

R E S O L U T I O N

WHEREAS, Bowie Mall Associates is the owner of a 93.70-acre parcel of land known as Bowie Town Center (Lots 1-15), said property being in the 7<sup>th</sup> Election District of Prince George's County, Maryland, and being zoned M-A-C; and

WHEREAS, on May 24, 2000, Bowie Mall Associates filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 15 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00029, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 20, 2000, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on July 20, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision 4-00029 with the following conditions:

1. Lots 1, 2, 3, 5, 6 and 7 shall not have direct access onto MD 197. Lot 4 shall not have direct driveway access onto MD 197 other than that approved via the SDP. Lots 1, 4, and 12 shall not have direct driveway access onto Northview Drive other than that approved via the SDP. A note shall be placed on the final plat that access to individual parcels is provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
2. The following note shall appear on the final plat:

AAn automatic fire suppression system shall be provided in all proposed buildings.@
3. Prior to signature approval of the preliminary plat, TCP I/38/99 shall be revised to include all parcels and right-of-way areas to be used to satisfy Woodland Conservation Ordinance requirements.
4. Prior to approval of the final plat, the applicant, his heirs, successors and/or assigns shall provide written confirmation from the City of Bowie that the City accepts the

rights-of-way of relocated Evergreen Parkway and proposed Street A. If this confirmation is not received, the final plat shall show a minimum right-of-way of 80 feet for Evergreen Parkway and 70 feet for Street A.

5. In conformance with CDP 8504/01 and SDP 9711, the applicant and the applicant's heirs, successors and/or assigns shall provide the following:
  - a. Bicycle rack(s) for 116 bicycles to accommodate bicycle parking.
  - b. Pedestrian connections from the main retail core area which shall be extended into each of the Development Areas. These pedestrian connections shall include pedestrian walkways through the parking fields of the main retail core area.
  - c. The pedestrian bridge over MD 197 shall be constructed at the Northview Drive/MD 197 intersection, subject to State Highway Administration approval. The exact location and design of the bridge is being determined by the City of Bowie and the applicant.
  - d. All trails required by the CDP and SDP including, but not limited to, an 8-foot wide asphalt trail on the south side of relocated Evergreen Parkway, a 5-foot wide sidewalk along the south side of MD 197, between Northview Drive and the site entrance on both the CDP and SDP. If it is determined that extensive grading, retaining walls, or boardwalking would be required for the latter, the applicant shall escrow the estimated cost of the sidewalk improvement (approximately \$12,000) with the City to be applied to landscaping amenities recommended by the Route 197 South Landscaping Task Force.
  - e. The trail paralleling relocated Evergreen Parkway shall be installed as part of the construction of that road and shall be located in an easement on private property. This trail shall be maintained by the City of Bowie, unless otherwise noted.
  - f. The trail leading from relocated Evergreen Parkway to the trail around the BNTC stormwater management pond shall physically connect to the existing boardwalk around the pond. The bridge and boardwalk shall be replaced or repaired, as necessary, to accommodate the drainage channel trail. If the trail is less than 10 feet from the channel, a three-rail split rail fence shall be installed on the side of the trail along the proposed new outfall channel.
  - g. An 8-foot wide asphalt hiker/biker trail shall be constructed at the terminus of Everest Drive, north, through proposed Blocks C or D, and connect with the trail planned along the south side of relocated Evergreen Parkway. The trail shall be shown on the SDP for Block C or D, as appropriate, included in an easement on private property, and installed in conjunction with the construction of Everest Drive, or if Everest Drive is not extended, prior to the DER issuance of the first certificate of occupancy for the entire site (Parcel 9), whichever comes first. This

trail shall be maintained by the City of Bowie, unless otherwise noted. If no SDP for a building on Block C or D has been filed and accepted within 12 months after the DER issuance of the first certificate of occupancy for the site, then a temporary trail shall be field located and installed.

- h. Concrete sidewalks, a minimum of six feet in width, in the locations designated by SDP-9711 (Condition 32).
  - i. All concrete sidewalks leading to the retail core and around the rear elevation of the stores shall be a minimum of six feet in width.
  - j. The crosswalks designated by SDP-9711 (Condition 30) shall be impressed concrete or stamped/impressed colored asphalt (similar to the technique used at the intersection of Belair Drive and Tulip Grove Drive).
  - k. All pedestrian crossings shall be identified by the installation of the standard signage in each direction.
  - l. The applicant shall construct the intersection of relocated Evergreen Parkway and Endicott Drive as a controlled 3-way stop intersection using oversized stop signs. Impressed asphalt or other special paving shall be used to delineate the intersection. The proposed lighting for relocated Evergreen Parkway shall be reviewed to ensure adequate lighting of the intersection. Stop bars shall be used at all three approaches.
- 6. Development of this site shall conform to the conditions and considerations of CDP 8504/01 and any approved SDP, or as amended.
  - 7. A pedestrian connection, with a minimum width of six feet, shall be constructed adjacent to the land identified as A Road Dedication (Street A).@ This pedestrian connection shall extend from the right-of-way of relocated Evergreen Parkway to the Parcel U property line and shall be located within the right-of-way or within an easement.
  - 8. Prior to signature approval of the preliminary plat, the easements on Lots 3 and 5 shall be amended to indicate that they are A Landscape and Sign Easements.@

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

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. The property is located on the south of MD 197, northwest of Evergreen Parkway and east of Northview Drive in the City of Bowie.

3. City of Bowie - The Bowie City Council held a public hearing on this application on July 10, 2000. It recommended approval with conditions. The recommendations of the City staff and Advisory Planning Board are included in the file. The City will present its official position at the Planning Board Hearing.
4. Environmental Issues - This Preliminary Plan of Subdivision is for the resubdivision of a 93.70 acres in the M-A-C and C-O zones. The property is subject to the requirements of the Woodland Conservation Ordinance since there is more than 10,000 square feet of existing woodland present on the property. A Forest Stand Delineation (FSD) was reviewed and found to be acceptable in conjunction with the review of Comprehensive Design Plan (CDP-8504/01). A Type I Tree Conservation (TCP I/38/99) was also approved in conjunction with the CDP. This property also has an approved Specific Design Plan (SDP-9711) and an approved Type II Tree Conservation Plan (TCP II/77/97). A revision to TCP I/38/99 will be required to clarify the status of Lots 8, 9, 10 & 14 which are currently identified, in their entirety, as tree save areas.

The section of old Evergreen Parkway fronting Lots 8, 9, 10, 11 and Outlots 1, 2 and 3 is to be used to satisfy woodland conservation requirements. Therefore, these lots should be denied access to this right-of-way.

Although a stream and wetlands are found to occur on this property, these features have been disturbed in accordance with approvals by the Corps of Engineers and/or the Maryland Department of Environment. In fact, a valid grading permit has been issued by the Department of Environmental Resources and the site is currently being graded. Since the grading is already underway in accordance with previous approvals, no variation is necessary.

No other significant environmental impacts have been identified for this property. There are no adverse noise impacts to this site since the proposed use is for commercial development. There are no Marlboro Clays on this property and there are no scenic or historic roads near this property.

The property is within the City of Bowie and as such will be served by City water and sewer systems.

5. Community Planning - The 1991 *Approved Bowie-Collington-Mitchellville and Vicinity Master Plan* recommends the property for retail/commercial development. The master plan designated the Bowie Town Center as part of Employment Area 5. This particular area is part of the commercial retail component of the new town center. The *Bowie-Collington Sectional Map Amendment* (1991) retained the M-A-C Zone and the C-O Zone.
6. Parks and Recreation - The property is exempt from the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication because it is in a nonresidential zone.

7. Trails - In accordance with the *Approved Bowie-Collington-Mitchellville Master Plan* and the conditions for approved SDP-9711, the applicant will be required to construct several pedestrian and bicycle connections and provide bike racks. The conditions included in this recommendation mirror those required by previous approvals.
8. Transportation - The site is part of the larger Bowie Town Center project, and has been previously approved for 1,125,000 square feet of retail space and 100,000 square feet of office space. There is an approved Specific Design Plan for the site (SDP-9711) for approximately 585,000 square feet of retail space. There is also a pending application (SDP-0008) for another 107,500 square feet of retail space.

The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*, and in consideration of findings made in connection with SDP-9711 as well as CDP-8504 and Preliminary Plat of Subdivision 4-86049.

The subject property was originally subdivided in 1986, and the plat was recorded subsequently. As the subject plan does not proposed to change any approved development quantities on the site, this application is treated as a resubdivision of an existing lot or parcel. Because the existing parcel has been previously subdivided, the proposed subdivision would generate no net trips as a result of the resubdivision. There would be no resulting impact on traffic operations at the MD 197/Northview Drive intersection or any other of the development's critical intersections as a result of the resubdivision.

A number of off-site staging conditions were developed as a part of staff=s review of SDP-9711. These conditions are primarily concerned with ensuring that needed street connections and traffic control improvements are completed in concert with the development approved as a part of SDP-9711. As these conditions are enforceable with the development under the SDP, they are not proposed to be carried backward to this subdivision plan.

A number of plan comments related to the subject application were raised in 1999 during staff=s review of CDP-8504 and SDP-9711. These are discussed briefly below.

1. Evergreen Parkway was originally proposed as a four-lane collector roadway with a median, and this right-of-way has been dedicated. Under CDP-8504/01, Evergreen Parkway was relocated onto a more northerly alignment between Endicott Road and Excalibur Road. The location shown on the preliminary plat is consistent with the CDP. The 48-foot right-of-way is to be dedicated to public use within the street system of the City of Bowie. If this right-of-way is

acceptable to the City of Bowie, it is acceptable to transportation staff.

2. With the provision of the Street A dedication, the transportation staff believes all access issues which were handled by the original Evergreen Parkway are properly handled. Provided the 32-foot right-of-way is acceptable to the City of Bowie (who will take ownership of the roadway), it is acceptable to transportation staff.
3. The PT-1 alignment shown in the *Bowie, Collington, Mitchellville and Vicinity Master Plan* affects the subject site. The Master Plan recognizes two alternative alignments for PT-1 in the vicinity of the site. The first alignment crosses the site from the southwest to the northeast to connect with MD 197. The second alignment follows MD 197 along its frontage with the subject property. The transportation staff, during its review of CDP-8504/01 in 1999, noted the following:

- \$ A portion of the PT-1 right-of-way which crosses the site had been in reservation for the requisite period. No public agency purchased this property, and the owner decided not to extend the reservation.
- \$ Records involving the transportation staff=s considerations regarding PT-1 at the time of CDP/subdivision in 1985-1986 are sketchy. However, during the review of 4-86049, appropriate steps should have been taken to place portions of the subject property in reservation or otherwise establish the appropriate easements if there was a desire to actively pursue preservation of the PT-1 right-of-way.
- \$ There is a wide landscaped buffer along MD 197 per the approved CDP. If there were to be a future desire to serve the Bowie Town Center with a fixed guideway transit system (i.e., rail transit), it could be placed within this buffer area.
- \$ There are no current studies by any agency underway to extend rail transit along MD 197, US 50, or to the Bowie Town Center, or to otherwise extend transit services along the PT-1 alignment past MD 202. For these reasons, staff finds no need or justification for providing or retaining any designation of PT-1 on the subject plan.

In conclusion, the preliminary plan under review adequately addresses a number of concerns which have recently been raised in connection with the review of other plans for this site.

Both MD 197 and Northview Drive are Master Plan arterial facilities. Adequate right-of-way has already been provided, and no further dedication is required by this plan. Evergreen Parkway is a Master Plan arterial within a 100-foot right-of-way, and the use

of this existing right-of-way has been determined through review of SDP-9711. The rights-of-way for planned PT-1 were more fully discussed during review of SDP-9711; however, the transportation staff is not currently seeking the provision of defined right-of-way along either route at this time.

Questions of access have been extensively reviewed with SDP-9711, and any access should be consistent with that approved plan. Lots 1, 2, 3, 5, 6 and 7 shall not have direct access onto MD 197. Lot 4 should not have direct driveway access onto MD 197 other than that approved via the SDP. Lots 1, 4, and 15 should not have direct driveway access onto Northview Drive other than that approved via the SDP. Access to this site is provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations. Direct access to individual parcels would create a hazardous situation. Access is limited to those points shown on an approved SDP.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved.

9. Schools - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* ( revised January 2000) (CR-4-1998) and concluded that the proposed subdivision is exempt from APF test for schools because it is a commercial use.
10. Fire and Rescue - The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
  - a. The existing fire engine service at Bowie Fire Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 5.26 minutes, which is beyond the 3.25 minutes response time guideline.
  - b. The existing ambulance service at Bowie Fire Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 5.26 minutes, which is beyond the 4.25 minutes response time guideline.
  - c. The existing paramedic service at Bowie Fire Station, Company 43 located at 16400 Pointer Ridge Drive has a service response time of 5.26 minutes, which is within the 7.25 minutes response time guideline.
  - d. The existing ladder truck service at Bowie Fire Station, Company 39 located at 15454 Annapolis Road has a service response time of 5.53 minutes, which is beyond the 4.25 minutes response time guideline.

To alleviate the negative impact on fire and rescue services due to the inadequate service

discussed above, the Fire Department recommends that all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George=s County Laws. These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

The *Approved and Adopted Bowie-Collington-Mitchellville and Vicinity Master Plan* proposes a new fire station be located in the vicinity of the Bowie Town Center. This proposed station is programmed in the Adopted FY 2004 Capital Improvement Program and would provide adequate response time for fire engine and ambulance services to subject developmentt

11. Police Facilities - The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County police facilities will be adequate to serve the proposed Bowie Town Center development.
12. Health Department - The Prince George=s County Health Department reviewed the application and offered no comments.
13. Stormwater Management - The property is within the City of Bowie. The applicant received stormwater concept approval from the City on October 18, 1999.
14. Public Utility Easement - There is an existing 10-foot-wide Public Utility Easement. It is accurately reflected on the proposed preliminary plat and will be included on the final plat.
15. Conformance with Prior Approvals - CDP 8504/01 was approved with several conditions. Those conditions applicable to the preliminary plat stage are as follows:

3. **Minimum green space requirements for Parcel 9 shall be 18 percent overall, and none of the subparcels (main core, A, B1, B2, C or D) shall be less than 12 percent..**

4. **The following are revised parking and building setbacks for Parcel 9:**

**Parking Setbacks:**

Development Area	MD 197	Northview Drive	Old Evergreen Pkwy ROW	New Evergreen Pkwy ROW
Main Mall	<del>40</del> <u>20'</u>	50'	25' from Northview Drive to Endicott Road	10'*

			20' from B2 to Excalibur Road	
A	20'	40'	X	X
B1	20'	X	X	X
B2	20'	X	20'	X
C	X	X	10'	20' *
D	X	X	10'	20' *

\* Alternative Compliance may be approved by the Planning Director at the time of Specific Design Plan for slight adjustment of setbacks.

**Building Setbacks:**

Development Area	MD 197	Northview Drive	Old Evergreen Pkwy	New Evergreen Pkwy
Main Mall	225'	200'	20'	10'
Sears TBA	80'	X	X	X
A	50'	50'	X	X
B1	50'	X	X	X
B2	50'	X	50'	X
C	X	X	20'*	20'
D	X	X	20'*	20'

\*Building setbacks shall average 20 feet from Old Evergreen Parkway. Any buildings that encroach within the 20-foot setback shall be screened with a continuous row of evergreen plantings.

13. The CDP Circulation Plan shall be revised to show the following; 1) relocated Evergreen Parkway as a two lane (one lane in each direction) median-divided roadway; and 2) the new driveway access point proposed opposite the Heather Ridge Apartments (which should align with the driveway to the apartments). The vehicular access to Parcel V from the

existing Evergreen Parkway right-of-way shall be deleted from the CDP Circulation Plan. The Plan shall be revised to include a possible future vehicular extension of Everst Drive, and a possible southward extension of the main north-south roadway through Parcel 9 to a point near where Parcels U and V meet, as shown on Staff Exhibit AA@.

14. Relocated Evergreen Parkway shall be constructed as a two-lane median-divided roadway to be constructed in conjunction with the development on Parcel 9 and shall be dedicated to public use and opened to traffic (in that order) prior to DER issuance of the first certificate of occupancy for more than 300,000 sq. ft. of building area on the site. Each lane shall be 17 ft. in width from face of curb to face of curb, with a 10-foot wide median, allowing for wider pavement at intersections. The median shall be landscaped with native deciduous and evergreen trees and native shrubs. Right-of-way for this roadway shall be 48 ft.
15. The trail along the southern side of Evergreen Parkway shall be located in an easement on private property.
16. The existing segments of Evergreen Parkway (one off Northview Drive and one off MD 197) shall be redesigned and constructed identical to the relocated portion of Evergreen Parkway, as described above, subject to the approval of the City.
17. An 8-foot-wide asphalt hiker/biker trail shall be constructed from the northern end of Everst Drive, through Development Areas C or D, to relocated Evergreen Parkway, as shown on the approved Basic Plan. The general location of this trail shall be shown on the CDP Circulation Plan and shall be installed in conjunction with the construction of Everst Drive, or if Everst Drive is not extended, prior to DER issuance of the certificate of occupancy for Development Area C or D, or 12 months after DER issuance of the certificate of occupancy for the Hecht=s store, whichever occurs first. The exact location of the trail shall be shown on the Specific Design Plans for Development Areas C and D. If no SDP for a building on Development Area C or D has been filed and accepted within 12 months after DER issuance of the first certificate of occupancy for the entire site (Parcel 9), then a temporary trail shall be field located and installed. The permanent trail shall be shown on the SDP for Development Area C or D, as appropriate.
18. The CDP Circulation Plan shall be revised to show the following trails: along south side of relocated Evergreen Parkway; on one side of a proposed drainage channel leading from relocated Evergreen Parkway to the stormwater management pond. These trails shall be 8-foot-wide asphalt trails and shall be installed prior to DER issuance of the first certificate of occupancy for more than 300,000 sq. ft. of building area on the subject site. The trail along the proposed drainage channel shall connect with the existing

**bridge and boardwalk around the stormwater management pond. The bridge and boardwalk shall be replaced or repaired, as necessary, to accommodate the drainage channel trail.**

- 24. Everst Drive shall not be required to be extended to Evergreen Parkway if, at the time of SDP review for Development Areas C or D (Parcel 9), Parcel V is not approved for commercial development. If commercial development is approved on Parcel V at the time of SDP review for Development Areas C or D, the extension of Everst Drive and its connection to relocated Evergreen Parkway shall be opened to vehicular traffic prior to the DER issuance of the first certificate of occupancy for Development Area C or D on Parcel 9 or commercial development on Parcel V. Alternatively, at the time of SDP for Development Area C or D on Parcel 9 or commercial development on Parcel V, a southward extension of the main north-south roadway through Parcel 9 shall be provided to a point near where Parcels U and V meet, as shown on Staff Exhibit AA.@**
- 25. The driveway in Parcel U shall be extended along the eastern side of Development Area C to intersect with relocated Evergreen Parkway. This connection shall be provided upon relocated Evergreen Parkway being opened to through traffic. The connection shall be bonded for construction with the City of Bowie and/or DPW&T prior to the issuance of the first building permit for the subject site and constructed concurrent with the first phase of development. If Staff Exhibit AA @, as mentioned in #24 above is employed, the roadway shall be dedicated to public use, or the right-of-way otherwise provided within a recorded public easement.**

Setback, green space and parking requirements which will be addressed at the SDP stage. These and the remainder of the CDP conditions continue control development on this site.

The approved SDP included the following additional condition:

- 21. The applicant shall construct the intersection of relocated Evergreen Parkway and Endicott Drive as a controlled 3-way stop intersection using oversized stop signs. Impressed asphalt or other special paving shall be used to delineate the intersection. The proposed lighting for relocated Evergreen Parkway shall be reviewed to ensure adequate lighting of the intersection. Stop bars shall be used at all three approaches.**

This condition must be carried forward to the preliminary plat. The preliminary plat shows an acceptable alignment of this intersection. (See Transportation finding.)

16. Other Issues - Relocated Evergreen Parkway is shown to be 48 feet wide. The preliminary plat also includes a 32-foot wide right-of-way labeled AStreet A@ between

proposed Lots 9 and 10. Existing Evergreen Parkway is a 100-foot-wide collector right-of-way. However, Section 24-123(a)(3) allows the Planning Board to permit right-of-way widths of a lesser width upon recommendation from the controlling jurisdiction. In this case, since the property is within the City of Bowie, written confirmation from the City regarding its acceptance of these rights-of-way should be required prior to approval of the final plat. If such written confirmation is not received, the final plat shall show the Evergreen Parkway right-of-way with a minimum width of 80 feet, and Street A right-of-way with a minimum width of 70 feet per Zoning Ordinance requirements.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Brown, seconded by Commissioner Boone, with Commissioners Boone, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 20, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27<sup>th</sup> day of July 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:JPD:leb