

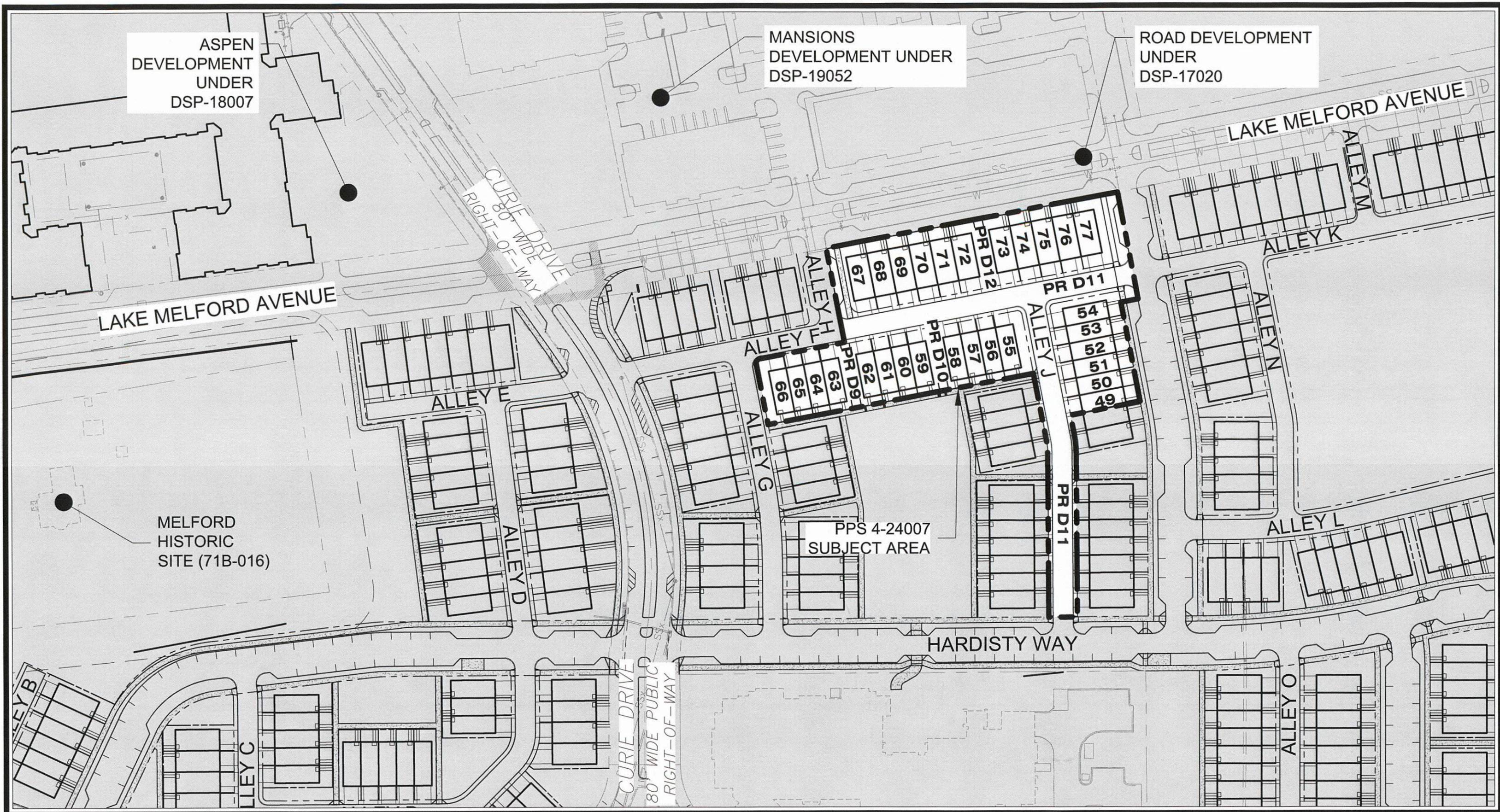
# MELFORD TOWN CENTER

## PRELIMINARY PLAN OF SUBDIVISION

### 4-24007

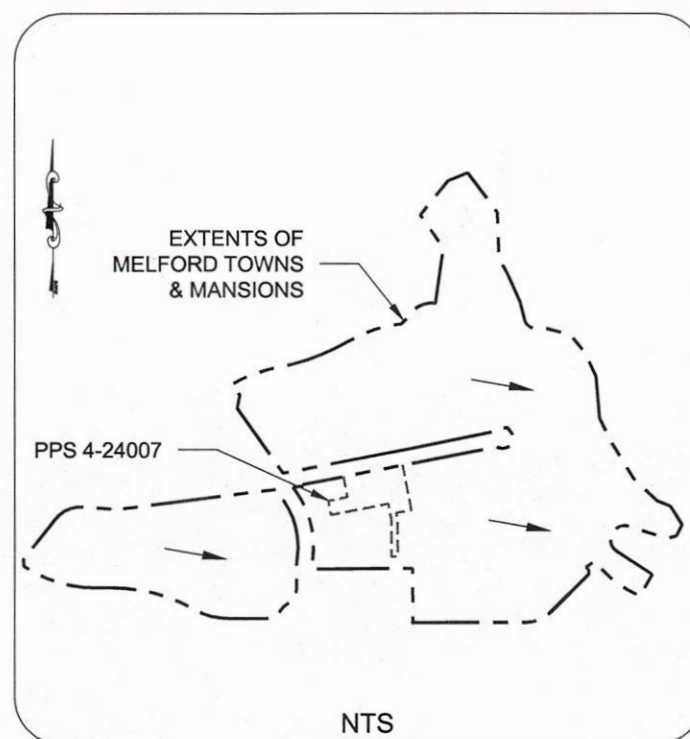
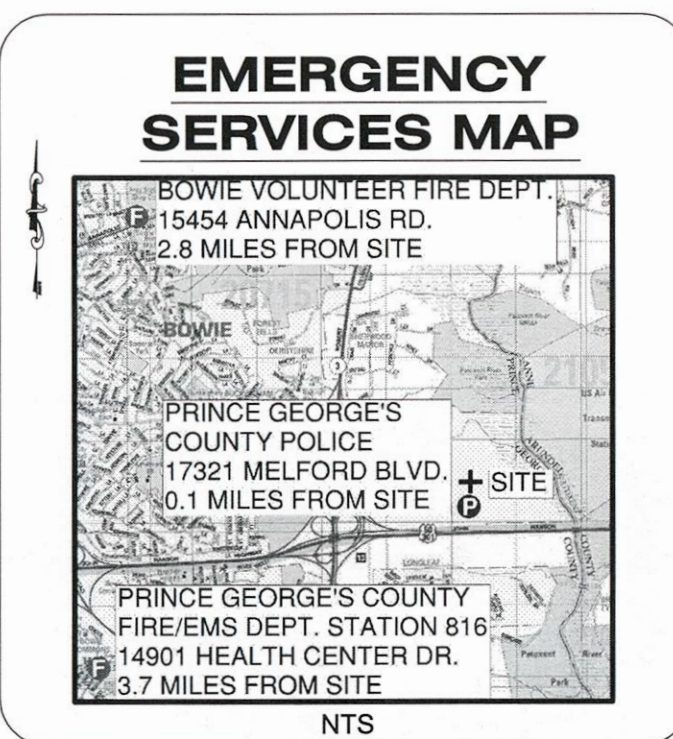
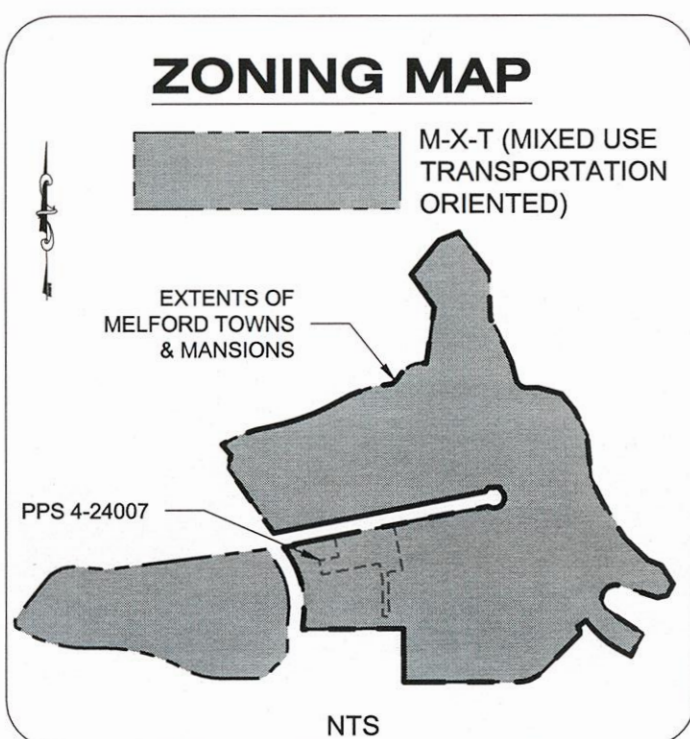
#### GENERAL NOTES

- EXISTING PARCEL INFORMATION:
  - EXISTING PARCEL 4  
OWNER: MARYLAND SCIENCE & TECH CENTER II LLC  
AREA: 1.40 AC.  
ZONE (CURRENT): TAC-E  
ZONE (PRIOR): M-X-T  
LAND USE: INDUSTRIAL  
TAX ACCOUNT: 3346392  
L. 17411 / F. 710
  - EXISTING PARCEL D8  
OWNER: MARYLAND SCIENCE & TECH CENTER II LLC  
AREA: 0.30 AC.  
ZONE (CURRENT): TAC-E  
ZONE (PRIOR): M-X-T  
LAND USE: TOWN HOUSE  
TAX ACCOUNT: 5721790  
PLAT BOOK: ME 260, PLAT: 94
  - EXISTING LOT 28  
OWNER: MARYLAND SCIENCE & TECH CENTER II LLC  
AREA: 0.16 AC.  
ZONE (CURRENT): TAC-E  
ZONE (PRIOR): M-X-T  
LAND USE: TOWN HOUSE  
TAX ACCOUNT: 5734198  
PLAT BOOK: ME 282, PLAT: 10
- TAX MAP GRID: 47 / F3
- WSSC GRID: 207NE15
- PURPOSE OF SUBDIVISION: SUBDIVIDE (2) EXISTING PARCELS AND 1 EXISTING LOT INTO 29 LOTS AND 4 PARCELS FOR THE CONSTRUCTION OF 29 SINGLE-FAMILY ATTACHED TOWNHOMES
- PRIOR APPROVALS: 4-16006; CSP-06002; DSP-19052; DSP-19052-01; DSP-22043
- GROSS ACREAGE: 1.86 ACRES (CURRENT ZONE: TAC-E; PRIOR ZONE: M-X-T)
- NET DEVELOPABLE AREA: 1.86 ACRES
- ACREAGE OF ENVIRONMENTAL REGULATED FEATURES: 0.00 ACRES
- 100 YEAR FLOODPLAIN: NO
- ACREAGE OF ROAD DEDICATION: 0.00 ACRES
- EXISTING ZONE/USE:
  - CURRENT ZONE: TAC-E (TOWN ACTIVITY CENTER - EDGE)
  - PRIOR ZONE: M-X-T (MIXED-USE TRANSPORTATION ORIENTED)
  - USE: VACANT
  - \*PROJECT TO BE DEVELOPED UNDER PRIOR ZONING ORDINANCE
- PROPOSED USE: RESIDENTIAL
- BREAKDOWN OF DWELLING UNIT BY TYPE: 29 SINGLE-FAMILY ATTACHED TOWNHOMES
- DENSITY CALCULATION: 29 DU / 1.86 ACRES = 15.59 DU / ACRE
- MINIMUM LOT SIZE: 1,200 SF
- MINIMUM LOT WIDTH AT FRONT OF BUILDING/FRONT STREET: 18 FT
- SUSTAINABLE GROWTH TIER: TIER 1
- MILITARY INSTALLATION OVERLAY: N/A
- CENTER OR CORRIDOR LOCATION: BOWIE TOWN CENTER (PURSUANT TO GENERAL PLAN 2035)
- STORMWATER MANAGEMENT CONCEPT: 02-0523-207NE05
- EXISTING WATER/SEWER CATEGORY DESIGNATION: W-3 / S-3
- PROPOSED WATER/SEWER CATEGORY DESIGNATION: W-3 / S-3
- AVIATION POLICY AREA: N/A
- MANDATORY PARK DEDICATION: PREVIOUSLY DEDICATED 99.48 ACRES TO MNCPPC (4-07055)
- CEMETERIES ON OR CONTIGUOUS TO THE PROPERTY: YES (HISTORIC SITE #71B-016)
- HISTORIC SITES ON OR CONTIGUOUS TO THE PROPERTY: YES (HISTORIC SITE #71B-016)
- TYPE 1 TREE CONSERVATION PLAN: YES
- CHESAPEAKE BAY CRITICAL AREA: NO
- WETLANDS: NO
- STREAMS: NO
- IN OR ADJACENT TO EASEMENT HELD BY THE MARYLAND ENVIRONMENTAL TRUST, THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OR ANY LAND TRUST ORGANIZATION: NO



LOCATION MAP  
PLAN VIEW

0' 200' 400'  
SCALE 1" = 100'



#### LEGEND

- EXISTING BOUNDARY
- EXISTING ADJACENT PROPERTY
- PROPOSED RIGHT OF WAY
- PROPOSED PROPERTY LINE
- PROPOSED PUE
- PROPOSED PARCEL LABEL
- PROPOSED LOT NUMBER
- COVERED UNDER SEPARATE APPROVAL

PARCEL AB  
54

#### SHEET INDEX

- COVER SHEET
- EXISTING CONDITION SHEET
- PLAN SHEET

#### DEVELOPMENT TYPE SUMMARY

3	OPEN SPACE PARCELS (DEDICATED TO HOA)
1	PRIVATE ALLEY PARCELS (DEDICATED TO HOA)
28	NEW SINGLE-FAMILY ATTACHED LOTS (PRIVATE OWNERSHIP)
1	EXISTING SINGLE-FAMILY ATTACHED LOT (PRIVATE OWNERSHIP)
33	TOTAL

#### SITE STATISTICS

PARCEL	TOTAL
GROSS TRACT AREA	1.86 AC
EXISTING 100-YEAR FLOODPLAIN	0.00 AC
NET TRACT AREA	1.86 AC
EXISTING WOODLAND IN THE FLOODPLAIN	0.00 AC
EXISTING WOODLAND NET TRACT	0.00 AC
EXISTING PMA	0.00 AC
REGULATED STREAMS (LINEAR FEET OF CENTERLINE)	0.00 LF

#### DEVELOPMENT AREA SUMMARY

BLOCK	LOT	ACRES	SF
D 49		0.037	1,600
D 50		0.037	1,600
D 51		0.037	1,600
D 52		0.037	1,600
D 53		0.037	1,600
D 54		0.050	2,195
D 55		0.054	2,346
D 56		0.034	1,460
D 57		0.034	1,460
D 58		0.042	1,825
D 59		0.042	1,825
D 60		0.034	1,460
D 61		0.034	1,460
D 62		0.042	1,825
D 63		0.043	1,875
D 64		0.034	1,500
D 65		0.034	1,500
D 66		0.055	2,396
D 67		0.052	2,258
D 68		0.043	1,887
D 69		0.043	1,887
D 70		0.043	1,887
D 71		0.043	1,887
D 72		0.052	2,280
D 73		0.052	2,280
D 74		0.043	1,887
D 75		0.043	1,887
D 76		0.043	1,887
D 77		0.062	2,697
D PARCEL D9		0.017	740
D PARCEL D10		0.017	730
D PARCEL D11		0.518	22,557
D PARCEL D12		0.018	786
PUBLIC ROW		0.057	2,456
TOTAL		1.862	81,119

#### FOR ENTITLEMENT PURPOSES ONLY. NOT FOR CONSTRUCTION.

NOTE:  
FOR LOCATION OF UTILITIES CALL  
8-1-1 OR 1-800-257-7777  
OR LOG ON TO  
www.e811.com  
http://www.misutility.net  
48 HOURS IN ADVANCE OF ANY WORK  
IN THIS VICINITY  
INFORMATION CONCERNING UNDERGROUND  
UTILITIES WAS OBTAINED FROM AVAILABLE  
RECORDS BUT THE CONTRACTOR MUST  
DETERMINE THE EXACT LOCATION AND  
ELEVATION OF THE MAINS BY DIGGING TEST PITS  
BY HAND AT ALL UTILITY CROSSINGS WELL IN  
ADVANCE OF THE START OF EXCAVATION.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE PLAN SHOWN HEREON IS CORRECT; THAT THE INFORMATION HAS BEEN TAKEN FROM AVAILABLE RECORDS AND FIELD SURVEYS.  
FOR DEWBERRY ENGINEERS INC.

MICHAEL B. DAVIS  
PROFESSIONAL LAND SURVEYOR  
MARYLAND REGISTRATION NO. 11033  
EXPIRATION DATE 09/10/2024



Dewberry  
Engineers Inc.  
4601 FORBES BOULEVARD  
SUITE 300  
LANHAM, MD 20706  
301.731.0501  
301.731.0188 (FAX)  
www.dewberry.com

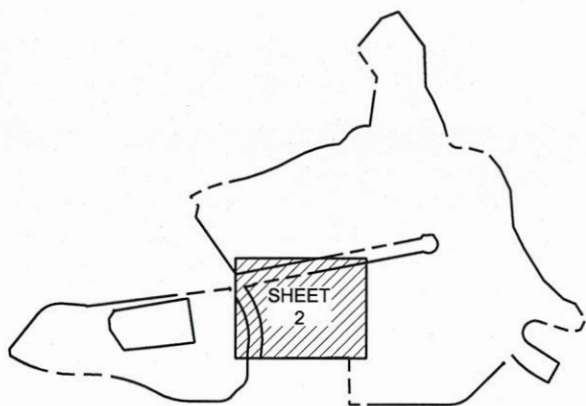
APPLICANT  
ST. JOHN PROPERTIES, INC.  
2560 LORD BALTIMORE DRIVE  
BALTIMORE, MD 21244

OWNER  
MARYLAND SCIENCE &  
TECH CENTER II, LLC  
2560 LORD BALTIMORE DRIVE  
BALTIMORE, MD 21244

CONTACT  
MR. KENNETH FINDLEY  
410-389-1296  
KFINDLEY@SJPI.COM

MELFORD TOWN CENTER  
PRELIMINARY PLAN OF SUBDIVISION  
4-24007  
PRINCE GEORGES COUNTY, MD  
7TH ELECTION DISTRICT  
MAP 0047 - F4  
WSSC 200 FOOT MAP: 207NE15

KEY PLAN



SCALE

AS-SHOWN

No. DATE BY Description  
REVISIONS

DRAWN BY NRS  
APPROVED BY MBD  
CHECKED BY RAL  
DATE MARCH 2024

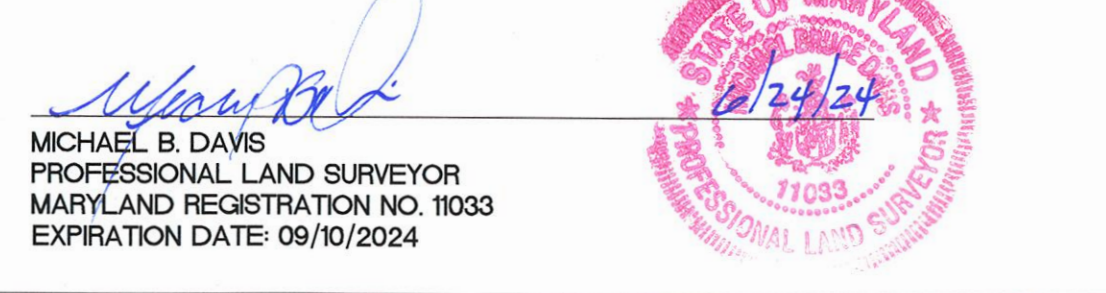
TITLE  
PRELIMINARY  
PLAN OF  
SUBDIVISION  
4-24007  
COVER SHEET

DEWBERRY JOB NO. 50128009

1

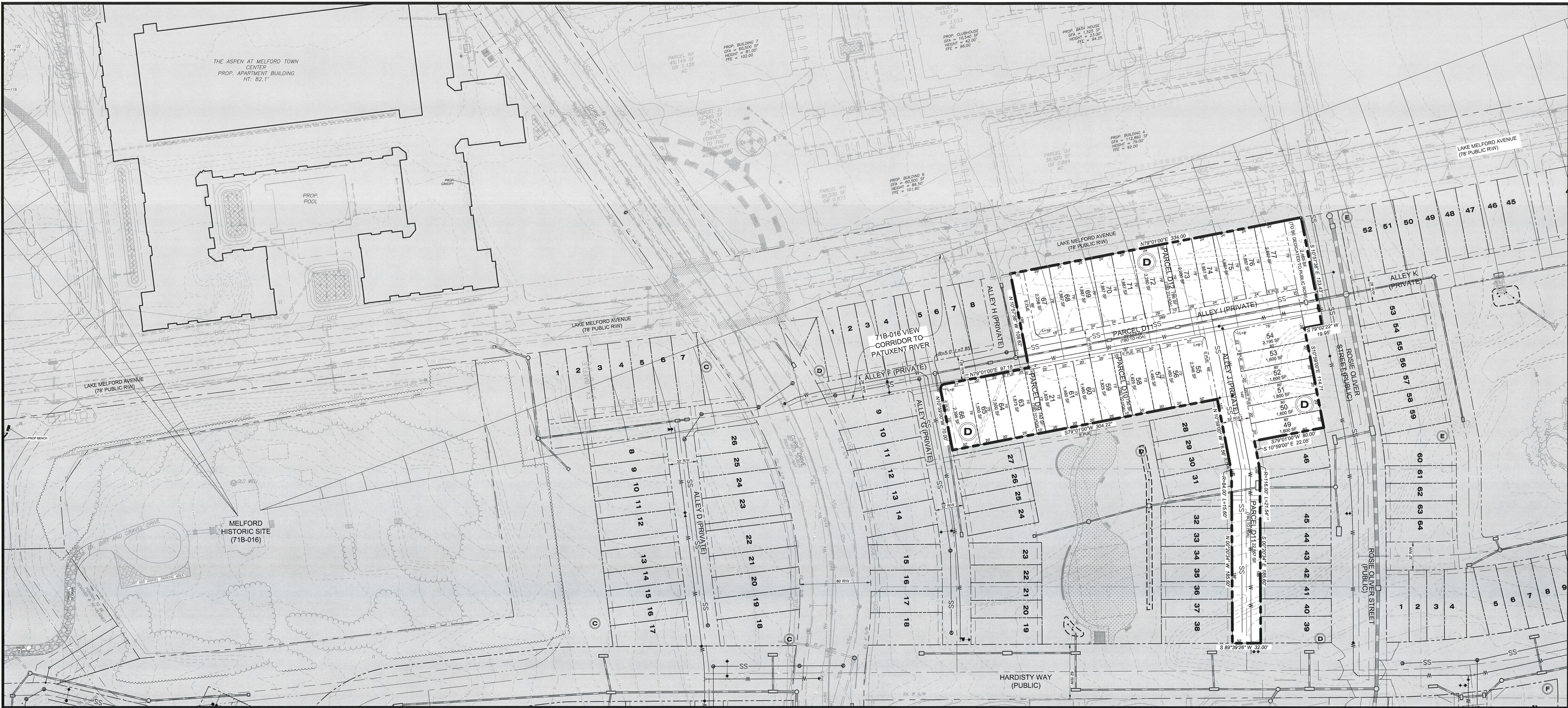
SHEET NO. 1 OF 3







F  
E  
D  
C  
B  
A



**LEGEND**

---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	EXISTING BOUNDARY
---	EXISTING ADJACENT PROPERTY
---	EXISTING GAS LINE
---	PATIENT MANAGEMENT AREA
---	EXISTING WETLAND
---	EXISTING WETLAND BUFFER
---	EXISTING STREAM BUFFER
---	EXISTING WATER
---	EXISTING SANITARY SEWER
---	EXISTING SANITARY SEWER EASEMENT
---	EXISTING WATER EASEMENT
---	EXISTING TREE LINE
---	EXISTING HEDGEROW
---	PROPOSED RIGHT OF WAY
---	PROPOSED PROPERTY LINE
---	PROPOSED 10' - 7' RUE
---	PROPOSED WATER
---	PROPOSED SEWER
---	PROPOSED STORM DRAIN
---	PROPOSED STORM DRAIN MANHOLE / INLET
---	PROPOSED PARCEL LABEL
---	PROPOSED LOT NUMBER
---	PROPOSED PARCEL AND LOT AREA
---	PROPOSED BLOCK
---	COVERED UNDER SEPARATE APPROVAL

PARCEL AB  
54  
2,316 SF

**H**

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48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY  
INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS BUT THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF THE MAINS BY DIGGING TEST PITS BY HAND AT ALL UTILITY CROSSINGS WELL IN ADVANCE OF THE START OF EXCAVATION.

NOTE:  
1. FEATURES SHOWN IN GREY ARE PREVIOUSLY APPROVED PROPOSED FEATURES OUTSIDE THE LIMITS OF THIS PPS.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE PLAN SHOWN HEREON IS CORRECT; THAT THE INFORMATION HAS BEEN TAKEN FROM AVAILABLE RECORDS AND FIELD SURVEYS. FOR DEWBERRY ENGINEERS INC.

MICHAEL B. DAVIS  
PROFESSIONAL LAND SURVEYOR  
MARYLAND REGISTRATION NO. 10333  
EXPIRATION DATE: 09/10/2024



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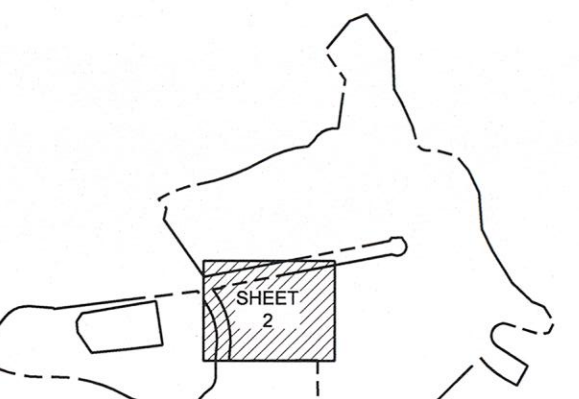
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PRELIMINARY PLAN OF SUBDIVISION  
4-24007  
PRINCE GEORGE'S COUNTY, MD  
7TH ELECTION DISTRICT  
MAP 0047 - FA  
WSSC 200 FOOT MAP: 207NE15

KEY PLAN



SCALE  
0' 50' 100'  
SCALE: 1"=50'

No. DATE BY Description  
REVISIONS

DRAWN BY NRS  
APPROVED BY MBD  
CHECKED BY RAL  
DATE MARCH 2024

TITLE  
**PRELIMINARY PLAN OF SUBDIVISION 4-24007**  
**PLAN SHEET**  
DEWBERRY JOB NO. 50128009



LAW OFFICES  
**SHIPLEY & HORNE, P.A.**

**Russell W. Shipley**  
**Arthur J. Horne, Jr.\***  
**Dennis Whitley, III\***  
**Robert J. Antonetti, Jr.**

1101 Mercantile Lane, Suite 240  
Largo, Maryland 20774  
Telephone: (301) 925-1800  
Facsimile: (301) 925-1803  
www.shpa.com

**Bradley S. Farrar**  
**L. Paul Jackson, II\***  
\* Also admitted in the District of Columbia

March 7, 2024

**VIA EMAIL DELIVERY**

Ms. Sherri Conner  
Supervisor, Subdivision Section  
Prince George's County Planning Department  
Development Review Division  
1616 McCormick Drive  
Largo, MD 20774

**RE: MELFORD TOWN CENTER (Preliminary Plan 4-24007)**  
**Statement of Justification for Variation Request from**  
**Section 24-128(b)(7)(A)**

Dear Ms. Conner:

On behalf of our client, St. John Properties, Inc. (the "Applicant"), Shipley and Horne, P.A., hereby submits this Statement of Justification in support of a variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations.

The overall Melford development is a tract of land in the northeast quadrant of the intersection of Robert S. Crain Highway (MD 3) and John Hanson Highway (MD 50/301), and measuring approximately 277 acres, in Planning Area 71B, Council District 4. The land area of this application is located in the central portion of the Melford Town Center development (largely located within the core of the overall Melford mixed-use project) and includes approximately 2.59 acres in the current TAC-E (Town Activity Center, Edge) Zone, (the "Property"). However, the Applicant is electing to pursue development in accordance with the prior Subdivision Regulations in effect prior to April 1, 2022, as explained below.

The Applicant is requesting a Preliminary Plan of Subdivision 4-24007 (the "PPS"), Certificate of Adequacy (ADQ), and a variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations to subdivide three (3) existing parcels into 28 lots and four (4) parcels for the construction of 28 single-family attached townhouses. The three (3) subject parcels are currently approved for use as a 135,432 SF multi-family building (located on Parcel V; part of DSP-22043 'Mansions') and associated surface parking area and open space area (located on Parcels D5 and D8; part of DSP-18034 'Townhomes'). This application is intended to replace the proposed multi-family building, adjacent surface parking area, and open space area with 28 new townhome units and associated infrastructure. The variation request is to allow twelve (12) of the 28 proposed lots to be served by alleys without having frontage on and pedestrian access to a public right-of-way.



### **Election to Utilize the Prior Subdivision Regulations (Section 24-1900)**

On April 1, 2022, the approved Countywide Sectional Map Amendment (“CMA”) and the updated Prince George’s County Zoning Ordinance (“New Zoning Ordinance”) became effective and rezoned the Property to the newly created TAC-E Zone. Notwithstanding, the Applicant elects to pursue a PPS application and subsequent variation utilizing the applicable provisions of the prior Subdivision Regulations pursuant to Section 24-1900, which states in the pertinent part:

#### ***Section 24-1901. Abrogation –***

*The provisions of this Section shall be abrogated, and of no further force and effect after **two (2) years** from the effective date of these Regulations, absent further extension by Legislative Act of the governing body of Prince George’s County. (Emphasis added).*

#### ***Section 24-1902. Purpose and Intent –***

*Notwithstanding any other provision set forth within this Part, the County Council finds that there is a need to retain certain procedures, regulations, zones, uses, and/or other aspects embodied within the prior Subdivision Regulations (being also Subtitle 24, Prince George’s County Code, 2019 Edition, 2021 Supplement) for purposes of sustaining and/or minimizing wholesale abandonment, for proposals for the development of land in Prince George’s County. In approving CB-015-2018, it is the intent of the District Council to prospectively implement the provisions of this Subtitle in furtherance of the orderly growth and development of land, as well as the protection of the public health, safety, morals, and general welfare of citizens and residents, in Prince George’s County. However, based on significant public testimony received during consideration of these Regulations, the Council recognizes that such immediate, wholesale implementation of this Subtitle may not be feasible or appropriate in all circumstances. **Accordingly, the purpose of this Section is to provide, for a limited time period, a process to apply the requirements of the prior Subdivision Regulations set forth in Subtitle 24 of the 2019 Edition of the Prince George’s County Code (2021 Supplement).** (Emphasis added).*

#### ***Section 24-1903. Applicability –***

- (a) Development proposals or permit applications may utilize the prior Zoning Ordinance (with the exception of the LCD, LMXC, and LMUTC Zones) or Subdivision Regulations for development of the subject property.***
- (b) Once approved, development applications that utilize the prior Subdivision Regulations shall be considered “grandfathered” and subject to the provisions set forth in Section 24-1704 of this Subtitle.***

On February 8, 2022, the County Council of Prince George’s County, Maryland, sitting as the



District Council signed into law the Final Conditional Approval, an Ordinance to incorporate acceptance of conditional zoning approved in Zoning Ordinance No. 1-2022, and grant final conditional zoning approval in Zoning Map Amendment A-10051-C for the Property.

On December 4, 2014, the Prince George's County Planning Board adopted PGCPB No. 14-128 File No. CSP-06002-01. Pursuant to the Code of Prince George's County, the CSP-06002-01 Melford Property application was scheduled on the the Prince George's County District County agenda. Following the proper public notification requirements by the Clerk of the Council, the District County elected to review the Application and conducted a hearing on February 23, 2015. The District Council voted to approve CSP-06002-01 on March 23, 2015, subject to 25 conditions. On or about March 9, 2017, the Prince George's County Planning Board approved Preliminary Plan 4-16006 (the "2017 PPS") for the Melford Town Center project. The 2017 PPS approved 256 lots and 50 parcels to accommodate 359,500 square feet of commercial uses (consisting of 124,500 square feet of commercial/retail, & 235,000 square feet of office/medical office), and 1,793 residential dwelling units (consisting of 293 attached units and 1,500 multifamily units). Since these underlying approvals are currently valid, the Applicant has proceeded with numerous Detailed Site Plan applications utilizing the provisions of the Zoning Ordinance that existed prior to April 1, 2022, per Section 27-1704(b) of the new Zoning Ordinance. Based on the significant approval history prior to the implementation of the new Zoning Ordinance and Subdivision Regulations, the Applicant believes that it is most efficient and appropriate to pursue review and approval of PPS 4-24007 subject to the prior Subdivision Regulations.

**A. Neighboring properties, use, and zoning:**

**North:** The large lot single-family residential community of Sherwood Manor Subdivision in the AR (Agricultural-Residential) Zone and a portion of the Patuxent River Park in the ROS (Reserved Open Space) Zone.

**South:** US 50 forms the southern boundary of the project, followed by property in the AG (Agriculture and Preservation) Zone, automotive dealerships in the TAC-E Zone, and single-family subdivision in the RR (Rural Residential) Zone, all located north of Governor Bridge Road.

**East:** Property owned by M-NCPPC in the RMF-12 (Residential, Multifamily-12) and AG Zones and Anne Arundel County.

**West:** Undeveloped parkland in the ROS Zone and residential neighborhoods in the City of Bowie.

**B. Prior Approvals**

Below are the previous land use approvals that are relevant to the subject Property:



On January 25, 1982, the Prince George's County District Council approved Zoning Map Amendment (Basic Plan) A-9401 for the subject property, with ten conditions (Zoning Ordinance 2-1982). The zoning map amendment rezoned the property from the R-A and O-S Zones to the Employment and Institutional Area (E-I-A) Zone. On July 7, 1986, the District Council approved Comprehensive Design Plan CDP-8601, affirming the prior Prince George's County Planning Board decision (PGCPB Resolution No. 86-107), for the Maryland Science and Technology Center, with 27 conditions and two considerations. 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) rezoned the property from the E-I-A Zone to the Mixed Use–Transportation Oriented (M-X-T) Zone. The original CSP-06002 was approved by the Planning Board on January 11, 2007 which proposed a mixed-use development consisting of hotel, office, retail, restaurant, research and development, and residential (366 single-family detached and attached units and 500 multifamily units) uses. On May 11, 2009, the District Council approved Conceptual Site Plan CSP-06002 with four modifications and 29 conditions yet deleting the residential component of the proposed development. Over the years, numerous specific design plans (SDPs) and detailed site plans (DSPs) have been approved for the subject property in support of the office, flex, hotel and institutional uses, although not all have been constructed.

On May 6, 2014, the Prince George's County Council approved the Plan Prince George's 2035 Approved General Plan ("2035 General Plan"), which created new center designations to replace those found in the 2002 Prince George's County Approved General Plan. The 2035 General Plan included all of Melford within the Bowie Town Center, and classified said center as a "Local Town Center."

CSP-06002-01 was filed by the Applicant on June 9, 2014. On October 30, 2014, the M-NCPPC Technical Staff (hereinafter the "Technical Staff") issued its Technical Staff Report ("TSR") recommending approval of CSP-06002-01 with conditions. The Technical Staff's recommendation of approval with conditions was based on its independent review of the previous CSP, the 2014 General Plan, the 2006 Master Plan, the Statement of Justification filed by the Applicant, and the referral comments from the other reviewing agencies and departments. All responses received from referral agencies/entities supported the application request.

At its meeting on April 21, 2014, the Bowie City Council conducted a public hearing on CSP-06002-01 for the Melford property. As originally proposed to the City, the CSP revision included up to 100,000 square feet of retail; up to 260,000 square feet of employment; 126,520 square feet of research space; and up to 2,500 dwelling units (including up to 500 senior adult multifamily units, 1,500 non-senior multifamily units, and 500 townhome units). After hearing from 14 speakers who expressed their views on the proposal, the City Council voted to approve CSP-06002-01 for Melford Village but determined that the residential component should be revised to include up to 1,000 senior multifamily units (which may include assisted living facility units), up to 1,000 non-senior multifamily units, and up to 500 townhome units.



The Planning Board held its public hearing on CSP-06002-01 on November 13, 2014. At the hearing, testimony was provided by several expert witnesses on behalf of the Applicant in support of the design and mix of uses proffered in CSP-06002-01. On December 4, 2014, the Planning Board issued Resolution 14-128 approving CSP-06002-01. On February 23, 2015, the District Council held Oral Argument based on an appeal filed by local citizen opponents and took the case under advisement. On March 23, 2015, the District Council issued a Notice of Final Decision and Order of Approval with Conditions affirming the Planning Board's decision in CSP-06002-01.

On or about March 9, 2017, the Prince George's County Planning Board approved the 2017 PPS for the Melford Town Center project. The 2017 PPS approved 256 lots and 50 parcels to accommodate 359,500 square feet of commercial uses (consisting of 124,500 square feet of commercial/retail, & 235,000 square feet of office/medical office), and 1,793 residential dwelling units (consisting of 293 attached units and 1,500 multifamily units).

Multiple detailed site plans have been approved for the project including a plan for rough grading (DSP-17020), a 388-unit multifamily building (the "Aspen"; DSP-18007), 57,845 square feet of retail (the "Retail Village East"; DSP-18026), and infrastructure for townhouses/attached units (DSP-18034). Further, Melford Mansions (DSP-19052) was approved for 435 multifamily dwelling units in nine separate buildings which included one 12,000-square-foot clubhouse with a swimming pool and other associated amenities. Due to the expiring validity period of DSP-19052, the Applicant filed DSP-22043 for the Melford Mansions, which was approved by the Planning Board on January 26, 2023.

**Conceptual Site Plan CSP-06002-01:** CSP-06002-01 was approved on December 4, 2014, by the Prince George's County Planning Board, in accordance with Subtitle 27, Part 3, Division 9, of the prior Prince George's County Code with 23 conditions. The official decision of this case is embodied in the resolution of approval by the Prince George's County District Council with 25 conditions, of which the conditions relevant to the review of this PPS application are provided below, ***highlighted in italic bold:***

1. ***The proposed development shall be limited to a mix of uses where the trip cap associated with the uses within the boundary of CSP-06002-01 shall not exceed 4,441 AM and 4,424 PM peak hour trips. Any development with an impact beyond that identified hereinabove shall require a revision to the conceptual site plan with a new determination of the adequacy of transportation facilities.***

**RESPONSE:** The Applicant acknowledges this condition and has provided a transportation memorandum demonstrating conformance. It should be noted that this request is below all the density and square footage limitations approved in the CSP and the previous PPS applications.

4. ***At the time of preliminary plan of subdivision, the following issues shall be addressed, or information shall be provided:***



- a. *Reevaluate the intersection of Melford Boulevard and Science Drive to determine what improvements will be needed at various phases of the proposed development.*

**RESPONSE:** The Applicant acknowledges this condition and notes all intersections that access the site are designed to be perpendicular and properly align.

- b. *Provide an updated letter from the Maryland Department of Natural Resources, Wildlife and Heritage Division, concerning the presence of rare, threatened, and/or endangered species on the site as an amendment to the updated natural resources inventory (NRI) prior to approval.*

**RESPONSE:** The Applicant acknowledges this condition and notes that an updated letter from the Maryland Department of Natural Resources, Wildlife and Heritage Division, concerning the presence of rare, threatened, and/or endangered species on the site was submitted during the revision of the natural resources inventory (NRI-054-06-01), which was approved on March 1, 2016. The latest natural resources inventory (NRI-054-06-02) was approved on January 16, 2018.

- c. *If impacts to regulated environmental features are proposed at the time of preliminary plan, over and above those previously approved by the Planning Board, a statement of justification shall be submitted in accordance with Section 24-130 of the Subdivision Regulations. The justification shall address how each impact has been avoided and/or minimized and shall include 8.5 by 11 exhibits of the proposed disturbance.*

**RESPONSE:** The Applicant acknowledges this condition and notes that there are no anticipated nor identified new impacts to regulated environmental features proposed with this PPS application. The entire land area for this PPS has been mass graded by the Applicant as part of previous infrastructure site plan approvals.

- d. *The preliminary plan application package shall contain a copy of the erosion and sediment control concept plan.*

**RESPONSE:** The Applicant acknowledges this condition, and the submittal package contains a copy of the erosion and sediment control concept plan for the project.

- e. *Evaluate the provision of a circulator shuttle bus service or route throughout Melford, to/from adjacent or nearby employers, commuter bus lots, and future stations and/or mass transit.*

**RESPONSE:** The Applicant has evaluated the provision of a bus service and bus route throughout the overall Melford property. The proposed design of Melford Village will accommodate a future bus



route. The future bus route will run into the site along Melford Boulevard and move in a counterclockwise motion from Melford Boulevard to Curie Drive to Science Drive and then back to Melford Boulevard in order to exit the site. The bus route will be designed per the WMATA Station Site and Access Planning Manual. Bus stops will be located within the site as needed with the buildout of the site to meet demand.

5. *Except for previously approved clearing that directly relates to the construction of the stormwater management ponds, all disturbances to the stream and floodplain buffers shall be eliminated. Where buffers have been disturbed by previous approvals, they shall be reforested wherever possible. The Type I tree conservation plan associated with the preliminary plan of subdivision 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.*

**RESPONSE:** The Applicant acknowledges this condition and notes that there are no anticipated nor identified new impacts to regulated environmental features proposed with this PPS application.

6. *During the review of the Type I tree conservation plan associated with the preliminary plan of subdivision, 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.*

**RESPONSE:** The Applicant acknowledges this condition and notes the portions of the linear wetland located in the southeast corner of this site, along with a block of wetlands and wetlands buffers located on Lots 4 and 6 have been totally protected under the current development plan.

7. *Prior to approval of a preliminary plan of subdivision or detailed site plan, the applicant shall demonstrate:*
  - a. *The development plans shall show minimization of impervious surfaces, through all phases of the project, with the use of permeable paving surfaces in accordance with the approved storm water management concept plan for Melford. Structured parking should be used to the maximum extent reasonably practicable.*
  - b. *The required 100-foot natural buffer for streams and the 150-foot buffer for the 100-year floodplain shall be retained in an undisturbed or restored state to the fullest extent possible, except for impacts approved by the Planning Board. Master-planned trails and connectors to the master plan trail from interior trail networks shall be allowed subject to minimization of impacts.*



- 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.*

**RESPONSE:** The Applicant acknowledges and has met the above four conditions. With regards to reduction of impervious surfaces, the instant application represents a truly compact and sustainable mixed-use community. The majority of buildings in the Melford Town Center are multistory and most multifamily buildings contain a substantial amount of structured parking. Further, 10% of the surface parking within the overall Melford Town Center project will be pervious pavement (provided soil conditions allow for the installation of such materials). All required buffers have been maintained to fullest extent practicable. Each of the four neighborhoods include a unique green network composed of pocket parks, natural and historic viewsheds, and/or active recreation along water bodies. Existing green spaces have been preserved to the maximum extent practicable to emphasize scenic views from public spaces and enhance the physical characteristics of the site.

- 8. *All stream channels on the site shall be depicted on all plans in their entirety, with the regulated stream buffer shown as required.*

**RESPONSE:** The Applicant acknowledges the conditions and notes that all streams and regulated stream buffers were correctly delineated on the revised NRI (NRI-054-06-01).

- 13. *All plans shall delineate and note both the environmental setting and the impact area for Melford and Cemetery, Historic Site 71B-016.*

**RESPONSE:** The Applicant acknowledges this condition and notes that the PPS reflects the environmental setting and the impact area for Melford and Cemetery, Historic Site 71B-016.

- 16. *Prior to approval of any preliminary plan of subdivision 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.*

**RESPONSE:** The Applicant acknowledges this condition and has submitted all required quarterly reports.



17. *The applicant shall provide standard sidewalks along both sides of all internal roads, in keeping with Guideline 3 of Prince George's County Council Resolution CR-11-2006. In areas of high pedestrian activity, wide sidewalks shall be required where reasonably appropriate, unless modified by the City of Bowie for portions of sidewalk within the public right-of-way.*
18. *Curb extensions, curb cuts, crosswalks, pedestrian refuges, and other pedestrian safety features shall be provided where appropriate, and shall be shown on all affected detailed site plans.*
19. *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 of subdivision and should be in conformance with Guidelines 29 and 30 of Prince George's County Council Resolution CR-11-2006.*

**RESPONSE:** The Applicant acknowledges the three conditions above, which are reflected on the previously approved PPS, 4-16006. The Melford Town Center includes sidewalks on both sides of the internal roads and several internal trail/bicycle connections, in addition to the master plan trail. The trail along the Patuxent River corridor is shown as two connections from both the north and south ends of the development. These connections are designed to meet the intent of the master plan recommendations. A modified grid road network is being proposed which accommodates relatively small block sizes and includes sufficient crossing opportunities for pedestrians. In addition to the proposed network of sidewalks, pedestrian access is further supplemented by the stream valley trail, the trail around the pond, and the proposed trail/bicycle routes.

20. *The illustrative plan provided with the conceptual site plan (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.*

**RESPONSE:** The Applicant acknowledges the condition and notes the proposed development of 28 additional townhomes does not exceed the density and square footages regulations identified in the CSP. There are also no impacts to regulated environmental features on-site with this PPS application.

21. *No additional research and development flex space is permitted in the Mixed Use–Transportation Oriented (M-X-T) Zone at Melford.*



**RESPONSE:** The Applicant acknowledges this condition and notes that no additional research and development flex space is proposed with this PPS application.

**22. Recreation Facilities Conditions:**

- a. The applicant shall complete construction of a ten-foot-wide asphalt surface hiker/bicycler/equestrian trail, four boardwalks, a 15-space asphalt parking lot, an asphalt access road, and trailhead facilities on adjacent Patuxent River Park prior to issuance of a building permit for the 500th residential dwelling unit within the Melford development.*
- b. Prior to the first residential building permit, the applicant shall submit to the Prince George's County Department of Parks and Recreation (DPR) for review and approval revised construction drawings for public recreational facilities. These drawings shall include details for construction of the planned asphalt parking lot and asphalt access road.*
- c. The applicant shall construct at least two eight-foot-wide asphalt trail connectors from the residential neighborhood to the master-planned trail on dedicated parkland. The location of the trail connectors shall be established at the time of detailed site plan review and approval.*
- d. The applicant shall submit to the Prince George's County Department of Parks and Recreation (DPR) a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DPR, at least two weeks prior to issuance of a building permit for the 100th residential dwelling unit within the Melford development.*
- e. Prior to a submission of any final plat of subdivision for the residential component of Melford, the public Recreational Facilities Agreement (RFA) recorded at Liber 34304, Folio 145 shall be amended to incorporate an asphalt parking lot and asphalt access road to the park, timing of construction, and bonding of the recreational facilities. Upon DPR approval, the RFA shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland.*
- f. The applicant shall allocate appropriate and developable areas for the private recreational facilities on the homeowners' association land. The private recreational facilities shall include playgrounds for children of all ages. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division for adequacy and property siting, prior to approval of the detailed site plan by the Planning Board.*



**RESPONSE:** The Applicant acknowledges the above conditions and notes that recreational facilities were established with the previously approved detailed site plans for the subject property, including DSP-18034, DSP-18034-01, and DSP-18034-02. Development of townhouses within this PPS will require a detailed site plan approval, at which time recreational facilities will be reviewed.

23. *A pedestrian connection, designed according to the CSP Streetscape Design Standards, shall be constructed between the Melford Boulevard/Science Drive roundabout and Kendale Lane in the Kenilworth section, prior to the issuance of the building permit for the 300th dwelling unit, subject to the approval of the Maryland State Highway Administration.*

**RESPONSE:** The Applicant acknowledges this condition and notes that the required pedestrian connection is shown on the previously approved PPS, 4-16006.

24. *The final number of affordable workforce housing units and senior multifamily units shall be submitted by the applicant prior to submittal of an application for preliminary plan of subdivision.*

**RESPONSE:** The Applicant acknowledges this condition and has placed a note on the Preliminary Plan to reflect that 5 percent (%) of the total multifamily units will be affordable workforce housing and 20 percent (%) of all multi-family units will be designated as senior housing.

**C. Compliance with General Plan and Master Plan**

**Plan Prince George's 2035 (the "2035 General Plan")**

The PPS is only for residential uses. Notwithstanding, the uses presented in this PPS will be used to ultimately support the total mix of uses approved in the CSP. Said applications were approved, in part, based on the recommendations of the approved 2035 General Plan. According to the approved 2035 General Plan, the site is located within an Employment Center, and is designated as a "Local Town Center" as shown on the Growth Policy Map. The mix of uses proposed in the approved CSP are consistent with the vision, policies and strategies of the 2035 General Plan. Specifically, page 108 of the approved 2035 General Plan explains the Local Town Centers concept as follows:

Town Centers (Local)		
<ul style="list-style-type: none"><li>• Bowie</li><li>• Brandywine</li><li>• Konterra</li><li>• Landover Gateway</li><li>• Westphalia Center</li></ul>		A range of auto-accessible centers that anchor larger areas of suburban subdivisions. Overall, the centers are less dense and intense than other center types and may be larger than a half mile in size due to their auto orientation. The centers typically have a walkable "core" or town center.



		<p>Often the mix of uses is horizontal across the centers rather than vertical within individual buildings. While master plans may call for future heavy or light rail extensions or bus rapid transit, no transit alternatives have been approved for construction.</p> <p>Town Centers such as Brandywine, Konterra, and Westphalia are currently under construction and have received significant public and private investment for infrastructure improvements. These centers are envisioned to develop per the guidelines of Plan 2035 to help fulfill countywide goals.</p>	
New Housing Mix	Average Housing Density for New Development	FAR for New Commercial Development	Transportation Characteristics
Low-rise apartments and condos, townhomes, and small, single-family lots.	10-60 Dwelling Units/Acre	1-2.5	Largely automobile-oriented with access from arterial highways. Limited bus service along with on-demand bus service.

As noted above, the 2035 General Plan intends that Local Town Centers offer a range of auto-accessible centers that anchor larger areas of suburban subdivisions. Overall, the local centers are less dense and intense than other center types (in the 2035 General Plan) and may be larger than half mile in size due to their auto orientation. The centers typically have a walkable “core” or town center. Often the mix of uses is horizontal across the centers rather than vertical within individual buildings. While master plans may call for future heavy or light rail extensions or bus rapid transit, no transit alternatives have been approved for construction. All of these elements form the essence of the Melford Town Center.

The Melford Town Center proposal approved in CSP-06002-01, and carried forth through PPS 4-16006, does not exceed the development limits for a “Local Town Center” as defined by the 2035 General Plan. Specifically, the proposed development for CSP-06002-01 was based on the gross acreage of approximately 276.68 acres (roughly 9.0 dwelling units per acre, and less than 10-60 dwelling units per acre recommended for Town Centers), with an overall floor area ratio (“FAR”) of .47-.70 (less than the 1.0-2.5 FAR recommended for Town Centers). Further, the overall Melford project is primarily automobile oriented with access from two arterial highways (via an interchange with US 50/MD 3). The existing transportation infrastructure abutting the overall Melford project was the result of a significant public investment by the State of Maryland through the construction of elevated interchange ramps leading from US 50/MD 3 directly into the



main entrance of the project. Notwithstanding this automobile orientation and infrastructure, the compact and sustainable layout of the Melford Town Center and its mix of uses encourages workers and residents at Melford to live, work and play in the same area. By locating residences and jobs proximate to each other, this thoughtful neighborhood planning concept incorporates sustainable design elements that encourage walking, bicycling, and the potential for public transportation for daily commuting. As evidenced by the approved Design Guidelines for the Melford Town Center approved in the CSP (and as reflected in the lotting and street grid patterns proposed in the approved 2017 PPS), the Melford Town Center will have a “walkable core” consisting of the main plaza with a horizontal mix of uses including office, retail and residential. Further, the Melford Town Center plan represents a vibrant and compact mix of dwelling types including multifamily units (both market rate and senior age restricted) and townhomes.

The provided PPS represents a portion of the overall residential density and use mixed planned for the Melford Town Center through the approved CSP. The Applicant proposes the subdivision of three (3) existing parcels into 28 lots and four (4) parcels for the construction of 28 single-family attached townhouse units. The three (3) subject parcels are currently approved for use as a 135,432 SF multi-family building (located on Parcel V; part of DSP-22043 ‘Mansions’) and associated surface parking area and open space area (located on Parcels D5 and D8; part of DSP-18034 ‘Townhomes’). This application is intended to replace the proposed multi-family building, adjacent surface parking area, and open space area with 28 new townhome units and associated infrastructure. The associated variation request is to allow twelve (12) of the 28 proposed lots to be served by alleys without having frontage on and pedestrian access to a public right-of-way. Approval of this PPS will not exceed the density and square footage limitations of the CSP. Instead, this PPS will further increase the residential mixture of uses envisioned with the CSP and will be consistent with the standards approved with PPS 4-16006.

### **2022 Approved Bowie-Mitchellville and Vicinity Master Plan (the “Master Plan”)**

On March 8, 2022, the Prince George’s County District Council adopted the Resolution of Approval for the 2022 *Bowie-Mitchellville and Vicinity Master Plan and Sectional Map Amendment*, which replaced the previous 2006 Master Plan. The subject Property, as part of the overall Melford development, is located within a Plan 2035 growth center known as the “Bowie Local Town Center, which has been described in detail above and is located within the US 301/MD 3 Corridor. The plan presents several engagement areas with goals, opportunities, and challenges to consider. These engagement areas consist of the following categories:

- Land Use
- Comprehensive Zoning
- Economic Prosperity
- Transportation and Mobility
- Natural Environment
- Housing and Neighborhoods
- Community Heritage, Culture, and Design



- Healthy Communities

- Public Facilities

## **Land Use**

As a component of a Plan 2035 growth Center, the Master Plan envisions increased development within Melford as specified in the Land Use Goals on page 46 of the Master Plan. These goals state that growth and development should be directed into Plan 2035 growth centers, which is being pursued with this PPS, given the ability to provide 28 additional townhouse units that are consistent with the prior approval history of the site. The provided PPS application is also consistent with the relevant land use policies from the approved Master Plan, particularly LU 5.5, which states that “Melford should continue to develop pursuant to its approved Conceptual Site Plans.” As this proposed PPS is consistent with the use mixture approved in the latest CSP, the subject Property meets this goal and is pursued in support of the Master Plan’s guidelines.

## **Comprehensive Zoning**

The Applicant notes that none of the proposed Comprehensive Zoning policies cover the subject Property. However, the proposed single-family townhouse residential use is consistent with the approved CSP and will provide a residential component of the Melford Town Center development. This proposal will enhance the approved mixed-use development envisioned within the current TAC-E and prior M-X-T zoning that is currently being constructed in the Melford Town Center.

## **Economic Prosperity**

The subject PPS proposes single-family residential dwellings as a component of the mixed-use development envisioned within the Melford Town Center. The development proposes a mixture of residential, commercial/retail, and office/medical office uses, creating a dense and walkable community. PPS 4-16006 approved 124,500 square feet of commercial uses and 245,000 square feet of office/medical office uses, which is consistent with Economic Prosperity Policy 5.1 (page 100), which states a desire to “Promote the County’s High-Tech Tax Credit for businesses involved in engineering, life sciences, research, and development along US 301/MD 3 (Robert Crain Highway) at the Melford Town Center. The proposed single-family townhouse residential dwellings will increase the housing availability for employees working within existing medical and high-technological facilities in the Melford Town Center. The Melford Town Center also proposes a mixture of retail shops and restaurants that will create a mixed-use development experience.

## **Transportation and Mobility**

The Applicant proposes the subdivision of three (3) existing parcels into 28 lots and four (4) parcels for the construction of 28 single-family townhouse units. The three (3) subject parcels are



currently approved for use as a 135,432 SF multi-family building (located on Parcel V; part of DSP-22043 ‘Mansions’) and associated surface parking area and open space area (located on Parcels D5 and D8; part of DSP-18034 ‘Townhomes’). Private alleys are proposed to access the rear elevation of each of the 28 lots. These private alleys were approved with PPS 4-16006 and the subject Application proposes the extension of these roadways utilizing the space within the three existing parcels. Of these 28 lots, 12 are proposed to be accessed from alleys without having frontage on a public street, which necessitates a variation request as described below in this statement of justification. The private alleys will be designed to meet the transportation requirements of the prior Zoning Ordinance in a manner consistent with PPS 4-16006, including crosswalks at existing or relocated intersections with the public streets. The subject PPS will be designed to prioritize pedestrians with homes fronting the adjacent Melford Avenue & Rosie Oliver Streets having direct access via sidewalks. Those homes not fronting on public streets will have frontage or be within walking distance of an approved open space parcel. No bicycle infrastructure is proposed for this PPS, but these lots will have access to existing facilities within the Melford Town Center development approved with PPS 4-16006. These facilities consist of bicycle lanes and bicycle parking spaces.

## **Natural Environment**

Within the Master Plan, the Natural Environment section contains goals, policies, and strategies. Relevant master plan goals, policies, and strategies are provided below, ***highlighted in italic bold***. The Property is exempt from Policies 8 through 10 as it is not located within the BSU Marc Campus Center.

## ***AREAWIDE***

### ***Green Infrastructure***

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

#### ***Strategies:***

- |                      |  |
|----------------------|--|
| <b><i>NE 1.1</i></b> | <b><i>Use the green infrastructure network as a guide to decision-making, and as an amenity in the site design and development review process.</i></b>   |
| <b><i>NE 1.2</i></b> | <b><i>Continue to complete Prince George’s County DoE’s Programmatic Practices, which includes stormwater-specific programs, tree planting and landscape revitalization programs, public education programs, and mass transit and alternative transportation programs.</i></b> |



**RESPONSE:** The adjacent Patuxent River is a designated ‘Primary Corridor’ in the master plan’s green infrastructure network. All wetland, stream and floodplain areas and buffers are preserved and maintained to protect sensitive environmental features and enhance water quality to the fullest extent practicable. This proposed PPS is for the subdivision of three (3) existing parcels into 28 lots and four (4) parcels, within the center of the existing Melford development, where appropriate green infrastructure and buffers have been established. With the approval of PPS 4-16006, the Applicant donated approximately 100 acres of parkland adjacent to the Patuxent River to M-NCPPC for incorporation into the Patuxent River Park. This parkland serves as a significant buffer between the Melford Town Center development and the Patuxent River.

**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).*

**Strategies:**

**NE 2.1** *Continue to protect the NTWSSC and associated hydrologic drainage area located within the following areas:*

- *The Belt Wood Special Conservation Area*
- *Near the Huntington Crest subdivision south of MD 197, within the Horsepen Branch Watershed.*
- *In the northern portion of Bowie-Mitchellville and Vicinity adjacent to the Patuxent Research Refuge and along the Patuxent River north of Lemon Bridge Road.*

**RESPONSE:** The Applicant acknowledges this policy and notes that no Nontidal Wetlands of Special State Concern (NTWSSC) exist within the subject Property.

**Stormwater Management**

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

**Strategies:**

**NE 3.1** *Identify strategic opportunities to acquire flood-prone and flood-susceptible properties to protect life and property, preserve the subwatersheds, and buffer existing public and private development.*

**NE 3.2** *Evaluate Bowie-Mitchellville and Vicinity’s stormwater management facilities for additional volume capacity to support and encourage redevelopment.*



**NE 3.3**      *Complete the Prince George's Department of the Environment's current stormwater management studies within the master plan area (see the Department of the Environment's Clean Water Map<sup>2</sup> for a comprehensive map of current and future projects). Create a catalog of additional sites where stormwater mitigation or intervention is warranted for further evaluation and recommendation.*

**NE 3.4**      *Identify opportunities to retrofit portions of properties to enhance stormwater management infiltration.*

**RESPONSE:** The Applicant acknowledges this policy and notes that a revised stormwater management concept plan approved by the City of Bowie has been provided with this subject PPS.

***Forest Cover / Tree Canopy Coverage***

**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.*

***Strategies:***

**NE 4.1**      *Use funding from the Prince George's County Woodland Conservation Fund to reverse the decrease in tree canopy coverage in Folly Branch, Horsepen Branch, and Upper Patuxent River watersheds through reforestation programs.*

**NE 4.2**      *Plant street trees to the maximum extent permitted along all roads and trail rights-of-way (see Transportation and Mobility).*

**RESPONSE:** The Applicant acknowledges this policy and notes that sufficient street trees will be provided in accordance with the Prince George's County Department of Public Works and Transportation (DPW&T) standards, and landscape materials will be required in accordance with the 2010 *Prince George's County Landscape Manual* at the time of detailed site plan (DSP). The tree canopy coverage requirements of Subtitle 25, Division 3, will also be evaluated at the time of DSP.

***Impervious Surface***

**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.*



***Strategies:***

- NE 5.1      Retrofit all surface parking lots using ESD and best stormwater management practices when redevelopment occurs. Plant trees wherever possible to increase tree canopy coverage to shade impervious surfaces, to reduce urban heat island effect, limit thermal heat impacts on receiving streams, and slow stormwater runoff (see TM 11.1).***
- NE 5.2      Retrofit streets pursuant to 2017 DPW&T Urban Streets Design Standards as recommended in the Transportation and Mobility Element, which include increased tree canopy cover for active transportation comfort and modern stormwater management practices.***

**RESPONSE:** The Applicant acknowledges this policy and has designed the subject Property to utilize proposed alleys approved with PPS 4-16006. No surface parking lots, or public streets are proposed for construction with this subject PPS. However, the existing public streets fronting the Property have been generally designed pursuant to the 2017 *DPW&T Urban Streets Design Standards* as approved with PPS 4-16006. This proposal will also include the planting of street trees that will serve, in part, to reduce urban heat island effect and to slow stormwater runoff.

***Climate Change***

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

***Strategies:***

- NE 6.1      Support implementation of the City of Bowie Climate Action Plan 2020-2025 and the Metropolitan Washington 2030 Climate and Energy Action Plan.***
- NE 6.2      Continue to support and promote the Prince George's Climate Action Commission as per Council Resolution CR-7-2020 to develop a Climate Action Plan for Prince George's County to prepare for and build resilience to regional climate change impacts, and to set and achieve climate stabilization goals.***

**RESPONSE:** The Applicant acknowledges this policy and has proposed context sensitive townhouse dwelling units, with green building designed techniques that are consistent with those approved in DSP-18034. The Melford Town Center is designed to be a mixed-use community, providing a walkable development with a decreased reliance on fossil fuels and automobiles.

***Policy NE 7: Continue to expand active transportation opportunities to reduce automobile***



*dependency and carbon emissions.*

***Strategies:***

***NE 7.1      Develop at least one electric vehicle charging station for every eight fuel pumps at existing and new gas stations. Provide at least one electric vehicle charging station for every 100 parking spaces in commercial surface parking lots and one charging station for every 250 parking spaces in parking structures.***

**RESPONSE:** The Applicant acknowledges this policy. While no outdoor electric vehicle charging stations are proposed with this PPS application, all residential townhouse garages will be “EV ready” and can accommodate charging stations from future homeowners.

**Housing and Neighborhoods**

The subject PPS proposes single-family residential dwellings as a component of the mixed-use development envisioned within the Melford Town Center. This development will consist of infill housing at a Bowie Local Town Center, as desired in Policy HN 5.

**Community, Heritage, Culture, and Design**

The subject PPS is within the Melford Town Center Development, which has preserved and maintained the historic Melford House site as part of the prior approval process. This historic site was constructed circa 1810 and is located at the center of the Melford development, which can be visited by future residents of the proposed 28 single-family townhouse dwelling units.

**Healthy Communities**

As shown on Map 47, the subject Property is within a 10-minute walk of a supermarket and within a 10-minute drive of multiple supermarkets along US 301 or US 3, providing safe and sustainable access to food. Further, the Melford Town Center will include a retail village which is intended to have food options for residents, employees, and visitors.

**Public Facilities**

The Melford Town Center has existing public facilities, including utilities as the site has been previously developed. The Applicant contends that the public facilities are adequate, which will be examined by Park and Planning staff within ADQ-2022-008. These public facilities were previously tested as part of the approval of PPS 4-16006. The subject PPS requests the subdivision of three (3) parcels into 28 lots and four (4) parcels for the creation of 28 single-family attached residential dwelling units. These dwelling units will be apart of the overall Melford Town Center, sharing



recreational facilities and utilizing existing utility lines. The subdivision will reduce the overall number of units approved by PPS 4-16006, as the approved multifamily building will be replaced by single-family residential development.

### **Green Infrastructure Functional Plan**

The Patuxent River is a designated Primary Corridor in the master plan's green infrastructure network. The Stormwater Management Concept approval for the overall Melford project employs a combination of traditional systems and environmental site design techniques to more than adequately treat the quality and quantity of stormwater runoff generated from the proposed development. Moreover, the Melford Village Design Guidelines are consistent with the principles of LEED ND to ensure that all wetland, stream and floodplain areas and buffers are preserved and maintained to protect and enhance water quality to the maximum extent practicable. It is important to note that the applicant has already donated approximately 100+ acres of parkland to M-NCPPC adjacent to the Patuxent River which will serve as a significant buffer between the project and the Patuxent River.

### **Woodland and Wildlife Habitat Conservation Ordinance**

This property is subject to the provisions of the 1989 Prince George's County Woodland Conservation and Tree Preservation Ordinance because there are previously approved tree conservation plans for the site. The preceding CSP-06002-01 application was determined to not be subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Division 2, which became effective September 1, 2010, because there are previously approved Type I and Type II tree conservation plans (TCPI and TCPII). The site is currently grandfathered from the requirements of Subtitle 27 which became effective on September 1, 2010, and February 1, 2012 by prior approval of the CSP.

The Type I and Type II Tree Conservation Plans (TCPI-044-98 with revisions and TCPII-036-99 with revisions, respectively) are associated with the site based on the Planning Board's previous approvals.

Development of the M-X-T-zoned site requires approval of a CSP and DSP. The site was first reviewed under M-X-T requirements with the approval of CSP-06002 and TCPI-044-98-02. The scope of the CSP included a hotel, office, retail, restaurant, research and development space, and residential pods for single and multifamily attached dwellings (townhouses and condominiums, respectively) and single-family detached dwellings.

A Natural Resources Inventory, NRI-054-06, was approved for the site on February 21, 2008, which was valid for five years. A revised NRI (encompassing the development within PPS 4-16006) was approved on March 10, 2016. A second revision was approved on November 27, 2017.



The TCPI was previously revised five times, with the latest revision being TCP1-044-98-05, which was approved with PPS 4-16006. The current application contains a revised TCPI that meets all of the applicable requirements of the Woodland Conservation Ordinance (known as TCP1-044-98-06). No environmental features are proposed to be impacted as part of this PPS application as there are none within the limits of disturbance of the site.

### **2010 Water Resources Functional Master Plan**

The instant PPS been reviewed against the recommendations in this plan and have been found to be consistent with the policies therein because sensitive environmental features are preserved, and the Applicant intends to use environmental site design (ESD) concepts (as required by its approved stormwater management concept plan) in developing the property as recommended by the 2010 Plan. The property is identified as having existing water and sewer category classifications of W-3 and S-3 (Public water and sewer service exist).

### **2009 Master Plan of Transportation**

There are no identified improvements pursuant to recommendations contained in this plan or the Master Plan that impact the proposed PPS.

## **D. Variation Request**

**VARIATION REQUEST RESPONSE:** The Applicant requests a variation to Section 24-128(b)(7)(A) to permit 12 townhouse lots that are served by alleys and do not have frontage on and pedestrian access to a public right-of-way.

### **Section 24-128. Private roads and easements.**

*(b) The Planning Board may approve preliminary plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:*

*(7) In Comprehensive Design and Mixed Use Zones:*

*(A) For land in the V-L, V-M, R-L, R-S, R-M, R-U, M-U-I, L-A-C, M-A-C, M-X-C, M-U-TC, and M-X-T Zones, the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings, in accordance with the requirements of Subsections (e) and (f) of Section 27-433 of the*



***Zoning Ordinance, except as hereinafter provided. In all of the above zones, and in the R-R Zone when developed as a cluster subdivision, the Planning Board may approve a subdivision with alleys to serve any permitted use, provided the lot has frontage on and pedestrian access to a public right-of-way. The District Council may disapprove the inclusion of alleys during the consideration of the detailed site plan for a cluster subdivision. For the purposes of this Section, an "alley" shall mean a road providing vehicular access to the rear or side of abutting lots, and which is not intended for general traffic circulation.***

**RESPONSE:** As a result of site restraints within the Melford Town Center, approximately 12 townhomes will be located on lots served by private alleys without frontage on and pedestrian access to a public street. The proposed alleys meet all the dimensional requirements of the Subdivision Regulations and will allow for an efficient and safe circulation pattern for residents of the development.

**Section 24-113. Variations.**

- (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:***

**RESPONSE:** The granting of the provided variation request is consistent with the relevant purposes of the Subdivision Regulations and will not harm the public interest as explained herein. Moreover, denial of the instant variation request will certainly create practical difficulties for the Applicant in its pursuit to develop the site in the manner contemplated in CSP-06002-01. It is important to note that Maryland courts have long distinguished variations (or in other contexts referred to as “variances”) based on “area” versus “use.” *McLean v. Soley*, 270 Md. 208, 215, 310 A.2d 783, 787 (1973); see also, *Zengerle v. Board of County Commissioners for Frederick County*, 262Md. 1, 276 A.2d 646 (1971). The Court of Special Appeals described the differences between the two types of requests in the following manner:

An “[A]rea variance” (a variance from area, height, density, setback, or sideline restrictions, such as a variance from the distance required between buildings) and not a “use variance”



(a variance which permits a use other than that permitted in the particular district by the ordinance, such as a variance for an office or commercial use in a zone restricted to residential uses). *Anderson v. Board of Appeals*, 22 Md. App. 28, 37-38, 322 A.2d 220, 225-26.

This distinction is significant as the type of variation (i.e. “area” or “use”) dictates the extent an applicant has to demonstrate practical difficulty or undue/extraordinary hardship resulting from the strict application of the relevant ordinance. The Maryland Court of Appeals held in *Richard Roeser Profl Builder v. Anne Arundel County*, 368 Md. 294 (2002) that most jurisdictions, including Maryland, have adopted the position that when reviewing an “area variance” the lesser standard of “practical difficulty” should be used, and when “use variances” are sought, the more strict “undue hardship” standard should be utilized.

In the instant matter, the Applicant is requesting an “area” variation from the requirements in Section 24-128 (b)(7)(A) requiring that townhomes served by alleys have frontage on a public street. The “practical difficulty” in this case results from the site constraints within the Melford Town Center which prohibits the lotting pattern for 12 additional townhouse units from being served by alleys while maintaining frontage on a public street. These site constraints include areas of extreme topographical changes, the presence of various sensitive environmental features (particularly in the southeast neighborhood), and the presence of the Melford House environmental setting (which generally prohibits and/or limits physical and visual impacts from development of the proposed townhouse lots). All the aforementioned site constraints limit the areas where lots and streets/alleys can be located. The hardship/practical difficulties related to the aforementioned site constraints would be largely eliminated if the Applicant could utilize alleys to access the rear of the 12 additional townhouse units. The Applicant also notes that the Planning Board has already approved a variation to permit 68 townhouse lots to be served by alleys without frontage on a public street in PPS 4-16006 (PGCPB Resolution No. 17-45). The granting of this variation allows the Applicant to subdivide three (3) existing parcels into 28 lots and four (4) parcels, creating a lotting pattern that is consistent with the previously approved lots in PPS 4-16006 (PGCPB Resolution No. 17-45). If the instant variation request is not allowed, it is not possible for the Applicant to create an efficient subdivision layout with the subject 12 townhouse units utilizing alleys and having frontage on a public street.

In addition to the statements above, Section 24-113 of the Subdivision Regulations requires the following findings be made in approving any variation request.

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

**RESPONSE:** The granting of the instant variation request will not be detrimental to public safety, health or welfare or be injurious to other property. Each of the subject 12 lots will be accessed by alleys (serving the rear of each unit) with a minimum pavement width of 18 feet. Further each



alley will allow for direct vehicular access to a public street and the proposed lotting pattern is compatible with the townhouse lots previously approved in PPS 4-16006 (PGCPB Resolution No. 17-45).

**(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;***

**RESPONSE:** The Property has several conditions which are unique and are not applicable generally to other abutting properties. These site constraints include areas of extreme topographical changes, the presence of various sensitive environmental features (particularly in the southeast neighborhood), and the presence of the Melford House environmental setting (which generally prohibits and/or limits physical and visual impacts from development of the proposed townhouse lots). Beginning from the west, the portion of Melford Village designed for townhouse units contains the environmental setting for the historic Melford House. The east end of the same area of Melford Village contains sensitive environmental features (such as a stream and woodlands) which are slated for preservation. Between the historic environmental setting (to the west) and the sensitive environmental features (to the east) contains a sloping topography that falls from west to east. The natural changes in topography limit the placement of where sticks of townhouses (and by association the location of the necessary road/alleys to serve the townhouse units) can be placed. In sum, the aforementioned site constraints are unique to this portion of Melford Village and are not generally applicable to other properties.

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

**RESPONSE:** Granting the variation will not be in violation of any law, ordinance, or regulation. To the contrary, the granting of the instant variation request would allow the Melford Town Center project to create the compact mix of uses contemplated in CSP-06002-01 without negatively impacting the environmental and historic setbacks required by other County ordinances and/or regulations. The variation to Section 24-128(b)(7)(A) is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Therefore, the variation does not constitute a violation of any other 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;***

**RESPONSE:** Because of the combination of factors stated above the Applicant would experience hardship/practical difficulties if the instant variation request is not granted. Again, the “practical difficulty” in this case results from the site constraints within Melford Town Center which prohibits 12 of the 28 proposed townhouse lots from being served by alleys while maintaining frontage on a



public street. These site constraints include areas of extreme topographical changes, the presence of various sensitive environmental features (particularly in the southeast neighborhood), and the presence of the Melford House environmental setting (which generally prohibits and/or limits physical and visual impacts from development of the proposed townhouse lots). All the site constraints limit the areas where lots and streets/alleys can be located. The hardship/practical difficulties related to the site constraints would be largely eliminated if the Applicant could utilize alleys to access the rear of 12 of the 28 proposed townhouse lots without frontage on a public street. The Applicant also notes that the Planning Board has already approved a variation to permit 68 townhouse lots to be served by alleys without frontage on a public street in PPS 4-16006 (PGCPB Resolution No. 17-45). The granting of this variation allows the Applicant to subdivide three (3) existing parcels into 28 lots and four (4) parcels, creating a lotting pattern that is consistent with the previously approved lots in PPS 4-16006 (PGCPB Resolution No. 17-45). If the instant variation request is not allowed, it is not possible for the Applicant to create an efficient subdivision layout with the subject 12 townhouse units utilizing alleys and having frontage on a public street.

- (5) *In the R-30, R-30C, R-18, R-18C, R-10A, 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.*

**RESPONSE:** The Property is zoned TAC-E and is proceeding under the prior Zoning Ordinance, where the site was previously zoned M-X-T. Therefore, this section is not applicable.

### **Conclusion**

The Applicant respectfully requests approval of a variation from Section 24-128(b)(7)(A) of the prior Subdivision Regulations. As discussed herein, this variation request meets all the criteria of approval set forth in the appropriate sections of the prior Subdivision Regulations.

Your favorable consideration of this request is greatly appreciated.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Robert J. Antonetti", written in a cursive style.

Robert J. Antonetti



March 7, 2024  
4-24007 & ADQ-2024-008, Melford Town Center  
Request for a variation from Section 24-128(b)(7)(A)  
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cc: St. John Properties, Inc.  
Mr. Andrew M. Roud  
Rachel Leitzinger, P.E.  
Nicholas Snyder, AICP  
Bryan Focht, P.E.

RJA/ats

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