



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-08052

Application	General Data	
<p>Project Name: Mill Branch Crossing, Parcel A</p> <p>Location: Northeast quadrant of Mill Branch Road and the intersection of US 301.</p> <p>Applicant/Address: Mill Branch Crossing, LTD. 150 White Plains Rd. Ste. 400 Tarrytown, NY 10591</p> <p>Property Owner: Mill Branch Crossing, LTD.</p>	Date Accepted:	01/21/09
	Planning Board Action Limit:	06/10/09
	Plan Acreage:	73.98
	Zone:	C-S-C
	Gross Floor Area:	619,000
	Lots:	0
	Parcels:	1
	Planning Area:	74B
	Tier:	Developing
	Council District:	04
	Election District	07
	Municipality:	N/A
	200-Scale Base Map:	205NE14/15

Purpose of Application	Notice Dates	
Commercial subdivision for 405,000 square feet of retail, 91,000 square feet of office, and a 150-room hotel.	Informational Mailing:	09/16/08
	Acceptance Mailing:	01/10/09
	Sign Posting Deadline	04/28/09

Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-08052
Mill Branch Crossing, Parcel A

OVERVIEW

The subject property is located on Tax Map 55, in Grid E-5 and is known as Parcels 20, 27, 28, 52, 57-59, and 71. The property is 73.98 acres and zoned Commercial Shopping Center (C-S-C). The property is improved with a single-family dwelling unit and several outbuildings which are to be razed. The site is primarily open fields with woodland along the property's boundary as discussed further in the Environmental Planning Section of this report. Parcel A is proposed at 73.98 acres with 619,000 square feet of general office and retail, which includes a 150-room hotel or other uses permitted in the C-S-C Zone which do not exceed the recommended transportation cap on development. Originally the applicant had proposed 800,000 square feet of development in two phases, but on May 11, 2009, the applicant advised staff that they were withdrawing Phase II or 181,000 square feet of development.

The site is currently encumbered by a 50-foot access easement (Liber 28018 Folio 685), to the benefit of The Maryland-National Capital Park and Planning Commission (M-NCPPC) which extends northeast from Mill Branch Road along the entire southeast property line of the site to provide access to existing park property, abutting to the east and northeast. The abutting park property is known as the Green Branch Regional Park which is slated to be under construction in the spring of 2009, with Phase I and II of four phases of the park being completed in 2009. The applicant and the Department of Parks are currently in negotiations for a possible realignment of the recorded ingress and egress easement to serve the park property. The current alignment of the access easement overlaps a bufferyard which will be required with the development on Parcel A. Complicating the access location is the desire to provide an appropriate transition between the rural and developing tiers. The abutting property is located in the Rural Tier with the subject property being located in the Developing Tier. In addition to the landscaping and issues of transition, within 70 feet of the existing access easement location is an archeological site which staff is recommending be preserved in place. A realignment of the access easement away from the southeast property line and Rural Tier, would bring the park entrance drive within 20 feet of the boundary of the archeological site, but would allow for the required landscape bufferyard. These issues are discussed further below.

The property has frontage on Mill Branch Road to the south, a designated historic road at this location, US 301 to the west and is encumbered by the master plan alignment of the interchange of MD 197 and US 301 in the northern portion of the property. As indicated the applicant originally proposed to construct the development in two phases. In regards to transportation adequacy, Phase I is proposed with primary access to Mill Branch Road, a collector facility, and a right-in right-out along the west property line onto US 301 within the master plan alignment of (MD 197). With the construction of Phase II, the applicant's traffic study stated that adequacy would require the construction of the master plan interchange (MD 197/US 301). As indicated, the applicant has now withdrawn Phase II and therefore

the construction of the interchange is no longer necessary for the findings of adequacy of transportation facilities. The applicant has proposed right-of-way (ROW) dedication along the properties entire frontage with Mill Branch Road, US 301, and MD 197 proportional to the impact of the development proposed.

The applicant submitted a traffic study dated March 11, 2009, as well as a supplemental study dated April 28, 2009. The traffic study was based on 800,000 square feet in two phases (Phase I and II). The transportation analysis conducted by staff includes Phase I only. As noted, the access to the Green Branch Regional Park (M-NCPPC) is proposed thru Parcel A from Mill Branch Road. The Planning Board’s “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (Guidelines) require that background development be included when conducting a traffic analysis. The definition of background development includes pipeline developments which are defined as having an approved and valid preliminary plan of subdivision, final plat or record plat. Because the park is not the subject of an approved and valid preliminary plan of subdivision, final plat or record plat it is not required to be included in the traffic analysis as back ground traffic pursuant to the Guidelines.

However, the applicant in their traffic study did include the park in their analysis as background traffic voluntarily. The applicant indicated that they were aware of citizen issues associated with traffic and while not required thought it appropriate to include it in the analysis of traffic. The transportation analysis contained in this staff report includes two separate analyses, one with the park as a part of the background traffic and one without. Moreover, staff has determined that the recommended transportation conditions of approval would be the same under either scenario and as discussed further in the Transportation Section of this report.

SETTING

The property is located in the northeast quadrant of the intersection of Mill Branch Road and US 301. The northern portion of the property is east of the intersection of MD 197 and US 301, south of Rips Restaurant, not abutting. The property is located in the Developing Tier, and the properties to the south and east are located in the Rural Tier. To the north generally along the east side of US 301 properties are located in the Developing Tier. The subject property is generally located on the county’s Rural Tier boundary which extends east and south from US 301.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Residential	Commercial/Retail/Office/Hotel
Acreage	73.98	73.98
Parcels	8	1
Development		
Residential	1(SFD)	0
Retail/office	0	619,000 sq. ft.
Hotel	0	150 Rooms
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision and Type I tree conservation plan stamped as received by the Countywide Planning Section on April 27, 2009.

Background

The subject property was previously reviewed as a Natural Resources Inventory, NRI/029/07. A Preliminary Plan of Subdivision, 4-07043, and Type I Tree Conservation Plan, TCPI/022/07, was previously submitted and withdrawn.

Site Description

There are streams, nontidal wetlands and a 100-year floodplain found on this property. The site is approximately fifteen percent wooded and contains areas of open agricultural fields on the other eighty-five percent. The soil series found on this property include Collington and Shrewsbury. Shrewsbury soils may experience limitations with respect to impeded drainage or seasonally high water. Collington soils pose few problems for development and have a K factor of 0.28. Based on available information, Marlboro clay is not found to occur within 500 horizontal feet of the site. According to the Sensitive Species Protection Review Area (SSPRA) GIS layer, obtained from the Maryland Department of Natural Resources Natural Heritage Program, no endangered species are found to occur in the vicinity. Mill Branch Road, which is classified as a local collector and fronts on the subject property, is a designated historic road. The site is adjacent to US 301, a master planned freeway. There are significant impacts to this site due to the master planned right-of-way. The property is located in the Middle Patuxent River watershed of the Patuxent River basin. The property is located in the Developing Tier as reflected in the General Plan. According to the Approved Countywide Green Infrastructure Plan, the site includes Regulated Areas, Evaluation Areas, and Network Gaps along the north and eastern boundaries of the property.

Master Plan Conformance

The master plan for this area is the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*. In the Approved Master Plan for Bowie and Vicinity SMA, the Environmental Infrastructure Section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area.

Strategies:

1. **Use designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

The preliminary plan will be reviewed later in this memorandum for conformance with the Green Infrastructure Plan.

- 2. Protect primary corridors (Patuxent River and Collington Branch) during the review of development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors to restore and enhance environmental features and habitat. Protect secondary corridors (Horsepen Branch, Northeast Branch, Black Branch, Mill Branch, and District Branch). To restore and enhance environmental features and habitat.**

This site abuts a major regional park site, which provides a large contiguous block of woodlands connecting eastward to the Patuxent River, a plan designated primary corridor. Protection of sensitive environmental areas related to this primary corridor is a priority. Portions of the abutting park are programmed for development as a major athletic complex. Addressing stormwater management on this site is critical to the protection of this primary corridor. See discussion below regarding stormwater management.

- 3. Carefully evaluate land development proposals in the vicinity identified SCAs (the Beltsville Agriculture Research Center to the north, along the Patuxent Research Refuge; Belt Woods in the western portion of the master plan area; and the Patuxent River) to ensure that the SCAs are not impacted and connections are either maintained or restored.**

This site is located in the vicinity of the Patuxent River Special Conservation Area (SCA). The evaluation of connections and corridors to the Patuxent SCA will be evaluated during review of this plan to maintain and/or restore connectivity.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Strategies:

- 1. Implement the strategies contained in the Western Branch Watershed Restoration Action Strategy (WRAS).**
- 2. Add identified mitigation sties from the WRAS to the countywide database of mitigation sites.**
- 3. Encourage the location of necessary off-site mitigation for wetlands, streams and woodland within sites identified in the WRAS and within sensitive areas that are not currently wooded.**

This site is not located in the Western Branch Watershed Restoration Action Strategy area.

- 4. Ensure the use of low-impact development techniques to the extent possible during the development process.**

The proposed plan shows that the site is proposed to be almost 100 percent impervious surfaces. The stormwater management concept plan shows the use of bioretention areas and an underground facility. There appear to be many other

opportunities for low impact development techniques on the site. If the preliminary plan is approved, a detailed site plan should fully evaluate opportunities for sensitive stormwater treatments.

5. **During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.**

Green Branch, which crosses this site along its northern boundary, has been evaluated for existing water quality and stream stability. The impacts of the proposed development on stream stability and water quality, specifically related to the proposed stormwater discharge, should be analyzed. If degraded water quality or stream instability is determined or projected to occur as a result of development, then a mitigation plan should be developed.

A stream corridor assessment using the Maryland Department of Natural Resources protocol was prepared by McCarthy & Associates, Inc. (April 2009) and submitted, to be used to further evaluate the proposed design of the site, the existing condition of adjacent Green Branch, and to determine what stream restoration and stabilization efforts might be needed.

The stream corridor assessment identified seven problem areas in Green Branch along the northern boundary of this application. The most significant problem is identified as Problem Area 3, a large waterfall, with an 84-inch drop, which has occurred in the stream. The recommended remediation proposed is a series of step pools, also known as a “coastal plain outfall.” Further discussion of the findings and recommendations of this report are included in the Environmental Review Section of this memorandum.

The following should be considered with the review of the detailed site plan:

6. **Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.**
7. **Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.**
8. **Reduce the area of impervious surfaces during redevelopment projects.**

A parking lot with expansive areas of unbroken impervious areas is undesirable because it does not allow for the micromanagement of stormwater and would create a large heat island directly adjacent to the Patuxent River Primary Corridor which is also a countywide Special Conservation Area.

The desired parking lot should be designed to break up the areas of impervious surfaces and provide substantial shading. During the review of the detailed site plan, the plans should include a justification for any parking spaces above the minimum requirements and alternative paving surfaces should be considered for all parking spaces above the minimum requirements. Application of alternative

parking materials such as grass block or reinforced turf combined with low impact development techniques, such as bioretention areas, should be used to the greatest extent possible.

Policy 3: Protect and enhance tree cover within the master plan area.

Strategies

1. Encourage the planting of trees in developed areas and established communities to increase the overall tree cover.

This is a new commercial development, located adjacent to the Rural Tier. The use of trees and landscaping materials to provide a transition between the Developing Tier and the Rural Tier is desirable. The detailed site plan should provide a minimum of a “D” bufferyard to create a transition between the Developing Tier and the Rural Tier. The following should be considered with the review of the detailed site plan:

- 2. Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.**
- 3. Establish street trees in planting strips designed to promote long-term growth and increase tree cover.**
- 4. Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

The landscape plan submitted at time of detailed site plan application should demonstrate the following:

- A minimum of twenty percent tree canopy coverage, after ten years of growth, to provide shading and reduce the heat-island effect within the parking lot area
- Planting strips designed to promote long-term growth of trees and increase tree canopy coverage. These strips should be considered for bioretention.
- Distribution of tree planting throughout the site to provide shade to the maximum amount of impervious area.

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategies:

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- 2. Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of green building techniques and energy conservation techniques should be evaluated at time of detailed site plan review. The detailed site plan should identify the green building techniques and energy conservation methodologies to be implemented on the site. At least 50 percent of the proposed buildings should include green building techniques such as green roofs, reuse of stormwater, and/or the use of green building materials.

Policy 5: Reduce light pollution and intrusion into rural and environmentally sensitive areas.

Strategies:

- 1. Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations and car lots so that light intrusion on adjacent properties is minimized. Limit the total amount of light output from these uses.**
- 2. Require the use of full cut-off optic light fixtures should be used for all proposed uses.**
- 3. Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.**

The minimization of light intrusion from this site, located in the Developing Tier, onto adjacent properties in the vicinity in the Rural Tier is a special concern because the Patuxent River is an inter-continental migration route and high light levels severely impact these bird populations. At time of detailed site plan, the use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures should be used.

At time of detailed site plan, a lighting plan should be submitted for review which addresses the use of alternative lighting technologies which minimize sky glow and light intrusion into the Rural Tier and nearby environmentally sensitive areas. Full cut-off optic light fixtures should be used throughout this site to reduce light intrusion outside of the Developing Tier, provide more effective lighting, and address best management practices for reducing sky glow.

Policy 6: Reduce adverse noise impacts to meet of State of Maryland noise standards.

Strategies:

- 1. Evaluate development proposals using Phase I noise studies and noise models.**
- 2. Provide for adequate setbacks for projects located adjacent to existing and proposed noise generators.**
- 3. Provide for the use of approved attenuation measures when noise issues are identified.**

Because of the proposed commercial uses on the site, noise impacts are not a major concern on this site. However, if a hotel, day care center or similar type use is proposed at the time of detailed site plan, the structural shell should be evaluated to ensure that State of Maryland interior noise standards are met, and that acceptable exterior noise levels are achieved in outdoor activity areas. The unmitigated 65 dBA (Ldn) contour has been delineated on the preliminary plan and TCPI.

Policy 7: Protect wellhead areas of public wells.

Strategies:

- 1. Retain land uses that currently exist within the wellhead areas of existing public wells.**
- 2. Continue monitoring water quality.**
- 3. Consider the development of alternative public water provision strategies such as public water connections, to eventually eliminate public wells.**

This site is not located within a wellhead protection area.

Conformance with the Green Infrastructure Plan

The following policies support the stated measurable objectives of the *Approved Countywide Green Infrastructure Plan*. The policy text is in **BOLD** and the conformance analysis is in regular type.

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The zoning of the property is C-S-C allowing commercial retail uses on this site. The question is whether the magnitude of the development is appropriate for this site given the many physical, cultural and environmental constraints. In order to find conformance with the Green Infrastructure Plan, the proposed development may need to be scaled-

down to protect all the resources on-site and adjacent to the site. As noted above, there are master plan issues with regard to protecting the adjacent primary corridor (the Patuxent River) and its related resources such as Green Branch. If the conditions recommended in this memorandum are addressed, conformance with the Green Infrastructure Plan can be found.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

As noted above in the discussion of master plan conformance, water quality is an issue on this site. Issues related to water quality will need to be addressed through technical design based on proposed development, so conformance with this policy cannot be found at this time. Conformance with this policy will be evaluated at time of detailed site plan.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

Elsewhere in this memorandum the issue of on-site woodland conservation is discussed. In order for the development to be in conformance with this policy, the woodland conservation threshold should be met on-site. A revised TCPI was submitted which shows no woodland conservation on-site, and provides all woodland conservation requirements off-site.

The proposal as submitted does not demonstrate conformance with Policy 3. There are wooded areas on the site that could be preserved to demonstrate conformance. See comments below on woodland conservation.

Environmental Review

The preliminary plan application had a signed Natural Resources Inventory (NRI/029/07) that was included with the application package. The TCPI and the preliminary plan show all the required information in conformance with the signed NRI; however, the TCPI shows an area of wetlands that is not shown on the NRI.

An area of isolated wetlands located adjacent to the US 301 right-of-way (ROW) has been identified in other surveys of the area but is not shown on the NRI. The Environmental Planning Section (EPS) has determined that the area in question is shown on the U.S. Fish and Wildlife Nontidal Wetlands Guidance maps. The original application included a variation request for disturbance of the wetlands, along with a plan showing the delineation of the wetlands. EPS also has a concern about the delineation of the PMA adjacent to Green Branch Tributary, which does not include adjacent severe slopes. A revision to the signed NRI was required to address this and other issues; however the revised NRI is not correct with regard to the PMA delineation.

A revised NRI, stamped as received on April 27, 2009, shows the isolated wetland and wetland buffer adjacent to the US 301 right-of-way as shown on the variation plan; and revises the PMA to include adjacent severe slopes along Green Branch Tributary but still needs revisions.

This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it is greater than 40,000 square feet in gross tract area, and it contains more than 10,000 square feet of existing woodland. A Type I Tree Conservation

Plan (TCPI/22/07) was submitted with the preliminary plan application and has been reviewed. The woodland conservation threshold for this site is 10.98 acres, based on a 15 percent afforestation threshold. Because there are only 10.68 acres of existing woodlands on the net tract, which falls below the woodland conservation threshold and below the afforestation threshold of 15 percent, the site must be afforested to a minimum of 15 percent of the net tract area (10.98 acres). The total amount of required woodland conservation based on the afforestation threshold, and the amount of clearing currently proposed, is 21.66 acres.

The TCPI as currently designed, proposes to meet the requirement with 21.66 acres fully with the use of off-site woodland conservation credits.

To be in conformance with the policies of the General Plan and the Green Infrastructure Plan, every effort should be made to meet the woodland conservation threshold on-site (10.98 acres). This can be achieved through the retention of woodlands in regulated areas, evaluation areas and gap areas. Other priority areas for woodland conservation are the use of landscape trees in bioretention areas, to enhance stormwater management, and in the 40-foot-wide scenic easement along historic Mill Branch Road, and the bufferyard recommended above for transition between the two tiers.

Prior to signature approval of the preliminary plan, the TCPI should be revised to meet the reduced woodland conservation afforestation threshold of 10.68 acres on-site to the greatest extent possible through the retention of existing woodlands, expansion of woodland areas through afforestation, provision of expanded stream buffers to protect environmental corridors, planting of bioretention areas, planting in the scenic easement, and planting of a minimum "D" bufferyard to provide a transition between the Rural Tier and the Developing Tier.

The location and type of proposed stormwater management facilities has been shown on an approved stormwater management concept plan submitted with the preliminary plan application, and a stormwater management concept approval letter was submitted.

The SWM concept plan is based on a development layout different from that shown on the TCP1. The master plan and the Green Infrastructure Plan both call for the use of low-impact development techniques to address stormwater management impacts. Because water quality is an important issue on this site and because of the site's location adjacent to the Patuxent River Primary Corridor, the stormwater management concept should include extensive water quality features such as bioretention ponds and filter strips. Pond usage should be minimized; the stormwater should be micromanaged throughout the site. Restoration of problem areas identified in Green Branch through the stream corridor assessment should be addressed.

Streams and 100-year floodplains are found to occur on this property. These features and the associated buffers comprise the Patuxent River Primary Management Area (PMA) on the subject property in accordance with Section 24-101(b) (10) of the Subdivision Ordinance. The Patuxent Primary Management Area (PMA) has not been fully or correctly identified on the revised NRI, and the TCPI and preliminary plan do not show the correct delineation of the PMA. The isolated non-tidal wetlands and wetland buffer adjacent to US 301 have been added to the plan.

The Subdivision Regulations mandate that the PMA be preserved to the fullest extent possible. Staff generally recommends approval of PMA impacts for unavoidable impacts such as the installation of public road crossings and public utilities, if they are designed to preserve the PMA to the fullest extent possible. Staff generally does not recommend approval of PMA impacts for lots, structures or septic field clearing and grading when alternative designs would reduce or

eliminate the impacts. No impacts to the PMA, as currently delineated, have been shown on the plan or requested in the letter of justification submitted.

Comment: No impacts to the PMA have been requested or evaluated as part of this review. Impacts that may be required for stream restoration or mitigation and will be evaluated at the time of detailed site plan when the specifics of the impacts are available. Staff is aware that impacts will be necessary and will ensure through that process that they are minimized to the fullest extent possible.

A letter dated April 23, 2008, requesting a variation to Section 24-130 of the Subdivision Regulations for disturbance to a nontidal wetland and wetland buffer located adjacent to US 301, was submitted. It requests the permanent disturbance of 17,958 square feet (0.41 acres) of nontidal wetlands, and 36,466 square feet (0.84 acres) of nontidal wetland buffer as shown on the variation plan to allow for the construction of a building and parking. The variation request justification provides the following reason that the disturbance is necessary:

“The total wetland and wetland buffer area within the MSHA ultimate right-of way is 0.4 acres . . . This is approximately 32% of the area [of the wetland and buffer].”

“Although the original design of the storm drain system under US 301 is consistent with the type of improvements that are necessary when road improvement plans are constructed without the benefit of adjacent site development it would not make much sense for future design. Currently a large portion of the onsite drainage flows west to the 42 inch culvert under the northbound lanes of US 301... The ultimate storm drain/stormwater management design will be designed to contain 90 percent of the drainage that currently flows to the 42 inch culvert in an underground system to provide quality control. The outfall from this underground system will be directed to the Green Branch tributary through a series of storm drain systems that remain on the east side of US 301. This design will cut off the drainage to the existing wetland area, changing the hydrology of the wetland.”

Impacts to the wetlands and its buffer are restricted by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in a significant reduction in the developable area of the site.

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

Staff concurs with the determination that the change in drainage patterns on the site related to development will remove the hydrology necessary for the retention of this wetland. Removal of the wetland area is in keeping with Maryland State Highway Administration (MSHA) safe drainage system requirements, and the granting of the variation will not be injurious to other property.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The wetland is isolated and is most likely man made due to the construction and improvements of US 301, which is unique to surrounding properties. The removal of this isolated wetland is based on conditions which are unique to the property and are not applicable generally to other properties.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

If approved the variation will not violate any other applicable law, ordinance or regulations, in fact the applicant will still be subject to permitting requirements by the Corp of Engineers prior to grading permits.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

Due to the size and shape of the property and the location of the wetlands, a significant reduction in the developable area of the site would occur if the variation is not granted which would result in a particular hardship to the owner. Staff recommends approval of the variations for the reasons stated herein.

In addition, to mitigate the removal of the wetlands and the wetland buffer (1.25 acres) the applicant has proffered to conduct stream restoration on the Green Branch which will also serve to address stormwater management on the site. Prior to submittal of the detailed site plan, a conceptual design for the environmentally sensitive restoration of the problem areas identified in the Stream Corridor Assessment Report should be prepared and submitted for approval as part of that application. The restoration plan should include a "Coastal Plain Outfall" type system, or its equivalent, to slow the velocity of the stormwater running through the stream bed, and stabilize the stream banks to prevent sedimentation into the Patuxent River. The final design should show integration of the stormwater management and stream restoration.

The soils found on this property include soils that may have limitations with respect to 100-year floodplain or seasonally high water tables. Although these limitations may affect the construction phase of this development there are no limitations that would affect the site design or layout. During the review of building permits the County may require a soils study addressing the soil limitations with respect to the construction.

Mill Branch Road was designated as a Historic Road in the 1992 Historic Sites and District Plan, and is subject to Guidelines for the Design of Scenic and Historic Roadways within Prince George's County. The functional classification is as a collector. Any improvements within the right-of-way of the road are subject to approval by the Department of Public Works and Transportation (DPW&T). On this site, the existing viewshed is comprised of open, agricultural fields. A photographic inventory of significant visual features for the frontage of the subject property was submitted.

Along the designated historic road, a scenic easement, with a minimum width of 40 feet located outside of the ultimate right-of-way and exclusive of public utility easements (PUE), should be delineated on the preliminary plan and the TCPI. Within the scenic easement, preservation of existing woodlands, afforestation of the scenic easement, limiting of access points, and supplemental landscaping may be appropriate to conserve and enhance the viewshed of the historic road and compliment the desired character. This scenic easement will also allow for a transition from the Developing Tier to the adjacent Rural Tier.

The detailed site plan should address: protection of significant visual features; preservation of existing woodlands; afforestation of the scenic easement; limiting of access points; supplemental landscaping appropriate to conserve and enhance the viewshed of the historic road; and transitions between the Developing Tier and Rural Tier.

Only one access point has been shown to this site from the south. This access point will also handle the traffic for the Green Branch Athletic Complex, which will then veer to the south, paralleling the southeastern property line and extending to M-NCPPC park property located behind this site. Along designated scenic and historic roads the limiting of access points is desirable and recommended to maintain the character of the roadway. Access to Mill Branch Road should be limited to the extent possible in order to protect the scenic and historic qualities of the road.

3. **Community Planning**—The 2002 *Prince George's County Approved General Plan* locates this property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of distinct commercial centers, and employment areas that are increasingly transit serviceable. The proposed development responds to the master plan recommendation for uses. The sector plan recommends that this property, given its proximity to the Bowie Regional Center, be developed with high-quality commercial retail uses, including a hotel which is proposed with this application.

The applicant should use low-impact development (LID) techniques to the fullest extent possible. The applicant should use green building techniques that reduce energy consumption and new building design should strive to incorporate the latest environmental technologies in building construction and site design as recommended in the master plan.

The 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* recommends commercial development for the site, and the sectional map amendment rezoned this property from the R-A to the C-S-C Zone. The plan recommends the following design guidelines, which are applicable to this application:

Policy 6, Strategies 1

- b. This property, given its proximity to the Bowie Regional Center, should be developed with high-quality commercial retail uses, including a hotel. Future development should promote the optimum use of the transportation system and public infrastructure, preserve environmentally sensitive areas, and provide for the needs of workers and residents in the area. The property should be rezoned to a suitable zone, such as the C-S-C (Commercial Shopping Center) Zone, to permit development of elements such as an upscale hotel, etc. The development should incorporate the following design guidelines:**
- (1) The development should include quality department stores but should not include discount or “big-box” commercial activities. No individual retail uses; other than food or beverage stores (grocery store) shall exceed 125,000 square feet in size. Retail sales of alcoholic beverages in a food or beverage store are limited to 5,000 square feet or less.**
 - (2) The existing 22-foot easement that provides access to the Green Branch Regional Park should be vacated and replaced by a new temporary easement, fifty feet in width, located on this property at its eastern most property line on Mill Branch Road. The new temporary easement should be vacated when it is replaced by permanent access via a right-of-way to be constructed at the time this property is developed. The new temporary easement on the easternmost property line should form the boundary between the Developing Tier and the Rural Tier.**
 - (3) The development should include a pedestrian hiker/biker system that is comprehensively designed to encourage pedestrian and biking activity within the development and with connections the Green Branch Regional Park and Prince George’s Stadium.**

The February 2002 Preliminary General Plan Proposal published for the March 26, 2002 joint public hearing showed the Mill Branch Crossing Property in the Rural Tier. The District Council proposed amendments to the Preliminary General Plan by CR-34-2002, including Amendment 2 for the Mill Branch Crossing Property to be placed in the Developing Tier. A joint public hearing on the amendments proposed by CR-34-2002 was held on July 16, 2002. The District Council approved the General Plan in CR-47-2002 on October 7, 2002, with amendments, including Amendment 2 placing the now Mill Branch Crossing Property in the Developing Tier.

Approval of the 2002 General Plan officially established the terminology, policies and the boundaries for “Tiers, Centers and Corridors” in Prince Georges County. Previous General Plans and master plan used different terms and had different policies and boundaries. There have been no changes to the Developing Tier boundaries in the Mill Branch Road area since approval of the General Plan.

4. **Department of Parks and Recreation**—In accordance with Section 24-134(a) of the Prince George’s County Subdivision Regulations, the above referenced subdivision is exempt from Mandatory Dedication requirements because it is nonresidential development.

The approved 2006 Bowie and Vicinity Master Plan and Sectional Plan Amendment states that the existing 22-foot easement on the subject property that provides access to the Green Branch Regional Park should be vacated and replaced by a new temporary easement, fifty feet in width, located on its easternmost property line on Mill Branch Road. The master plan also states that the new temporary easement should be vacated after it is replaced by a permanent access route via a right-of-way to be constructed at the time this property is developed. The new temporary easement on the easternmost property line should form the boundary between the Developing and Rural Tier.

The applicant shows a recorded 50-foot-wide joint access easement along the easternmost property line. This easement was conveyed to M-NCPPC on April 21, 2007 for the construction of the temporary access road to the Green Branch Athletic Complex. This 50-foot-wide easement will allow for the construction of a 22-foot-wide access road. A temporary access road will be constructed in the easement during the first phase of the park construction. This access easement is the only available entrance to the park property at this time. The Department of Parks and Recreation is currently designing the first phase of construction for Green Branch Athletic Complex. The first phase of construction of the park will start in the fall of 2009.

As discussed in the Historic Preservation Section of this report, the subject property includes four archeological sites. Archeological Site (18PR857) consists of a large scatter of 18th century artifacts and is located in close proximity to the park access easement. The Phase II investigations have determined that site 18PR857 is eligible for listing in the National Register of Historic Places. However, the subject site is not currently included in the inventory of historic resources in the Historic Sites and Districts Plan. In order to protect the archeological artifacts during any grading or ground disturbance, staff recommends the installation of a super-silt fence around a 100-foot-wide buffer area of the discovered artifacts. The proposed 100-foot-wide buffer area should not be partially located in the existing park access easement area. The archeological studies were performed after the park access easement had been established at its current location, and DPR staff was unaware of the archeological sites on the subject property at the time the easement was acquired from the applicant.

Staff believes that the buffer area should not overlap the park access easement. The buffer area can still be maintained but at the location of park access easement this buffer should be reduced. In order to insure protection of the archeological artifacts during park access road construction, DPR proposes the installing a super-silt fence along the northern boundaries of the park access easement and around the remaining 100-foot-wide buffer area. The super-silt fence should be installed prior to grading and construction of the access road and then maintained by the applicant until completion of the construction work on the subject property.

The revised preliminary plan delineates a conceptual layout of a four-lane access road leading to the park property which extends outside the existing 50-foot-wide access easement. It is our understanding that the conceptual layout of the access road is shown to demonstrate a required 40-foot-wide landscaping buffer along the eastern property line and to demonstrate that there is no impact on archeological site 18PR857. We believe that this is only conceptual and does not constrain construction of the park access road in the existing easement. In addition, it is our understanding that approval of the preliminary plan does not imply approval of the internal access road or some relocation of the existing easement. The Department of Parks and Recreation has not had a chance to discuss with the applicant any details of the possible relocation of the park access easement. DPR will continue to work with the applicant to address any needed changes acceptable to the DPR and the applicant.

5. **Trails**—The 2000 Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity (SMA) designates Mill Branch Road as a master plan bikeway between Crain Highway (US 301) to Queen Anne Bridge Road. The plan recommends that Mill Branch Road contain a shared-use bikeway, and that the entire area contain better pedestrian accessibility with expansion of the trail network. The area near the subject property is characterized by increased development of residential and non-residential uses. The plan recommends providing trails for recreational uses, while also providing opportunities to make some local trips by walking or bicycling. The plan states that pedestrian access to schools, parks, and other community facilities is especially important, and that sidewalks and trail connections between adjacent communities can greatly enhance the overall walkability of an area.

The master-planned bikeway on Mill Branch Road can be accommodated through bicycle compatible road improvements on Mill Branch Road, such as bike lanes and bikeway signage. A sign should be provided by the applicant that indicates the bikeway. This sign will warn drivers that they must “share the road” with bicyclists. Share the road signs are needed in situations where there is a need to warn drivers to watch for other slower forms of transportation traveling along the highway, such as bicycles. More signage might be needed but are installed by Department of Public Works and Transportation (DPW&T). The applicant should consult with DPW&T on the location and placement of bikeway and safety signage.

The proposed conceptual plan of development delineates large surface-parking areas. The parking areas contain numerous small curbed medians. The concept plan does not address sidewalks or pedestrian ways and these issues should be addressed at the time of detailed site plan, if required by the Planning Board.

The master plan recommends that the entire area contain better pedestrian accessibility with the expansion of the trail network. A sidepath on the subject site would create a better pedestrian and bicycle connection across US 301. Raised crosswalks could be utilized to slow traffic on approaches to intersections. Raised crosswalks to slow traffic on all roads approaching the traffic circle at the main entrance to the subject site should be included for pedestrian and bicycle safety.

The Green Branch Regional Park is abutting to the east. Any development in this area should consider connecting to this park. The development should include a comprehensively designed pedestrian/hiker/biker system, preferably connecting to Green Branch Regional Park and ultimately the Prince George’s Stadium to the north.

6. **Transportation**—The subject application proposes the construction of 91,000 square feet of office, 405,000 square feet of retail, and a 150-room hotel in one phase (Phase I). Originally, the applicant proposed 800,000 square feet over two phases (Phase I and II) which included the

150-room hotel. Phase II consisted of 181,500 square feet of retail. On May 12, 2009, the applicant submitted a letter (La Rocca to Chellis) withdrawing from consideration Phase II.

The applicant submitted a traffic study dated March 11, 2009, as well as a supplemental study dated April 28, 2009. The traffic study was based on 800,000 square feet in two phases (Phase I and II). The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” for Phase I only

Of note, and discussed further is that access to the Green Branch Regional Park (M-NCPPC) is proposed through Parcel A from Mill Branch Road. The park is expected to be under construction and Phase I and II of the park completed in 2009. The Planning Board’s Transportation Guidelines require that background development be included when conducting a traffic analysis. The definition of background development includes pipeline developments which are defined as having an approved and valid preliminary plan of subdivision, final plat or record plat. Because the park is not the subject of an approved and valid preliminary plan of subdivision, final plat or record plat, it is not required to be included in the traffic analysis as background traffic.

However, the applicant in their traffic study did include the park in their analysis as back ground traffic voluntarily. The following analysis includes the traffic study analysis which includes the park, and then staff evaluation which does not include the park. Moreover, staff has determined that the conditions of approval would be the same under either scenario.

The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS			
Intersection	AM	PM	Saturday Peak
US 301 @ Governors Bridge Road-Harbor Way	C/1161	F/1652	N/A
US 301 @ MD 197-Rip’s Restaurant Access	A/929	B/1127	N/A
US 301 @ Mill Branch Road-Excalibur Road	C/1261	D/1408	C/1279
MD 197 @ Mitchellville Road	A/675	B/1079	N/A
US 301 @ Heritage Boulevard-Ball Park Road	B/1117	B/1389	N/A

The traffic study identified twelve background developments (including the Green Branch Regional Park) whose impact would affect some or all of the study intersections. Additionally, a growth rate of 2.9 percent per year was applied to the through traffic along US 301, and 2.5 percent per year for traffic along MD 197. A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS			
Intersection	AM	PM	Saturday Peak
	(LOS/CLV)	(LOS/CLV)	
US 301 @ Governors Bridge Road-Harbor Way	C/1274	F/1811	N/A
US 301 @ MD 197-Rip's Restaurant Access	C/1220	E/1552	N/A
US 301 @ Mill Branch Road-Excalibur Road	E/1458	F/1812	F/1705
MD 197 @ Mitchellville Road	A/789	D/1301	N/A
US 301 @ Heritage Boulevard-Ball Park Road	C/1269	E/1593	N/A

Regarding potential uses for the subject application, the traffic study assumed the following uses for the Phase I development:

- 91,000 square feet office
- 405,000 square feet retail
- 150-hotel rooms

Using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” as well as the Institute of Transportation (ITE) *Trip Generation Manual*, the study has indicated that the aforementioned uses will be adding 606 (416 in; 190 out) AM peak-hour trips and 1,017 (465 in; 553 out) PM peak-hour trips. Additionally, the study revealed that on a Saturday afternoon, when the greatest hourly peak flow is likely to occur, the development is likely to generate 1,431 (748 in; 683 out) trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS			
Intersection	AM	PM	Saturday Peak
	(LOS/CLV)	(LOS/CLV)	
US 301 @ Governors Bridge Road-Harbor Way	C/1311	F/1860	N/A
US 301 @ MD 197-Rip’s Restaurant Access	C/1292	F/1698	N/A
US 301 @ Mill Branch Road-Excalibur Road	E/1458	F/2949	F/3359
MD 197 @ Mitchellville Road	A/789	D/1388	N/A
US 301 @ Heritage Boulevard-Ball Park Road	C/1269	F/1655	N/A
(1) Mill Branch Road @ Site Access with (roundabout)			0.91 v/c
(2) Mill Branch Road @ Site Access with signalized “Tee”	A/521	A/919	D/1435
(3) Mill Branch Rd. @ Site Access with unsignalized “Tee”			F/375 seconds
** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service “E” which is deemed acceptable corresponds to a maximum delay of 50 seconds/vehicle. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> . All results in boldface represent failing levels.			

The results shown in the table above have indicated that there are four signalized intersections that would operate unacceptably under total traffic conditions. To address the inadequacies at these intersections, the traffic study proposed the following improvements under the provisions of “Guidelines for Mitigation Actions” pursuant to Section 24-124(a)(6) of the Subdivision Regulations:

- a. US 301 at Governors Bridge Road-Harbor Way
 - Modify eastbound Harbor Way from a two lane approach to a three lane approach that would include an eastbound double left turn lane, and a combined left, through and right-turn lane
- b. US 301 at MD 197-Rip’s Restaurant Access
 - Modify the westbound exit from the Rips restaurant to a three (3) lane exit to provide an exclusive left lane, a through lane and a right-turn lane

- Provide an additional left turn lane along the northbound approach to provide a total of three left-turn lanes
 - Provide three receiving lanes on the western leg (MD 197) of the intersection subject to SHA requirement
- c. US 301 at Mill Branch Road-Excalibur Road
- Construct a double southbound left turn along US 301 at Mill Branch Road
 - Widen Mill Branch Road to a four lane westbound approach providing two left-turn lanes, one through lane and a free right-turn lane
 - Provide three receiving lanes on the eastern leg of the intersection (Mill Branch Road) subject to the requirements of SHA/DPW&T
 - Provide a third northbound through lane along US 301 beginning at a point 1,000 feet of Mill Branch Road, and ending at a point approximately 2,500 feet north of Mill Branch Road
- d. US 301 at Heritage Boulevard
- Re-stripe the southbound right-turn lane along US 301 to a shared through/right lane

The traffic study re-analyzed the failing intersections predicated on all of the mitigated improvements being in place. The following represents the results from that analysis:

Transportation Facilities Mitigation Plan (TFMP) Capacity Analysis Results

Intersection	Background Traffic	Total Traffic	CLV increase (+) decrease (-)	Required Mitigation %	Actual Mitigated %
AM Peak Hour Traffic					
	LOS/CLV	LOS/CLV	LOS/CLV		
US 301 @ Mill Branch Road-Excalibur Road	E/1458	F/1947	+489	100	
<i>with improvement</i>		C/1175	-772		158
PM Peak Hour Traffic					
US 301 @ Gov. Bridge Road-Harbor Way	F/1811	F/1860	+49	100	
<i>with improvement</i>		F/1738	-122		249
US 301 @ MD 197- Rip's Restaurant Access	E/1552	F/1698	+146	150	
<i>with improvement</i>		D/1442	-256		175
US 301 @ Mill Branch Road-Excalibur Road	F/1812	F/2949	+1137	100	
<i>with improvement</i>		E/1519	-1430		126
US 301 @ Heritage Boulevard-Ball Park Road	E/1593	F/1655	+62	150	
<i>with improvement</i>		D/1380	-275		444
Saturday: Mid-day Peak Hour					
US 301 @ Mill Branch Road-Excalibur Road	F/1705	F/3359	+1654	100	
<i>with improvement</i>		F/1633	-1726		104

The results in the table above indicate that all four intersections will operate within the allowable thresholds required under the use of mitigation.

Regarding the site access with Mill Branch Road, the traffic study evaluated three access scenarios.

- Site Access with (roundabout)
- Site Access with Signalized "Tee"
- Site Access with unsignalized "Tee"

The results show that only the access with the signalized “Tee” intersection at Mill Branch Road will result in acceptable levels of service.

In addition to the full-movement intersections that were analyzed, the traffic study also evaluated a right-in right-out access on US 301 along the northern end of the property. In assigning traffic to the right-in right-out access, it necessitated a re-distribution of traffic at the intersections of Mill Branch Road at US 301 as well as the primary site access at Mill Branch Road. One of the conclusions of the traffic study was that even with a re-distribution of traffic all of the mitigated improvements will still be needed. The study further concluded that any development on the subject property beyond what is being proposed for the first phase, will require the implementation of the master planned interchange at US 301 and MD 197, or some other improvements resulting in adequate levels of service. The study did not identify any such improvements however.

In addition to the Transportation Planning staff, the traffic study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). The City of Bowie was also solicited for comments on the traffic study.

During staff’s review of the preliminary plan, revisions depicting various access scenarios were presented. Consequently, it was necessary to revise the traffic study, which in turn prompted multiple comments from the reviewing agencies.

In an April 8, 2009, memorandum to staff (Issayans to Burton), Mr. Issayans provided comments on the following issues:

- a. Traffic from the proposed Mill Branch Park should have been included in the traffic study
- b. Mill Branch Road needs two lanes in each direction between the site entrance and US 301
- c. A second access point is needed to support the development
- d. Citizens concerns on traffic issues on Mill Branch Road

During the review of the application, staff received feedback from citizens regarding operational issues on and between both ends of Mill Branch Road. Specifically, the citizens were concerned about accidents and overall safety on Mill Branch Road, as well as potential congestion on Mill Branch Road between the site entrance and US 301. In response to these concerns, DPW&T disclosed that there were two nonfatal/noninjury accidents reported on Mill Branch Road at or near the intersection with Queen Anne Bridge Road. Those accident data were collected between 2005 and 2007. The DPW&T further disclosed that within that same period, that there were three nonfatal accidents reported on Mill Branch Road, at or near the intersection with US 301. Finally, The DPW&T disagreed with some citizens complaints that the Mill Branch Road (to the south/east) will see an increase in traffic as a diversion due to anticipated congestion between the site access and US 301.

It is worth mentioning that the DPW&T does not anticipate a high volume of traffic from the proposed development that will be oriented to points south and east of the site. Staff supports this position. In fact, the current traffic data show that less than five percent of the total traffic

entering the US 301-Mill Branch Road intersection is oriented to and from Mill Branch Road. The Planning Department's Guidelines do not require transportation facilities to be included in traffic studies where the anticipated trip distribution of the proposed site is the lesser of 20 percent or 150 peak-hour trips. It is staff's opinion that less than 20 percent of the traffic from the proposed development will be oriented to the south and east along Mill Branch Road. Consequently, the eastern portion of Mill Branch Road was excluded from the study area.

Staff is in receipt of a second letter from DPW&T dated May 6, 2009. In this letter, the DPW&T stated it concurrence with the findings of the April 28, 2009, supplemental traffic study. Among the issues for which there is concurrence are the following:

- Signalization for the site access with Mill Branch Road
- Provision of double left-turn lanes into the site access
- Provision of two receiving lanes on the site access
- Synchronizing the signal at the site access with the signal at US 301 at Mill Branch Road intersection

In its May 8, 2009, letter to staff (Foster to Burton), the SHA also concurred with the applicant's mitigated improvements as outlined in the traffic study. SHA expressed some concerns regarding long traffic queues along Mill Branch Road, between the site access and US 301. To that end, SHA suggested that the site access be signalized with an eastbound double-left turn lane and an exclusive through lane along Mill Branch Road. Staff concurs with SHA's assessment.

Master Plan, Right-of-Way dedication

The property is located in an area where the development policies are governed by the Approved Bowie and Vicinity Master Plan, 2006. One of the recommendations from the master plan was the upgrade of US 301 to a freeway (F-10), as well as the conversion of at-grade intersections along US 301 to grade-separated interchanges. The subject property will be impacted by expansion along US 301 as well as interchanges at Mill Branch Road and at MD 197. The proposed plan is showing rights-of-way dedication along US 301 and Mill Branch Road that are consistent with master planned requirements. The proposed dedication for the right-in right-out entrance on US 301 is also found to be acceptable to staff, and that it is necessary to support the proposed development. While the proposed interchanges have received State and Federal approval at the planning level, there is still a possibility that one or both facilities could be subject to further engineering modification. In that regard, staff will require right-of-way dedication for the Mill Branch Road interchange based on the currently approved foot print. However, if by the time of final plat for the subject property, SHA decides on a smaller footprint for the interchange, staff will re-assess the right-of-way needs accordingly.

The traffic study did assume that any expansion of the proposed development beyond the proposed phase would be reliant on capacity created by the future interchange at MD 197. At this writing however, staff was notified by the applicant that there are no future plans for expansion beyond the proposed phase one. Given the fact that the findings of adequacy were made without the need for the future interchange at MD 197, staff will not be requesting dedication for the interchange. A recommendation to placing the footprint of the interchange in reservation would have been the normal course of action taken by staff. However, based on a March 23, 2009 letter from SHA to staff (Slater to Foster), SHA has not expressed a timeframe within which the property would be acquired. Consequently, staff will not be recommending reservation for the future interchange at US 301 & MD 197, consistent with the Planning Board's policy. The Planning Board has established that in order to place a property in reservation there exists a two

prong test. First, that the operating agency has a desire to place the facility in reservation and second, indicates that there is a reasonable expectation that funds are available to purchase the facility within a three-year reservation period.

Transportation Findings

The application analyzed is a preliminary plan of subdivision for a commercial development consisting of:

- 91,000 square feet office
- 405,000 square feet retail
- 150-hotel rooms

Collectively, this development will be adding 606 (416 in; 190 out) AM peak-hour trips and 1,017 (465 in; 553 out) PM peak-hour on weekdays, and 1,431 peak trips on Saturdays. These rates were determined by using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals” (Guidelines), as well as the Institute of Transportation (ITE) *Trip Generation Manual*.

The traffic generated by the proposed preliminary plans would impact the following intersections:

- US 301 at Governors Bridge Road-Harbor Way
- US 301 at MD 197-Rip’s Restaurant Access
- US 301 at Mill Branch Road-Excalibur Road
- MD 197 at Mitchellville Road
- US 301 at Heritage Boulevard-Ball Park Road
- Mill Branch Road at Site Access with signalized “Tee”

The application is supported by a traffic study dated March 2009 (and subsequent supplemental studies) provided by the applicant and referred to the Maryland State Highway Administration (SHA), the County Department of Public Works and Transportation (DPW&T) and the City of Bowie. The findings and recommendations outlined are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the Guidelines.

The subject property is located within the Developing Tier as defined in the *Prince George’s County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

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

The following intersections identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING CONDITIONS			
Intersection	AM	PM	Saturday Peak
	(LOS/CLV)	(LOS/CLV)	
US 301 @ Governors Bridge Road-Harbor Way	C/1161	F/1652	N/A
US 301 @ MD 197-Rip's Restaurant Access	A/929	B/1127	N/A
US 301 @ Mill Branch Road-Excalibur Road	C/1261	D/1408	C/1279
MD 197 @ Mitchellville Road	A/675	B/1079	N/A
US 301 @ Heritage Boulevard-Ball Park Road	B/1117	B/1389	N/A

None of the intersections, identified in Finding 2 are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP).

The following intersections, identified above, when analyzed with background traffic as developed using the Guidelines, were found to operate as follows:

BACKGROUND CONDITIONS			
Intersection	AM	PM	Saturday Peak
	(LOS/CLV)	(LOS/CLV)	
US 301 @ Governors Bridge Road-Harbor Way	C/1274	F/1811	N/A
US 301 @ MD 197-Rip's Restaurant Access	C/1220	E/1552	N/A
US 301 @ Mill Branch Road-Excalibur Road	E/1458	F/1812	F/1705
MD 197 @ Mitchellville Road	A/789	D/1301	N/A
US 301 @ Heritage Boulevard-Ball Park Road	C/1269	E/1593	N/A

The following intersections, when analyzed with the total future traffic as developed using the Guidelines, were found to operate as follows:

TOTAL CONDITIONS			
Intersection	AM	PM	Saturday Peak
	(LOS/CLV)	(LOS/CLV)	
US 301 @ Governors Bridge Road-Harbor Way	C/1311	F/1860	N/A
US 301 @ MD 197-Rip's Restaurant Access	C/1292	F/1698	N/A
US 301 @ Mill Branch Road-Excalibur Road	E/1458	F/2949	F/3359
MD 197 @ Mitchellville Road	A/789	D/1388	N/A
US 301 @ Heritage Boulevard-Ball Park Road	C/1269	F/1655	N/A
(1) Mill Branch Road @ Site Access with (roundabout)			0.91 v/c
(2) Mill Branch Road @ Site Access with signalized "Tee"	A/521	A/919	D/1435
(3) Mill Branch Rd. @ Site Access with unsignalized "Tee"			F/375 seconds
** Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the level-of-service and the intersection delay measured in seconds/vehicle. A level-of-service "E" which is deemed acceptable corresponds to a maximum delay of 50 seconds/vehicle. For signalized intersections, a CLV of 1450 or less is deemed acceptable as per the <i>Guidelines</i> . All results in boldface represent failing levels.			

The application meets the geographic eligibility criteria for a Transportation Facilities Mitigation Plan (TFMP) established by the Prince George's County Council in CR-29-1994 "Guidelines for Mitigation Actions."

The applicant proposes the following improvements under the rubric of mitigation:

- a. US 301 at Governors Bridge Road-Harbor Way
 - Modify eastbound Harbor Way from a two lane approach to a three lane approach that would include an eastbound double left-turn lane, and a combined left, through and right-turn lane

- b. US 301 at MD 197-Rip's Restaurant Access
 - Modify the westbound exit from the Rips restaurant to a three lane exit to provide an exclusive left lane, a through lane and a right-turn lane
 - Provide an additional left-turn lane along the northbound approach to provide a total of three left-turn lanes
 - Provide three receiving lanes on the western leg (MD 197) of the intersection subject to SHA requirement

c. US 301 at Mill Branch Road-Excalibur Road

- Construct a double southbound left turn along US 301 at Mill Branch Road
- Widen Mill Branch Road to a four lane westbound approach providing two left-turn lanes, one through lane and a free right-turn lane
- Provide three receiving lanes on the eastern leg of the intersection (Mill Branch Road) subject to the requirements of SHA/DPW&T
- Provide a third northbound through lane along US 301 beginning at a point 1,000 feet of Mill Branch Road, and ending at a point approximately 2,500 feet north of Mill Branch Road

d. US 301 at Heritage Boulevard

- Re-stripe the southbound right-turn lane along US 301 to a shared through/right lane

The impact of the mitigation actions outlined above is summarized as follows:

Intersection	Background Traffic	Total Traffic	CLV increase (+) decrease (-)	Required Mitigation %	Actual Mitigated %
AM Peak Hour Traffic					
	LOS/CLV	LOS/CLV	LOS/CLV		
US 301 @ Mill Branch Road-Excalibur Road	E/1458	F/1947	+489	100	
<i>with improvement</i>		C/1175	-772		158
PM Peak Hour Traffic					
US 301 @ Gov. Bridge Road-Harbor Way	F/1811	F/1860	+49	100	
<i>with improvement</i>		F/1738	-122		249
US 301 @ MD 197-Rip's Restaurant Access	E/1552	F/1698	146	150	
<i>with improvement</i>		D/1442	-256		175
US 301 @ Mill Branch Road-Excalibur Road	F/1812	F/2949	+1137	100	
<i>with improvement</i>		E/1519	-1430		126
US 301 @ Heritage Boulevard-Ball Park Road	E/1593	F/1655	+62	150	
<i>with improvement</i>		D/1380	-275		444
Saturday: Mid-day Peak Hour					
US 301 @ Mill Branch Road-Excalibur Road	F/1705	F/3359	+1654	100	
<i>with improvement</i>		F/1633	-1726		104

Transportation Conclusions

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 and Section 24-125 of the Subdivision Regulations if the application is approved with conditions.

7. **Schools**—The subdivision has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
8. **Fire and Rescue**—The preliminary plan of subdivision has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Regulations.

The existing engine service at Bowie Fire Station, Company 43, located at, 16408 Pointer Ridge Drive has a service travel time of 2.89 minutes, which is within the 3.25-minute travel time guideline.

The existing paramedic service at Bowie Fire Station, Company 43, located at 16408 Pointer Ridge Drive has a service travel time of 2.89 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road has a service travel time of 7.26 minutes, which is beyond the 4.25-minute travel time guideline.

However, the nearest fire station Bowie, Company 43 is located at 16408 Pointer Ridge Drive is 2.89 minutes from the development. This facility would be within the recommended travel time for ladder truck service if an operational decision to locate this service at that facility is made by the county.

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

These findings are in conformance with the *Approved Public Safety Facilities Master Plan (March 2008)*.

9. **Police Facilities**—The police facilities test is performed on a countywide basis for nonresidential development in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.
10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for Mill Branch Crossing and has the following comments to offer:

The abandoned deep well associated with the existing house must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller as part of the raze permit. The location of the deep well should be located on the preliminary plan.

The abandoned septic tank associated with the existing house must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system should be located on the preliminary plan.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources (DER), Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed. A note needs to be affixed to the preliminary plan that requires that the structures are to be razed and the well and septic system properly abandoned before the release of the grading permit.

11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan 14712-2007-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development should be in accordance with the approved plan.
12. **Historic**—A Phase I archeological survey was completed on the subject property in November 2006 prior to submission of this preliminary plan. A total of four archeological sites were identified. The Mill Branch Crossing Ridge Site (18PR856) is located in the southern portion of the property and consists of a light scatter of 18th century artifacts. The Mill Branch Crossing Field Site (18PR857) is located in the southeastern portion of the property and consists of a large scatter of 18th century artifacts. The Mill Branch Crossing Homestead Site (18PR858) is located in the north central part of the property and consists of a 20th century homestead and associated tobacco barn. The Mill Branch Crossing Mill Site (18PR959) is a possible early 20th century agricultural complex that includes two concrete dams across a tributary of Green Branch, a pond with artificially constructed berms, and an artificial channel.

Due to the paucity of materials recovered from the Mill Branch Crossing Ridge Site (18PR856), no further archeological investigation was recommended. No further work was recommended for the Mill Branch Crossing Homestead Site (18PR858) due to the relatively late 20th century date of the materials and the disturbed subsurface context from which many of the artifacts were recovered. At the time the Phase I survey was conducted, the area where site 18PR859 is located was designated for use as open space and, as a result, no further work was recommended on this site. However, the archeological report noted that if new development plans would impact this area, subsequent archaeological investigation may be necessary.

The Mill Branch Crossing Field Site (18PR857) contained a large concentration of artifacts dating to the mid- to late-18th century and it appeared likely that there were intact deposits below the plow zone. Therefore, Phase II investigations were recommended on this site. Historic preservation staff received a draft copy of the Phase I report in December 2006.

In a review letter dated January 24, 2007, there was agreement that no further work was necessary on sites 18PR856 and 18PR858. In addition, if site 18PR859 remains in an area that will not be impacted by construction, no further work there would be necessary. Staff concurred that Phase II investigations should be conducted on site 18PR857 to determine the extent of the site, its date, and the presence of intact features. The final Phase I archeological report was accepted on February 27, 2007.

A Phase II work plan for site 18PR857 was submitted in December 2006. The work plan was approved and Phase II investigations were conducted in May and June 2007. At least 11 intact features, including post holes, a possible chimney foundation, and several pits were identified in excavation units placed across the site. Artifacts recovered from the excavations indicate that the site was occupied from the early- to late-1700s and was abandoned by about 1800. A draft Phase II report was submitted on April 15, 2008. The May 15, 2008, review letter asked the applicant to explore preserving the site in place. Four copies of the final Phase II report were received on March 12, 2009 and were accepted on March 31, 2009.

Historical documents indicate that site 18PR857 was located on the Ample Grange survey that was patented to James Neale in 1670. John Boyd, a tavern owner in the small town of Queen Anne in the early 1700s, obtained title to Ample Grange in 1697. John Boyd died around 1704 and his will stipulated that his Ample Grange land be divided among his six children. The land

allotted to each child was never described by metes and bounds. One daughter, Mary Boyd Bateman, was married at that time (1704) to Ishmael Bateman. Later deeds indicate that Ishmael and Mary Bateman resided at site 18PR857 in the late 1600s or early 1700s. Ishmael Bateman died before 1721, as he is not mentioned in the will of Mary Boyd, the wife of John Boyd and the mother of Mary Bateman. Mary Boyd Bateman married William Goe in 1725 and they continued to reside at site 18PR857.

It was not until March 1762 that the heirs of John and Mary Boyd agreed on a partition of the Ample Grange survey. William Goe was allotted a 100 acre tract in the southwestern portion of Ample Grange – the site of 18PR857. William Goe died in 1762 and he left a will in which he allotted 200 acres to his son, William Goe, Jr. William Goe, Jr. also lived at site 18PR857 until about 1772, when he sold the property to Thomas Belt. One year later, Thomas Belt conveyed the land on which site 18PR857 is located to Thomas Boyd, who was a relative of William Goe, Jr. and a great-grandson of John and Mary Boyd. Thomas Boyd married Charity Duckett, a sister of Baruch and Isaac Duckett, in 1757. Thomas and Charity Boyd may have lived at site 18PR857 after acquiring the property in 1773. By 1792, Thomas Boyd had accumulated numerous debts against his plantation on the Ample Grange survey and conveyed his interest in the property to his brother-in-law, Baruch Duckett. Baruch Duckett may have allowed Thomas and Charity Boyd to continue to live at site 18PR857. Thomas Boyd died about 1797 and an inventory was taken of his estate at that time. Site 18PR857 was abandoned around 1800. The death of Thomas Boyd is likely one of the reasons the site was abandoned.

Phase II investigations have determined that site 18PR857 is eligible for listing in the National Register of Historic Places under criterion D. Site 18PR857 was occupied possibly from the late 17th century (late 1600s) to about 1800. Phase II archeological investigations of site 18PR857 have identified eleven intact features below the plow zone that represent the remains of at least two post-in-the-ground structures and outbuildings spanning the 18th century.

According to the Planning Board's Guidelines for Archeological Review, a site shall be subject to Phase III treatment if it meets criteria of: A. Rarity, B. Research Value, C. Public Value, D. Site Integrity, or E. Interpretive Value in Place. This site can provide significant information on the early history of Prince George's County and on a significant family—the Boyds—who were early settlers. Only eighty-five other archeological sites dating to this period have been identified in Prince George's County and, therefore, the site is a fairly rare type (criterion A). Site 18PR857 traces the history of a Prince George's County family from the early settlement of the county, through the transition from indentured servitude to a reliance on slave labor and, therefore, has important research value (criterion B). Features identified at site 18PR857 indicate that this was an extensive plantation complex occupied by people of substantial means and intact deposits and features exist (criterion D). Site 18PR857 extends across an area of at least 1.3 acres. The Phase II report recommends that the site be preserved in place due to its interpretive value (criterion E). Site 18PR857 would provide significant information comparable to other 18th century sites excavated in the county. Site 18PR705, located within the Waterford development and about 3.7 miles west of 18PR857, and was occupied by Richard Duckett, the father of Charity Duckett Boyd, Baruch Duckett and Isaac Duckett.

Staff and the Historic Preservation Commission (HPC) agree with the applicants' archeological consultant who concludes in the Phase II Report that site 18PR857, in the southeastern portion of the Mill Branch Shopping Center Property, is significant to the understanding of the early history of Prince George's County and should be preserved in place.

In the review of a previous Preliminary Plan of Subdivision (4-07043) in June 2007, staff advised the applicant that the layout of buildings and parking should be located away from site 18PR857 in order to preserve it. However, a concept plan of the layout of the shopping center submitted with the current application indicates that a building will be located on top of site 18PR857. While the layout of the site is not under review with the preliminary plan staff, one of the concepts proposed by the applicant would require a Phase III recovery of the site and would destroy the opportunity to preserve 18PR857 in place, as recommended by the HPC and the applicant's own consultant.

Preservation-in-place is generally preferable for archeological sites with high interpretive value, and is encouraged by the Prince George's County Planning Board. The applicant should explore all options for avoiding site 18PR857 and preserving it in place. Staff has initiated discussions with the Archaeological Conservancy, the organization that holds title to the Belle Oak archeological site in southern Prince George's County. The Archaeological Conservancy has indicated that this is a site that may be interested in acquiring and is willing to meet with the developer and historic preservation staff. If the Planning Board determines that the site cannot be avoided, a Phase III mitigation plan should be submitted to historic preservation staff for review and approval, and the following condition added to the resolution of approval:

If preservation in place of site 18PR857 is not required by the Planning Board, prior to approval of the detailed site plan, the applicant shall submit a Phase III mitigation and data recovery plan for review and approval by Historic Preservation staff. The applicant shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to any ground disturbance or the approval of any grading permits, not including the installation of the park access.

Staff is recommending that a detailed site plan be required for the development of this property as described further in this staff report. The 100-foot limit of disturbance (LOD) recommended could be further evaluated as it relates to the layout that is proposed at that time. In addition, the proposal for the interpretation of the site can occur at that time. In conformance with Section 24-121(a)(18) of the Subdivision Regulations, significant archeological sites, identified in accordance with the Planning Board *Guidelines for Archeological Review*, should be preserved in place to the extent practicable and should be interpreted as appropriate.

Site 18PR857, the William Goe Plantation site, meets the significance criteria to be eligible for listing in the National Register of Historic Places and to be designated a Prince George's County Historic Site. In addition, archeological site 18PR857 is historically and culturally significant under County Subtitle 29-104 criteria (1)(A)(i)—it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation, and (1)(A)(iv)—it exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities. The period of significance for the archeological site relates directly to the occupancy of the property by the Boyd and Goe families from at least the early 1700s until about 1800, when the site appears to have been abandoned.

If archeological site 18PR857 is to be preserved-in-place, staff concludes that no further archeological investigation is necessary at this time. If preservation-in-place is possible, a treatment plan should be submitted to and approved by the historic preservation staff as part of the detailed site plan. The treatment plan should:

- a. Provide a basic description of the archeological site and the characteristics that make it significant;
- b. Include measures for ensuring the resource's preservation in perpetuity, including ownership and maintenance of the resource; and
- c. Provide public education and interpretation, for example through signs, internet sites, or the like.

The subject property is not currently included in the inventory of historic resources associated with the Historic Sites and Districts Plan. Therefore, to designate the archeological site as a historic site, that designation would be most expeditiously addressed as a recommendation through the current master plan amendment process, which would be in effect upon the District Council's approval of the amended plan.

13. **Historic Preservation Commission (HPC)**—The Historic Preservation Commission (HPC) reviewed this preliminary plan at its April 21, 2009 meeting. The HPC voted to recommend the designation of archeological site 18PR857 (.82 acres), the William Goe Plantation Site, as a Historic Site, according to the procedures outlined in the Planning Board's *Guidelines for Archeological Review*. The HPC found that the site meets two criteria of historical and cultural significance:

- a. As the location of an early Prince George's County plantation household whose occupants participated in the agricultural economy and the institution of slavery, site 18PR857 has interest and value as part of the development and heritage of the County near the early port town of Queen Anne (1)(A)(i).
- b. As an excellent example of a plantation site spanning the 18th century, a period when many plantations were transitioning from the use of indentured servants to bound labor, site 18PR857 exemplifies the economic, social and historical heritage of the county in its 18th century communities (1)(A)(iv).

The action of the HPC will be reflected in the Historic Sites and Districts Plan, and the archeological site should become a Historic Site upon the District Council's approval of the plan, expected in April 2010, but is not now.

In addition, the Historic Preservation Commission recommends the following conditions:

- a. Prior to final plat, an Environmental Setting of at least four acres shall be established for archeological site 18PR857 to ensure that a sufficient area of nondisturbance is placed around the site (4.82 acres).
- b. The applicant should work with an organization, such as the Archaeological Conservancy, to preserve archeological site 18PR857 in place as an important example of the county's early historical heritage.

- c. The applicant shall provide interpretive signage detailing the results of the archeological investigations at site 18PR857. The location and wording shall be subject to approval by the staff archeologist prior to the issuance of any building permits for the development. The signage and other interpretive material shall be in place prior to the final use and occupancy permit for the subject property.
- d. If archeological site 18PR859, located in the northern portion of the property, will be impacted by the proposed development, prior to Planning Board approval of the final plat, the applicant shall provide a plan for:
 - (1) Evaluating the resource at the Phase II level, or
 - (2) Avoiding and preserving the resource in place.
- e. If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of final plat.

In general, the recommendations of the HPC relate to the future designation of the site as historic, which has not yet occurred. The applicant should be aware that the historic site designation could occur during any phase of the development process. The HPC recommendation on the designation of The William Goe Plantation Site as a Historic Site will be fully implemented through the County Council action on the Historic Sites and Districts Plan, which is expected in April 2010. If the site is designated and a four acre environmental setting is established, the applicant will be required to conform to the recommendations of the HPC and any historic area work permit that could be required at that time.

However, the Planning Board does have the authority at this time without the historic site designation, consistent with Sections 24-104(a)(12), 24-121(a)(18), 24-135.01 of the Subdivision Regulations and the *Guidelines for Archeological Review* to require the preservation in place of the archeological site and place reasonable conditions on the approval of this preliminary plan to protect it.

If the Planning Board determines that the archeological site should be preserved in place, staff recommends that a sufficient area of nondisturbance be placed around the archeological site 18PR857 to ensure preservation during development of Parcel A, consistent with Section 24-135.01(b)(3) of the Subdivision Regulations. The limit of the nondisturbance should be a minimum of 100 feet measure from the perimeter of the archeological site (3.18 acres), and modified to provide for the access easement serving the park property (2.9 acres). The LOD is recommended in this case because of the significant development primarily focused in the southwest portion of the property, based on the approved stormwater concept plan, in the vicinity of the 18PR857, which would necessitate large development equipment. It is anticipated that the vehicular access serving the park would be constructed prior to the applicant filing or obtaining approval of the detailed site plan. Therefore, a condition has been included which would require the staking and installation of super-silt fencing around the non-disturbance buffer saving the access road location by the applicant or HPC prior to any disturbance on Parcel A.

As a part of the review of the DSP, recommended by staff as a part of this application, interpretive signage detailing the results of the archeological investigations should be approved. This could include the location and specific wording of the signage. Through this review an expansion or modification of the LOD could occur to ensure that an appropriate context is established which would provide for the greatest benefit for an accurate interpretation and preservation of the site. The existing access easement serving the Green Branch Park is located within 100 feet of the archeology site, and as modified within 20 feet.

13. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations:

When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.

The preliminary plan of subdivision correctly delineates a ten-foot public utility along the public rights-of-way of US 301 and Mill Branch Road as requested by the utility companies.

14. **Water and Sewer Categories**—Section 24-122.01(b)(1) of the Subdivision Regulations states:

(b) **Water and sewerage.**

(1) **The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.**

The 2008 *Water and Sewer Plan* placed this property in Water and Sewer Category 4, Community System Adequate for Development Planning and the site will therefore be served by public systems.

15. **Detailed Site Plan (DSP)**—In accordance with Section 24-110 of the Subdivision Regulations, a detailed site plan is recommended in accordance with Part 3, Division 9, of the Zoning Ordinance for the development of Parcel A. Specifically, Section 24-110 provides the following:

Regulation of the subdivision of land and the attachment of reasonable conditions to plat approval are an exercise of valid police power delegated by the State to the Commission. The developer has the duty to comply with reasonable conditions imposed by the Planning Board for the design, dedication, improvement, and restrictive use of the land, so as to enhance the physical and economical development of the Regional District and to protect the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

As discussed in the Community Planning Section of this report, this property is located at a highly visible location along the US 301 Corridor, on a designated Historic Road (Mill Branch Road), and at the boundary of the Rural Tier. The 2006 Approved Bowie & Vicinity Master Plan makes specific recommendation for the development of this property which should be considered in the review of the detailed site plan, as discussed in detail in the community planning section of this report.

The transition between the Developing and Rural Tiers should be considered with the review of the detailed site plan as well as the impact on the rural character and regional park facility currently under construction to the east. The *Prince George's County Landscape Manual* will require a D Bufferyard along the south west property line. However, the Landscape Manual does not take into account the importance of the tier boundary. The transition between the tiers should be a consideration with the review of the detailed site plan in addition to Landscape Manual conformance. The placement and orientation of buildings, landscaping, and driveways, the architectural elevations, massing and scale of the improvements, should also be included in the review of the detailed site plan to evaluate and carefully plan how the development of this property relates to the surrounding uses and view sheds.

As indicated in the Historic Section of this report, staff and the Historic Preservation Commission are recommending the preservation in place of archeological site 18PR859. The review of the detailed site plan should include further evaluation of a limit of disturbance, interpretive signage, and the timing for the installation of the signage.

As indicated, an existing access easement serving the Green Branch Regional Park is abutting the southwest property line. It is expected that the access driveway serving the Green Branch Regional Park will be constructed prior to the filing of the detailed site plan recommended by staff. The constriction of the driveway will not necessitate a detailed site plan and is not subject to the Landscape Manual, however, the access location could complicate the applicant's ability to conform to the Landscape Manual along the eastern property line. The applicant negotiated the location of the easement, and if the applicant and the DPR choose to relocate or expand the access, it could impact their ability to comply with conditions of the detailed site plan relating to a transition between the Developing and Rural Tiers and bufferyard placement. The access easement location also impacts the limit of disturbance that can be accommodated around archeology site 18PR859 if the Planning Board determines that it should be preserved in place.

The detailed site plan should evaluate the use of low-impact development (LID) techniques which should be used to the fullest extent possible. The applicant should use green building techniques that reduce energy consumption and new building design should strive to incorporate the latest environmental technologies in building construction and site design as recommended in the master plan.

16. **City of Bowie**—The preliminary plan is scheduled to be heard by the Bowie City Council on Monday, May 18, 2009. On May 14, 2009, staff received the technical staff report (TSR) which will be presented to the City Council, which recommends approval with eight conditions. The following is a brief discussion of the recommended conditions:

Condition 1: A signal warrant study be done for the intersection of Mill Branch Road and the site entrance.

Comment: The SHA, DPW&T and Transportation Planning Section have found that a signal is in fact warranted, and have conditioned the installation of that signal in the recommendation section of this report.

Condition 2 and 3: Improvements to US 301 including a right-in and right-out access from US 301/MD 197 and road widening; and that these improvements be in place prior to the issuance of the first use and occupancy permit.

Comment: The SHA and Transportation Planning Section have found the improvements are necessary to support the development and have included both improvements in the Recommendation Section of this report. However, the timing for the installation of the improvements is subject to the approval of the State Highway Administration (SHA) and their permitting process, who will establish the timing for construction at that time.

Condition 4: Specific road improvements associated with traffic mitigation proposed by the applicant.

Comment: The improvements recommended by the City are identical to those proposed by the applicant. Those improvements are contained in the Recommendation Section plus additional improvements over those proposed by the applicant.

Condition 5: Installation of share the road with bikeway signage.

Comment: The signage is recommended as a condition.

Condition 6: A portion of the property be used for tree mitigation.

Comment: Staff is recommending that the applicant revise the tree conservation to provide the threshold (10.68 acres) on-site. The applicant is currently proposing all off-site tree mitigation.

Condition 7: A Phase III data recovery occur on archeology site 18PR857.

Comment: The Historic Preservation Commission (HPC) is recommending that preservation in place of 18PR857. Only if the Planning Board agrees to the removal is this condition necessary for data recovery. However, staff has included a condition consistent with the City of Bowie staff recommendation should recovery be the decision of the Planning Board.

Condition 8: A detailed site plan be reviewed and approved by the Planning Board prior to the issuance of building permits.

Comment: Staff is recommending a detailed site plan prior to the approval of the final plat. The ultimate limit of the right-of-way dedication along Mill Branch Road may be modified, and will be reviewed with the detailed site plan.

The recommendations of the Bowie City Council will be presented by the city at the public hearing for this preliminary plan. Staff of the city have indicated that they do not expect significant changes from the staff recommendation discussed above. However, once the Development Review Division (DRD) staff receives the City Council decision, a comparison will be made which may result in additional conditions being recommended by staff.

17. **Variation to Section 24-121(a)(3) of the Subdivision Regulations**—The Subdivision Regulations establishes design guidelines for properties that front on roadways of arterial or higher classification. This section requires that these properties be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 of the Subdivision Regulations could result in practical difficulties to the applicant that could result in inadequate access and circulation for the development proposed.

- (1) The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

The applicant has revised the site access plan for the subject property per staff comments, and is showing providing one full signalized access driveway onto Mill Branch Road and is requesting a variation for a limited right-in right-out point of access along the property's frontage on US 301 Road. This access has been reviewed by the State Highway Administration (SHA) and is consistent with their recommendation.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

This is the only property on US 301 in the general area which has a vehicular access through the site for a regional park facility.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and is not regulated by any other law, ordinance or regulations. Therefore the granting of the variation will not violate and other code requirement.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

Due to the properties shape the primary frontage is on US 301, a limited access highway. The lesser frontage is on Mill Branch Road a designated historic road. Because of the limited opportunities for access onto Mill Branch Road, the US 301 point of access is critical. Without the second access onto US 301 the on-site circulation would be limited and could create an unsafe situation.

Based on the proceeding findings staff recommends approval of the variation to Section 24-121(a)(3) of the Subdivision Regulation for direct access to US 301 as delineated on the preliminary plan.

RECOMMENDATION

Staff recommends APPROVAL of Preliminary Plan of Subdivision 4-08052, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Delineate the ten-foot public utility easement along Mill Branch Road and US 301/MD 197 dedication.
 - b. Reflect the right-of-way dedication approved by the Planning Board, and remove reservation language as appropriate.
 - c. Provide bearings and distances on the 50-foot access easement (Liber 28018 Folio 685).
 - d. Indicate that all existing structures are to be razed.
 - e. Provide the acreage of 18PR857, and label the LOD.
 - f. Label the proposed entrance drive.
 - g. Reflect all master plan rights-of-way.
2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 14712-2007-00 and any subsequent revisions.
4. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement along the public rights-of-way as delineated on the approved preliminary plan of subdivision.
5. At the time of final plat, the applicant shall dedicated rights-of-way along the property's street frontage consistent with the approved preliminary plan of subdivision, and subsequent detailed site plan if modified by SHA along the frontage of Mill Branch Road.
6. Prior to the approval of final plats, a detailed site plan shall be approved by the Planning Board or its designee in accordance with Part 3, Division 9, of the Zoning Ordinance. The detailed site plan shall include, but not be limited to the following:
 - a. A final determination shall be made by SHA for the ultimate right-of-way dedication along the southern property line at Mill Branch Road,
 - b. Conformance to the *Prince George's County Landscape Manual*,

- c. Establishing an appropriate transition between the Developing and Rural Tiers while taking into account the impact of the proposed commercial development on the rural character of the area and the regional park facility currently under construction to the east,
 - d. The placement and orientation of buildings, landscaping, and driveways,
 - e. The architectural elevations, massing and scale of the improvements,
 - f. Evaluate appropriate pedestrian connections and circulation including a connection to the Green Branch Regional Park,
 - g. The use of LID and green building techniques,
 - h. Conformance to the master plan guidelines,
 - i. Viewshed analysis from US 301 corridor,
 - j. Pedestrian connections to the Green Branch Regional Park.
7. 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.
 8. Prior to the approval of the final plat, and in regard to archeological site 18PR857 either:
 - a. An Environmental Setting of at least four acres shall be established to ensure that a sufficient area of non-disturbance is placed around the site, if designated, or
 - b. A minimum of a 100-foot buffer or a buffer as established with the review of the DSP which excludes the limits of the park access easement, and reflected on the final plat.
 9. The applicant shall provide interpretive signage detailing the results of the archeological investigations at site 18PR857. The location, wording and timing for its installation shall be reviewed at the time of detailed site plan and be reviewed by the staff archeologist, if preserved in place.
 10. If Archeological Site 18PR859, located in the northern portion of the property, will be impacted by the proposed development, the applicant shall provide a plan for:
 - a. Evaluating the resource at the Phase II level, or
 - b. Avoiding and preserving the resource in place.
 11. If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of final plat.

12. Prior to the approval of the final plat, a conservation easement agreement shall be recorded in the Land Records of Prince George's County for the archeological site 18PR857 on Parcel A, consistent with the approved detailed site plan. The easement shall be described by bearings and distances on the final plat. The final plat shall indicate the liber and folio of the agreement. The easement agreement shall be approved by the Prince George's County Planning Board (or its designee) prior to recordation.
13. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the DPW&T for the placement of a bikeway sign(s) along Mill Branch Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.
14. The applicant and the applicant's heirs, successors and/or assignees shall provide, unless modified by the DPW&T and the SHA:
 - a. Multiuse sidepath for pedestrians and bicyclists on Mill Branch Road connecting to the intersection of US 301 and Excalibur Road
 - b. Provide a wide crosswalk with pedestrian islands on US 301 to create a safe road crossing and accommodate both pedestrians and bicyclists using the recommended sidepath
 - c. Raised crosswalks on roads approaching Mill Branch Road to create safe road crossings for pedestrians and bicyclists
 - d. Install "bikeway narrows" signage on the approach to Mill Branch Road and the site entrance
15. Total development within the subject property shall be limited to a mix of commercial/retail development or equivalent development which generates no more than 606 AM peak-hour trips and 1,017 PM peak-hour (weekdays) vehicle trips, and 1,431 peak trips on Saturdays. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
16. At the time of final plat approval, the applicant and the applicant's heirs, successors or assignees shall either:
 - a. Dedicate of right-of-way along Mill Branch Road to facilitate the construction of the master plan interchange and associated improvements on Mill Branch Road as shown on the approved preliminary plan OR
 - b. Dedicate the amount of land on Mill Branch Road to be determined by SHA redesign of the interchange and associated improvements on Mill Branch Road.
17. At the time of final plat approval, the applicant and the applicant's heirs, successors or assignees, shall dedicate right-of-way along US 301 (including the right-in right-out) as shown on the approved preliminary plan and shall show dedication within MD 197 master plan alignment necessary for the right-in right-out.
18. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation "Consolidated Transportation Program (CTP)" or

the Prince George's County “Capital Improvement Program (CIP);” (b) have been permitted for construction through the operating agency’s permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. US 301 at Governors Bridge Road-Harbor Way
 - Modify eastbound Harbor Way from a two lane approach to a three lane approach that would include an eastbound double left turn lane, and a combined left, through and right-turn lane

- b. US 301 at MD 197-Rip’s Restaurant Access
 - Modify the westbound exit from the Rips restaurant to a three (3) lane exit to provide an exclusive left lane, a through lane and a right-turn lane
 - Provide an additional left turn lane along the northbound approach to provide a total of three left-turn lanes
 - Provide three receiving lanes on the western leg (MD 197) of the intersection subject to SHA requirement

- c. US 301 at Mill Branch Road-Excalibur Road
 - Construct a double southbound left turn along US 301 at Mill Branch Road
 - Widen Mill Branch Road to a four lane westbound approach providing two left-turn lanes, one through lane and a free right-turn lane
 - Provide two receiving lanes on the eastern leg of the intersection (Mill Branch Road) subject to the requirements of SHA and DPW&T
 - Provide a third northbound through lane along US 301 beginning at a point south of Mill Branch Road, and ending at a point north of Mill Branch Road. The beginning and end point of this third lane shall be determined by SHA

- d. US 301 at Heritage Boulevard
 - Re-stripe the southbound right-turn lane along US 301 to a shared through/right lane

- e. Mill Branch Road at Site Access
 - Provide a double left-turn and a separate through lane on the eastbound approach
 - Provide two receiving lanes on the site access leg
 - On the site access approach leg, provide a channelized free right-turn lane and a separate left-turn lane
 - Install a traffic signal

19. The detailed site plan shall show the use of low-impact development stormwater management techniques such as bioretention, french drains, depressed parking lot islands and the use of native plants throughout the site. Low-impact development techniques shall be applied on this site to the greatest extent possible.
20. At time of detailed site plan review, the applicant shall demonstrate the use of alternative parking methods and paving materials to reduce the area of impervious surfaces to the greatest extent possible; insert additional green areas and tree canopy cover to break up the areas of impervious surfaces; provide large islands of shade; and demonstrate the use of low impact development techniques.
21. The landscape plan submitted at time of detailed site plan shall demonstrate the following:
 - a. A minimum of twenty percent tree canopy coverage, after ten years of growth, to provide shading and reduce the heat-island effect within the parking lot area.
 - b. Planting strips designed to promote long-term growth of trees and increase tree canopy coverage. These strips should be considered for bioretention.
 - c. Distribution of tree planting throughout the site to provide shade to the maximum amount of impervious area.
 - d. The use of conservation landscaping techniques that reduce water consumption to the greatest extent possible.
 - e. Incorporate environmentally sensitive stormwater management techniques throughout.
 - f. Provide bufferyard to create a transition between the Developing Tier and the Rural Tier.
22. The detailed site plan shall identify the green building techniques and energy conservation methodologies to be implemented on the site. At least 50 percent of the proposed buildings shall include green building techniques such as green roofs, reuse of stormwater, and/or the use of green building materials.
23. At time of detailed site plan, a lighting plan shall be submitted for review which addresses the use of alternative lighting technologies which minimize sky glow and light intrusion into the Rural Tier and nearby environmentally sensitive areas. Full cut-off optic light fixtures shall be used throughout this site to reduce light intrusion outside of the Developing Tier, provide more effective lighting, and address best management practices for reducing sky glow.
24. Prior to signature approval of the preliminary plan, a revised NRI shall be approved and the TCPI shall be revised to address the correct delineation of the PMA.
25. Prior to signature approval of the preliminary plan, the TCPI shall be revised to meet the reduced woodland conservation afforestation threshold of 10.68 acres on-site to the greatest extent possible through the retention of existing woodlands, expansion of woodland areas through afforestation, provision of expanded stream buffers to protect environmental corridors, planting of bioretention areas, planting in the scenic easement, and planting of a bufferyard to provide a transition between the Rural Tier and the Developing Tier.

26. The following note shall be placed on the Final Plat of Subdivision:
- “Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/022/07), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”
27. Prior to submittal of the detailed site plan, a conceptual design for the environmentally sensitive restoration of the problem areas identified in the Stream Corridor Assessment Report shall be prepared and submitted for approval as part of that application. The restoration plan shall include a “Coastal Plain Outfall” type system, or its equivalent, to slow the velocity of the stormwater running through the stream bed, and stabilize the stream banks to prevent sedimentation into the Patuxent River. The final design shall show integration of the stormwater management and stream restoration.
28. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area and shall be reviewed by the Environmental Planning Section (EPS) prior to approval of the final plat. The following note shall be placed on the plat:
- “Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
29. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
30. Prior to signature approval of the preliminary plan, the TCPI shall be revised to reflect all transportation related design considerations.
31. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to show a 40-foot-wide scenic easement, free of parallel public utility easements, adjacent to the ultimate right-of-way of Mill Branch Road.
32. At time of final plat, a scenic easement shall be established adjacent to Mill Branch Road as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:
- “Mill Branch Road is a county designated Historic Road. The scenic easement described on this plat is an area where the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.”

33. The detailed site plan shall address: protection of significant visual features; preservation of existing woodlands; afforestation of the scenic easement; limiting of access points; supplemental landscaping appropriate to conserve and enhance the viewshed of the historic road; and transitions between the Developing Tier and Rural Tier.
34. Detailed site plans which include a hotel or residential-type uses, shall be evaluated for interior noise levels and may result in a condition at the time of building permits that a certification, to be submitted to M-NCPPC, be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
35. Prior to the approval of any grading permits or any ground disturbance, including the installation of the access road to the Green Branch Regional Park or raze permits the applicant or the M-NCPPC shall install a super-silt fence around the 100-foot limit of disturbance (except as modified by the DPR access easement) around the boundary of archeological site 18PR857 and provide proof of that installation and its placement to the Historic Preservation Section (M-NCPPC) for review and approval. The fencing shall remain in place until all construction activities within the property are completed, and shall be maintained by the applicant.
36. Prior to the construction of the park access road in the vicinity of the south eastern property line of Parcel A, DPR will incorporate the super-silt fence installation into the contract for park construction. DPR shall install a super-silt fence along the western boundary of the park access easement and around the remaining 100-foot-wide buffer area of Archeological Site 18PR857. In the event the applicant performs any work on the property prior to installation of the access road by DPR, the applicant shall install the super-silt fence around the 100-foot buffer except as modified to accommodate the existing park access easement. The applicant shall maintain the fence as needed.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/ 022 /07, VARIATION TO SECTION 24-121(a)(3) FOR ACCESS TO US 301, AND APPROVAL OF A VARIATION TO SECTION 24-130.