is required to adjust the lines. However, when one parcel is unrecorded and the other is recorded, a simple lot line adjustment is not permitted.

Section 24-108 also allows the minor plat process to be used to convert an existing acreage parcel into a recorded parcel without the need for preliminary plan. To effectuate the intended results, the applicant will need to convert Parcel I into a record lot through the minor plat provisions of Section 24-108. Once this parcel is recorded, a second minor plat to adjust the lot lines may be approved. This must take place prior to the issuance of building permits.

Unless the plan is revised to include all of Parcel I, the Subdivision Section recommends the following condition:

- a. Prior to the issuance of building permits, Parcel I shall be converted to a record lot through the minor plat process and the lot lines shall then be adjusted as shown on the specific design plan through the minor plat process of Section 24-108 of the Subdivision Regulations.
10. The specific design plan is in conformance with the applicable standards of the *Landscape Manual*.

Required Findings (Zoning Ordinance Section 27-528) (in addition to Finding 8 above)

11. The Transportation Planning Section has reviewed the specific design plan (SDP) application referenced above. The subject property consists of approximately 8.15 acres of land in the M-A-C Zone. The property is north of MD 197 between Northview Drive and Easthaven Lane within the City of Bowie. The subject property is part of a larger plan that has had basic plan, comprehensive design plan (CDP) and preliminary plan approval. The plan proposes 139,936 square feet of mixed office and commercial space on two proposed lots.

The plan shows an office building with two pad sites along MD 197 with access at a single access point along MD 197. We would offer the following comments:

- a. The original Parcel 8 shown on the CDP envisioned that what are now Parcels J, K, L and M would be an integrated office development. Circulation-wise, the submitted plan has no relationship to the adjacent Parcels L and M. This situation is suboptimal because

left-turning traffic entering and leaving this site was intended to have the choice of an adjacent signalized intersection in order to access MD 197. However, the site entrance is opposite a major entrance to the retail/commercial component of the site, and this is acceptable.

- b. The development will necessitate the modification of the signal at the site entrance.

The development of this site must be in accordance with CDP-8504 and preliminary plan of subdivision 4-86049. Parcels J and K were planned to contain up to 214,500 square feet of office space; as the proposal is for 139,936 square feet, the current plan is well within any development caps. There are no outstanding transportation-related conditions associated with either application aside from pro rata share funds that are to be paid with the development of each parcel. The last finding of adequate public facilities specific to the subject property was made in 1986. Since that finding was made, major improvements have been made to MD 197 in the area of the subject property, and the US 50/MD 197 interchange has been reconstructed. Insofar as the basis for the previous findings is still valid and the development of the subject property was considered as a part of that finding, the transportation staff finds that the subject property will be adequately served within a reasonable period of time with transportation facilities which are existing, programmed, or which will be provided as a part of the development.

There must be assurances from the State Highway Administration (SHA) that the access point can gain approval. Access onto MD 197 is determined by SHA, and that agency has the authority to specify driveway widths, other roadway improvements within the right-of-way of MD 197, and any needed signal modifications, pavement markings, and other changes. (See SHA memo dated December 31, 2003.)

12. Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties. The site has an approved stormwater management concept plan from the City of Bowie, #01-1003-206NE14.
13. The plan is in conformance with an approved tree conservation plan. The Environmental Planning Section has reviewed the above referenced specific design plan accepted for review by the Urban Design Section on December 11, 2003, and the revised TCPII date stamped as received by the Environmental Planning Section on March 1, 2004. The plans as submitted have been found to address the environmental constraints of the site and to address the requirements of the Prince George's County Woodland Conservation Ordinance. Specific Design Plan, SDP-0313 and TCPII/56/99-01 are recommended for approval.

Background

This site was previously reviewed by the Environmental Planning Section in conjunction with Basic Plan A-8589; Comprehensive Design Plan CDP-8504/02; Specific Design Plan SDP-9902; and Type II Tree Conservation Plan, TCPII/56/99; all of which were approved.

Site Description

The subject parcels totaling 8.15 acres are located in the M-A-C Zone on the north side of MD 197 approximately 600 feet east of Northview Drive. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, areas of steep slopes with highly erodible soils, and the associated buffers for these features are not found to occur within the limits of this application. Although MD 197 is a transportation-related noise generator, the proposed use of this site for commercial office space will not be adversely impacted by the transportation-related noise. The Collington fine sandy loam soils found to occur according to the Prince George=s County Soil Survey have no significant limitations that would affect the development of this property. 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 titled "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 in the vicinity of the parcels included in this application. This property is located in the Upper Patuxent River watershed of the Patuxent River basin and in the Developing Tier as reflected in the approved General Plan.

Summary of Prior Environmental Conditions of Approval

The approval of the rezoning case by the District Council and subsequent approvals for this property included numerous conditions. None of those conditions dealt with environmental issues to be addressed during the review of the specific design plan for Parcels J and K.

Environmental Review

- a. The Forest Stand Delineation (FSD) was previously reviewed and was found to address the criteria for an FSD in accordance with the Prince George=s County Woodland Conservation and Tree Preservation Technical Manual.

Discussion: No additional information is required with respect to the Forest Stand Delineation.

- b. 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 is a previously approved Tree Conservation Plan, TCPII/56/99, encompassing the parcels included in this application.

The revised Type II Tree Conservation Plan, TCPII/56/99-01, date stamped as received by the Environmental Planning Section on March 1, 2004, has been found to address the requirements of the Prince George's County Woodland Conservation Ordinance. This 8.15-acre site has a 15 percent or 1.22 acre Woodland Conservation Threshold (WCT).

In addition, the replacement requirements total 2.24 acres for clearing above and below the WCT. The 3.46-acre requirement is proposed to be partially satisfied by 0.46 acres of on-site reforestation in proposed Bufferyard 'B'. The remaining 3.0 acres of woodland conservation will be satisfied by 3.0 acres of off-site mitigation at a location to be determined prior to the issuance of any permits for this site. TCPII/56/99-01 is recommended for approval subject to the condition below.

In accordance with the requirements of the Woodland Conservation Ordinance reforestation is to be accomplished with native tree species. Although the reforestation areas shown on this TCPII generally include native tree species there are a significant number of non-native plants identified in the Planting Schedule. The non-native species, specifically Leyland Cypress (*Cupressocyparis leylandii*) shall be replaced by native species, which may include but are not limited to Eastern Red Cedar (*Juniperis virginiana*), Loblolly pine (*Pinus taeda*), or American holly (*Ilex opaca*).

Recommended Condition: Prior to certification of Specific Design Plan, SDP-0313 the Type II Tree Conservation Plan, TCPII/56/99-01 shall be revised to eliminate the Leyland Cypress proposed to be planted in the reforestation area and replace it with native evergreen tree species acceptable to the Environmental Planning Section and Urban Design Section. After revisions have been made, the qualified professional who revised the plans shall sign and date the plans.

- c. A copy of the Stormwater Management Plan was submitted with this application and was found to be consistent with the Type II Tree Conservation Plan, TCPII/56/99-01.

Discussion: No further information is required with respect to the Stormwater Management Plan for this site.

- 14. The Public Facilities Planning Section (Izzo to Wagner) offered the following comments with regard to the specific design plan:

The Historic Preservation and Public Facilities Section has reviewed this comprehensive design plan in accordance with Section 27-528 (a)(2) of the Zoning Ordinance which states that:

The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Plan or provided as part of the private development

Finding

Fire and Rescue

The existing fire engine service at the Bowie Fire Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 5.59 minutes, which is beyond the 3.25-minute

response time guideline.

The existing ambulance service at Bowie Fire Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 5.59 minutes, which is beyond the 4.25- minute response time guideline.

The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive. has a service response time of 5.59 minutes, which is within the 7.25-minute response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

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

In order 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 Capital Budget and Program, FY 2004-2009 contains the Bowie Fire/EMS facility (LK510650), which would serve this proposed development. The proposed facility would house an engine company and ambulance. The staff concludes that this property will be served within a reasonable period of time by this new fire/EMS facility.

Police

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 6/30/2002, 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 an additional 69 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.

Other Referral Comments

15. In a memorandum dated March 4, 2004 (Asan to Wagner), the staff of the Department of Parks and Recreation (DPR) offered the following comments:

The Planning Board Resolution PGCPB No. 92-386 approving the revision of Comprehensive Design Plan CDP-8504 contains reconsidered conditions applicable to the subject application,

as follows:

Condition 5(f)(2) states that two tennis courts in Northview Neighborhood Park shall be bonded for construction prior to release of the first building permit for the first building on any of the Parcels J and K, and shall be completed prior to release of the first use and occupancy permit for the first building on any of the parcels.

Condition 5(f)(3) states that at the sole option of the Department of Parks and Recreation, a fee-in-lieu of any of the Northview Neighborhood Park facilities mentioned above may be required instead of actual construction in order to deal with unforeseen staging or timing difficulties.

These conditions among others addressing on-site and off-site recreational facilities in the Bowie New Town Center project area were the basis for determining that the requirements of the Subdivision Ordinance regarding the mandatory dedication of parkland were met for the Bowie New Town Center.

According to the recorded Recreation Facilities Agreements (RFAs) for Parcel J and K in the Bowie New Town Center, the developer was required to construct two tennis courts in Northview Neighborhood Park, or at the sole option of the Department of Parks and Recreation, a fee-in-lieu of construction of tennis courts may be required instead of actual construction in order to deal with unforeseen staging or timing difficulties. The payment is required prior to release of the first building permit for the first building on Parcels J & K.

Because the property that was to comprise Northview Neighborhood Park was donated to the City of Bowie for a senior center and gymnasium, the required recreational facilities can no longer be constructed on this site. For this reason DPR has been collecting fees in lieu of the construction of recreational facilities in Northview Neighborhood Park. The fees collected from other parcels in the Bowie New Town Center have been placed in a community account to be spent for the construction of recreation facilities in the Bowie area.

The DPR staff is in receipt of a letter from the City of Bowie dated November 20, 2003. In this letter, the city recommends approval of SDP-0313 with several conditions and one consideration. The consideration states:

Since the Northview Neighborhood Park, designated for the Bowie Town Center Comprehensive Design Plan (CDP) in the 1980s no longer exists, yet the need for the completion of the trail north of MD 197 remains, consideration shall be given by the Department of Parks and Recreation to use the required fee-in-lieu payment for the design and construction of a trail north of MD 197. This shall not preclude consideration of trail construction on Parcel I, located east of the subject site

In the opinion of the DPR staff, consideration of how the collected fees should be spent should be within the context of Capital Improvement Program (CIP) deliberations when all competing

projects can be considered.

That said, there is another factor which we believe should be pointed out: the proposed trail would not be on the land owned or maintained by M-NCPPC.

In summary, the DPR staff recommends a fee-in-lieu of construction of two tennis courts in Northview Neighborhood Park. The fee would be placed in a community account to be spent for recreation facilities located in the Bowie area.

The Department of Parks and Recreation staff recommends for the above referenced SDP-0313 that the following stipulation be required of the applicant, his successors and/or assignees as conditions of approval:

- a. Prior to release of the first building permit for the first building on Parcels J and K, the applicant shall make a payment of \$110,000.00 to the Commission in lieu of construction of the two tennis courts. The payment shall be placed in Community Account #840900.
16. In a memorandum dated February 9, 2004 (Pearl to Wagner), the Historic Preservation Section offered the following comments:

Background

The subject application involves two parcels (J and K on Tax Map 55) located on the north side of MD 197, a total of 8.15 acres. This property includes some, but not all, of the acreage reviewed in Basic Plan A-8589 in 1988, and CDP-8504 in 1985. The subject property was reviewed in 1999 (SDP 9902); this is a new plan for the same property.

Findings

- a. Immediately to the southeast of this developing property is Historic Resource 71B-6 (the Enfield Chase Site), which contains the gravesite of Revolutionary War Major Thomas Lancaster Lansdale. The property that comprises the gravesite is identified on the specific design plan as Parcel I (2.39 acres). Parcel I is **not** part of the subject developing property, but part of Parcel J adjoins Parcel I, sharing the west boundary line of the Historic Resource.
- b. The Prince George's County *Landscape Manual* requires in some cases that, where a developing property adjoins a Historic Site, a 40-foot landscape bufferyard be planted (or retained) on the developing property along the common boundary with the Historic Site, and that there be an additional 10-foot setback for any buildings proposed on the developing property. Although this is not a requirement in Comprehensive Design Zones, it should be used as a guide to appropriate standards.

- c. The specific design plan shows a building (Building 3) proposed for construction within this 50-foot area adjoining the Historic Resource.

Conclusions

- a. The gravesite of Major Lansdale (located on Historic Resource 71B-6, Parcel I) is not part of the subject property, but adjoins the subject property on the southeast. The Lansdale gravesite is protected by state laws regarding cemeteries (Sections 265 and 267 of Article 27 of the *Annotated Code of Maryland*).
 - b. The City of Bowie has recently acquired Parcel I (Historic Resource 71B-6). The city plans to mark the Lansdale gravesite with a commemorative marker and use the area as a small park.
 - c. The Historic Preservation Commission should consider evaluation of Parcel I (Historic Resource 71B-6, the Enfield Chase Site) for designation as a Historic Site. Although this has not generally been done for gravesites that are not associated with historic buildings, evaluation might be considered in this situation because of the historical importance of Major Lansdale, and because of the opportunities for protecting the site.
17. The City of Bowie conducted a public hearing on the subject application on November 3, 2003, and recommended approval with conditions. In a subsequent memorandum dated March 29, 2004, the city indicated that the applicant has addressed all the conditions recommended in its previous memorandum.

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 APPROVED the Type II Tree Conservation Plan (TCPII/56/99-01), and further APPROVED Specific Design Plan SDP-0313 for the above-described land, subject to the following conditions:

1. Prior to the issuance of building permits, Parcel I shall be converted to a record lot through the minor plat process and the lot lines shall then be adjusted as shown on the specific design plan through the minor plat process of Section 24-108 of the Subdivision Regulations.
2. Prior to certification of the Specific Design Plan, the Type II Tree Conservation Plan, TCPII/56/99-01 shall be revised to eliminate the Leyland Cypress proposed to be planted in the reforestation area and replace it with native evergreen tree species acceptable to the Environmental Planning Section and the Urban Design Section. After revisions have been made the qualified professional who revised the plans shall sign and date the plans.
3. Prior to release of the first building permit for the first building on Parcels J and K, the applicant shall make a payment of \$110,000.00 to The Maryland-National Capital Park and Planning Commission in lieu of construction of the two tennis courts. The payment shall be placed in

Community Account #840900.

4. The pad sites for Buildings 2&3 shall obtain approval of a limited specific design plan by the Prince George's County Planning Board or its designee for signage, landscaping, lighting and building architecture, prior to approval of a building permit for those buildings.
5. In order to alleviate the negative impact on fire and rescue services due to inadequate service, 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.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, April 15, 2004, in Upper Marlboro, Maryland.

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

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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