

PGCPB No. 2024-022

File No. PPS-2022-014

## R E S O L U T I O N

WHEREAS, Premier A-2 Bowie MD, LLC is the owner of a 0.84-acre tract of land known as Parcel 51 and Lot 1, said property being in the 14th Election District of Prince George's County, Maryland (subject property), and being zoned Commercial, General and Office (CGO); and

WHEREAS, on January 23, 2024, Premier A-2 Bowie MD, LLC filed an application for approval of a Preliminary Plan of Subdivision to subdivide the subject property into one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as PPS-2022-014 for Premier Bowie MD 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 at a public hearing on April 4, 2024; and

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

WHEREAS, at the April 4, 2024 public hearing, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision PPS-2022-014, including Variations from Sections 24-4205 and 24-4401, for one parcel, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be modified as follows:
  - a. Show the ultimate right-of-way width along MD 450 (Annapolis Road) as a minimum of 120 feet.
  - b. Revise General Note 13 to list the existing use of the property as commercial and institutional.
  - c. Label all proposed easements on the subject property, providing their width and purpose.
  - d. Label all proposed storm drains and stormwater management facilities.
2. In conformance with the recommendations of the 2009 *Approved Countywide Master Plan of Transportation* and the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following bicycle and pedestrian facilities, and shall show these facilities on the detailed site plan prior to approval:

- a. A minimum 5-foot-wide sidewalk and standard bicycle lane along the site's frontage of Old Annapolis Road, unless modified by the operating agency, with written correspondence.
3. Prior to approval, the final plat of subdivision shall include:
    - a. The granting of a public utility easement along Old Annapolis Road, as delineated on the approved preliminary plan of subdivision.
    - b. A note indicating the Prince George's County Planning Board's approval of a variation from Section 24-4205 and Section 24-4401 of the Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision PPS-2022-014, for the omission of the public utility easements along MD 450 (Annapolis Road), and eastern 100 feet of the property's frontage on Old Annapolis Road.
  4. Development of this site shall be in conformance with City of Bowie Stormwater Management Concept Plan 02-0823-208NE12, and any subsequent revisions.

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 applicable 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 subject site consists of Parcel 51, recorded in the Prince George's County Land Records in Book 49437 page 173, and Lot 1, recorded in Plat Book WWW 68 Plat 65. The property is 0.84 acre and is located in the Commercial, General and Office (CGO) Zone. The site is subject to the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (master plan), applicable provisions of Subtitles 24 and 27 of the Prince George's County Code, and other applicable plans, as outlined herein. In accordance with Section 24-4503 of the Prince George's County Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by, and subject to an approved Certificate of Adequacy, ADQ-2022-041.

This PPS includes one parcel for development of 80,189 square feet of industrial use on the property. A new PPS is required for the construction of more than 5,000 square feet of development, pursuant to Section 24-3402(b)(3) of the Subdivision Regulations. The property is currently improved with three buildings for commercial and institutional uses. All existing buildings on the property are proposed to be razed. The applicant participated in a pre-application conference for the subject PPS on July 1, 2022, pursuant to Section 24-3302(b)(1) of the Subdivision Regulations, and held a pre-application neighborhood meeting on August 29, 2022, pursuant to Section 24-3303(b)(1) of the Subdivision Regulations.

A variation from Section 24-4205 of the Subdivision Regulations, which requires a public utility easement (PUE) to be provided along public roads, was requested by the applicant. A variation from Section 24-4401 of the Subdivision Regulations was also requested, which requires that all necessary utility easements be shown on a PPS. For this development, the applicant proposed not to provide any PUEs along the property’s frontage of MD 450 (Annapolis Road), nor along 100 linear feet of the frontage of Old Annapolis Road. These variation requests are discussed further in the Public Utility Easement finding of this resolution.

3. **Setting**—The subject property is 0.84 acre and is located on the south side of MD 450, east of its intersection with Old Annapolis Road. The property has frontage on MD 450 to the north, and Old Annapolis Road to the south. Site access is proposed from Old Annapolis Road, which is classified as a historic road.

The subject site is located on Tax Map 46 in Grid C1 and is within Planning Area 71B. MD 450 is located north of the site, and the properties beyond consist of open space land and commercial retail space in the Legacy Comprehensive Design (LCD) Zone. To the east is a property owned by the State of Maryland, in the LCD Zone, and a parcel owned by the Potomac Electric Power Company (PEPCO), in the Residential, Rural (RR) Zone. The property fronts Old Annapolis Road to the south, and properties beyond consist of single-family detached dwellings in the RR Zone, and retail and institutional uses in the CGO Zone. To the west of the subject property is land owned by the Maryland State Highway Administration (SHA), which is part of the MD 450 and Old Annapolis intersection right-of-way. Beyond the intersection, in the CGO Zone, is a grocery store.

4. **Development Data Summary**—The following information relates to the subject PPS application and the evaluated development.

	<b>EXISTING</b>	<b>EVALUATED</b>
Zone	CGO	CGO
Use(s)	Commercial/Institutional	Industrial
Acreage	0.84	0.84
Lots	0	0
Parcels	2	1
Dwelling Units	0	0
Gross Floor Area	5,989 sq. ft.	80,189 sq. ft.
Variance	No	No
Variation	No	Yes, Sections 24-4205 and 24-4401

The subject PPS was accepted for review on January 23, 2024. Pursuant to Section 24-3305(e) of the Prince George’s County Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on February 16, 2024, where comments were provided to the applicant. Pursuant to Section 24-3403(a)(6) of the Subdivision Regulations, the request for variations from Section 24-4205 and Section 24-4401

was submitted on January 23, 2024, and was also reviewed at the SDRC meeting on February 16, 2024. Revised plans were received on February 29, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—The subject property includes a tax parcel known as Parcel 51, which has never been the subject of a PPS or a final plat. Parcel 51 was last subdivided by deed in 1969. By deed dated December 26, 2002, and recorded in Liber 16650 at folio 282, 5,328 square feet of land was conveyed to the Maryland State Highway Administration (SHA) for public use. This division of land was exempt from approval of a PPS, in accordance with Section 24-1404(e) of the Subdivision Regulations. The Maryland Department of Assessments and Taxation records and aerial imagery indicate that the two structures on Parcel 51 have existed on the property since 1938. The structures are currently in use for commercial purposes. The subject property also includes Lot 1, which was previously platted in June 1968, on a plat titled Schneider Subdivision, recorded in Plat Book WWW 68 Plat 65. Lot 1 is the subject of a prior PPS, 4-68038, approved on June 26, 1968. The resolutions of approval and other documents from the approval of 4-68038 are no longer available. By deed dated November 26, 2001, and recorded in Liber 15312 at folio 220, six square feet of land was conveyed to SHA for public use. This division of land was exempt from approval of a PPS, in accordance with Section 24-1404(e). The Maryland Department of Assessments and Taxation records and aerial imagery indicate that the structure on Lot 1 has existed on the property since 1969. Lot 1 is currently used for a church.

Detailed Site Plan DSP-12008 was approved by the Prince George's County Planning Board on November 8, 2012 (PGCPB Resolution No. 12-106), for a day care and before and after school care, in addition to the existing church use on Lot 1. However, the DSP was remanded by the Prince George's County District Council on May 6, 2013. The case was subsequently dismissed by the Planning Director in 2015, due to inactive status.

In accordance with the current development proposal, all structures on the subject property will be razed to develop the property, and a new final plat of subdivision will be required before any permits can be approved for development of the subject site.

6. **Community Planning**—Pursuant to Section 24-4101(b)(1) of the Subdivision Regulations, consistency with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan land use recommendations are evaluated as follows:

**Plan 2035**

Plan 2035 places this subject site in the Established Communities Growth Policy Area (Map 1. Prince George's County Growth Policy Map, page 18). Plan 2035 classifies established communities as existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. Established communities are most appropriate for context-sensitive infill and low- to medium-density development.

This PPS is consistent with Plan 2035's Land Use and Growth Management goals because the intensity of the proposed industrial use, specifically a consolidated storage facility, is compatible (context-sensitive infill) with surrounding nonresidential uses and low- to medium-density development.

Plan 2035 also includes the following relevant strategies:

**Transportation and Mobility:**

- **TM1.8: Coordinate future transportation and mobility improvements as outlined in the *Master Plan of Transportation*, the Plan 2035 Transportation and Mobility Element.... (page 153).**
- **TM4.4: Design new transportation systems to accommodate all modes of transportation. Continuous sidewalks on both sides of the road and on-road (bike lanes) bicycle facilities should be included, to the extent feasible and practical, and based on the type and location of the facility proposed (page 156).**

The PPS is consistent with Plan 2035's Transportation and Mobility strategies because the evaluated development includes installing 5-foot-wide sidewalks and on-site bicycle facilities. However, the applicant must work with staff to determine the feasibility of installing a bicycle lane and shared-use path on P-308 (Old Annapolis Road, from MD 197 (Collington Road) to MD 450), since the master plan amended the recommendations for transportation improvements outlined in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). See the master plan Transportation and Mobility section below.

**Housing and Neighborhoods (page 215):**

- **HD9.6: Orient and relate building frontages, rather than parking, to the street.**

Based upon the conceptual site layout depicted on the bicycle and pedestrian facilities plan and the stormwater management (SWM) concept plan, the proposed building will front on both MD 450 and Old Annapolis Road, consistent with Strategy HD9.6. The parking lot is conceptually located to the side of the building. Also, the layout of the property meets Section 24-4103, Layout Design Guidelines, of the Subdivision Regulations, which seeks to set back and screen the building from the nearby residential properties. The open space set-aside exhibit proposes landscape bufferyards and screening along property lines closest to the neighboring residences. Building orientation and site layout will be further reviewed with the detailed site plan (DET), which is required for the proposed development.

- **HD 9.7: Identify and prioritize areas for street tree installation.**

Landscape planting along rights-of-way will be evaluated at the time of DET. The site does not contain existing woodland on-site that could be retained along transportation corridors.

### **Master Plan**

The master plan recommends commercial land use on the subject property. The industrial land use proposed by the applicant does not conform to the master plan's recommended land use. However, on February 21, 2023, the District Council adopted Prince George's County Council Bill CB-011-2023, which permitted consolidated storage use in the CGO Zone, subject to certain requirements. The master plan recommendation is in direct conflict with the zoning of the property (CGO) that permits consolidated storage use. This conflict cannot be reconciled. Therefore, pursuant to Section 24-4101(b)(3) of the Subdivision Regulations, the uses permitted by the Prince George's County Zoning Ordinance supersede the recommendations set forth in the master plan, for the purpose of finding conformity.

While the proposed use is allowed on the subject property, pursuant to Section 24-4101(b)(1), the PPS is still required to conform to other relevant strategies of the master plan that are applicable to the subject property. These strategies are related to transportation and mobility, and the natural environment, and are discussed further in the Transportation and Environmental findings.

### **Zoning**

The 2006 *Approved Sectional Map Amendment for Bowie and Vicinity* retained the subject property in the prior Commercial Shopping Center (C-S-C) Zone. On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Map Amendment, which reclassified the subject property from the C-S-C Zone to the CGO Zone, effective April 1, 2022. The pending 2023 *Endorsed Bowie-Mitchellville and Vicinity Sectional Map Amendment* proposes to retain the existing CGO Zone.

7. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, a PPS shall not be approved until evidence is submitted that a SWM concept plan has been approved by the Prince George's County Department of Permitting, Inspections and Enforcement.

A SWM Concept Plan (02-0823-208NE12) approved by the City of Bowie, which shows the use of micro-bioretenion facilities, was submitted. This SWM concept plan was approved on August 28, 2023, and expires on August 28, 2026. The development proposal will reduce the existing impervious area by 0.19 acre.

Development of the site, in conformance with SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations, as they pertain to public parks and recreational facilities.

### **Subdivision Regulations Conformance**

Section 24-4601 of the Subdivision Regulations, which relates to mandatory dedication of parkland, provides for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private recreational facilities to meet the park and recreation needs of the residents of the subdivision. This application is exempt from Section 24-4601 because it is a non-residential development.

### **Master Plan Conformance**

The master plan contains goals and policies related to recreation centers (pages 176–187). However, these are not specific to the subject site, or applicable to the proposed development.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the MPOT, the master plan, and the Subdivision Regulations, to provide the appropriate transportation facilities.

### **Master Plan Right-of-Way**

The subject property has frontage on Old Annapolis Road (P-308), along the southern bounds of the site. The MPOT does not contain any right-of-way recommendations for this portion of Old Annapolis Road. The master plan recommends this portion of Old Annapolis Road as a two-lane primary roadway, with an ultimate right-of-way width of 60 feet, which is accurately reflected on the PPS.

The subject property also has frontage on MD 450 (A-23), along the northern bounds of the site. The MPOT recommends this portion of MD 450 as a four to six lane arterial roadway, with an ultimate right-of-way width of 120–150 feet. The master plan recommends this portion of MD 450 as a four-lane arterial roadway, with a minimum right-of-way width of 120 feet. The PPS accurately displays MD 450 as a variable width right-of-way, along the northern bounds of the subject site.

### **Master Plan Pedestrian and Bike Facilities**

The MPOT recommends the following master-planned facilities:

- Planned Bicycle Lane: MD 450 (Annapolis Road)
- Planned Bicycle Lane: Old Annapolis Road

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, page 10):

**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*.**

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

The master plan discusses active transportation elements along Old Annapolis Road, which is copied below (page 135):

**MD 197 – Active Transportation: Bicycle/Pedestrian/Micro-Mobility**

**Policy TM 25: Increase transportation options by constructing new active transportation facilities in the MD 197 corridor.**

- **TM 25.3: Add shared-use path and designated bicycle lanes along Old Annapolis Road from MD 197 (Collington Road) to MD 450 (Annapolis Road)**

Although the site is bounded by the arterial roadway (MD 450), the site does not have direct access to this roadway, and no facilities are to be provided at this time along MD 450. The subject site is currently developed without pedestrian or bicycle facilities along its frontage of Old Annapolis Road. The applicant provided email correspondence from SHA stating they do not foresee a need for a sidewalk to be provided. However, SHA shall determine if a sidewalk, and the planned bicycle lane along Old Annapolis Road, are to be provided. As a condition of approval, the applicant shall provide a 5-foot-wide sidewalk and bicycle lane along the site's Old Annapolis Road frontage, unless modified by the operating agency, with written correspondence.

**Zoning Ordinance Development Standards – Access and Circulation**

A bicycle and pedestrian facilities plan was submitted with the PPS, showing the vehicular and pedestrian circulation proposed throughout the site, which will also be required to be reflected on the future DET, as required by Section 27-6204 of the Zoning Ordinance. One point of vehicle access is included along Old Annapolis Road. This internal driveway is confined only to the site, thereby ensuring that no cut through traffic will take place. The applicant provided a truck turning plan, which shows that heavy vehicles can move throughout the site without any encumbrances. The vehicular access and circulation for the proposed development to be adequate.

Sections 27-6207(b) and 27-6208(b) of the Zoning Ordinance contain requirements for cross-access between adjoining developments' internal pedestrian and bicycle circulation systems (respectively), which apply to this site. The subject property is bound by public rights-of-way on the north, west, and south sides. To the east lies Parcel U, which is zoned LCD, and is owned by the State of Maryland. This property is vacant and narrow in width (15 feet at its widest point). Beyond Parcel U lies a property owned by the Potomac Electric Power Company (PEPCO), which houses high-voltage overhead power lines and utility poles (Parcel 336). The applicant provided a statement of justification (SOJ) dated February 29, 2024, in which they stated that both these properties are unlikely to be developed in a manner that allows for cross-access, and



that any cross-access to these properties is impractical and undesirable. Cross-access from the subject property to the east would be inappropriate due to the low potential of adjoining properties being developed in future. Conformance to the requirements of Section 27-6200 of the Zoning Ordinance will be further evaluated with the DET.

Based on the preceding findings, vehicular, pedestrian, and bicycle transportation facilities will serve the subdivision, meet the required findings of Subtitle 24, and conform to the MPOT and master plan.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4104(b)(1) of the Subdivision Regulations. The master plan identifies the following goals for the provision of public facilities (pages 176–187):

- **All students have high quality educational instruction in modern facilities.**
- **High quality, well maintained public facilities catalyze economic development and revitalization, stimulate employment growth, strengthen neighborhoods and improve quality of life.**
- **Fire and emergency medical services (EMS) respond areawide in established response times.**

These goals are further broken down into specific policies for geographic areas. The proposed development will not impede achievement of the above-referenced goals. This PPS is subject to Certificate of Adequacy ADQ-2022-041, which established that pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property in the master plan.

The subject property is located in Planning Area 71B – “City of Bowie”. The *2024–2029 Fiscal Year Approved Capital Improvement Program Budget* does not identify any new construction project proposed for this area.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect this site.

The subject property is located in Sustainable Growth Tier I and is served by public water and sewer, as required by Section 24-4404 of the Subdivision Regulations. Pursuant to Section 24-4405 of the Subdivision Regulations, the 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community Systems. 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. Tier 1 includes those properties served by public sewerage systems.

11. **Public Utility Easement**—In accordance with Section 24-4401, 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 public utility easements (PUE) is given in Section 24-4205. PUEs must be located outside of the sidewalk, and must be contiguous to the right-of-way. The subject property has frontage on MD 450 and Old Annapolis Road. The PPS shows a PUE along 170 linear feet of frontage on Old Annapolis Road, at a minimum of 10 feet wide. The applicant did not propose to provide PUEs along the property’s frontage of MD 450 and 100 linear feet of frontage on Old Annapolis Road. To be allowed to do so, the applicant needed to obtain a variation from this requirement. A variation from Section 24-4205, which requires a PUE to be provided along public roads, and from Section 24-4401, which requires that all necessary utility easements be shown on a PPS, was submitted.

**Variation from Section 24-4205 and Section 24-4401**

The applicant proposed not to provide a PUE contiguous to MD 450 and 100 linear feet of Old Annapolis Road. Section 24-4205 states the following:

**“All roads (public or private) shall have a public utility easement at least ten feet in width. For Redevelopment and Revitalization projects, the public utility easement may be reduced by the Planning Director for good cause, after due consideration of any adverse impacts. The public utility easement shall be located outside the sidewalk, where a sidewalk is constructed or these Regulations or Subtitle 27: Zoning Ordinance require a sidewalk, and shall be contiguous to the right-of-way.”**

Section 24-4401 states the following:

**“Preliminary plans of subdivision (minor or major) and final plats of subdivision (minor or major) must be designed to show all utility easements necessary to serve anticipated development on the land being subdivided, consistent with the recommendations and standards relevant to public utility companies. When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”**

The standard requirement of public utility companies is to provide a 10-foot-wide PUE along all public roadways. Section 24-3403 of the Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

**(a) Purpose**

**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, Annotated Code of Maryland; 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;**

Ten-foot-wide PUEs are required along both sides of all public rights-of-way, to ensure that utilities will be able to serve the subject site and provide for the continuity for placement of public utilities along the right-of-way, to and from abutting properties. However, the applicant proposed to not provide the easements along the public rights-of-way fronting the subject site, except at one location along Old Annapolis Road. The subject property abuts MD 450 (north side of the property), and Old Annapolis Road (south side of the property). The site's frontage along Old Annapolis Road is irregular; 100 feet from the eastern property line, the property boundary turns 15 feet south before continuing westerly along the Old Annapolis Road vehicle travel lanes for another 170 feet. The public rights-of-way for MD 450 and Old Annapolis Road have been improved, and all utilities required to serve the proposed development currently exist either within the right-of-way of Old Annapolis Road, or within the property area close to the 140 linear feet of right-of-way line. The existing utilities located within the street currently serve the subject property, which has been previously developed and will continue to serve the industrial development evaluated with this PPS. The PPS shows a 10-foot-wide PUE to cover the existing utilities running within the subject property, and along Old Annapolis Road. The omission of the PUE along MD 450, and along the remaining 100 feet of Old Annapolis Road, will have no impact on the utilities already provided and available for this development, and to surrounding developments. Not providing a PUE in these areas will not prevent adjacent properties from accessing utilities in the Old Annapolis Road right-of-way. Further, not providing a PUE along MD 450 will not limit other properties from accessing existing utilities, as it is not an existing utility corridor. Therefore, the granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to others or other property.

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

The conditions on which the variation request is based are unique to the site. The site is limited in size, constrained by existing public rights-of-way on three sides, and contains existing development. The subject property is bound by Old Annapolis Road to the south, and MD 450 to the north and west, all of which are improved. The irregular property boundary along Old Annapolis Road is not conducive to continuity of a PUE along the easterly most 100 feet, which is stepped back from the right-of-way 15 feet. No utilities are in place along MD 450, and the site will continue to be served by existing utilities along Old Annapolis Road. East of the property is a parcel owned by the State of Maryland, and beyond is a property owned by PEPCO and utilized for high-voltage utility lines and poles. None of the adjacent properties will require extension of public utilities typically found in a PUE, to be run across the subject parcel. Furthermore, all necessary utilities that normally would be provided within a PUE are provided in or along the existing right-of-way of Old Annapolis Road. The utilities required to serve the proposed development will be extended from their location within the right-of-way of Old Annapolis Road. These factors are unique to the subject property and not generally applicable to other properties.

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

The approval of a variation from Sections 24-4205 and 24-4401 is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. In addition, this PPS and variation request for the location of PUEs was referred to the affected public utility companies and the municipality of City of Bowie, and none have opposed the variation request. There are no other known laws, ordinances, or regulations that would be impacted by this request.

**(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; and**

The site is small, just a little under one-acre in size, is previously developed, and is surrounded by public streets on three sides. Parcel U, which is owned by the State of Maryland, lies to the east of the site. This property is vacant and narrow in width (15 feet at its widest point).

Beyond Parcel U, is a property owned by PEPCO which houses high-voltage overhead power lines and utility poles (Parcel 336). Both these properties are unlikely to be developed in a manner which will require extension of utilities. This limits the ability to expand the land area available for development. Steep slopes and vegetation in and adjacent to the MD 450 right-of-way make the installation of future utilities unlikely and impractical in this area. In addition, the property's frontage along Old Annapolis Road contains all required utilities within, or close to its rights-of-way. Along the eastern 100 feet of the site's southern frontage to Old Annapolis Road (the area of the southern frontage which is the subject of the variation request), utilities exist within the public right-of-way. Along the western 170 feet of the site's southern frontage to Old Annapolis Road, a PUE will be provided. Strict adherence to this regulation will require placing a 10-foot-wide PUE along the north (along MD 450) and south (eastern 100 feet of Old Annapolis Road) sides of the property, which would result in superfluous easement areas that would be undevelopable on the subject property.

The existing development surrounding the subject property and the existing utility locations available to the subject site constitute the particular physical surroundings applicable to this property. The requirement to provide additional 10-foot-wide PUEs along MD 450 and Old Annapolis Road would impede the ability to provide screening required per the 2018 *Prince George's County Landscape Manual* (Landscape Manual), while still avoiding steep slopes for construction. In addition, the PUEs would serve no additional purpose since utilities have already been established. These factors create a particular hardship to the owner in meeting the standard requirement.

- (5) **In the RMF-12, RMF-20, and RMF-48 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 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.**

The site is not located in any of the listed zones. Therefore, this criterion does not apply.

- (6) **A petition for any such variation shall be submitted in writing by the subdivider prior to the meeting of the Subdivision and Development Review Committee and at least thirty (30) calendar days prior to hearing by the Planning Board. The petition shall state fully the grounds for the application and all the facts relied upon by the**

**petitioner. The variation application shall be reviewed concurrently with the preliminary plan of minor or major subdivision application.**

The subject PPS was accepted for review on January 23, 2024. Pursuant to Section 24-3403(a)(6), the request for variations from Section 24-4205 and Section 24-4401 was concurrently referred to SDRC, which held a meeting on February 16, 2024, where comments were provided to the applicant. A revised petition for the variation requested was received on February 29, 2024, which was used for the analysis contained herein.

Based on the proceeding findings, the variations from Section 24-4205 and Section 24-4401, for provision of PUEs along public rights-of-way of MD 450 and 100 linear feet of Old Annapolis Road, are approved.

12. **Historic**—The master plan contains goals and policies related to Historic Preservation (pages 157–165). However, these are not specific to the subject site, or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A Phase I archeology survey is not required.

The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.

13. **Environmental**—This PPS is in conformance with the environmental regulations of Sections 24-4101(b) and 24-4300 of the Subdivision Regulations, and Section 27-6800 of the Zoning Ordinance, as discussed herein. The following applications and associated plans were previously reviewed for the subject site:

<b>Development Review Case Number</b>	<b>Associated Tree Conservation Plan Number</b>	<b>Authority</b>	<b>Status</b>	<b>Action Date</b>	<b>Resolution Number</b>
NRI-184-2022	N/A	Staff	Approved	12/22/2022	N/A
PPS-2022-014	N/A	Planning Board	Approved	4/4/2024	2024-022

**Grandfathering**

The project is subject to the current environmental regulations and woodland conservation requirements contained in Subtitles 24, 25, and 27 of the Prince George’s County Code because the application is for a new PPS.

**Environmental Site Description**

The subject property is 0.84 acre and is located east of the intersection of MD 450 and Old Annapolis Road. The site is within the CGO Zone and currently fully developed with three buildings and associated parking lots.

### **Prince George's Plan 2035**

The site is located within Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and within the Established Communities of the General Plan Growth Policy (Plan 2035).

### **Environmental Conformance with Applicable Plans**

#### **Master Plan**

The master plan contains policies and strategies in the Natural Environment section. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan, and the plain text provides comments on the plan's conformance.

**Policy NE 1: Ensure that areas of connectivity and ecological function are maintained, restored, or established during development or redevelopment.**

**Policy NE 1.1 Use the green infrastructure network as a guide to decision-making, and as an amenity in the site design and development review processes.**

Utilizing Strategy NE 1.1., the applicant proposes the redevelopment of an existing site that is outside of regulated and evaluation areas. The PPS proposes no woodland clearing or impacts to the green infrastructure network.

**Policy NE 2: Preserve, in perpetuity, Nontidal Wetlands of Special State Concern (NTWSSC) within Bowie-Mitchellville and Vicinity (see Map 42. Nontidal Wetlands of Special State Concern [NTWSSC] -2017).**

The site does not contain Nontidal Wetlands of Special State Concern.

**Policy NE 3: Proactively address stormwater management in areas where current facilities are inadequate.**

A SWM Concept Plan (02-0823-208NE12) approved by the City of Bowie, which shows the use of micro-bioretenion facilities for SWM on the site, was submitted. In addition, the development proposal will reduce the existing impervious area by 0.19 acre.

**Policy NE 4: Support street tree plantings along transportation corridors and streets, reforestation programs, and retention of large tracts of woodland to the fullest extent possible to create a pleasant environment for active transportation users including bicyclists and pedestrians.**

Landscape planting along rights-of-way will be evaluated at the time of DET. The site does not contain existing woodland on-site that could be retained along transportation corridors.

**Policy NE 5: Reduce urban heat island effect, thermal heat impacts on receiving streams, and reduce stormwater runoff by increasing the percentage shade and tree canopy over impervious surfaces.**

Tree canopy coverage (TCC) and landscape plantings for heat island mitigation will be evaluated at the time of DET. A SWM Concept Plan (02-0823-208NE12) approved by the City of Bowie, which shows the use of micro-bioretenion facilities for SWM on the site, was submitted. In addition, the development proposal will reduce the existing impervious area by 0.19 acre and proposes to provide 8,256 square feet of open space.

**Policy NE 6: Support local actions that mitigate the impact of climate change.**

This policy is not applicable to this PPS review, since it pertains to the implementation of climate actions plans.

**Policy NE 7: Continue to expand active transportation opportunities to reduce automobile dependency and carbon emissions.**

As noted in the applicant's SOJ, a master-planned bike lane will be provided along the site's frontage on Old Annapolis Road, subject to SHA's standards and approval. In addition, the applicant has submitted a bicycle and pedestrian impact statement scoping agreement which will further improve pedestrian and biking facilities in the vicinity of this development.

**Policy NE 8: Continue to support street tree plantings, reforestation programs, and retention of large tracts of woodland to increase forest and tree canopy.**

**Policy NE 9: Proactively address stormwater management in areas where current facilities are inadequate.**

**Policy NE 10: Integrate Primary Management Areas (PMA) into a walkable, mixed-use environment.**

Policies NE 8, 9, and 10 are for the Bowie State University MARC Campus Center and do not apply to this PPS.

**2017 Green Infrastructure Plan**

The *Countywide Green Infrastructure Plan* was approved on March 17, 2017, with the adoption of the *2017 Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the approved Green Infrastructure Plan, this site does not contain regulated and evaluation areas. The text in **BOLD** is the text from the Green Infrastructure Plan, and the plain text provides comments on the plan's conformance.



**POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan 2035.**

*Strategies*

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
  - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
  - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
  - c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
  - d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**
- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
  - a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

This PPS proposes a redevelopment of an improved site and will result in no woodland clearing. There are no mapped regulated or evaluation areas on or abutting this property. The property is not within a special conservation area. Existing natural resources are maintained by proposing the redevelopment of this existing developed site, which is outside of regulated and evaluation areas.

**POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.**

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**

- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

**POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

There are no mapped regulated or evaluation areas on or abutting this property. The site contains no woodland. In addition, the site is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is less than 40,000 square feet in size. The project proposes no woodland clearing or impacts to regulated environmental features (REF).

**POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The site does not contain REFs or a primary management area (PMA). A SWM Concept Plan (02-0823-208NE12) approved by the City of Bowie, which shows the use of micro-bioretenion facilities for SWM on the site, was submitted. In addition, the development proposal will reduce the existing impervious area by 0.19 acre and proposes to provide 8,256 square feet of open space. SWM structures are not proposed within REFs.

**POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.**

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**
- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

The site is exempt from the WCO because the property is less than 40,000 square feet in size. The project proposes no woodland clearing or impacts to REFs. The development proposal will reduce the existing impervious area by 0.19 acre and proposes to provide 8,256 square feet of open space.

## **Environmental Review**

### **Natural Resources Inventory**

Section 27-6802 of the Zoning Ordinance requires an approved natural resources inventory (NRI) plan with PPS applications. The approved NRI-184-2022 determines that the site is not wooded. A small area of vegetation is in the northeast of the property, which does not meet the qualifications to be considered woodland. The site does not contain specimen trees, REFs, or PMA.

### **Woodland Conservation**

This application is not subject to the provisions of the WCO because the property is less than 40,000 square feet in size. The site has an approved Standard Letter of Exemption (S-155-2022), which was approved on August 19, 2022, and expires on August 19, 2024.

### **Specimen Trees**

NRI-184-2022 confirms that there are no specimen trees, champion trees, or trees that are part of a historic site or are associated with a historic structure on this property.

### **Preservation of Regulated Environmental Features**

REFs are required to be preserved and/or restored to the fullest extent possible under Section 24-4300, Environmental Standards, of the Subdivision Regulations; however, the approved NRI-184-2022 confirms that the site does not contain REFs.

### **Erosion and Sediment Control**

Section 24-4303(d)(7) of the Subdivision Regulations requires the approval of a concept grading, erosion, and sediment control plan. Development shall comply with the requirements for sedimentation and erosion control, in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sedimentation Control, of the Prince George's County Code/Chapter 21A, Article I, Soil, Erosion, and Sedimentation Control, of the Bowie City Code.

An approved Concept Erosion and Sediment Control Plan (CSC No.48-23-01) was submitted with this application. The plan was approved on January 27, 2023, and expires on January 27, 2026.

### **Soils**

Section 24-4101(c) of the Subdivision Regulations states that the Planning Board “shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes, or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.”

The predominant soils found to occur, according to the United States Department of Agriculture, Natural Resource Conservation Service Web Soil Survey, include Collington-Wist-Urban land complex and Udorthents, highway. No unsafe soils containing Marlboro clay or Christiana complexes have been identified on or within the immediate vicinity of this property. No major geotechnical issues are anticipated.

Based on the preceding findings, the PPS conforms to the relevant environmental policies of the master plan and the Green Infrastructure Plan, and the relevant environmental requirements of Subtitles 24, 25, and 27 of the County Code.

14. **Urban Design**—Construction of nonresidential development consisting of more than 25,000 square feet of gross floor area (GFA) requires DET approval. In this case, the PPS evaluates the construction of a consolidated storage facility of approximately 80,189 square feet.

Per Section 27-3605 of the Zoning Ordinance, at the time of DET review, the applicant will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, including, but not limited to, the following:

- Section 27-4203(d), requirements for the CGO Zone as applicable.
- Section 27-5102(f)(4)(A), requirements for consolidated storage use as permitted principal use.
- Section 27-6200, Roadway Access, Mobility, and Circulation.
- Section 27-6300, Off-Street Parking and Loading.
- Section 27-6400, Open Space Set-Asides.
- Section 27-6600, Fences and Walls.
- Section 27-6700, Exterior Lighting.
- Section 27-61100, Industrial Form and Design Standards.
- Section 27-61500, Signage.
- Section 27-61600, Green Building Standards.

### **2018 Prince George's County Landscape Manual**

The proposed development is subject to the provisions of the Landscape Manual. Conformance with the following requirements of the Landscape Manual will be evaluated at the time of DET: Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscaping Requirements.

Per Section 4.2(c)(6) of the Landscape Manual, a landscape strip shall be provided at the rear of the property where it abuts MD 450. In addition, Old Annapolis Road is a historic roadway. Per Section 4.6 of the Landscape Manual, a minimum 20-foot-wide buffer is required to be planted with a minimum of 80 plant units per 100 linear feet of frontage. All plant material required by this section shall be located outside of PUEs adjacent to the right-of-way.

### **Conformance with Open Space Set-Aside Requirements**

The proposed development is required to provide a five percent minimum open space set-aside, per Table 27-6403 of the Zoning Ordinance. For a site area of 0.84 acre, a minimum of 0.04 acre (1,837 square feet) is required to be placed in an open space set-aside. An exhibit was submitted by the applicant, with the PPS, which demonstrates that this requirement will be met through the provision of landscape buffering totaling 8,256 square feet. Conformance with open space set-aside requirements will be confirmed at the time of DET.

### **Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of TCC on projects that require a grading permit or propose 5,000 square feet or greater of GFA or disturbance. Properties that are zoned CGO are required to provide a minimum of 10 percent of

the gross tract area in TCC. The subject site is 0.843 acre and will be required to provide a minimum of 0.084 acre of the tract area in TCC. Conformance with this requirement will be evaluated at the time of DET review.

15. **Health Department**—The Prince George’s County Health Department completed a health impact assessment review of the PPS and provided the following standard regulatory requirements:

“During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. The proposed development should conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George’s County Code. Also, during the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. The proposed development should conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

These requirements will be addressed at the time of DET and permitting stage.

16. **Citizen Feedback**—The Prince George’s County Planning Department did not receive any written correspondence from members of the community regarding this PPS, prior to the deadline for submission.
17. **Referral to Municipalities**—The subject property is located within the municipal boundaries of the City of Bowie (City). The PPS application was referred to the City for review and comments on January 23, 2024. A memorandum was received from the City dated March 19, 2024, incorporated by reference herein. The City Council provided one condition for consideration, which is summarized below, with response:

1. **Prior to approval of the first building permit for the subject property, the applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-4506 of the Subdivision Regulations (“Required Off-Site Facilities”), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency’s access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:**

- a. **Install 135 linear feet of five-foot-wide Americans with Disabilities Act (ADA)-compliant sidewalk along the south side of MD 450, as detailed in Appendix B-2 of the applicant’s “Bicycle Pedestrian Impact Statement” (BPIS) dated November 30, 2022 and updated February 27, 2024.**
- b. **Install a thermoplastic crosswalk along the west leg of the intersection of Church Road and Sweet Emily Court, as detailed in Appendix C-2 of the applicant’s BPIS.**

**c. Install a thermoplastic crosswalk along the west leg of the intersection of Church Road and Woodmore N Boulevard, as detailed in Appendix C-3 of the applicant's BPIS.**

This recommendation is included as a condition of approval of Certificate of Adequacy ADQ-2022-041, which was approved on March 19, 2024.

18. **Planning Board Hearing**—At the April 4, 2024 Planning Board hearing, staff presented the PPS to the Planning Board. One member of the community signed up to speak at the hearing. The community member, who is a resident of a nearby neighborhood, noted that this proposed storage facility will be the 9th of its kind within a 5-mile radius. The resident also commented on the height, signage, and negative visual impact of the proposed building on the neighborhood, and specifically along MD 450. The resident was concerned that the proposed use may impact housing values in the neighborhood and recommended that the use of the property be in keeping with the existing retail uses on the site, which are patronized by the neighborhood. The resident requested that the Planning Board review the height of the building and landscape screening, signage, and architecture to soften the visual impact. A PPS does not approve the use on a property, but analyses the subdivision layout with the applicable design standards of the Zoning Ordinance, the Subdivision Regulations, and the applicable recommendations of the master plans, in context with a proposed use. Council Bill CB-011-2023 permits consolidated storage use in the CGO Zone, subject to certain requirements. The applicant will need to meet any design requirements for the proposed use at the time of DET. Issues of signage, landscaping, and building form are relevant to the DET stage and will be reviewed at that time. The applicant’s representative stated that the applicant will continue to be involved in a discussion of the project with the residents.

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.

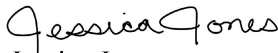
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, April 4, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of April 2024.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:MG:rpg

Laura Talerico

Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel