

R E S O L U T I O N

WHEREAS, Green Branch, LLC and GBR Mill Branch, LLC are the owners of a 70.1-acre parcel of land known as Parcel A and Parcel 32, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Commercial Shopping Center (C-S-C); and

WHEREAS, on October 22, 2020, Green Branch, LLC and GBR Mill Branch, LLC filed an application for approval of a Preliminary Plan of Subdivision for 190 lots and 39 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19050 for Mill Branch Crossing was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 18, 2021, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on March 18, 2021, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-20-2020, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-19050, including an approval of a Variation from Section 24-122(a), and no action on a Variation from Section 24-121(a)(3), for 190 lots and 39 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:
 - a. Show the public utility easements along Ridgely Boulevard and Lola Lane joining properly at the street corner, so that a 10-foot distance is maintained from the curve of the private street line.
 - b. Add additional public utility easements along at least one side of the street in the following locations:
 - (1) Along Chesley Avenue
 - (2) Along Private Road A
 - (3) Along Private Road D, north of where it intersects Private Road E
 - (4) Along Private Road H, in between Ridgely Boulevard and Private Road I

- c. Remove the parcel boundary lines associated with the formerly proposed Parcels 13 and 15, and show in their place the boundary lines associated with the new townhouse homeowners association parcels.
 - d. Ensure that the proposed numbered parcels are numbered in sequence, so that the Parcel 13 and Parcel 15 designations are assigned to parcels within the development and no number is skipped.
 - e. In the townhouse parcels table, specify that the proposed use of Parcel J is Private Road F, not Private Road J.
 - f. Reformat the last Site Data note into a table like the Townhouse Parcels table.
 - g. Close the boundary of Parcel 17 where it abuts the northern roundabout.
 - h. Show the boundary between Parcels 11 (Lola Lane) and 16 (Chesley Avenue).
 - i. Remove the landscape buffers shown on the plan.
 - j. Remove the table discussing parking requirements.
 - k. In General Note 14, remove reference to a townhouse “parcel”; townhouse “development” may be substituted.
 - l. In General Note 24, remove the note proposing mandatory parkland dedication be determined by private recreational facilities during the DSP process, and instead note that private recreational facilities are approved to meet the mandatory parkland dedication requirements.
 - m. On Sheets 5, 8, and 10, ensure that parts of the drawing area are not cut off by the edge of the drawing window, so that the site boundary and sheet match lines are shown properly.
2. Prior to signature approval of the preliminary plan of subdivision, the applicant shall demonstrate that approval has been obtained for the portion of the subject property within Water and Sewer Category 5 to be recategorized to Water and Sewer Category 4 or lower, or else that portion of the property shall be removed from the plan.
 3. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in this resolution of approval, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.

4. Development of this site shall be in conformance with the stormwater management concept plan for this project (01-0614-205NE14, once reapproved by the City of Bowie), and any subsequent revisions.
5. Prior to approval of a final plat, in accordance with the approved preliminary plan of subdivision, the final plat shall include the dedication of public utility easements (PUEs) along all public and private rights-of-way, unless a variation from the PUE requirement is obtained.
6. At the time of final plat, the plat shall reflect denial of access to Chesley Avenue for the townhouse lots on the north side of Private Road B.
7. At the time of detailed site plan, private on-site recreational facilities shall be provided to meet mandatory parkland dedication requirements, with one or more of the following to be provided; at the election of the applicant:
 - a. A guarantee that the recreational facilities for the townhomes and the multifamily residences will be available to all residents of both communities, with the guarantee to be provided in writing and confirmed with appropriate covenants, prior to approval of a final plat.
 - b. Additional recreational facilities for the townhomes to serve the residents of the northern cluster in the community, with the amenities to be reviewed by the Urban Design Section of the Development Review Division.
 - c. A prominent, accessible connection between the townhomes and the stormwater management facility, and redesign of the amenity locations and site grading in this area, as necessary, to create usable facilities for the townhouse residents. The parcel boundaries shown on the preliminary plan of subdivision may be adjusted in this area to accommodate the redesign.
8. The applicant, and the applicant's heirs, successors, and/or assignees, shall provide adequate, private recreational facilities on-site, in accordance with the standards outlined in the *Prince George's County Park and Recreation Facilities Guidelines*. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division for adequacy, in accordance with the approved preliminary plan of subdivision, and be approved by the Prince George's County Planning Board with the detailed site plan (DSP). Triggers for construction shall also be established at the time of DSP.
9. Prior to submission of the final plat of subdivision, three original, executed private recreational facilities agreements (RFA) shall be submitted to the Development Review Division (DRD) of the Prince George's County Planning Department, for review and approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, Upper Marlboro, Maryland, and the Liber/folio shall be reflected on the final plat, prior to recordation.

10. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of recreational facilities, prior to issuance of residential building permits. Should the multifamily development and the townhouse development be phased and developed separately, the respective recreation facilities shall be bonded separately prior to issuance of building permits for that phase.
11. Prior to approval of a final plat, the applicant, and the applicant's heirs, successors, and/or assignees shall provide a revised access easement agreement for relocation of the existing access easement (recorded in Liber 28018 Folio 685) to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks and Recreation, for approval. The easement agreement shall clarify construction and maintenance responsibility for the road, as well as indemnification of the applicant and the applicant's heirs, successors, and/or assignees by M-NCPPC. The easement agreement shall be recorded in the Prince George's County Land Records, and its Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision, detailed site plan, and easement agreement.
12. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. Revise the worksheet to reflect that the project is subject to the 2010 Prince George's County Woodland and Wildlife Conservation Ordinance and that it is located within a priority funding area.
 - b. Show any future or existing road dedications on the TCP1 and account for the woodland conservation, in accordance with Section 25-122(b)(1)(N)(v) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
 - c. Add dimensions to the proposed parcel and lot lines. Add area labels to the proposed lots.
 - d. Add north arrows to the 30 scale sheets of the TCP1 plan set.
 - e. Show the off-site clearing areas in a hatch pattern. Label these areas as off-site clearing and indicate the acreage.
 - f. Show stormwater management pond and outfall easements on the plan. Remove afforestation from the easement areas.
 - g. To the Site Data note, add the existing parcels numbers and areas.
 - h. Update the Specimen Tree Chart on Sheet 1 to reflect that Specimen Trees 37 and 38 are proposed to be removed.

- i. Add the following note below the specimen tree table: “This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE) for the removal of (list specimen trees approved for removal).”
 - j. Have the Type 1 tree conservation worksheet signed by the qualified professional who prepared it.
 - k. Have the plans signed and dated by the qualified professional who prepared them.
13. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-020-2020). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-016-2020 or most recent revision), or as modified by the Type 2 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 and Wildlife Habitat Conservation Ordinance (WCO). 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.”
14. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
15. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts and shall be reviewed by the Environmental Planning Section, 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."
16. Prior to 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.

17. Prior to signature approval of the preliminary plan of subdivision, an approved stormwater management (SWM) concept plan shall be submitted. The limits of disturbance shall be consistent between the approved SWM concept plan and the Type 1 tree conservation plan.
18. Total development within the subject property shall be limited to uses which generate no more than 909 AM peak-hour trips and 1,231 PM peak-hour vehicle trips. Any development generating an 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.
19. Prior to the approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit 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 the approach lanes on eastbound Harbor Way, to create an eastbound double left-turn lane, and a combined left-, through, and right-turn lane.
 - b. **US 301 at MD 197**
Provide an additional left-turn lane on the eastbound approach to create an eastbound double left-turn lane, a combined left-turn and through lane, and a free right-turn lane.
 - c. **US 301 at Heritage Boulevard-Ball Park Road**
Convert the southbound right-turn lane to create a southbound double left-turn lane, two through lanes, and a shared through and right-turn lane.
 - d. **US 301 at Mill Branch Road-Excalibur Road**
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, as determined by SHA.
20. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, and the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following improvements, and provide an exhibit that depicts the following improvements, prior to acceptance of any detailed site plan:
 - a. Bikeway signage and shared lane markings (e.g., "sharrow"), within the right-of-way, along the subject site's frontage of Mill Branch Road, unless modified with written correspondence by the Prince George's County Department of Permitting, Inspections and Enforcement, and/or the Maryland State Highway Administration, as appropriate.
 - b. Minimum 5-foot-wide sidewalks along both sides of all internal roadways, public or private, excluding alleyways.

- c. Minimum 5-foot-wide sidewalks along the full lengths of proposed Roads A, D, and F.
 - d. A wide crosswalk with a pedestrian island crossing US 301 at Mill Branch Road, unless modified by the Maryland State Highway Administration, with written correspondence.
 - e. Continental style crosswalk crossing all access points along Private Road A and Chesley Avenue.
 - f. Long- and short-term bicycle parking, consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities*, to accommodate residents and visitors at the proposed multifamily building, hotel, and commercial spaces.
 - g. Parallel or perpendicular ADA curb ramps at all intersections within the subject site.
21. Prior to approval of the 50th residential townhouse building permit or the permit for the 2nd multifamily building, whichever occurs first, for the subject property, the applicant, and the applicant's heirs, successors, and/or assignees shall provide (a) full financial assurances, (b) permits for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate operating agency for the following improvement:
- a. A continental style crosswalk crossing the north leg of US 301 at its intersection with Mill Branch Road, unless modified by the Maryland State Highway Administration, with written correspondence.
22. Prior to approval of a final plat, the applicant, and the applicant's heirs, successors, and/or assignees shall demonstrate that appropriate common entities/association(s) for the commercial and residential properties, including a homeowners association for the townhomes, have been established for the common areas of the subdivision. The draft covenants shall be submitted to the Subdivision Section of the Development Review Division to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
23. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the appropriate common entities/association(s), including the homeowners association for the townhomes, land as identified on the approved preliminary plan of subdivision, or as modified by the approved detailed site plan. Land to be conveyed shall be subject to the following:
- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.

- b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation, upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
24. Prior to issuance of a use and occupancy permit for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility.
 - b. Install and maintain automated external defibrillators (AEDs), in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.
 - c. Install and maintain bleeding control kits next to fire extinguisher installation and no more than 75 feet from any employee.

These requirements shall be noted on the detailed site plan for the development.

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

- 1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. **Background**—The site is located at 3301 Mill Branch Road, at the northeast corner of the intersection of Mill Branch Road and US 301 (Robert Crain Highway). The site consists of two parcels known as Parcel A (recorded in Plat Book SJH 248 page 58) and Parcel 32 (recorded in Liber 43366 Folio 480). The 70.1-acre property is located in the Commercial Shopping Center (C-S-C) Zone and is subject to the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* (Bowie and Vicinity Master Plan and SMA).

The site is currently used for agriculture. This preliminary plan of subdivision (PPS) is for subdivision of the property into 190 lots and 39 parcels for development of 77,635 square feet of commercial floor area, a 150-room hotel, 190 townhouse units, and 408 multifamily units. As shown on the plan, the lettered parcels (Parcels A–T) are private roads and open spaces, which are to be dedicated to the homeowners association (HOA) of the townhouse development, while the numbered parcels (Parcels 1–12, 14, and 16–21) are generally associated with the commercial, hotel, and multifamily residential portions of the site. The numbered parcels also include additional private roads serving the overall development (to be placed in common ownership), including Ridgely Boulevard (Parcel 1), which is proposed to serve not only the subject site, but the abutting Green Branch Athletic Complex once it is built.

Parcel 32 is not the subject of any previous record plat or PPS. Parcel A is the result of a previous PPS; however, while that PPS approved more commercial floor area than is now proposed, it did not propose any residential uses or the lotting pattern which is now proposed. Therefore, a new PPS is required, in order to permit the division of land and the construction of multiple dwelling units.

The project benefits from Prince George’s County Council Bill CB-45-2019, which was approved by the Prince George’s County Council on November 19, 2019. This council bill amended Section 27-461(b) of the Prince George’s County Zoning Ordinance, to permit several commercial and residential uses in the C-S-C Zone, including townhouses at a maximum density of 20 units per acre, and multifamily units at a maximum density of 48 units per acre, subject to certain criteria, which are met by the subject site. The site’s conformance to these criteria is discussed further in the Urban Design Section of this resolution.

The applicant filed two variation requests. The first is from Section 24-122(a) of the Prince George’s County Subdivision Regulations, in order to eliminate the required public utility easements (PUEs) along Mill Branch Road and a portion of US 301. This request is discussed further in the PUE finding of this resolution. The second is from Section 24-121(a)(3) of the Subdivision Regulations, to allow access from US 301, an arterial road (master plan freeway). This request is discussed further in the Site Access and Layout finding of this resolution.

The applicant also filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO), to allow removal of 15 specimen trees. This request is discussed further in the Environmental finding of this resolution.

3. **Setting**—The subject site is located on Tax Map 55 in Grids E-2, E-3, E-4, and F-4; and is within Planning Area 71B. The site is bound on the west by US 301, with commercial uses in the C-S-C Zone and townhouses in the Residential Urban Development Zone beyond. The site is bound on the southwest by Mill Branch Road, with vacant land in the Residential Agricultural (R-A) Zone beyond. Abutting to the southeast is agricultural land in the R-A Zone. Abutting to the east is vacant land in the Open Space Zone, owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC), planned to be the future site of the Green Branch Athletic Complex. To the north is vacant land in the R-A and Rural Residential Zones, as well as commercial uses in the Commercial Miscellaneous Zone.
4. **Development Data Summary**—The following information relates to the subject PPS and the proposed development.

	EXISTING	APPROVED
Zones	C-S-C	C-S-C
Use(s)	Agriculture	Residential multifamily Residential townhouse Commercial (retail/office) Hotel
Acreage	70.1	70.1
Parcels	2	39
Lots	0	190
Dwelling Units	0	598
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	Yes (Section 24-121(a)(3)) (Section 24-130)	Yes (Section 24-122(a))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on November 13, 2020. A requested variation from Section 24-121(a)(3) was accepted on October 22, 2020, and also heard at the SDRC meeting on November 13, 2020. The variation from Section 24-122(a) was accepted on February 11, 2021 and heard at the SDRC meeting on February 19, 2021. Both variations were accepted at least 30 days prior to the Planning Board hearing, and heard at an SDRC meeting, as required by Section 24-113(b) of the Subdivision Regulations.

5. **Previous Approvals**—Parcel A is the subject of one previous PPS, 4-08052, which was approved by the Planning Board in May 2009 and reconsidered in March 2017. This PPS consolidated eight parcels into one parcel for the construction of 619,000 square feet of commercial floor area and a 150-room hotel. PPS 4-08052 is subject to 35 conditions, none of which need to be carried forward at this time. The subject PPS will supersede 4-08052, if approved.

Following approval of 4-08052, a Special Exception application, SE-4734, was approved by the Prince George's County District Council in June 2015, for a 24.90-acre portion of the subject site. The application was for a 186,933-square-foot department or variety store combined with a food and beverage store (a Walmart Super Center), which was to move from its existing location across US 301 from the property. Relocation of the Walmart is no longer proposed under the subject PPS. The special exception was approved subject to 19 conditions, none of which are applicable to this PPS.

A final plat associated with 4-08052 was recorded in Plat Book SJH 248 page 58 in November 2017 to create Parcel A. A new final plat covering both Parcel A and Parcel 32 will be required following approval of the subject PPS, to create the lots and parcels now proposed. The new final plat will supersede the existing plat.

Parcel 32 is not the subject of any previous approvals.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the Bowie and Vicinity Master Plan and SMA are evaluated, as follows:

General Plan

This project is in the Established Communities growth policy area. The vision for the Established Communities is that they are most appropriate for context-sensitive infill and low- to medium-density development (page 20).

Master Plan

The Bowie and Vicinity Master Plan recommends commercial land uses on the subject property.

The Bowie and Vicinity Master Plan and SMA reclassified the subject property into the C-S-C Zone. On November 19, 2019, the District Council approved CB-45-2019 for the purpose of permitting 'Gas Station, Food or beverage store' in combination with a gas station, 'Apartment housing for the elderly or physically handicapped', 'Dwelling, multifamily', and 'Townhouse' uses in the C-S-C Zone of Prince George's County, under certain circumstances.

The Bowie and Vicinity Master Plan states that the (formerly) existing 22-foot-wide easement on the subject property that provides access to the Green Branch Regional Park (more specifically, the Green Branch Athletic Complex) should be vacated and replaced by a new temporary easement, 50 feet in width, located on the property's easternmost property line on Mill Branch Road. This 50-foot-wide easement was previously created in 2007, recorded in Liber 28018 Folio 685, and is shown as an existing condition on the plan. The master plan also states that the temporary easement should be vacated after it is replaced by a permanent right-of-way to be constructed at the time this property is developed. The plan shows a new permanent alignment for the easement next to the existing temporary one, consistent with this recommendation.

Pursuant to Section 24-121(a)(5), this PPS is not required to conform to the land use recommendations of the Bowie and Vicinity Master Plan because of the District Council's approval of CB-45-2019, which permits the residential uses proposed.

7. **Stormwater Management**—An unapproved stormwater management (SWM) concept plan was submitted to the City of Bowie on September 8, 2020. The plan shows the use of numerous micro-bioretenion and bioretention-swale facilities, areas of pervious pavement, rain gardens treating rooftop downspouts, as well as a SWM pond/basin to meet the current requirements of environmental site design to the maximum extent practicable. The plan is a revision to the prior concept plan approved by the City in 2017 (01-0614-205NE14). Prior to signature approval of the PPS, a new approved SWM concept plan for the current proposal shall be submitted. The approved SWM concept plan and the associated Type 1 tree conservation plan (TCP1) filed with this PPS shall show the same site layout.

In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the SWM concept plan (once approved) and any subsequent revisions to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the Bowie and Vicinity Master Plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and the Subdivision Regulations (Subtitle 24); as they pertain to public parks and recreation and facilities. The property is 70.11 acres in size and the portion of the property proposed for residential use is 31.13 acres.

The site is located adjacent to the proposed Green Branch Athletic Complex, which is part of a series of park properties extending to the west bank of the Patuxent River and will include softball and soccer fields. Access to the proposed complex will be from a private road on the subject site with a variable-width public access easement over it. The road will be partially constructed with this development, and the remainder will be developed by the Prince George's County Department of Parks and Recreation at the time of park development. The variable-width access easement will replace an existing 50-foot-wide access easement, which was previously recorded to enable access to the park property.

The residential portion of this PPS is subject to the requirement of mandatory dedication of parkland, in accordance with Section 24-134 of the Subdivision Regulations. The applicant is primarily proposing private on-site recreational facilities to address the mandatory parkland dedication requirement, in accordance with Section 24-135 of the Subdivision Regulations. A point-by-point letter from the applicant's representative, dated February 8, 2021 (Gibbs to Diaz-Campbell, incorporated by reference herein), responding to issues discussed at the November 13, 2020 SDRC meeting, provides a list of private recreational facilities and the associated costs. For the multifamily units, the list includes a clubhouse, billiard/game tables, an outdoor swimming pool, exercise/yoga studio with exercise equipment, and a computer room. For the townhouse units, the list includes several play structures and accessories comprising a tot lot, a gazebo, and a 10-foot-wide trail. The PPS shows the trail along Ridgely Boulevard, and the

tot lot and gazebo on Parcel E, a 36,122-square-foot HOA parcel in the southern townhouse pod. The letter states that the developer for the multifamily component has not yet been determined, and that therefore, a final decision has not been made relative to whether every facility will be available to both multifamily and townhouse residents. At this time, no guarantee can be made that the multifamily residents will be able to use the facilities within the townhouse development, or conversely, that the townhouse residents will be able to use the facilities within the multifamily development.

The letter also provides a list of recreational amenities around the SWM facility on Parcel 20 in the northeast corner of the site, including an asphalt trail, picnic tables, grills, benches, and a gazebo. Previous correspondence dated December 28, 2020 (Gibbs to Diaz-Campbell, incorporated by reference herein) provides that, in accordance with Section 24-135(a)(5), the Planning Board may credit the acreage of an on-site SWM pond directly toward mandatory dedication of parkland, regardless of ownership, if the Planning Board finds that the area will provide active or passive recreation. While this is true, Section 24-135(a)(5) goes on to say that the area must provide active or passive recreation, due to specific access provisions, recreational facilities, or visual amenity. Although the provision of recreational amenities integrated into the design of the community is encouraged for the benefit of all, particularly where the space is shared between the residents, local businesses, and their patrons, as currently shown the SWM facility and the trail and picnic amenities proposed around it will not meet the requirements of Section 24-135(a)(5), and they will not provide a benefit to the residential development, due to the current parcel layout proposed.

The SWM parcel is located behind a proposed retail center, Parcel 19, and next to a proposed hotel property, Parcel 18. This area is out of proximity, both physically and visually, with the residential portion of the subdivision. No clear path of connection is provided between the SWM pond and the residential lots or parcels, and even if there was one, it does not appear the connection would lessen the pond's isolation, given the conceptual development presented in this PPS. Furthermore, the amenities to the pond shown on the PPS and the TCP1 are located mostly on the adjacent retail and hotel parcels. Two picnic areas north of the pond are in an area that may have steep slopes associated with berming of the SWM pond; the TCP1 and SWM concept plan differ in the grading proposed. The PPS, SWM concept plan, and TCP1 together do not demonstrate that usable and accessible facilities will be provided, associated with the SWM pond area. In order to count these facilities toward meeting the mandatory parkland dedication requirements, the relocation of amenities, revised grading, and/or revisions to the parcel configurations would be needed.

The stormwater parcel is also located adjacent to Green Branch Athletic Complex; however, there is no proposed correlation between the athletic complex and the stormwater parcel. If a prominent and accessible connection can be made between the residential uses and the stormwater facility, the stormwater facility may be considered for mandatory dedication under Section 24-135(a)(5), provided that it is demonstrated with the detailed site plan (DSP) that the layout and placement of the amenities are viable, and that the design achieves a greater integration between the pond and the community. A revised parcel layout, which accounts for connectivity to the residential development and reorganization of the commercial development,

may be needed. Appropriate agreements, for accessibility to ensure perpetual use by residents as well as for perpetual maintenance, would also need to be made and be memorialized via covenants, prior to approval of a final plat.

The correspondence dated December 28, 2020 also proposes that the acreage of the trail along Ridgely Boulevard and the existing 50-foot-wide access easement be credited directly toward mandatory dedication. However, Section 24-135(a)(5) only creates an ownership exception for SWM ponds, and not any other types of land areas for facilities such as trails or roads. Furthermore, the access easement for Ridgely Boulevard is to be vacated and replaced, per the recommendations of the Bowie and Vicinity Master Plan. The replacement easement is needed to address access requirements for the subject property and the park property, in accordance with Section 24-128 of the Subdivision Regulations, and these requirements are unrelated to mandatory dedication. Once vacated, the area of the existing access easement will be used for woodland reforestation, as shown on the TCP1. In consideration of the above, counting the land acreage of the trail and existing easement is an inappropriate way to meet mandatory dedication. The trail, however, may still be (and is) counted as a private recreational facility, and counted towards the required value of private facilities, in accordance with Section 24-135(b).

The details of recreational facilities will be evaluated during the review of the DSP; however, without a guarantee that all recreational facilities will be available to all residents, and without a viable, prominent connection to and usable amenities proposed at the SWM facility, the single tot-lot and gazebo provided for the 190 townhomes are insufficient. If a guarantee of mutual access between the townhomes and the multifamily development cannot be provided, or if a prominent connection to the pond with usable amenities cannot be provided to the residences, additional recreational facilities shall be provided to serve the residents of the townhomes. An additional area for amenities, such as a playground or open play space, more conveniently located for the residents of the northern cluster of townhomes, would sufficiently benefit the townhouse portion of the residential community. A revised parcel and lot layout, and/or the elimination of lots, may be needed to account for the additional recreation area. Any one of the three above described courses of action (guaranteeing access to all facilities to all residents, improving the stormwater pond facilities, or providing additional facilities for the townhomes) may be used to fulfill the mandatory dedication requirement for the townhomes, and may be chosen is at the election of the applicant.

Future residents will be best served by the provision of on-site recreational facilities. The on-site recreational facilities will meet the requirements of mandatory parkland dedication, as required by Section 24-135(b).

9. **Bicycle/Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the Bowie and Vicinity Master Plan and SMA, and the Subdivision Regulations as they relate to pedestrian and bicycle transportation requirements.

Previous Conditions of Approval

The development is subject to the following prior approvals that include conditions related to bicycle and pedestrian transportation:

4-08052

- 12. 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.**

- 13. The applicant and the applicant's heirs, successors and/or assignees shall provide, unless modified by the DPW&T and the SHA:**
 - a. Multiuse side path 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 side path**

 - 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.**

The subject PPS supersedes the prior 4-08052. Determinations included herein are based on the evaluation of the submitted plans.

Review of Proposed On-Site Improvements

The submitted plans include a 10-foot-wide trail along the property frontage of Mill Branch Road and Ridgely Boulevard, connecting the site to US 301. Continental style crosswalks are proposed throughout the site. Sidewalk is also shown on both sides of the internal roadways throughout most of the site. Additional continental crosswalks shall be provided, crossing all access points along Private Road A and Chesley Avenue.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to additional residential and commercial areas with no current pedestrian or bicycle connections. The subject site will be improved to include these facilities, which will facilitate future connections. Additional details of the proposed pedestrian and bicycle facilities are to be included in the subsequent DSP.

A crosswalk with pedestrian islands shall be provided crossing US 301 at its intersection with Mill Branch Road, subject to the approval of the State Highway Administration (SHA), in order to create a connection to nearby properties, and accommodate both pedestrians and bicyclists using the proposed trail along the property frontage of Mill Branch Road. This crosswalk is consistent with the policies in the MPOT. At the Planning Board hearing held on March 18, 2021, the applicant stated they had concerns about the safety of this crossing, noting the grade difference between the eastbound and westbound lanes of US 301 and the engineering challenges which would have to be overcome in order to provide an Americans with Disabilities Act-accessible ramp within the median. It is noted that the crosswalk will be under the jurisdiction of SHA, and that it will therefore have to be built to SHA design and safety standards. SHA will make the ultimate determination on whether it is possible to build a safe crosswalk across US 301 at this intersection.

Review of Master Plan of Transportation Compliance

This development case is subject to the MPOT. One master plan facility impacts the subject site, a shared use roadway along Mill Branch Road.

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Bikeway signage and shared road pavement markings (sharrows) shall be provided along the property frontage of Mill Branch Road to fulfill the intent of the recommended master plan facility and the policies above. Minimum 5-foot-wide sidewalks shall also be provided along both sides of all internal roadways, public or private, excluding alleys. In addition, sidewalk shall be provided along the full lengths of proposed Roads A, D, and F to provide continuous pedestrian connections through the site. These sidewalk improvements fulfill the intent of the policies above. Lastly, designated space for bicycle parking is an important component of a bicycle friendly roadway. Long- and short-term bicycle parking, consistent with the 2012 American Association of State Highway and Transportation Officials (AASHTO) *Guide for the Development of Bicycle Facilities*, shall be provided to accommodate residents and visitors at the proposed multifamily building, at the hotel, and at commercial spaces. The amount and location of bicycle parking is to be determined at any DSP for the multifamily building, hotel, and commercial spaces.

These improvements fulfill the intent of the policies recommended above and comply with the MPOT, pursuant to Section 24-121(a)(5).

Review of Area Master Plan Compliance

The Bowie and Vicinity Master Plan includes the following recommendations for pedestrian and bicyclist facilities (page 52):

Policy 2: Incorporate appropriate pedestrian-oriented development (POD) features in all new development and improve pedestrian safety in existing development.

The subject PPS has pedestrian-oriented features including an internal sidewalk network and designated pedestrian crossings throughout the site. The infrastructure provided fulfills the intent of improving pedestrian safety.

Based on the above findings, adequate pedestrian and bicycle transportation facilities will exist to serve the subdivision, as required under Subtitle 24, and conformance with the MPOT and the Bowie and Vicinity Master Plan will be met.

- 10. Transportation**—Transportation-related findings for adequacy are made for this PPS, in accordance with the Subdivision Regulations, along with any needed determinations related to dedication, access, and general subdivision layout.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated, according to the following standards:

Links and Signalized Intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume of 1,450 or better. Mitigation per Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the “2012 Transportation Review Guidelines, Part 1” (Guidelines).

Roundabouts: For roundabouts, a volume-to-capacity (v/c) ratio is computed using the *Highway Capacity Manual* (Transportation Research Board) procedure. A v/c ratio greater than 0.850 is generally considered unacceptable; however, the operating agency can deem, in writing, a v/c between 0.850 and 0.900 to be acceptable.

Analysis of Traffic Impacts

The applicant submitted a revised traffic impact study (TIS) dated January 2021. (The original TIS was submitted with the PPS in November 2020). The findings outlined below are based upon review and analysis of these materials and analyses conducted, consistent with the Guidelines.

The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301 @ Gov. Bridge Road-Harbor Way	A/874	C/1279
US 301 @ Heritage Boulevard-Ball Park Road	B/1037	D/1436
US 301 @ MD 197	A/778	B/1047
US 301 @ Mill Branch Road-Excalibur Road	B/1022	B/1076
MD 197 @ Mitchellville Road	A/427	A/829

The TIS identified five background developments whose impact would affect some or all of the study intersections. In addition, a growth of 1.9 percent over 6 years was also applied to the traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301 @ Gov. Bridge Road-Harbor Way	A/998	E/1458
US 301 @ Heritage Boulevard-Ball Park Road	C/1161	F/1653
US 301 @ MD 197	A/979	D/1401
US 301 @ Mill Branch Road-Excalibur Road	C/1202	E/1591
MD 197 @ Mitchellville Road	A/518	A/993

Using the trip rates from the Guidelines, the study has indicated that the subject PPS represents the following trip generation:

Table 1 - Trip Generation					
Land Uses	Quantity	AM		PM	
		In	Out	In	Out
Super Convenience Store (ITE-960) 4,701 sq. ft. with 16 fueling positions	4701 sq. ft. 16 FPS	205	205	174	174
<i>Less 16% internal capture</i>		-33	-33	-28	-28
External Trips		172	172	146	146
<i>Less 76% by-pass trips</i>		-131	-131	-111	-111
Net new trips (External)		41	41	35	35
Hotel (ITE -310)	150 rooms	42	29	46	44
<i>Less 16% internal capture</i>		-7	-5	-7	-7
Net new trips (External)		35	24	39	37
Office - Guidelines rates	13,152 sq. ft.	24	3	5	20
<i>Less 16% internal capture</i>		-4	-0	-1	-3
Net new trips (External)		20	3	4	17
Shopping Center (ITE-820)	59,781 sq. ft.	35	21	178	193
<i>Less 16% internal capture</i>		-6	-3	-28	-31
External Trips		29	18	150	162
<i>Less 40% by-pass trips</i>		-12	-7	-60	-65
Net new trips (External)		17	11	90	97
Multifamily Mid-Rise Apartment-Guidelines	408 units	41	171	159	86
<i>Less 16% internal capture</i>		-7	-27	-25	-14
Net new trips (External)		34	144	134	72
Townhomes - Guidelines	190 units	27	106	99	56
<i>Less 16% internal capture</i>		-4	-17	-16	-8
Net new trips (External)		57	233	217	117
TOTAL NEW TRIPS - (All Uses)		374	535	661	570
New Trip Cap		909		1,231	

The table above indicates that the proposed development will be adding 909 (374 in; 535 out) AM peak-hour trips and 1,231(661 in; 570 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301 @ Gov. Bridge Road-Harbor Way <i>With improvements</i>	B/1048 <i>B/1029</i>	E/1496 <i>D/1445</i>
US 301 @ Heritage Boulevard-Ball Park Road <i>With mitigation improvements</i>	C/1192 <i>B/1059</i>	F/1735 <i>E/1496</i>
US 301 @ MD 197 <i>With improvements</i>	B/1044 <i>A/984</i>	E/1508 <i>D/1411</i>
US 301 @ Mill Branch Road-Excalibur Road <i>With mitigation improvements</i>	D/1415 <i>B/1061</i>	F/1996 <i>E/1584</i>
MD 197 @ Mitchellville Road	A/559	B/1047
Mill Branch Road @ Site Access – roundabout**	0.19 v/c ratio	0.41 v/c ratio
** A v/c ratio less than 0.85 is generally considered acceptable		

Results from the total traffic analysis revealed the following failing intersections:

- US 301 @ Gov. Bridge Road-Harbor Way
- US 301 @ Heritage Boulevard-Ball Park Road
- US 301 @ MD 197
- US 301 @ Mill Branch Road-Excalibur Road

To address these inadequacies, the applicant will provide the following improvements:

- a. **US 301 @ Governors Bridge Road-Harbor Way**
 Modify eastbound Harbor Way from a two-lane approach to a three-lane approach, that includes an eastbound double left-turn lane, and a combined left, through, and right-turn lane. These improvements will result in LOS of B/1029 and D/1445 during the AM and PM peak hours, respectively.
- b. **US 301 @ MD 197**
 Provide an additional left-turn lane on the eastbound approach. This improvement will change the LOS to A/984 and D/1411 during the AM and PM peak hours, respectively.

To address the inadequacies at the two remaining intersections, the TIS proposed the following improvements under the provisions of “Guidelines for Mitigation Actions,” pursuant to Section 24-124(a)(6):

- c. **US 301 @ Heritage Boulevard-Ball Park Road**
 Convert the southbound right-turn lane into a shared through and right-turn lane.

d. **US 301 at Mill Branch Road-Excalibur Road**

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, with the distances of the starting and ending points from Mill Branch Road to be determined by the State Highway Administration (SHA).

Table 2 – Transportation Facilities Mitigation Plan Analysis Results					
Intersection	Background Traffic	Total Traffic	CLV increase (+) decrease (-)	Required Mitigation %	Actual Mitigated %
PM Peak Hour Traffic					
US 301 @ Mill Branch Road-Excalibur Road	E/1591	F/1996	+405	100	102
<i>with improvement</i>		<i>E/1584</i>	<i>412</i>		<i>126</i>
US 301 @ Heritage Boulevard-Ball Park Road	F/1653	F/1735	+82	150	
<i>with improvement</i>		<i>E/1496</i>	<i>-239</i>		<i>291</i>

Table 2 above shows that all of the mathematical thresholds required under the rules, pursuant to the “Guidelines for Mitigation” have been met.

The traffic study was sent on referral to the Maryland State Highway Administration (SHA), the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), as well as the Prince George’s County Department of Public Works and Transportation (DPW&T).

A February 16, 2021 memorandum from DPIE, incorporated by reference herein, states that both DPIE and DPW&T concurred with the findings of the TIS.

A March 2, 2021 letter from SHA, and a supplemental undated document referred to in the letter as “TFAD – Summary of Mitigation Findings – 02262021,” were also received and are both also incorporated by reference herein. These two documents together state that both SHA’s Travel Forecasting and Analysis Division and District 3 team generally concur with the proposed Transportation Facilities Mitigation Plan. The documents affirm SHA’s approval of the applicant’s proffered improvements for mitigation.

Master Plan Roads

The property is in an area where the development policies are governed by the Bowie and Vicinity Master Plan and the MPOT. The property currently fronts on two roads: Mill Branch road, a two-lane, county-maintained road to the south, and US 301, a state-maintained, multi-lane arterial, with master plan recommendation for upgrade to a freeway (F-10). SHA has undertaken a series of project planning studies along the US 301 corridor dating back to the early 1980s; these resulted in a recommendation of a “Selected Alternate” for further engineering evaluation. The footprint of this “Alternate,” which includes an interchange at the

MD 197/US 301 intersection, is currently reflected in the Prince George's County Planning Department's PGAtlas database. This alignment would have an impact on the northern end of the subject property. To that end, staff prepared a November 17, 2020 reservation letter to SHA (Barnett-Woods to Woodroffe), requesting a delineated portion of the site to be placed in reservation. Pursuant to Section 24-139(b) of the Subdivision Regulations, staff is required to request comments from the operating agencies when reservation is being considered. In that November letter, staff requested a written response by December 18, 2020. SHA ultimately did not provide a response requesting a reservation. Consequently, no reservation will be required of this applicant. Given the lack of a reservation, the footprint of the Selected Alternate does not need to be reflected on the PPS, in accordance with Section 24-123(a)(1), because the specific alignment of the interchange is not shown in the MPOT or in the Bowie and Vicinity Master Plan.

Parcel A was the subject of a prior PPS application, and dedication along Mill Branch Road and US 301 has already been platted for that parcel. Parcel 32 is entirely within the footprint of the area referred to SHA for a possible reservation. Because no reservation will be required, no dedication can be required at this time on Parcel 32 either. Consequently, no additional right-of-way will be required of the applicant along either US 301 or Mill Branch Road.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required in accordance with Section 24-124.

11. **Site Access and Layout**—Access to the site will be from a right-in/right-out access on US 301, which will lead to a roundabout internal to the site. Two access points will also be provided along a new private street known as Ridgely Boulevard. Ridgely Boulevard will connect to Mill Branch Road by way of a second roundabout. The boulevard will then be stubbed just beyond the second access point, prior to the boundary of the adjacent M-NCPPC property.

Within the site, private roads are to be used to serve the development. The primary private roads other than Ridgely Boulevard are Lola Lane, a north-south running road, which will serve the multifamily units and the majority of the retail parcels; and Chesley Avenue, an east-west running road, which will serve two additional retail parcels and the hotel parcel. A network of additional, yet-unnamed private roads, A through I, will serve the townhouse portion of the development.

Private roads are approved by the Planning Board to serve the commercial and multifamily uses, pursuant to Section 24-128(b)(15), which allows private rights-of-way to serve integrated shopping centers. The private rights-of-way are adequate to serve the development proposed and will not result in any adverse impact on the access and use of the lots and parcels in the development. Private roads are approved by the Planning Board to serve the townhouse units, pursuant to Section 24-128(b)(19).

The overall access and layout provided by the development are acceptable. However, Section 24-121(a)(13) provides that generally, lots should have access to only one street. The lots in townhouse Block I (Lots 151–162) have dual frontage on Private Road B and Chesley Avenue, with vehicular access proposed on Private Road B, and the fronts of the units facing Chesley Avenue. This block shall have denial of vehicular access to Chesley Avenue,

reflected on the final plat, to ensure vehicular access is provided to one street only. It is noted that the townhomes will be evaluated further at the time of DSP to determine if the orientation of the units is appropriate.

Section 24-121(a)(3) requires that when parcels are proposed on land adjacent to an existing arterial or proposed freeway, they shall be designed to front on either an interior street or a service road. At the time of PPS 4-08052, a variation from this section was approved, to allow access to Parcel A from US 301. Because variation approvals are not carried forward to a later PPS, the applicant submitted a new variation request from this section for the subject PPS. However, a new variation is unnecessary given the new site design. Unlike the previous PPS, the current PPS features multiple parcels. All of the development parcels abutting US 301 take access from either Lola Lane or Chesley Avenue, which are internal streets. These two streets join at a single point of access from US 301, and a variation is not required to allow the internal streets to connect with the arterial right-of-way. If Lola Lane and Chesley Avenue are considered service roads, as opposed to internal streets, they can be considered a single service road which connects to Ridgely Boulevard; the point of intersection between the service road and Ridgely Boulevard is located over 200 feet from any intersection along US 301. Based on these findings, the Planning Board has taken no action on this variation request, as the PPS meets the requirements of Section 24-121(a)(3).

- 12. Schools**—This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02 and Prince George’s County Council Resolution CR-23-2001. The subject property is located within Cluster 4, as identified in the *Pupil Yield Factors & Public-School Clusters 2020 Update*. Cluster 4 is located outside I-95/I-495 (Capital Beltway). An analysis of the project’s impact on schools was conducted, and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Units

	Affected School Cluster		
	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Total Proposed Dwelling Units	598 DU	598 DU	598 DU
Multifamily (MF) Dwelling Units	408 DU	408 DU	408 DU
Pupil Yield Factor (PYF) – Multifamily	0.162	0.089	0.101
MF x PY=Future Subdivision Enrollment	66	36	41
Townhouse (TH) Dwelling Units	190 DU	190 DU	190 DU
Pupil Yield Factor (PYF) – Townhouse	0.114	0.073	0.091
TH x PY=Future Subdivision Enrollment	22	14	17
Total Future Subdivision Enrollment	88	50	58
Adjusted Student Enrollment 09/30/19	12,927	9,220	7,782
Total Future Student Enrollment	13,015	9,270	7,840
State Rated Capacity	15,769	9,763	8,829
Percent Capacity	83%	95%	89%

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation, unrelated to the provisions of Subtitle 24 of the County Code (the Subdivision Regulations). The current amount is \$9,741 per dwelling if a building is located between I-95/I-495 and the District of Columbia; \$9,741 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,698 per dwelling for all other buildings. This project is outside of I-95/I-495; thus, the surcharge fee is \$16,698 per dwelling unit. This fee is to be paid to DPIE, at the time of issuance of each building permit.

- 13. Public Facilities**—In accordance with Section 24-122.01, police facilities are found to be adequate to serve the nonresidential portion of the subject site, while police, fire, and rescue facilities are found to be adequate to serve the residential portion of the subject site, as outlined in a memorandum from the Special Projects Section, dated February 16, 2021 (Perry to Diaz-Campbell), incorporated by reference herein. Water and sewer, and fire and rescue facilities for the nonresidential portion of the site require additional discussion, as follows:

Water and Sewer

Section 24-122.01(b)(1) of the Subdivision Regulations states that “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 2018 *Water and Sewer Plan* placed Parcel A in the Water and Sewer Category 3, Community System. Category 3 comprises all developed land (platted or

built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. The 2018 *Water and Sewer Plan* placed Parcel 32 in the Water and Sewer Category 5, Future Community System. As of the March 18, 2021 Planning Board hearing for this case, re-designation of this parcel to Category 4, Community System Adequate for Development Planning, was pending approval in the December 2020 Water and Sewer Category Change Cycle of Amendments. However, the District Council had not yet approved the category change.

Because the District Council had not yet approved the category change prior to the PPS hearing, approval of the PPS shall be conditional on the applicant receiving the category change, prior to the plan's certification. There are several circumstances of the site and development proposal which support allowance of the category change to occur prior to signature approval of the PPS, and which are not generally applicable to other properties. The only proposed structure within Parcel 32 is a set of gas pumps. The actual gas station building proposed is within Parcel A, where water and sewer service will be available. Because Parcel A is to be served by water and sewer, if for some reason service needs to be extended to Parcel 32, it is reasonable to believe the extension will be possible. All properties abutting Parcel 32 are also within Water and Sewer Category 3. Based on these circumstances, it is reasonably certain the applicant will receive the category change they have requested. A category change would not be added to the PPS conditions of approval without such reasonable certainty.

Fire and Rescue (nonresidential)

The subject property is served by Bowie Northridge Fire Station Co. 816, located at 14901 Health Center Drive in Bowie. Per Section 24-122.01(d)(1)(A), a 5-minute total response time is recognized as the national standard for Fire/EMS response times. The 5-minute total response time arises from the 2016 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of nonresidential subdivision applications.

According to NFPA 1710, Chapter 3 Definitions, the total response time and travel time are defined, as follows:

3.3.53.6 Total Response Time: The time interval from the receipt of the alarm at the primary PSAP (Public Safety Answering Point) to when the first emergency response unit is initiating action or intervening to control the incident.

3.3.53.7 Travel Time: The time interval that begins when a unit is in route to the emergency incident and ends when the unit arrives at the scene.

According to NFPA 1710, Chapter 4 Organization:

4.1.2.1 The fire department shall establish the following objectives:

- (1) Alarm handling time to be completed in accordance with 4.1.2.3. (4.1.2.3.1 The fire department shall establish a performance objective of having an alarm answering time of not more than 15 seconds for at least 95 percent of the alarms received and not more than 40 seconds for at least 99 percent of the alarms received, as specified by NFPA 1221).**
- (2) 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response.**
- (3) 240 seconds or less travel time for the arrival of the first arriving engine company at a fire suppression incident.**

Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of December 3, 2020, the subject project fails the four-minute travel test from the closest Prince George's County Fire/EMS Station when applying the national standard, an associated total response time under five-minutes from the closest Fire/EMS Station, Bowie Northridge Fire Station Co. 816. Therefore, the applicant shall contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility; install and maintain automated external defibrillators (AEDs), in accordance with Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), and install and maintain hemorrhage kits next to fire extinguishers. In accordance with Section 24-122.01(e)(1)(C), the Fire and EMS Department provided a statement that adequate equipment exists.

- 14. Use Conversion**—The total development included in this PPS is 190 lots and 39 parcels for development of 77,635 square feet of commercial floor area, a 150-room hotel, 190 townhouse units, and 408 multifamily units. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
- 15. Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. In addition, Section 24-128(b)(12) requires a 10-foot-wide PUE along one side of all private streets.

The following findings are made regarding the PUEs shown on the PPS:

- a. PUEs are shown along Ridgely Boulevard and Lola Lane, but they need to join properly where the two streets meet.
- b. On proposed Parcel 17, PUEs are shown along the entrance road and along US 301. These PUEs are acceptable as shown.
- c. Within the townhouse development, the PUEs provided overlap the sidewalks. These PUEs may need to be moved so they do not overlap the sidewalks, in order to ensure the utility companies can perform work in the easements. Moving the PUEs will not be needed if the utility companies concur with the placement.
- d. Additional PUEs are required in the following locations:
 - (1) Along Chesley Avenue
 - (2) Along Private Road A
 - (3) Along Private Road D, north of where it intersects Private Road E
 - (4) Along Private Road H, in between Ridgely Boulevard and Private Road I
- e. The applicant filed a variation request from Section 24-122(a), to eliminate the required PUEs along Mill Branch Road and most of US 301. The request affects Parcels 2 through 10. This variation request is discussed below.

Variation

Section 24-113 requires that the following criteria are met. The criteria are in **BOLD** text below, while findings for each criterion are in plain text.

- (a) **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 Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The applicant submitted a statement of justification (SOJ) providing responses to the criteria of Section 24-113. In their response to this criterion, they contend that granting the requested variation will promote the public health, safety, and welfare. They note that utilities currently exist within the US 301 right-of-way along the southbound lanes, and any that new connections to those existing utilities would have to be extended beneath US 301. They contend that the utilities serving Mill Branch Crossing can be directed to a single point where the crossing will occur, and that extending from that point, adequate PUEs will be provided within the subdivision. This would include along Lola Lane to serve Parcels 2 through 10. They contend that because adequate PUEs will be provided within the subdivision, there is no need for PUEs along the external roads.

It may indeed be beneficial to have a single utility crossing of US 301, and eliminating the PUE along US 301 may be desirable to discourage multiple crossings from this PUE under the northbound lanes to the southbound lanes. The envisioned single point of crossing may be located near the northern roundabout, where it would be possible to connect between the existing utilities in the US 301 ROW and the site's internal PUE network.

The applicant further contends that if it is necessary to provide utilities along US 301 and Mill Branch Road, the utilities can be provided within the existing ROWs, as more right-of-way width is currently provided along each road than is needed for the roads themselves. Placing the utilities in the right-of-way would require the concurrence of the operating agencies and utility companies. The applicant therefore sought, and received, such concurrence from the State Highway Administration (email from Woodroffe to Morgan dated March 3, 2021, incorporated by reference herein). Their ROW abuts the property on US 301 and a portion of Mill Branch Road and would be sufficient for placement of utilities. In addition, as further described below, the variation was referred to the relevant public utility companies, and none of them objected to the variation request.

(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 applicant contends that there are several conditions unique to this property, which are not generally applicable to other properties. They note that the property has been approved, via a zoning text amendment, for mixed use development in the C-S-C Zone; that the property has substantial frontage on US 301 and minimal frontage on a secondary historic designated road, where the

secondary road is required to provide the primary access; and that more right-of-way width has been provided along US 301 than is required by the MPOT (this is true only for the frontage of Parcels 5–10). These are indeed unique conditions, and so a unique approach to serving the site with utilities is needed. The approach described above, where there will be a single crossing of US 301 to reach the PUE network internal to the site, is acceptable.

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

This PPS and variation request for the location of PUEs were referred to the Washington Suburban Sanitary Commission (WSSC), Verizon, the Potomac Electric Power Company, the Southern Maryland Electric Cooperative (SMECO), Baltimore Gas and Electric Company, Washington Gas, Comcast, and AT&T. Verizon stated that so long as PUEs were not eliminated from the site entirely, they would have no issues. WSSC stated that they had no comments on the variation. SMECO stated that the property was not in their service area. Responses regarding the variation request were not received from the other agencies. The proposed utilities will be designed in direct coordination with the individual utility companies, in order to meet all requisite requirements and design standards. The variation from Section 24-122(a) is unique to, and under the sole authority of, the Planning Board. Approval of this variation request will not constitute a violation of any other applicable law, ordinance, or regulation.

(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 the strict letter of these regulations is carried out.

The shape of the property and its particular physical surroundings may give rise to a hardship to the applicant if the strict letter of these regulations is carried out. The site has extensive frontage on both US 301 and Mill Branch Road, but only one proposed access point to each, in order to serve the overall development. The individual Parcels 2 through 10 cannot each take their own access to the public roads, and so a private road (Lola Lane) is proposed to provide access. A PUE will be provided along Lola Lane to serve these parcels with utilities. So long as there is a way for the site's internal PUE network to connect with utilities outside the site, these parcels do not need to be served by both a PUE along Lola Lane and a PUE along US 301 or Mill Branch Road. If the PUEs along the public streets are unnecessary, then it would be a hardship to the applicant to ask for PUEs in those locations, as it would restrict the area of Parcels 2 through 10 available for development.

(5) In the R-30, R-30C, R-18, R-18C, R-IOA, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve

a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

This criterion is not applicable because the site is within the C-S-C Zone.

The variation request is supported by the required findings. Granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to ensure that public facilities will be available and will have sufficient capacity to serve the proposed subdivision. Therefore, the variation from Section 24-122(a) to eliminate PUEs along US 301 and Mill Branch Road is approved.

Based on the materials provided by the applicant, there is sufficient information to determine that the overall site will be adequately served by PUEs, and that the site's PUE network will be able to connect to existing off-site utilities.

- 16. Historic**—Phase III archeological investigations were completed on site 18PR857, an 18th century plantation house lot, in June 2020. As of the March 18, 2021 Planning Board hearing, artifact and feature analysis was continuing and had not yet been completed. The applicant's archeological consultant submitted a partial draft Phase III report on site 18PR857 to Historic Preservation staff on January 28, 2021. When the artifact analysis is complete, a final Phase III draft report shall be submitted to Historic Preservation staff. The final approved Phase III report shall be submitted and approved by Historic Preservation staff, prior to the issuance of a grading permit.
- 17. Environmental**—The subject PPS and a TCP1 were accepted on October 22, 2020. Comments were provided in an SDRC meeting on November 13, 2020. Revised information was received on December 31, 2020 and February 11, 2021.

The following applications and associated plans for the subject site applicable to this case were previously reviewed:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
SE-4734	TCPII-016-10	Zoning Hearing Examiner	Approved	6/22/2015	Z.O. No. 12-2015
4-08052	TCP1-22-07	Planning Board	Approved	3/30/2017	09-85(A)
NRI-029-07	N/A	Planning Director	Approved	5/3/07	N/A
NRI-029-07-01	N/A	Planning Director	Approved	9/1/09	N/A
NRI-029-07-02	N/A	Planning Director	Approved	3/22/12	N/A
NRI-029-07-03	N/A	Planning Director	Approved	12/22/16	N/A
NRI-029-07-04	N/A	Planning Director	Approved	6/5/20	N/A
4-19050	TCP1-020-2020	Planning Board	Pending	Pending	Pending

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 because this is a new PPS.

Site Description

A review of available information, as shown on the approved Natural Resources Inventory (NRI), indicates that 100-year floodplain, wetlands, streams, and steep slopes are found to occur on the property. The site does not contain any wetlands of special state concern. The site is in the Patuxent River Upper watershed as identified by the Prince George’s County Department of the Environment, and within the Patuxent River watershed of the Patuxent River basin, as identified by the Maryland Department of Natural Resources (DNR). The Patuxent River watershed is identified by DNR as a Stronghold watershed. The on-site stream is not a Tier II water nor is it within a Tier II catchment.

The predominant soils found to occur according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include the Collington fine sandy loam (0–2 percent, 2–5 percent, 5–10 percent, 15–40 percent, and 15–30 percent slopes), and Shrewsbury fine sandy loam soils. According to available information, Marlboro and Christiana clays are not found to occur on this property.

The DNR Natural Heritage Program determined that rare, threatened, and endangered species are not found to occur on-site. According to the 2017 *Countywide Green Infrastructure Plan*, of the *Approved Prince George’s Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains regulated areas and evaluation areas. The site is located within the Established Communities area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Master Plan Conformance

The site is located within the Bowie and Vicinity Master Plan and SMA. It is mapped as regulated and evaluation areas within the Green Infrastructure Plan.

Bowie and Vicinity Approved Master Plan and Sectional Map Amendment

The Bowie and Vicinity Master Plan contains environmentally related policies and strategies that are applicable to the subject PPS.

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 development review process.**

The site contains regulated and evaluation areas of the Green Infrastructure Plan that are comprised of streams, wetland, and floodplain. The most significant impact to this area is for the removal of wetlands in the western portion of the site for development and road improvements. The applicant is proposing to enhance several of the regulated areas through afforestation.

- 2. Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. 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 continuous block of woodlands connecting eastwards to the Patuxent River, a planned 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 SWM on this site is critical to the protection of this primary corridor.

- 3. Carefully evaluate land development proposals in the vicinity of identified Special Conservation Areas (SCA) (the Beltsville Agricultural Research Center to the north, along with 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 that connections are either maintained or restored.**

This site is located within the vicinity of the Patuxent Special Conservation Area (SCA). The evaluation of connections and corridors to the Patuxent SCA have been evaluated to maintain and/or restore connectivity.

4. Target public land acquisition programs within the designated green infrastructure network in order to preserve, enhance or restore essential features and special habitat areas.

The site contains a stream valley that connects to regulated areas within a large tract of undeveloped land owned by M-NCPPC. It is expected that the environmental area of the subject property will be part of a homeowners or business association. These tracts of land, publicly and privately owned, are within regulated environmental areas and should, outside of necessary permanent impacts, be the subject of preservation, restoration, and enhancement, and will be placed in a conservation easement for long-term protection.

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 strategies from the Western Branch WRAS to the countywide database of mitigation sites.**
- 3. Encourage the location of necessary off-site mitigation for wetlands, streams, and woodlands within sites identified in the Western Branch WRAS and within sensitive areas that are not currently wooded.**

The project area is not located within 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 project has not yet received SWM concept approval. The submitted unapproved concept plan shows use of numerous micro-bioretenion and bioretention-swale facilities, areas of pervious pavement, rain gardens treating rooftop downspouts, as well as a SWM pond/basin to meet the current requirements of environmental site design to the maximum extent practicable.

- 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.

Proposed wetland impacts, mitigation, and restoration are discussed in the Environmental Review Section below.

6. Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.

Woodland planting will consist of the use of native species. Species selection should be based on ability to 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.

The plan proposes surface parking for single-family attached and multifamily residential uses, as well as for a hotel, and 77,635 square feet for commercial/retail/office. The number of parking spaces required will be further reviewed by the Urban Design Section with future development applications.

8. Reduce the area of impervious surfaces during redevelopment projects.

The property has never been developed although most of it has been actively farmed. An increase in impervious surface is expected, due to the nature of the project, consisting of single-family attached and multifamily dwelling units, along with a hotel, and 77,635 square feet for commercial/retail/office; however, implementation of the current SWM regulations will address water quality and quantity controls. Currently, the development proposes the use of numerous micro-bioretenion and bioretention-swale facilities, areas of pervious pavement, rain gardens treating rooftop downspouts, as well as an SWM pond/basin to meet the current requirements of environmental site design to the maximum extent practicable.

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.**
- 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.**

This project is for a new development. Conformance with the most current Woodland Conservation Ordinance is required and detailed discussion of technical conformance is discussed in the Environmental Review Section below. The required tree canopy coverage for the C-S-C Zone is 10 percent. The TCP1 shows that the site will be approximately 21 percent of gross tract forest preservation and afforestation with the implementation of this project, which exceeds the master plan-recommended 10 percent tree canopy coverage.

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 is encouraged, as appropriate.

Policy 5: Reduce light pollution and intrusion into residential, 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 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 into the primary management area (PMA) should be addressed. The development proposal is within the Developing Tier, and it is adjacent to properties within the Rural Tier, which is a special concern because the Patuxent River is an intercontinental migration route for birds. High light levels severely impact these bird populations. The use of alternative lighting technologies, such as full cut-off optic light fixtures, should be used and the limiting of total light output should be demonstrated at time of DSP.

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

Strategies:

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

The site fronts on US 301, a designated freeway. US 301 generates sufficient traffic to make noise impacts a concern, therefore, a noise study has been submitted. Details of this study are addressed in the Noise section of this resolution.

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 2017 Green Infrastructure (GI) Plan

The zoning of the property is C-S-C, allowing for commercial retail uses on this site. CB-45-2019 permitted the uses of a gas station with food and beverage store, apartment housing for elderly or physically handicapped, and multifamily and townhouse residential dwellings in the C-S-C Zone. The conceptual design as reflected on the PPS and the TCP1 meets the goals of the Green Infrastructure Plan and focuses development outside of the most sensitive areas of the site, in keeping with the zoning and with Plan 2035.

ENVIRONMENTAL REVIEW

Natural Resource Inventory

An approved NRI-029-07-04 was submitted with the PPS. The site contains 100-year floodplain, wetlands, streams, and steep slopes that comprise the PMA. The NRI indicates the presence of one forest stand labeled as Stand 1. The NRI also identifies 36 specimen trees, of which 28 trees are on-site and 8 are considered off-site. The TCP1 and the PPS show all required information correctly, in conformance with the NRI. No additional information is required regarding the NRI.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because the project is a new PPS. This project is subject to the WCO and the 2018 *Prince George's County Environmental Technical Manual*. TCP1-020-2020 has been submitted with the subject PPS and requires revisions, in order to be found in conformance with the WCO.

The woodland conservation threshold for this 70.11-acre property is 15 percent of the net tract area or 9.02 acres. The total woodland conservation requirement based on the amount of clearing proposed is 3.95 acres. This requirement is to be satisfied with 3.80 acres of on-site preservation, 4.61 acres of on-site afforestation, and the remainder of the requirement, 6.28 acres, is proposed to be met with off-site woodland conservation credits.

The TCP1 must be revised to show the master plan right-of-way interchange (F-10), to the extent dedicated with this PPS. Section 25-122(b)(1)(N)(v) of the WCO requires that "land dedicated or to be dedicated shall not be counted toward meeting the requirements" and that "land areas dedicated or to be dedicated for future road construction shall be counted as cleared if the associated development is required to construct the road." If there is a requirement to dedicate the master plan right-of-way with the PPS, the applicant is required to show the road as dedicated on the plans and account for the woodland within the right-of-way on the TCP1, in accordance with the County Code. It is noted that there is no requirement to dedicate right-of-way with this PPS.

Technical revisions to the TCP1 are required and included in the conditions of approval of this PPS.

Specimen Trees

TCPs are required to meet all of the requirements of Subtitle 25, Division 2 of the County Code, also known as The Woodland and Wildlife Habitat Conservation Ordinance (WCO).

These requirements include the preservation of specimen trees, as stated in

Section 25-122(b)(1)(G) of the WCO. Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance to Section 25-122(b)(1)(G) is required. Applicants can request a variance to the provisions of the WCO, provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by a Letter of Justification stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance Application and an SOJ in support of a variance dated April 8, 2020 were submitted.

The approved NRI identifies a total of 36 specimen trees; 8 trees are considered off-site, and 28 are on-site. Of the 28 on-site trees, 15 are proposed to be removed with this PPS. The following analysis is the review of the applicant's request to remove these 15 specimen trees. Off-site specimen trees are not subject to the variance requirement.

The SOJ requests the proposed removal of 15 of the existing 28 specimen trees located on-site. Specifically, the applicant seeks to remove Specimen Trees (ST) 1–7, 9, 16–20, 37, and 38. The TCP1 shows the location of the trees proposed for removal. The Disposition column of the Specimen Tree Chart on Sheet 1 of the TCP1 is to be corrected to reflect that ST- 37 and ST-38 are proposed to be removed. ST-2, 3, 19, and 37 are in poor condition. ST-1, 5, 9, 16, and 38 are in good condition. ST-4, 6, 7, 17, 18, and 20 are in fair condition. Six of the specimen trees to be removed (ST-1, 2, 3, 4, 9, and 16) are located within the limits of an isolated wetland and associated buffer impacted by the right-of-way improvements of US 301. Seven of the specimen trees to be removed (ST-5, 6, 7, 17, 18, 19, and 20) are located within the grading areas that are a result of the right-of-way improvements for US 301 and are located centrally along the western portion of the site in a highly developable part of the site. Two of the specimen trees, ST-37 and ST-38, are proposed for removal because they are in a highly developable part of the site.

The removal of the 15 specimen trees requested by the applicant is approved based on the findings below.

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

The property is 70.11 acres and contains approximately 8.23 acres of PMA comprised of streams, wetlands, floodplain, and associated buffers. The total area includes 5.67 acres of previously dedicated land for right-of-way improvements, and 4.11 acres of floodplain. This represents approximately 25.37 percent of the overall site area. These existing conditions are peculiar to the property. The applicant is proposing to remove the specimen trees in the most developable part of the site, which is to be impacted by the proposed right-of-way improvements. To further restrict development of the non-wooded upland areas of the site would cause unwarranted hardship.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

The mixed-use development includes uses permitted in the C-S-C zone, as amended by CB-45-2019, as well as the vision for such zones as described in the master plan. Based on the unique characteristics for the property, enforcement of these rules would deprive the applicant of the right to develop the property in a similar manner to other properties zoned C-S-C in the area.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants

If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property

The request to remove the trees does not arise from any condition on a neighboring property.

(F) Granting of the variance will not adversely affect water quality

All proposed land development activities will require sediment control and SWM measures to be reviewed and approved by the County.

The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees 1–7, 9, 16–20, 37, and 38.

Regulated Environmental Features

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5). The on-site regulated environmental features include streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, and steep slopes.

Section 24-130(b)(5) states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the

Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to the regulated environmental features should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with the County Code.

A letter of justification was received October 21, 2020 for the proposed impacts. The letter is dated April 28, 2020. The PPS shows impacts to the PMA. The presented six impacts are a combination of on-site and off-site locations, which are generally located on the western portion of the site. Off-site impacts are not part of the application because they are not located within the boundary of the property; however, they are considered as part of the overall impact. The off-site impacts are required for the right-of-way improvements to Mill Branch Road and US 301, as part of SHA Permit 10-AP-PG-004. The on-site proposed Impact 3 is a total of 1.30 acres and consists of impacts to the wetlands and their associated buffers for right-of-way improvements, as well as site grading and development.

The proposed SWM pond outfall PMA impacts were not requested with the PPS. Typically, these impacts are supported, as they are deemed necessary for the development of the site. The PMA impacts for the proposed SWM pond outfalls should be submitted for review with the acceptance of the DSP.

The current letter of justification and associated exhibit reflect six proposed impacts to regulated environmental features associated with the proposed development totaling approximately 2.57 acres. All proposed impacts are permanent and are described as either on-site or off-site impacts. The off-site impacts total 1.27 acres, and the on-site impacts total 1.30 acres. As previously stated, the following analysis will review only the on-site impacts requested by the applicant at this time, Impact 3.

Impact 3 – Wetland and Wetland Buffer Impact

Impact 3 is for the disturbance of 1.30 acres of wetlands located on the western portion of the site. This wetland straddles the western property boundary and the portion of the

wetland located off-site will be impacted by the grading required for the US 301 right-of-way improvements. The total forested wetland disturbance (Impact 2 off-site and Impact 3 on-site) is 1.14 acres. The Impact 3 wetland and associated buffer is 1.30 acres. The resulting portion of wetland left undisturbed by the right-of-way improvement grading is located within a highly developable part of the site. The applicant analyzed the potential of constructing a retaining wall to preserve the wetlands, however a geotechnical review determined that the existing wetland soils would not be suitable due to groundwater. The preservation of this small, isolated wetland is not feasible.

Mitigation was analyzed for the overall on-site and off-site impacts by the U.S. Army Corps. of Engineers (ACOE) and the Maryland Department of the Environment (MDE), as part of the applicant's joint wetland permit application. Staff inquired on the potential to remediate the impacts to the stream on-site and it was determined by both ACOE and MDE that the stream remediation should not occur, and that the applicant should reduce the amount and velocity of drainage into the stream. The result was a revision to the site development concept plan to require detention of stormwater from a 100-year flooding event in the SWM facility on-site.

The proposed PMA impact is considered necessary to the orderly development of the subject property and surrounding infrastructure. These impacts cannot be avoided because they are required by other provisions of the County and State Codes. The plan shows the preservation and enhancement of the PMA to the fullest extent practicable.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, based on the limits of disturbance shown on the TCP1.

- 18. Urban Design**—The review of the subject PPS is evaluated for conformance to the Zoning Ordinance, as follows:

Conformance with the Requirements of the Prince George's County Zoning Ordinance CB-45-2019 amended Section 27-461(b), the Use Table for commercial zones, to allow multifamily and townhouse development as permitted uses in the C-S-C Zone, provided that the subject site is a minimum of 50 acres; DSP review is a required condition of approval of a PPS and must include review of proposed architecture of multifamily and townhouse units; and development density is limited to no more than 20 units per acre for townhouses and 48 units per acre for multifamily dwellings. In addition, development regulations provided for in Section 27-454(d) of the Zoning Ordinance, C-S-C Zone regulations shall apply to both multifamily and townhouse developments.

The development density of 11.1 units per acre for townhouses and 28.8 units per acre for multifamily proposed by the PPS conforms to the applicable criteria. Regarding Section 27-454(d), the development regulations for the C-S-C Zone, as they pertain to the proposed townhouse units as part of a mixed-use development, the application of required setbacks should be applied to the general area for townhouse development, and not to individual

lots. The C-S-C Zone regulations do not provide development standards for individual townhouse units, and so the applicant has proposed to utilize Mixed Use-Transportation Oriented (M-X-T) Zone regulations for townhouse development. The applicant has also included basic standards with the PPS, including a minimum townhouse lot size of 1,500 square feet (20 feet by 75 feet), with a minimum lot width at the front building line and street line of 20 feet. The applicant's proposed use of M-X-T Zone regulations to guide development of the townhouse portion of this project is acceptable. Conformance with the applicable criteria will be reviewed at the time of DSP.

Conformance with the Tree Canopy Coverage Ordinance

In accordance with Section 25-128 of the Zoning Ordinance, properties in the C-S-C Zone are required to provide 10 percent of the gross tract area in tree canopy coverage (TCC). The subject site is 70.1 acres and is required to provide 7.01 acres of the site in TCC. Conformance with this requirement will be evaluated at the time of DSP.

Conformance with the Requirements of the 2010 Prince George's County Landscape Manual

The site will be subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscape Requirements; and Section 4.10, Street Trees Along Private Streets, of the Landscape Manual. Conformance with landscaping requirements will be evaluated at the time of DSP.

Other Urban Design Issues

Issues regarding mandatory parkland dedication and provision of a private on-site recreational facilities package are not fully addressed by the PPS. Letters from the applicant dated December 28, 2020 and February 8, 2021 indicated private on-site recreational amenities are to be provided, and they included a list of contemplated amenities and associated estimated value. The list of facilities given in the applicant's letters does not include sufficient facilities for the townhouse units. Therefore, it is recommended that either the facilities for the multifamily residents and the townhouse residents be made available to all residents; or additional facilities be provided in the northern townhouse pod; or better design and connections be provided for the proposed stormwater pond and its associated amenities, so that the pond can meet the requirements of Section 24-135(a)(5). Any of these three options could achieve the required value of recreational facilities for both the multifamily units and the townhouse units.

19. **Noise**—A July 16, 2020 Phase I Noise Analysis was prepared by Polysonics Acoustics & Technology Consulting and was submitted by the applicant with this PPS. The analysis accounted for noise measurements from US 301 on the west side of the site. It found that the present and future 65 dBA Ldn noise contours would not impact any outdoor recreation areas or residential uses at any height. Therefore, no further study or mitigation is needed.

Section 24-121(a)(4) requires a minimum 300-foot lot depth when residential lots are platted next to proposed freeways. The plan, as proposed, meets this requirement. There are no residential lots or parcels proposed within 300 feet of US 301.

20. **City of Bowie**—On January 4, 2021, the Bowie City Council conducted a public hearing on the subject PPS. At the conclusion of the hearing, three separate motions were made and seconded by council members. All three motions ended in a tie. As a result, the City of Bowie has not taken a position on this PPS.
21. **Planning Board Hearing of March 18, 2021**—On March 18, 2021, the Planning Board conducted a public hearing on the subject PPS. The applicant presented proposed revisions to seven of the staff-recommended conditions of approval, and additionally proposed deletion of one condition. These changes were accepted, and they are incorporated into this resolution.

One member of the public, owner of the Ample Grange Farm which abuts the subject property to the southeast, spoke about the application. In their comments they expressed their approval of the 50-foot buffer to be provided between the development and the rural tier, the stormwater management proposed, and the access to be provided to the Green Branch Athletic Complex. They also expressed their concerns about the traffic impact on US 301 (particularly at its intersection with Mill Branch Road), loss of wetlands on the subject property, and visual impacts along Mill Branch Road, which is a historic/scenic roadway. In response to these concerns, the Board noted that the SWM concept plan for the development was, as of the hearing, still pending approval by DPIE. The SWM concept plan will address all stormwater from the development, such that there will be no off-site impacts, including from the loss of retention capacity associated with the removal of natural wetlands. The Board also noted that views to and from Mill Branch Road can be addressed at the time of DSP, and that landscape buffering along the road would be required in accordance with Landscape Manual requirements. The applicant noted that the road improvements proposed with the application are designed to mitigate traffic impacts, and that direct access will be provided from US 301 at the northern end of the property to ensure not all of the development's traffic needs to enter from Mill Branch Road.

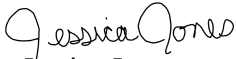
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, March 18, 2021, in Upper Marlboro, Maryland.

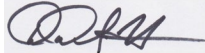
Adopted by the Prince George's County Planning Board this 8th day of April 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: March 26, 2021