

Case No. SP-06002

Applicant: Maryland Science and
Technology Center, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

AMENDED ORDER MODIFYING AND AFFIRMING IN PART A
PLANNING BOARD DECISION, WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record; after consideration of the decision of the Court of Appeals of Maryland, on 4 May 2007, in *City of Bowie v. MIE Properties, et al.*, No. 57, Sept. Term 2006; after consideration of the Planning Board's action in PGCPB No. 07-09, approving a conceptual site plan, SP-06002, for mixed-use development on property described as approximately 344.10 acres of land in the M-X-T Zone, in the northeast quadrant of the interchange of US 301/MD 3 and US 50, Bowie, Maryland; after review of the District Council's final order served September 19, 2007, for CSP-06002; and after further review and reconsideration of the record, in light of the applicant's requests at the time of settlement of *Maryland Science and Technology Center, LLC v. County Council*, CAL 07-28601, that the District Council's order of September 19, 2007, is hereby:

AMENDED, for the reasons stated in the District Council's order of September 19, 2007, which affirmed the Planning Board's decision in PGCPB No. 07-09, with the following modifications and additions:

A. The footprints for all "commercial uses," such as the commercial hotel, commercial retail, commercial office, and commercial office-warehouse ("flex") uses shown in the CSP, including those in existence, those under construction, and those proposed in this plan, are hereby approved. These commercial and flex-warehouse uses are consistent with the principal goals and objectives of the Bowie

and Vicinity Master Plan, approved in February 2006, in Council Resolution 11-2006. The uses also conform with the vision for development of this site in the employment center plans and employment center zoning (E-I-A) approved in 1982, when the residential zoning (R-R and O-S) for the subject property was first changed.

B. Residential development on the subject property was not contemplated after the E-I-A Zone and basic plan were approved in 1982. In 1986 the CDP (comprehensive design plan) was first approved for the subject tract, and it also showed no residential uses. The Master Plan in 2006 suggested residential uses at Melford for the first time, as part of the employment center. It is not clear how the residential development proposed in this CSP application will conform to the vision of the employment center, and the residential development is not clearly integrated with, nor does it promote, the well-conceived employment center development that the Master Plan and adopted County plans and policies call for, on the subject tract.

C. The 2006 Master Plan, in its goals, objectives, and recommendations, calls for development of primarily high-quality, class A, office-employment uses on the subject property. This property, originally over 400 acres in size, lies at the intersection of two central arteries in Prince George's County, US 50 and US 301/MD 3. It includes land proposed for technology-oriented employment uses, primarily office, and land areas devoted to transportation and open space. Both US 50 and US 301/MD 3 are planned to be expanded and upgraded, in the State's five-year needs assessment and construction program, and office and employment uses will be needed at this location, before the next Master Plan and Sectional Map Amendment updates are scheduled for this area.

D. Residential development as currently shown in this CSP cannot be approved. The high-density residential uses proposed by the applicant are not well integrated with employment and office uses elsewhere on the site. Under Master Plan recommendations and the District Council's approved

policies for the subject property, commercial office and employment development should be primary and preferred, in all development pods, and any residential development should complement and support the office and employment uses. The residential development shown in this application does not meet that objective.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Total development within the subject property shall be limited to uses within the M-X-T Zone that generate no more than 2,774 AM or 3,593 PM peak-hour vehicle trips. No development with an impact beyond those limits may be approved, until the applicant revises the CSP and the Planning Board and District Council make a new determination that transportation facilities will be adequate for proposed uses. The applicant shall prepare and file another traffic analysis, to support a finding of adequacy.
2. Prior to issuance of any building permits for lots that have not been recorded, except for Lot 3, where the proposed police communication center is to be constructed, 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) At the MD 3/MD 450/gas station access intersection:

The applicant shall provide an additional northbound and southbound through lane. Pursuant to SHA requirements, the additional southbound through lane shall begin at the Patuxent River Bridge and shall extend 2,000 feet south of MD 450. The additional northbound through lane shall begin 2,000 feet south of MD 450 and shall extend to the Patuxent River Bridge, north of MD 450.

(B) At the US 301/Gov. Bridge Road/Harbor Way intersection:

The applicant shall provide an additional exclusive left turn lane on the eastbound approach. The overall lane use for this approach shall be two left turn lanes and a shared left-through-right lane.

Governors Bridge Road shall be widened, and a left-turn lane shall be added, as recommended by DPW&T. Because of the short right-turn-only lane, the widening shall extend from the intersection of US 301 to the apartment complex driveway, and the entire roadway shall be restriped, to provide two outbound lanes for approximately 250 feet, all as recommended by DPW&T.

3. The site plans shall be revised to delineate and note both the Environmental Setting and the Impact Area for Melford, Historic Site 71B-016.

4. Applicable detailed site plans that may affect the historic vista of the Melford House shall demonstrate that proposed buildings do not obstruct the vista.
5. Before approval of any detailed site plans, the applicant shall demonstrate that plans for new construction within the impact review area follow the guidelines on page 91 of the CDP-8601 document for the former Maryland Science and Technology Center.
6. Before M-NCPPC accepts a detailed site plan application for this property, the applicant in the historic area work permit process shall present a plan and timetable for the protection, stabilization, restoration, and planned adaptive use of the buildings and gardens of the Melford Historic Site. The Historic Preservation Commission and Planning Board shall review and approve the plan and timetable, in the HAWP process, before approval of the first DSP.
7. In the detailed site plan for the development of the Melford Historic Site, its outbuildings, and its cemetery, the proposed development shall be compatible in scale, design, and character with the existing historical and architectural character of the buildings. Sensitive and innovative site design techniques, such as careful siting, variation in orientation, roof shape, building materials, screening, landscaping, berming, and open space, should be incorporated into the proposal, to minimize adverse impacts to the historic site.
8. Prior to issuance of building permits for any property within CSP-06002, the applicant shall initiate the restoration of the Melford House and outbuildings, through the historic area work permit process. The restoration of Melford and outbuildings shall be completed prior to issuance of use and occupancy permits for any future hotel or office uses.
9. Prior to approval of any preliminary plan or detailed site plan applications, the Historic Preservation Section shall certify that all quarterly reports have been received in a timely manner and that the Melford site is being properly maintained.
10. The applicant shall provide standard sidewalks along both sides of all internal roads, in keeping with guideline 3 of CR-11-2006. In areas of high pedestrian activity, wide sidewalks shall be required. The project shall be pedestrian-friendly, with keen detail for a walkable community.
11. Curb extensions, curb cuts, crosswalks, pedestrian refuges, and other pedestrian safety features shall be provided where appropriate, and shall be shown on all affected DSPs.
12. Connector trails shall be provided to complement the sidewalk network and provide access between uses and development pods. Priority shall be given to providing trail and sidewalk access to the existing trail around the Lower Pond. The comprehensive trail network will be evaluated at the time of preliminary plan and should be in conformance with guidelines 29 and 30 of CR-11-2006.

13. The illustrative plan provided with the CSP is for illustrative purposes only and does not reflect the final layout for any purpose, including limits of disturbance. The CSP may be used as a guide for the layout to be reviewed with the preliminary plan of subdivision or detailed site plans, but its proposed development should be modified, where development shown in the CSP is not consistent with environmental or other Master Plan considerations.
14. Prior to signature approval of the CSP and TCP I, the TCP I shall be revised as follows:
 - a. Revise the shading patterns so that the information underneath is legible;
 - b. Eliminate the pattern used to depict previously approved limits of disturbance and show only the limit of disturbance needed for the proposed development;
 - c. Eliminate all clearing not necessary for the conceptual construction of the features shown;
 - d. Revise the existing tree line per Staff Exhibit A (2006 Aerial);
 - e. Provide labels on each cleared area, with acreage and land pod identifications; if cleared areas cross pods, divide them up so that the table on Sheet 1 can be checked for correctness;
 - f. Revise the worksheet to reflect all cleared areas, preservation areas, etc.;
 - g. Revise the table on Sheet 1 to fill in all the boxes;
 - h. Add the following note: "This TCP I is associated with the approval of CSP-06002; it is conceptual in nature, and is subject to further revisions with the preliminary plan of subdivision application";
 - i. Revise the plans to address all other staff comments of record; and
 - j. Have the revised plans signed and dated by the qualified professional who prepared them.
15. Prior to signature approval of the CSP, and at least 30 days prior to any hearing on the preliminary plan, the CSP and TCP I shall be revised to remove all buildings, roads, trails, and other amenities from the 100-foot natural buffer for streams and the 150-foot buffer for the 100-year floodplain.
16. Except for previously approved clearing that directly relates to the construction of the stormwater management ponds, all disturbance to the stream and floodplain buffers shall be eliminated. Where buffers have been disturbed by previous approvals, they shall be reforested, wherever possible. The TCP I associated with the preliminary plan will be evaluated for impacts to these buffers for the installation of stormwater management

outfalls, as necessary. The 150-foot building setback shall be shown on the plans, and the applicant shall adhere to the setback.

17. During the review of the TCP I associated with the preliminary plan, the linear wetland in the middle of the southeastern portion of the site shall be evaluated, to ensure its protection in a manner consistent with previous approvals.
18. Prior to approval of any DSP, the applicant shall donate to the M-NCPPC, by donation deed acceptable to the M-NCPPC, 100± acres including but not limited to 100-year floodplain and floodplain buffer, as shown on the Department of Parks and Recreation (DPR) Exhibit "A".
19. Land to be conveyed is subject to conditions 1 through 9, in attached Exhibit "B".
20. Prior to the approval of a preliminary plan or detailed site plan, the applicant shall demonstrate:
 - a. Development plans shall show minimization of impervious surfaces, through all phases of the project, with the use of permeable paving surfaces where soil conditions provide for the use of permeable paving materials. Structured parking should be used to the maximum extent possible.
 - b. Streams shall have a 100-foot natural buffer and a 150 foot-wide building and parking setback. There shall be a 150-foot buffer on the 100-year floodplain. If a utility must be extended into any buffer, then an equal area of natural buffer alternative shall be retained on community property.
 - c. Clearing for utility installation shall be minimized, especially in environmentally sensitive areas, and clearing for utilities in those areas shall be coordinated, to minimize ground or buffer disturbance. Woodland disturbed for that purpose shall be reforested, in cooperation with the appropriate utility.
 - d. The open space system, including but not limited to environmentally sensitive areas, shall extend through the site and shall link the different uses. Portions of the open space system shall be visible to and accessible from public streets.
21. Prior to the submission of a preliminary plan of subdivision, the applicant shall provide a plan for evaluating the resource at the Phase II level. In accordance with the *Guidelines for Archeological Review*, if a Phase II archeological evaluation is necessary, the applicant shall submit a research design for approval by Historic Preservation staff. After the work is completed, and before approval of the preliminary plan, the applicant shall provide a final report detailing the Phase II investigations, and shall ensure that all artifacts are curated to MHT Standards.

22. If a site has been identified as significant and potentially eligible to be listed as a Historic Site or determined eligible for the National Register of Historic Places, the applicant shall provide a plan for:
- a. Avoiding and preserving the resource in place; or
 - b. Phase III Data Recovery investigations and interpretation.

Phase III Data Recovery investigations shall not begin until Historic Preservation staff approves the research design. The Phase III (Treatment/Data Recovery) final report shall be reviewed for compliance with the *Guidelines for Archeological Review*, before approval of any grading permits within 50 feet of the perimeter of the site.

23. Before approval of a detailed site plan for any retail uses, the plans shall demonstrate that retail uses are designed to:
- a. Create a sense of place by, among other techniques, creating a design focused upon a village or main street theme; providing amenities such as plazas, parks, recreational opportunities, entertainment and cultural activities, public services and dining; and providing attractive gateways/entries and public spaces.
 - b. Create outdoor amenities to include, at a minimum, such amenities as brick pavers, tree grates, decorative lighting, signs, banners, high-quality street furniture, and extensive landscaping, including mature trees.
 - c. Create attractive architecture by using high-quality building materials such as stone, brick, or split-face block, and providing architectural elements such as façade articulation, dormer windows, canopies, arcades, varied roofscapes and customized shopfronts, to create a street-like rhythm.
 - d. Provide attractive, quality facades on all commercial buildings visible from public spaces and streets; and completely screen loading, service, trash, HVAC, and other unsightly functions.
 - e. Create a retail area where pedestrians may travel with ease, with attractive walkways and continuous street-front experiences, to maximize the quality of the pedestrian environment. All uses shall be connected by sidewalks; crosswalks shall run through and across the parking lots and drive aisles, to connect all buildings and uses; sidewalks shall be wide, appealing, shaded, and configured for safe and comfortable travel; pedestrian walkways shall be separated from vehicular circulation by planting beds, raised planters, seating walls, and on-street parallel parking or structures; walking distances through parking lots shall be minimized and located to form logical and safe pedestrian crossings; and walkways shall be made more pedestrian-friendly through the use of arcades, canopies, street trees, benches, and tables and chairs.

- f. Screen parking from the streets, and ensure that attractive buildings and signage are visible from the streets.
 - g. Minimize the expanse of parking lots through the use of shared parking, structured parking or decks, or landscape islands.
 - h. Provide a hierarchy of pedestrian-scaled, high-quality, energy-efficient direct and indirect lighting that illuminates walkways, ensures safety, highlights buildings and landmark elements, and provides sight lines to other retail uses.
 - i. Create a signage package for high-quality signs and sign standards, with requirements for all retail and office tenants and owners. The standards shall address size, location, square footage, materials, logos, colors, and lighting. Any revision to existing approved signage plans shall incorporate the previously approved designs.
 - j. Eliminate all temporary signage on the site or attached to the exterior facades of a building.
 - k. Make retail pad sites compatible with the main retail/office/hotel component. If the retail pad sites are located along the street, parking shall be located to the rear of the pad sites.
 - l. Provide green areas or public plazas between pad sites.
 - m. Ensure that restaurants have attractive outdoor seating areas, with views of public spaces, lakes, or other natural features.
24. The research and development flex space shown in DSP-07031, if approved by the District Council, shall be the last research and development flex space approved in the M-X-T Zone at Melford.
25. All stream channels on the site should be depicted on all plans in their entirety, with the regulated stream buffer shown as required.

26. Prior to the approval of a detailed site plan, the following issues shall be addressed:
 - a. Plans shall show the stormwater management ponds as amenities, with gentle natural slopes and extensive native planting.
 - b. Appropriate signage should be placed near the historic site, to call attention to the history of the area.
 - c. The proposed lighting system shall use full cut-off lighting systems, with limited light spill-over.
27. Prior to signature approval of the plans, the coversheet shall be revised to clearly indicate the limits of the application.
28. Detailed site plans shall provide a minimum 30-foot wide landscape buffer between the development and US 50, if research and development flex space is proposed. The buffer shall be measured from the public utility easement.
29. Recreation Facilities Conditions:
 - a. The applicant shall provide private recreational facilities as determined appropriate at the time of review of the detailed site plan (DSP). The recreational facilities shall be constructed in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.
 - b. Prior to certificate approval of the CSP-06002, the applicant shall revise the plan to show the conceptual trail layout of the master planned trail on donated parkland.
 - c. Prior to approval of the first final plat for the project, the applicant shall make a monetary contribution in the amount of \$250,000 for the design and construction of the Green Branch Athletic Complex.
 - d. If necessary, a public access easement shall be recorded from US 301 to the proposed public parkland over the planned private streets to provide public access to the public park.
 - e. The applicant shall submit three original, executed Recreational Facilities Agreements (RFA) for trail and trailhead construction to the DPR for their approval, three weeks prior to a submission of a final plat of subdivision. Upon approval by the DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

- f. The applicant shall submit to the DPR a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DPR, within at least two weeks prior to applying for building permits. Upon completion of the trail and trailhead construction, M-NCPPC shall acknowledge the applicant's donation of the trail and trailhead construction by completing the appropriate Federal and State tax forms deemed acceptable by M-NCPPC.

Ordered this 11th day of May, 2009, by the following vote:

In Favor: Council Members Bland, Campos, Dean, Dernoga, Harrison, Olson, Knotts and Turner.

Opposed:

Abstained: Council Member Exum.

Absent:

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council