

R E S O L U T I O N

WHEREAS, 50/301 LLC, SOPM Limited, and SCA LTP are the owners of a 114.10-acre parcel of land known as Parcels 4, 5 and 32, Tax Map 47, Grid E-3 and 48 A-4 said property being in the 7th Election District of Prince George's County, Maryland, and being zoned E-I-A; and

WHEREAS, on October 22, 2002, MIE Properties filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-02093 for Maryland Science and Technology Center 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 February 6, 2003, 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 of the application with conditions; and

WHEREAS, on February 6, 2003, 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 the Type I Tree Conservation Plan (TCPI/44/98-01), and further APPROVED Preliminary Plan of Subdivision 4-02093, Maryland Science and Technology Center for Parcels A, B and C with the following conditions:

1. Prior to the issuance of permits and in conjunction with a specific design plan, the existing approved Type II Tree Conservation Plan (TCPII/36/99) shall be revised to reflect the proposed development. The revised Type II TCP shall be in conformance with TCPI/44/98-01 and approved TCPII/36/99 (dated October 29, 2000) and shall meet all requirements of the Woodland Conservation Ordinance. This plan will be designated as TCPII/36/99-01.
2. The proposed development shall be limited to the construction of two stormwater management ponds, which will result in the generation of zero AM and PM trips. Any development causing a transportation impact greater than that identified above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
3. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

4. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area (PMA), except for impacts specifically approved by the Planning Board. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

5. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/44/98-01) or as modified and approved by the Planning Board with future preliminary plan approvals. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (I/44/98-01), or as modified and approved by the Planning Board with future preliminary plan approvals, or as modified by an approved Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance.”

6. All commercial structures shall have installed a fire suppression system in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.
7. In conformance with the *Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan*, the location of the master plan trail in the vicinity of regional stormwater management pond #2 shall be determined at the time of review of the SDP for the pond. The trail should not have a negative impact on the applicant's development scheme. Every attempt shall be made to respect a 30-foot standard width for the trail easement or dedication. If at the time of the SDP for the regional pond the trail cannot be located between the pond and the floodplain a tentative location around the perimeter of the pond shall be shown on the plan, to be modified by subsequent SDP's that show the actual development scheme. The location should be free of environmental constraints and agreeable to DPR, the applicant, and the trails coordinator.
8. Prior to the issuance of any permit for grading, clearing, or construction of any facility or structure, a specific design plan shall be approved.

9. Prior to signature approval of the preliminary plan of subdivision, General Note 16 shall be revised to read in total:

“Any subsequent submittal of a preliminary plan of subdivision shall demonstrate conformance to the approved CDP in the amount and general location of the required 25 percent open space.”

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 subject property is located in the northeast quadrant of the intersection of MD 3 and US 50 in the City of Bowie.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	E-I-A	E-I-A
Use(s)	Vacant	Stormwater Management
Acreage	114.10	114.10
Lots	0	0
Parcels	3	3

4. **Conformance with the Basic Plan and Comprehensive Design Plan**—Basic Plan A-9401 for the subject property was approved on January 12, 1982. Comprehensive Design Plan CDP-8601 was subsequently approved on July 7, 1986. The proposed preliminary plan presents a lotting pattern and provides for an internal road network generally similar to that approved by the basic plan and the CDP. The limited development proposed under the subject preliminary plan for the construction of two stormwater management ponds does not impede the orderly development of those plans. Staff finds that the proposed preliminary plan is in conformance with the approved basic plan and CDP in general.
5. **Environmental**—The Environmental Planning Section has reviewed the above revised preliminary plan. The Environmental Planning Section recommends approval of TCPI/44/98-01 subject to conditions.

The Environmental Planning Section, in conjunction with Preliminary Plan 4-88030, which was approved on August 15, 1988, previously reviewed this site. That preliminary plan covered the property and was approved prior to the adoption of the Woodland Conservation Ordinance; therefore, a tree conservation plan was not approved with the preliminary plan. Preliminary Plan 4-98076 was approved on February 25, 1999, superseding 4-88030, and covered only that portion of the property generally west of Curie Drive. TCPI/44/98 was approved with that preliminary plan and also only covered the portion of the site covered by 4-98076 that is west of Curie Drive.

On October 29, 2000, to resolve a violation of the Woodland Conservation Ordinance that occurred east of Curie Drive, TCPII/36/99 was approved for the entire site. Because of the nature of the violation, a TCPII was necessary. Large expanses of PMA exist on the site that have not been previously delineated and designated for preservation as required by the Subdivision Ordinance.

The current application is for two stormwater management ponds. Because this site is within the City of Bowie, stormwater management approval is under the jurisdiction of the City of Bowie. A review of the available information indicates that streams, wetlands, 100-year floodplain, and severe and steep slopes are found to occur on this property. Although US 50 and US 301 have been identified as transportation-related noise generators, there are no adverse impacts to the uses proposed in this application. The predominant soils found to occur, according to the Prince George's County Soil Survey, include Adelphia, Collington, Ochlockonee and Shrewsbury. The Adelphia and Shrewsbury soils have limitations with respect to high water tables and impeded drainage. According to available information, Marlboro clay is not found to occur in the vicinity of this property.

The sewer and water service categories are S-3 and W-3. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this property. This property is located in the Patuxent River watershed, directly adjacent to the Patuxent River, and in the Developing Tier.

The subject parcels are part of a larger development scheme that was approved as part of CDP-8601. The preliminary plan currently under review is for the purpose of constructing two stormwater management ponds. This concept is in general conformance with the previously approved CDP; however, the location and design of the proposed ponds will be reviewed in more detail during the review of the required specific design plan.

The approved CDP contains a plan entitled "Reserved Open Space." The area labeled "Reserved Open Space" has been shown on previous plans that were subject to the review and approval of the Planning Board. The current application does not show the location of the open space, as previously approved on the CDP. Any subsequent preliminary plan of Subdivision and tree conservation plan should be revised to show the full extent of the "Reserved Open Space." There are four conditions of the approved CDP-8601 that apply to the review of this preliminary

plan:

Condition 11 states: **“The stormwater management concept should be amended to indicate that on-site infiltration of the first one inch of runoff will be provided wherever soil conditions permit.”** This condition should be carried forward to this plan and be included in the stormwater concept plan for the subject property. The preliminary plan has been revised to reflect conformance.

Condition 12 states: **“All Phase III (SDP) submittals shall demonstrate that stormwater management facilities required in accordance with the overall concept plan will be constructed concurrent with development.”** The subject preliminary plan is solely for the construction of stormwater management plans. No additional information is required at this time regarding this condition.

Condition 13 states: **“The stormwater management concept shall consider the use of wet stormwater management facilities in the area east of the access road in Pods 5 and 7. Such facilities are considered highly desirable for water quality protection and establishment of wildlife habitats.”** The concept plans submitted with the application, stamped as received by the Development Review Division on December 3, 2002, dated as approved by the City of Bowie on October 2, 2002, do not indicate the type of ponds proposed, e.g., dry ponds, extended detention, or wet ponds. However, the information is provided on the TCPI.

Condition 14 states: **“Floodplain studies for streams draining watersheds “B” and “C” shall be submitted to and approved by the Department of Public Works and Transportation prior to the approval of any Preliminary Plan within these watersheds.”** Watershed B is part of the northern portion of the subject application. The Department of Environmental Resources is the current approval agency for floodplain studies. The floodplain elevations shown on the plan are DER floodplain elevations, which reflect actual conditions.

The site is located directly adjacent to the Patuxent River. As required by the Patuxent River Policy Plan, staff requested during previous reviews that the preliminary plan and tree conservation plan be revised to show the Patuxent River Primary Management Area (PMA) that includes, at a minimum, the 100-year floodplain, streams, stream buffers, wetlands, wetland buffers, steep slopes on highly erodible soils, and severe slopes. The tree conservation plan was revised, and all features are shown.

Prior to the issuance of any permits that impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant should submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain all of the PMA, except for impacts specifically approved by the Planning Board. The following note should be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation is prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

The plan as submitted shows one area of impact to the PMA—a proposed outfall for stormwater management pond #2. In a memo dated November 6, 2002, the applicant was informed of the requirement for a letter of justification: “If impacts are proposed to the PMA, a letter of justification shall be submitted 30 days prior to any Planning Board hearing outlining each impact and how the proposed design has resulted in the preservation of the PMA to the fullest extent possible. Each proposed impact must also be shown on an 8 ½- by 11-inch map and must contain a quantification of all impacts proposed.” To date, this information has not been submitted. Staff has received a copy of a letter dated December 2, 2002, that is entitled “Request for a Waiver to Impact to PMA” [sic]. This letter does not contain the required information including the map of the area proposed or the quantification on the impacts.

This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area, contains more than 10,000 square feet of woodland, more than 5,000 square feet of clearing is proposed, and the site is subject to a previously approved tree conservation plan.

The Subdivision Ordinance and the Woodland Conservation Ordinance both require the submission of a Type I tree conservation plan with a preliminary plan. A Type I TCP has never been prepared or submitted for the portion of the property that is the subject of the current application. The previously approved TCPI only includes that land area generally to the west of Curie Drive.

The TCP currently submitted for review shows the clearing for the two proposed stormwater management ponds. At the time of SDP review, a Type II TCP submitted showing the clearing and grading for each building or facility will be necessary. The Type II TCP must be in conformance with the Type I TCP, as required by the Woodland Conservation Ordinance.

6. **Community Planning**—The subject property is located within the limits of the 1991 *Bowie-Collington-Mitchellville & Vicinity Master Plan*, in Planning Area 71. The approved comprehensive design plan and basic plan approved for this property have established the development potential for this site consistent with the land use recommendation of the master plan and General Plan. The proposed development is consistent with the approved comprehensive design plan and basic plan.
7. **Parks and Recreation**—The of Department of Parks and Recreation (DPR) have reviewed the preliminary plan of subdivision for conformance to Comprehensive Design Plan CDP-8601. Condition 16 applies to the review of the preliminary plan and states the following:

Within 90 days of the filing of the first building permit application for Stage II, the applicant, its successors or assigns, shall convey by donation approximately 96 acres of

the 100-year floodplain adjoining the Patuxent River to M-NCPPC for incorporation into the Patuxent River Park system.

The proposed subdivision includes a small portion of the 100-year floodplain abutting the east property line of Parcel A, adjacent to the proposed area identified for parkland dedication in the approved CDP. The applicant should adjust the parcel boundary between the subject property and Parcel 6 to the east prior to the approval of the final plat of subdivision to provide for the conveyance of the entire floodplain to M-NCPPC, ensuring the conveyance of approximately 96 acres as required by Condition 16 of CDP-8601. The parcel to be donated to M-NCPPC should be clearly designated on the plan. A note should be added stating that 96 acres of the 100-year floodplain area along the Patuxent River shall be donated to M-NCPPC.

The master plan recommends hiker/biker equestrian trail construction along the Patuxent River. CDP-8601 discussed construction of the hiker/biker and equestrian trail in the 100-year floodplain buffer area. Considering the fact that dedicated parkland may include only portions of the floodplain, a public access easement may be required for construction of the trail within the buffer if located on Parcel A.

If the east property line of Parcel A is not adjusted adequately to accommodate the construction of the trail entirely on Park property, the trail may be constructed within the buffer. This determination will be made at the specific design plan stage prior to final plat when additional information will be available to evaluate if the trail can be built in the floodplain or if it must be built in the buffer. If determined necessary by DPR for the construction and maintenance of the paved hiker/biker trail, the public trail easement location should be established at the SDP stage and reflected on the final plat.

It is the preference of the Department of Parks and Recreation to construct the trail entirely on park property; however, more detailed grading plans and site evaluation is necessary to appropriately site the trail. A more detailed analysis will occur through the review of the SDP.

8. **Trails**—The *Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan* recommends a hiker/equestrian trail along or near the Patuxent River from US 50 north to the M-NCPPC parkland on Lea Drive. This trail will ultimately provide recreational opportunities for residents of Bowie and employees of the Maryland Science and Technology Center, as well as providing access to scenic areas along the Patuxent River.

Because the land along the Patuxent is going to be conveyed to the Department of Parks and Recreation, and due to concerns about placing the trail and/or trail easement in a buildable location, staff recommends that the trail location be determined at the time of review of the specific design plan (SDP). Due to problems associated with constructing trails in floodplain and wetland areas, it may be necessary to locate the trail outside of the floodplain on what is proposed as Parcel A, as addressed further in Finding # 5 of this report. The trail should be field located by the trails coordinator, the Department of Parks and Recreation, and the applicant at the time of review of the SDP.

The applicant should note that it may be necessary to adjust the boundary between Parcel A and Parcel 6 to safely accommodate the master plan trail facility and to provide 96 acres of land to be conveyed to M-NCPPC.

9. **Transportation**—The applicant proposes the construction of two stormwater management ponds under this application. Given the fact that this proposed development is limited to the construction of two stormwater management ponds, there will be no trip generation associated with this development. The proposed construction and subsequent operation of the two ponds will, therefore, have no adverse impact on the surrounding transportation network.

It should be mentioned, however, that there are undeveloped pods, parcels and blocks on the subject property that can, and are likely, to be developed at a future date. At such time in the future when any further development with trip generating potential is pursued, an analysis of each development proposal will be required to determine the potential traffic impact. A new preliminary plan of subdivision will be required to evaluate the adequacy of the transportation facilities.

The Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded that the proposed subdivision is exempt from the APF test for schools because it is a commercial use.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:

- a. The existing fire engine service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road has a service travel time of 6.28 minutes, which is beyond the 3.25-minute travel time guideline.
- b. The existing ambulance service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road has a service travel time of 6.28 minutes, which is beyond the 4.25-minute travel time guideline.
- c. The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive has a service travel time of 5.85 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Glenn Dale Fire Station, Company 18, located at 11900 Glenn Dale Boulevard has a service travel time of 11.09 minutes, which is beyond

the 4.25-minute travel time guideline.

The above findings are in conformance with the 1990 *Adopted and Approved Public Safety Master Plan* and the Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that a fire suppression system be installed in all commercial structures in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

12. **Police Facilities**—The proposed development is within the service area for District II-Bowie. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Maryland Science and Technology Center development. This police facility will adequately serve the population generated by the proposed subdivision
13. **Health Department**—The Health Department has no comment.
14. **Stormwater Management**—The property is within the City of Bowie, therefore, the city has jurisdiction over stormwater management. To ensure that development of this site does not result in on-site or downstream flooding, development of this site must be in accordance with the approved stormwater management plan.
15. **Specific Design Plan**—In order to ensure the orderly development of this property as proposed, staff recommends that a specific design plan (SDP), required in the Comprehensive Design Zone, be approved prior to the issuance of any permit for grading, clearing or construction of any facility or structure. Review of the SDP should address the grading and construction of the proposed stormwater management facilities on pods 5 and 6. The review should evaluate but not be limited to the views of the ponds, landscaping and planting, and overall design.

The approximate location of the master plan hiker/equestrian trail should be evaluated and established at the time of review of the SDP. Through the review of the SDP, more detailed grading plans can be provided that can assist in determining the most appropriate location of the trail easement as discussed in Findings 5 and 6 of this report. An adjustment to the boundary of proposed Parcel A and existing Parcel 6 may be necessary to accommodate the required 96 acres of dedication to the Department of Parks and Recreation, as well as providing for the master plan trail facility.

17. A sculptor named Helaman Ferguson contacted the City of Bowie and the Planning Department regarding the continuation of his artist studio on the greater Science and Tech Center property. The following is provided for information purposes only and does not result in any condition or restriction on the approval of this preliminary plan of subdivision.

Mr. Ferguson, up until January 2003 had a studio located in one of the barns associated with the Melford historic site. Continuing in the location has not worked out, so Mr. Ferguson has contacted property owners within the center to explore an alternative location within the Science and Tech Center property.

One location that has been identified is a small area of ground located behind an existing WSSC pumping station in the northeast area of the site. Because of the specific environmental features in this location, the placement of a small structure in this area to accommodate a one-man artist studio would straddle two existing ownership entities. The majority of the land is located in an area that is covered by Preliminary Plan 4-98076. The other, smaller portion of land is covered by the subject application, Preliminary Plan 4-02093.

Mr. Ferguson believes that he can be successful in arranging for both property owners to facilitate his endeavor. To do so, the first step would be for the two property owners, prior to final platting of either property, to do a lot line deed adjustment to the common boundary line in this area. The presumption is that the small portion of land that is a part of 4-02093 would be adjusted into the larger area of land that is the subject of 4-98093. Once this is accomplished, a specific design plan would need to be approved for the construction of a one-man artist studio.

Because the staff recommendation for 4-02093 is stipulating that the approval is only for the purposes of implementing stormwater management facilities and is not for the construction of any buildings, staff wants to acknowledge that any future lot line adjustment or construction of this studio in kind to what exists will not be viewed in conflict with the approval of 4-02093. That the studio will not generate any additional vehicular trips. Making a provision for the studio to continue on the Science and Tech Center property will have a negligible impact on the overall development of the Science and Tech Center.

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 6, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of March 2003.

Trudye Morgan Johnson
Executive Director

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By Frances J. Guertin
Planning Board Administrator

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