

R E S O L U T I O N

WHEREAS, St. John Properties is the owner of a 176.19-acre parcel of land known as Parcels 1 (two), 2, 4, 5, 7, 32, 77, 80, and 81 located on Tax Map 48 in Grid A-3, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned M-X-T; and

WHEREAS, on January 10, 2008, St. John Properties filed an application for approval of a Preliminary Plan of Subdivision (Staff Exhibit #1) for 29 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-07055 for Melford, Phase 2 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 May 29, 2008, 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 May 29, 2008, 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/44/98-03), and further APPROVED Preliminary Plan of Subdivision 4-07055, Melford, Phase 2, for Parcels 1-29 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
  - a. Provide current property descriptions, based on the tax map descriptions.
  - b. Conform to DPR Exhibit A-4-07055.
  - c. Indicate that office-warehouse or warehouse refer to accessory uses only.
2. A Type II tree conservation plan shall be approved in conjunction with detailed site plans.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan #01-0907-207NE15, issued by the City of Bowie and any subsequent revisions.
4. Total development within the subject property shall be limited to uses within the M-X-T Zone

that generate no more than 392 AM trips and 875 PM trips for Pod 1, and 874 AM trips and 1272 PM peak trips for Pods 5, 6, 7, 7B and P2 combined. Any development with an impact beyond that identified herein above shall require a revision to the CSP and a new preliminary plan with a new determination of the adequacy of transportation facilities.

5. Prior to the issuance of any building permits within the subject property (with the exception of Pod 1), the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

(A) At MD 3/MD 450/gas station access intersection

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

(B) At US 301/Governor Bridge Road/Harbor Way intersection

The applicant shall provide an additional exclusive left turn lane on the eastbound approach. The overall lane use for this approach shall be two left turn lanes and a shared left-through-right lane. Governor Bridge Road shall be widened, and a left-turn lane shall be added, as recommended by DPW&T. Because of the short right-turn-only lane, the widening shall extend from the intersection of US 301 to the apartment complex driveway, and the entire roadway shall be restriped, to provide two outbound lanes for approximately 250 feet, all as recommended by DPW &T.

6. Prior to signature approval of the preliminary plan, the plan shall be revised to provide a public street network as shown on the approved Conceptual Site Plan CSP-06002 for Pod 1, which shall include access from the public street to the Duckett family cemetery.
7. At the time of detailed site plan review for any land within Pod 1, the roadways, building layout and scale shall be as depicted on the approved CSP-06002. The character of the buildings fronting the roadways adjoining the historic site shall be complementary and architecturally compatible with the historic Melford structure, and evaluated at the time of review of the detailed site plan(s).
8. Prior to certificate approval of DSP-07072, the applicant, the applicant's heirs, successors and/or assignees shall convey to the M-NCPPC 96.5± acres as delineated in DPR Exhibit A, Preliminary Plan 4-07055. Land to be conveyed shall be subject to the following:
  - a. At the time of final plat, the applicant shall submit an original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) to the Subdivision Section of the Development Review Division, The Maryland-National

Capital Park and Planning Commission (M-NCPPC), along with the final plat.

- b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
  - c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
  - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to the DPR within two weeks prior to applying for grading permits.
  - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by the M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by the M-NCPPC, the DPR shall review and approve the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.
  - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
  - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
  - h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
  - i. No stormwater management facilities, tree conservation or utility easements shall be proposed on land owned by or to be conveyed to the M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
9. Any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.

10. As part of the submission package of each detailed site plan, information addressing the use of low impact development techniques such as bioretention, green roofs, reductions in impervious surfaces, cisterns, and water recycling shall be included, or a justification as to why these techniques cannot be implemented on this project shall be submitted.
11. Detailed site plans for the development shall include a statement from the applicant regarding how green building techniques and energy efficient building methods have been incorporated into the design.
12. The DSP shall demonstrate the use of full cut-off optics for all commercial and industrial lighting fixtures and for the proposed street lighting.
13. Prior to signature approval of the preliminary plan, Sheet 5 of the TCPI shall be revised to preserve the trees within the 150-foot, 100-year floodplain buffer on the west side of Preservation Area 4A.
14. Prior to signature approval of the preliminary plan, an inventory of all disturbances to the 100-foot natural buffer and the 150-foot floodplain buffer shall be submitted. The inventory shall be in table form with each area labeled for reference with the acreage of impact needing mitigation. The table shall be added to the TCPI. The TCPI shall also identify conceptually where the “natural buffer alternatives” will be provided as mitigation so that each subsequent DSP can meet its portion of the overall requirement. The TCPI shall receive signature approval at least 30 days prior to any Planning Board hearings on the first DSP associated with this approval so that this issue is fully addressed on any future plans to be brought before the Planning Board.
15. Prior to signature approval of the preliminary plan, the TCPI shall be revised to delineate the area of land to be dedicated to the Department of Parks and Recreation (DPR Exhibit A, Preliminary Plan 4-07055), and if permission for woodland conservation on the dedicated land has not been granted by DPR in writing, the TCPI shall be revised to eliminate all woodland conservation on land to be dedicated.
16. Prior to signature approval of the preliminary plan, the TCPI shall be revised to show the required 10-foot public utility easements for the site. No woodland conservation shall be placed within these easements.
17. Development of this subdivision shall be in conformance with the approved Type I Tree Conservation Plan (TCPI/44/98-03). The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type I Tree Conservation Plan, TCPI/44/98-03, 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. This property is subject to the notification provisions

of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince Georges County, Planning Department.”

18. Prior to approval of the first Detailed Site Plan for Pod 7 the TCP shall be revised to show only one outfall for the proposed stormwater management control in the area associated with proposed Impact #3, unless the applicant demonstrates to staff that two impacts are necessary to support development. If the existing outfall is to be removed, it shall be labeled as such and the area shall be shown as reforestation.
19. 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 Preservation Area and adjacent conservation areas, adjacent planting areas, the 100-foot natural stream buffer, and the 150-foot floodplain buffer, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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 are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
20. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
21. The first detailed site plan for Pod 1 shall be for the Melford Historic Site (Lot 1 Block A) and shall include the evaluation of the impact review area. The purpose of the detailed site plan is to ensure compliance with Conditions 4, 5 and 7 of CSP-06002 as approved by the District Council. In particular, the detailed site plan shall ensure the retention of viewshed between Melford House and the Duckett family cemetery (Condition 4) and address the guidelines for new construction approved by the District Council through CDP-8601 and again through CSP-06002 (Condition 5).
22. Prior to approval of the detailed site plan for the Melford Historic Site, plans and a timetable for the long-term maintenance and restoration of the Duckett family cemetery shall be developed and approved.
23. Prior to signature approval of the preliminary plan, the applicant shall submit the final report detailing the Phase II investigations of 18PR164 and 18PR165.
24. Prior to approval of the detailed site plan for the Melford Historic Site, if an archeological site has been identified as significant and potentially eligible to be listed as a historic site or determined eligible to the National Register of Historic Places, the applicant shall provide a plan for:

- a. Avoiding and preserving the resource in place; or
- b. Phase III Data Recovery investigations and interpretation.

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

- 25. Prior to the approval of the detailed site plan for the Melford Historic Site, the applicant shall:
  - a. Ensure that all artifacts are curated to MHT standards. The curated artifact collection and associated documentation shall be deposited with the Maryland Archeological Conservation Lab,
  - b. In consultation with archeology staff, provide for public interpretation of the significance of archeological findings within the property. That public interpretation may take the form of on-site signage, a printed brochure, public lectures or a website. The location and wording of any signage, the text of a brochure or website shall be subject to approval by the staff archeologist.
- 26. Prior to signature approval of Preliminary Plan 4-07055 and the TCPI, the applicant shall revise both to show the parkland dedication of 96.5± acres as shown on DPR Exhibit A, Preliminary Plan 4-07055. Land shall be conveyed to M-NCPPC as required by Condition 18 of CSP-06002.
- 27. The applicant, the applicant's heirs, successors and/or assignees shall submit to the Park Planning and Development Division three (3) original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats. Upon approval by the PP&D, the RFA shall be recorded among the County land records and noted on the final plat of subdivision. The RFA shall establish the timing for the construction of the master plan trail on park property.
- 28. The applicant, the applicant's heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on park property prior to the approval of building permits.
- 29. The applicant shall construct a 10-foot-wide asphalt surface hiker/biker/equestrian trail along the Patuxent River, an access road, and a gravel parking lot at the public access/trailhead.
- 30. The applicant shall submit construction drawings for the master plan 10-foot-wide asphalt surface hiker/biker/equestrian trail, an access road, and a gravel parking lot at the public access/trailhead to DPR for review and approval at the time of the submission of first DSP in Pod 7. Prior to issuance of the 50 percent of the building permits in Pod 7, the

recreational facilities shall be constructed.

31. In conformance with the Adopted and Approved Bowie and Vicinity Master Plan, prior approvals for the Maryland Science and Technology Center, and CR-11, the applicant, the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. Construct the master plan trail along the Patuxent River in conformance with Department of Parks and Recreation guidelines and standards. Connections from development Pod 7 to the master plan trail will be evaluated at the time of detailed site plan.
  - b. Parkland dedication shall be in conformance with the Department of Parks and Recreation Exhibit A to accommodate the ultimate extension of the master plan trail to the north and the south.
  - c. Provide standard sidewalks along both sides of all internal roads, in keeping with Development Guideline 3 of the Adopted and Approved Bowie and Vicinity Master Plan (Master Plan, page 13). In areas of high pedestrian activity, wide sidewalks shall be considered at the time of detailed site plan.
  - d. Curb extensions, curb cuts, crosswalks, pedestrian refuges, and other pedestrian safety features will be evaluated at the time of DSP.
  - e. 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. Trail connections necessary to supplement the sidewalk network will be evaluated at the time of detailed site plan.
32. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of detailed site plans.
33. Prior to signature approval of the preliminary plan the applicant shall revise the plan to show a minimum of 70-foot wide street rights-of-ways in order to accommodate commercial traffic or obtain a design waiver from the City of Bowie.
34. "Share the Road" with a bike signs shall be provided along Melford Boulevard frontage at the time of Detailed Site Plan.

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 Crain Highway (US

301/MD 3) and John Hanson Highway (US 50).

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	M-X-T	M-X-T
Use(s)	Commercial/Residential	Mixed-Use Commercial
Acreage	176.19	176.19
Parcels	10	29
Dwelling Units:		
Detached	1 to remain (Melford Historic Site)	1 to remain (Melford Historic Site)
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed plans for Preliminary Plan of Subdivision 4-07055 and Type I Tree Conservation Plan TCPI/44/98-03, for the Melford site, stamped as received on April 4, 2008.

The Environmental Planning Section previously reviewed plans for this site when it was zoned E-I-A and known as the University of Maryland Science and Technology Center. The site was rezoned to M-X-T in the Bowie and vicinity planning area sectional map amendment (SMA). The District Council's action in the SMA for this site is found in CR-11-2006, and was evaluated for the review of the preliminary plan for environmental issues.

Type I and Type II Tree Conservation Plans (TCPI/44/98 and TCPII/36/99, respectively) are associated with the site based on previous approvals by the Planning Board of Preliminary Plan of Subdivision 4-98076, Comprehensive Design Plan CDP-8601, and several Specific Design Plans (SDP-0201, SDP-0203, SDP-0301 and SDP-0405) when the site was zoned E-I-A, a comprehensive design zone.

A Conceptual Site Plan CSP-06002 was approved for development in the M-X-T Zone in conjunction with Type I Tree Conservation Plan TCPI/44/98-02. The CSP has received certificate approval. This application will represent a -03 revision to the TCPI. The proposal is for 29 parcels in the M-X-T Zone that will consist of office, warehouse, and retail space.

#### **Site Description**

A review of the available information indicates that streams, wetlands, 100-year floodplain and severe slopes are found to occur on this property. The predominant soils found to occur, according to the *Prince George's County Soil Survey*, include Adelphia, Collington, Mixed alluvial land, Ochlockonee and Shrewsbury. The Mixed alluvial land and the Adelphia soils have limitations with respect to high water tables and impeded drainage. The other soil series pose few difficulties to development. According to available information, Marlboro clay is not found to



occur in the vicinity of this property. US 50 (John Hanson Highway) is an existing freeway and traffic-generated noise impacts are anticipated. Based on information obtained from the Maryland Department of Natural Resources, Wildlife and Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property; however, there are records of 'species of concern' known to occur within the vicinity of the site. There are no designated scenic and historic roads in the vicinity of this property. According to the *Approved Countywide Green Infrastructure Plan*, all three network features (Regulated Areas, Evaluation Areas and Network Gaps) are present on the site. This property drains to an unnamed tributary located in the Patuxent River basin, is located directly adjacent to the Patuxent River, and is located in the Developing Tier in the adopted General Plan.

### **Conformance with Bowie and Vicinity Master Plan**

The following text describes how the proposed development is in conformance with the master plan's policies and strategies. The text in BOLD is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve and enhance the green infrastructure network  
Strategy 2, Primary Corridors

**The Patuxent River is a designated Primary Corridor in the master plan. The subject property abuts the Patuxent River and run-off created is deposited directly into the river channel. Strategy 2 reads as follows:**

**Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements.**

**"Essential development elements" include road crossings of streams to access otherwise landlocked portions of sites and the construction of utilities which are limited to stormwater outfalls, sewer lines, electrical lines, gas lines and phone lines (although the last three can usually be designed to eliminate the impacts). This definition does not include grading for buildings, roads, stormwater management ponds or any other feature where the design could be changed to eliminate the impact.**

**Comment:** As part of the approval of CSP-06002, buffers were established in order to protect the Primary Corridor and its associated tributaries. These undisturbed buffers extend beyond the regulated Patuxent River Primary Management Area (PMA) in most areas. The PMA definition includes "...Specific areas of rare or sensitive wildlife habitat, as determined by the Planning Board." The buffers adjacent to a designated Primary Corridor are sensitive habitat that should be protected in a natural state to the fullest extent possible.

Conditions of approval in the final action of the District Council for Conceptual Site Plan CSP-06002, restricts all development within 100-foot-wide natural stream buffers and a

150-foot-wide floodplain buffer. Although this area is not included in the PMA, these areas will be afforded the same level of protection as the PMA, through their inclusion in the final conservation easement.

Policy 2: Water quality  
Strategy 4

**Ensure the use of low-impact development techniques to the extent possible during the development process.**

**Comment:** Each detailed site plan should address the use of low impact development techniques, also known as “environmentally sensitive design.” Because of this sensitive location abutting the Patuxent River to the east, a variety of water quality and quantity controls should be considered.

As part of the submission package of each detailed site plan, information addressing the use of low impact development techniques, such as bioretention, green roofs, reductions in impervious surfaces, cisterns, and water recycling shall be included, or justification as to why these techniques cannot be implemented on this project shall be submitted.

Policy 3: Tree cover  
Strategy 4

**Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

**Comment:** The DSP will be reviewed for conformance with the distribution of tree cover throughout impervious surface areas.

Policy 4: Green buildings and alternative energy sources

**Reduce overall energy consumption and implement more environmentally sensitive building techniques.**

**Comment:** The DSP will be evaluated for the implementation of green building techniques and alternative energy sources. Prior to acceptance of detailed site plans for the development of the land south and east of the southern on-site traffic circle, the package should be evaluated to ensure that it includes a statement from the applicant regarding how green building techniques and energy efficient building methods have been incorporated into the design.

Policy 5: Light pollution

**Comment:** The DSP will be evaluated for the use of alternative lighting technologies and full cut-off optics.

Policy 6: Noise pollution

**Comment:** There are no residential uses proposed with this application.

The final action of the District Council for CSP-06002, dated September 19, 2007, included 29 conditions, six of which are environmentally-related, are to be addressed at the time of preliminary plan review or prior to the issuance of permits. The respective conditions are in **bold** typeface, the associated comments are in standard typeface.

**CSP-06002 Melford, Notice of Final Decision of the District Council**

14. **Prior to signature approval of the CSP and TCPI, the TCPI shall be revised as follows:**
- a. **Revise the shading patterns so that the information underneath is legible;**
  - b. **Eliminate the pattern used to depict previously approved limits of disturbance and show only that limit of disturbance needed for the proposed development;**
  - c. **Eliminate all clearing not necessary for the conceptual construction of the features shown;**
  - d. **Revise the existing tree line per Staff Exhibit A (2006 Aerial);**
  - e. **Provide labels on each cleared area with the acreage and pod identifications; if cleared areas cross pods, divide them up so that the table on sheet 1 can be checked for correctness;**
  - f. **Revise the worksheet to reflect all cleared areas, preservation areas, etc.;**
  - g. **Revise the table on Sheet 1 to fill in all the boxes;**

**Comment:** The above conditions have been addressed on the current plan.

15. **Prior to signature approval of the CSP, and at least 30 days prior to any hearing on the preliminary plan, the CSP and TCPI shall be revised to remove all buildings, roads, trails and other amenities from the 100-foot natural buffer for streams and the 150-foot buffer for the 100-year floodplain.**

**Comment:** This condition has been addressed. Because the trail shown within the 150-foot floodplain buffer is a master-planned trail on proposed M-NCPPC parkland, and is in accordance with an exhibit approved by the District Council, the trail is not subject to this condition. No other

buildings, parking or other amenities are shown on the TCPI submitted for review.

16. **Except for previously approved clearing that directly relates to the construction of the stormwater management ponds, all disturbance to the stream and floodplain buffers shall be eliminated. Where these buffers have been disturbed by previous approvals, they shall be reforested wherever possible. The TCPI associated with the preliminary plan will be evaluated for impacts to these buffers for the installation of stormwater management outfalls as necessary. The 150-foot building setback shall be shown on the plans and shall be honored.**

**Comment:** The 150-foot-wide floodplain buffer is correctly shown on the plan. The disturbance to the referenced buffers has been limited to necessary impacts and the proposed trail with the exception of one area. On Sheet 5 of the TCPI, on the west side of Preservation Area 4A, it appears as though disturbance is proposed within the 150-foot, 100-year floodplain buffer based on the location of the limits of disturbance; however, no grading or structures are shown within this area. The limits of disturbance in this area need to be revised to preserve the existing woodland.

17. **During the review of the TCPI associated with the preliminary plan, the linear wetland in the middle of the southeastern portion of the site shall be evaluated to ensure its protection in a manner consistent with previous approvals.**

**Comment:** Prior to and during the review of the Natural Resources Inventory (NRI/054/06) for the site, the linear wetland was evaluated. Although this feature was determined to be a wetland, it is still afforded protection under 24-130 for the Patuxent River Primary Management Area (PMA).

20. **Prior to the approval of the Preliminary Plan and Detailed Site Plan, the applicant shall demonstrate:**

- a. **Development plans shall show the minimization of impervious surfaces through various phases of the project. Structured parking shall be used to the maximum extent possible.**

**Comment:** Because the pods on the site will be developed through future separate phases of development in detailed site plan applications, this condition will be addressed with each individual DSP application.

- b. **Streams shall have a 100-foot natural buffer and a 150-foot-wide building and parking setback. There shall be a 150-foot buffer on the 100-year floodplain. If a utility must be extended into any buffer, than an equal area of natural buffer alternative shall be retained on the community property.**

**Comment:** The 100-foot natural buffer, 150-foot-wide building and parking setback, and

150-foot floodplain buffer are shown correctly on the TCPI, stamped as received on April 4, 2008. Information regarding the natural buffer alternative was not provided, and the acreages that require the “natural buffer alternative” have not been provided.

- 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.**

**Comment:** This condition is addressed in the evaluation of the letter of justification for impacts to the PMA, which provides more information on the proposed impacts for the development.

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

**Comment:** This condition has been addressed on the preliminary plan and the Type I tree conservation plan.

### **Environmental Review**

This site has a signed Natural Resources Inventory (NRI/054/06-01). The information regarding the forest stand delineation and wetland delineation was found to be sufficient and the information was correctly reflected on the NRI, TCPI, and preliminary plan. All of the required buffers and setbacks are also reflected on the NRI. Although the site has been cleared in some areas, the NRI reflects the original tree line subject to woodland conservation. No further information is required with regard to the NRI.

This property is subject to the provisions of the Prince George’s County Woodland Conservation and Tree Preservation Ordinance because the site has previously approved Type I and Type II tree conservation plans. A revised Type I Tree Conservation Plan (TCPI/044/98-03) has been submitted and reviewed. The TCPI for this project covers the entire site that was certified under CSP-06002 (431.55 acres). There is also an overall TCPII that is amended as each phase is built.

The 431.55 acre site contains 175.55 acres of woodland on the net tract and 89.26 acres of woodland within the 100-year floodplain. The TCPI proposes to clear 122.80 acres of upland woodland and 0.13 acre of woodland within the floodplain. The total requirement, including the 15 percent woodland conservation threshold, is 75.29 acres. The requirement is proposed to be met with 51.75 acres of on-site preservation, 2.03 acres of on-site reforestation, 6.72 acres of on-site afforestation, and 14.79 acres of off-site mitigation. The woodland conservation threshold of 44.38 acres is being met on-site. Woodland conservation is primarily focused in and adjacent to sensitive environmental features where preservation has the highest priority.

The TCPI does not delineate the area of land to be dedicated to the Department of Parks and

Recreation (DPR). This information is necessary because written permission is required to place woodland conservation on land to be dedicated to DPR. The TCPI also does not show the 10-foot public utility easement, and this feature should be shown on the plan.

Extensive areas of the Patuxent River Primary Management Area (PMA) are located on the site because of its location abutting the Patuxent River. The PMA as well as all regulated features on the site are shown correctly on the plans. Section 24-130 of the Subdivision Regulations requires that when a property is partially or totally within the Patuxent River watershed, that the preliminary plan and tree conservation plan should demonstrate that the PMA has been preserved in a natural state to the fullest extent possible. If impacts are proposed to the PMA, a letter of justification is required to be submitted describing the impacts proposed, and justifying why they are unavoidable.

The plan shows impacts to the PMA for a sewer line and storm drain outfalls that were previously approved with prior applications for the site. A letter of justification has been submitted for new impacts. The following is an analysis of the three new proposed impacts.

### **Impacts #1 and #2**

Proposed impacts #1 and #2 are both for the connection to an existing sanitary sewer that is necessary to service the development. The proposed impacts are located on Pod 7 and total 3,753 square feet. Staff has evaluated these impacts and believes that they have been reduced to the fullest extent possible and staff supports these impacts.

### **Impact #3**

Proposed impact #3 is for a storm drain outfall to safely convey stormwater from the site. There is currently an outfall in this area. The submitted letter of justification states that this outfall is needed to provide a suitable outfall that minimizes future erosion on the site; however, it provides no explanation of the future disposition of the current outfall. Because only one outfall appears to be necessary in this area, either the proposed impact for the new outfall should be eliminated, or the current outfall must be labeled "to be removed" and shown as a reforestation area.

At the Planning Board hearing the applicant indicated that they had additional information that may demonstrate to staff that both impacts are necessary. The applicant requested the opportunity; at the time of the first detailed site plan for Pod 7, to demonstrate to staff that both impacts are necessary. If the applicant can not demonstrate that to staff, one of the impacts will be removed.

The Maryland Department of Natural Resources, Wildlife and Heritage Division, issued a letter dated May 18, 2001, that states that there are no records of rare, threatened or endangered plants or animals within this project site. A MDNR database indicates that there are recent records of species of concern known to occur within the vicinity of the site; however, the portions of the subject property currently under review would not be likely to support the species listed. Much of

the subject property, has been disturbed over the course of the last few decades as indicated by the presence of Virginia pine and the small diameter of the trees on-site. The site that is “in the vicinity” is likely the Nash Woods property located west of the subject property across US 301. If any regulated species are present on the site, they would be located within the areas proposed for preservation: the streams, wetlands, floodplain and their associated buffers. No additional information is required with regard to rare, threatened or endangered species.

Copies of the stormwater management concept approval letter and plan were included in the application. The approval letter was issued by the City of Bowie and dated September 20, 2007. The submitted plan does not show the storm drains or inlets that are proposed for the site, nor are they reflected on the TCPI. This information is necessary to evaluate the proposed limits of disturbance and to determine if the impacts are necessary for the proposed development. Further evaluation of the SWM approval will occur at the time of detailed site plan review.

#### **Water and Sewer Categories**

The water and sewer service categories are W-3 and S-3, according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and the site will therefore be served by public systems.

5. **Community Planning**—The property is located within the 2006 Bowie and vicinity master plan, in Planning area 71B in the City of Bowie. The master plan recommendation for the property is for mixed-use development. The 2002 General Plan located the property in the Developing Tier. One of the visions for the Developing Tier is to maintain a pattern of distinct commercial centers and employment areas that are ever increasingly transit serviceable. The 2006 Bowie and vicinity sectional map amendment rezoned the property from the E-I-A Zone to the M-X-T Zone in support of the master plan and General Plan recommendations. The proposed preliminary plan is consistent with the M-X-T Zone and the General Plan by developing a district employment center.

The site is the subject of an approved Conceptual Site Plan (CSP-06006) as set forth in the District Council’s order dated September 11, 2007, which establishes the land uses and finds conformance to the master plan. This preliminary plan is consistent with the approved conceptual site plan. The land uses proposed with this preliminary plan are consistent with the uses as approved with the CSP. The specific locations within the limit of the site are the subject of the DSP review. This preliminary plan does not propose development on land in the M-X-T Zone, which is not the subject of an approved conceptual site plan.

6. **Parks and Recreation**—The staff of the Department of Parks and Recreation has reviewed the above referenced preliminary plan for conformance with the requirements of the Conceptual Site Plan CSP-06002, the approved master plan and sectional map amendment for Bowie and vicinity, the Land Preservation and Recreation Program for Prince George’s County and current subdivision regulations as they pertain to public parks and recreation.

**Findings:**

At the time of approval of the Conceptual Site Plan (CSP-06002, Condition 18), it was required that the applicant dedicate 108<sup>±</sup> acres including, but not limited to the 100-year floodplain and floodplain buffer to M-NCPPC as shown on DPR Exhibit A for CSP-06002 to serve as a continuation of Patuxent River Stream Valley Park and for the future construction of a master-planned trail and trailhead facility.

The CSP requires 108<sup>±</sup> acres of parkland dedication as shown on DPR Exhibit A; however, subsequent to the approval of the CSP, staff has recalculated the area shown on this exhibit and found that it is approximately 96 acres. DPR staff believes that at the time of the conceptual site plan stage, the area was miscalculated.

The Council required with the approval of the CSP that the applicant convey the property to M-NCPPC prior to the approval of any DSP in the project area. One area (74.4 acres) of the parkland to be dedicated is outside the limits of this preliminary plan, and the second area (20.5 acres) is within the limits of this preliminary plan.

Two Melford DSP applications (DSP-06096 and DSP-07072) have been approved by the Planning Board and are awaiting certification. Condition 16 of DSP-07072, PGCPB Resolution 08-42 approved by the Planning Board, requires that “six weeks prior to the submission of the plans for certification of any DSP in the land area covered by Detailed Site Plan DSP-07072 an original, special warranty deed along with a metes and bounds description for the 100-year floodplain and floodplain buffer to be conveyed to M-NCPPC (signed by the WSSC Assessment Supervisor) shall be submitted to DPR for their review. Upon approval by DPR, the deeds shall be recorded in the land records of Prince George’s County.”

On April 11, 2008, the applicant submitted deeds to the DPR for 95-acres to be conveyed to M-NCPPC. The parkland deed was for the conveyance of the park outside and inside the area of this preliminary plan. Part of the area within the preliminary plan is depicted on the preliminary plan as Parcel 6 and Lot 1, Block D, Pod 7. DPR staff evaluated the shape and size of the proposed parkland dedication area and determined that it is in general conformance with DPR Exhibit A in CSP-06002, with the exception of one acre at the main entrance to the parkland. This area is currently being used as a stormwater management facility by the applicant.

Condition 29b of approved CSP-06002 states, “Prior to certificate approval of the CSP-06002, the applicant shall revise the plan to show the conceptual trail layout of the Master Plan trail on dedicated parkland.” The applicant has provided a plan showing a conceptual trail layout. DPR staff has evaluated this plan and found that the trail is located primarily on the edge of steep slopes providing no buffer from erosion, no room for future trail maintenance and a potential safety hazard for future trail users. In one location (along Pod 7, Lot, 1, Block 1), there is not adequate space to accommodate the trail itself between the



steep slopes and park property line as proposed by the applicant. In order to provide an adequate area for the future master planned trail, additional land should be provided. DPR staff adjusted the park boundaries to provide enough space for a trail in the future. DPR Exhibit A, Preliminary Plan 4-07055, shows an adjusted area to be dedicated M-NCPPC from approximately 95 acres to approximately 96.5 acres.

DPR met with the applicant on March 17, 2008 to discuss this conceptual trail layout and parkland dedication area. At that meeting, the applicant explained that they had prepared a metes and bounds description to reflect the same parkland boundaries of the conceptual trail exhibit. As a result, the applicant requested that instead of adjusting the metes and bounds description at this time, a preference to dedicate additional parkland later in the development process. After consulting with MNCPPC legal staff, DPR can not deviate from the requirements of the County Council resolution for CSP-06002 and the approved Planning Board Resolution PGCPB No. 08-42, for the timing of the conveyance of the area of parkland dedication.

Dedication to M-NCPPC should be in accordance with DPR Exhibit A, Preliminary Plan 4-07055, which incorporates DPR Exhibit A, CSP-06002. This would include the land both inside and outside the limits of the subject preliminary plan, and require that the conveyance occur at one time and prior to certificate approval for the first detailed site plan for this project, in accordance with Condition 16 of PGCPB Resolution 08-42, file DSP-07072. Condition 16 requires that six weeks prior to submission of the plans for certification of any DSP in the land area covered by Detailed Site Plan DSP-07072, an original, special warranty deed along with a metes and bounds description for the 100-year floodplain and floodplain buffer to be conveyed to M-NCPPC.

At the Planning Board hearing on April 24, 2008 for DSP-06096, which occurred subsequent to the hearing for DSP-07072 (March 13, 2008), the Planning Board determined that a duplicate condition, to Condition 16, which had been placed on DSP-07072, was not necessary for DSP-06096. It was also determined that Condition 18 of CSP-06002 would be satisfied based on Condition 16 placed on DSP-07072, which required the conveyance of the parkland occur prior to certification of DSP-07072. The Planning Board found that it was not necessary to burden each property owner with a duplicative condition for the dedication of the same land. The resolution of approval for DSP-06096 (PGCPB Resolution 08-61) did not include a condition for the conveyance based on that Planning Board finding.

However, in this case the configuration of land has been slightly modified from DPR Exhibit A, approved as part of CSP-06002, and conditioned in Condition 16 of DSP-07072. Two adjustments are recommended from the CSP exhibit with this preliminary plan. Minor adjustments to the area of parkland dedication often occurs from a conceptual plan to a more detailed plan, as which occurred with this preliminary plan from the CSP plan.

The first is to adjust the dedication line to give "back" to the applicant land that would allow the applicant to construct a stormwater management (SWM) facility on land that was to be conveyed to M-NCPPC. The second adjustment is to provide a linear strip of land along the park boundary

to ensure that the master plan trail can be constructed. Over all, the land area requested (DPR Exhibit A-4-07055) with this preliminary plan has been adjusted to be less than that originally calculated with the CSP (108± acres) or 96.5 acres.

7. **Trails**—The subject site is within the area covered by the Adopted and Approved Bowie and Vicinity Master Plan. The property is also formerly a portion of the Maryland Science and Technology Center. M-NCPPC, Department of Parks and Recreation (DPR), owns numerous parcels of land along the Patuxent River, including both to the north and south of the subject site. DPR has implemented natural surface trails on several parcels of the publicly-owned land along the Patuxent River. To the south of the subject property, the Governor Bridge Park to the south of US 50, includes numerous natural surface trails to the river and around various ponds and wetland areas. To the north of the site, M-NCPPC owns the stream valley land behind the Sherwood Manor subdivision. Staff has also worked with the Queen Anne community to implement hiker-equestrian trails in the public land along the Patuxent River near MD 214.

Prior approvals for the subject site reflected the ultimate desire to develop a trail along the Patuxent River to connect to existing and planned trails along the river. Approved SDP-0301 (SDP for stormwater management ponds, blocks 5 and 6) included a recommendation for a public use easement to accommodate the future provision of this trail. This condition reads:

3. Prior to final plat approval, a 30-foot-wide trail easement shall be recorded for the master-planned trail construction, maintenance and public use.

Land outside the floodplain and environmental buffers will be necessary to accommodate this trail. The trail should be run north-south parallel to the Patuxent River and be designed to accommodate future extensions to both the north and south. The conceptual trail plan submitted by the applicant confirms that the trail will be located largely outside the PMA. It also indicates that the trail will be within land dedicated to M-NCPPC. It will be incorporated into the area adjacent to and around the stormwater management ponds. The trail should be constructed in conformance with Department of Parks and Recreation (DPR) standards and the location should be approved by DPR. Land dedication should be in conformance with the Department of Parks and Recreation Exhibit “A”.

Approved CSP-06002 and CR-11-2006 (Bowie and vicinity master plan) included numerous conditions regarding a trail and pedestrian facility on the site. The Bowie and vicinity master plan reiterated these conditions and include specific recommendations regarding the Melford property, including the following development guidelines on pages 12 through 16:

28. Community recreational facilities shall take full advantage of environmental features on and adjacent to the property, and shall include extensive trail and boardwalk systems. These recreational facilities may also include educational features for the general public and public schools, such as kiosks along the trails, boardwalks at observation points, and education stations, with curriculum available to schools for use in specific locations.

29. The open space system, including but not limited to environmentally sensitive areas, shall extend through the site and link the uses. Portions of the open space system shall be visible to and accessible from public streets.

Access to the open space, educational opportunities, and observation points will be evaluated at the time of detailed site plan in keeping with these development standards.

The master plan also includes Development Guideline 3 for the Melford site that recommends the following regarding sidewalk facilities:

3. The Conceptual Site Plan shall have an integrated network of streets, sidewalks (on all streets), and open space, public or private, and shall give priority to public space and appropriate placement of uses.

Development Guideline 14 recommends the following regarding stormwater management facilities:

14. The design of the stormwater management ponds shall show them as amenities with gentle natural slopes and extensive native plantings.

The master plan trail and stormwater management ponds should be designed to meet the intent of Development Guideline 14 of the master plan. The design and location of the trail, as well as the interface of the trail and adjacent stormwater management ponds, will be reviewed by the Department of Parks and Recreation.

The Council Resolution for CSP-06002 (dated September 11, 2007) also includes the following recommendations regarding the master plan trail along the Patuxent River.

- 29b. Prior to certificate approval of the CSP-06002, the applicant shall revise the plan to show the conceptual trail layout of the master planned trail on dedicated parkland.
  - 29e. The applicant shall submit three original, executed Recreational Facilities Agreements (RFA) for trail and trailhead construction to the DPR for their approval three weeks prior to submission of a final plat of subdivision. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
8. **Transportation**—Transportation has been reviewed regarding the development of the subject site and the larger Maryland Science & Technology Center (total of 466 acres) in conjunction with A-9401, CDP-8601, Preliminary Plan of Subdivision 4-88030, and CSP-06002. Since those plans were approved, there has been considerable development within the Maryland Science and Technology Center. The preliminary plan and CDP approvals established a square footage cap for the initial phase of 1.95 million square feet. Preliminary Plan of Subdivision 4-98076, affirmed a trip cap of 2,200 AM and 2,605 PM peak-hour vehicle trips for all remaining development on the site within phase1.

There are a number of transportation-related conditions on earlier development review stages; these are reviewed in detail below:

**CDP-8601:**

Condition 3: Required upgrading of MD 3/Belair Drive/Melford Boulevard prior to development, up to a maximum of 400,000 square feet. The intersection has been replaced with an interchange.

Condition 4: Required an interchange at MD 3/Belair Drive/Melford Boulevard for development beyond 400,000 square feet and up to 1,950,000 square feet. The interchange is complete and open to traffic.

Condition 5: Required a new traffic study after 1991 or after completion of improvements to US 50. A new traffic study was prepared in 1998 and reviewed in conjunction with Preliminary Plan of Subdivision 4-98076.

Condition 6: Established dedication widths for internal streets. All streets have been dedicated in accordance with this condition.

Condition 7: Required that the impact of development along Belair Drive be minimized. This has been done by limiting access to Melford Boulevard.

Condition 8: Required the completion of documents establishing legal access to the property. This was done prior to the initial development on the property.

Condition 9: Required setbacks to accommodate planned US 50 improvements. All improvements to US 50 have been constructed.

Condition 20: Established requirement for a new traffic study prior to Stage 2 development. A portion of the subject development is within Stage 1, as well as stage II, and therefore this condition is still relevant.

Condition 21: Restricted the Beech Tree Lane access to a right-in, right-out. This condition is complete.

**Preliminary Plan of Subdivision 4-98076:**

Condition 17: Established a trip cap for remaining development, based upon roadway improvements that existed in 1998 and 240,000 square feet of then-existing development, of 2,200 AM and 2,605 PM peak-hour trips. Since that time, the following approvals have occurred:

Table 1

SDP	Development Quantity	Status	AM Trip Generation	PM Trip Generation
SDP-0103	153,250 sq. ft.	Built	112	115
SDP-0104	300,000 sq. ft.	Approved	600	555
SDP-0201	83,680 sq. ft.	Built	127	118
SDP-0203/01	81,600 sq. ft.	Approved	163	151
SDP-0402	62,440 sq. ft.	Approved	103	095
SDP-0405	234,000 sq. ft.	Approved	300	284
DSP-06096	253,289 sq. ft.	Under Const.	235	290
DSP-07072	24,375 sq. ft.	Under Const.	168	122
	164,750 (Pod 1)	Pending	392	875
Total	1,357,384 sq. ft.		2200	2605

In the transportation referral dated April 28, 2008, staff made a finding that the subject application was eligible for 574 AM trips and 988 PM peak trips for Pods 5, 6, 7B and P2 combined. That finding was based on the premise that the trips assigned to SDP-0401 (Table 1) were included in the overall trip cap for CSP-06002. The fact is they were not covered under the overall CSP trip cap and consequently, the remaining trips available under the CSP trip is 874 AM and 1272 PM peak hour trips

**CSP-06002:**

At a public hearing on January 11, 2007, the Planning Board approved CSP-06002 (PGCPB 07-09), which included parcels encompassing phases I and II. The CSP was approved with a new trip cap of 2,774 AM or 3,593 PM peak-hour vehicle trips. This trip cap was based on the results from a new traffic study that was done in 2006. In addition to the trip cap, the Planning Board also imposed the following transportation conditions:

1. Total development within the subject property shall be limited to uses within the M-X-T Zone that generate no more than 2,774 AM or 3,593 PM peak-hour vehicle trips. Any development with an impact beyond that, identified herein above, shall require a revision to the CSP with a new determination of the adequacy of transportation facilities.
2. Prior to the issuance of any building permits within the subject property, the

following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

(A) At MD 3/MD 450/gas station access intersection

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

(B) At US 301/Governor Bridge Road/Harbor Way intersection

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

At a public hearing held by the District Council on September 11, 2007, the Council affirmed action taken by the Planning Board as outlined in PGCPB Resolution 07-09. In addition to its affirmance, the District Council added the following language to condition 2B above:

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

The subject application reflects a preliminary plan which encompasses Pods 1, 5, 6, 7B and P2. The area designated as proposed Pod 1, is located in the section of the site that is covered under approved Preliminary Plan of 4-98076 and the trip cap of **2,200 AM and 2,605 PM** peak-hour vehicle trips. Based on the trips that have been allotted for either approved and/or existing developments, the remaining trips that can be utilized for proposed Pod 1 shall be the **392 AM trips and 875 PM** trips as shown in Table 1 above.

Regarding the remaining pods (5, 6, 7B and P2), those pods would be required to be develop with a trip generation that does not exceed the difference between the trip caps established by Preliminary Plan 4-98076 and CSP-06002. That difference is reflected in Table 2 below:

Table 2

	AM Trip Generation	PM Trip Generation
CSP-06002	2774	3593

4-98076	2200	2605
Difference	574	988

Approved CSP-06002 showed an internal street network that provided an adequate internal circulation of traffic. Staff is recommending that a similar internal street layout be proposed for the subject application.

Based on the preceding findings, the development conforms to the required findings for approval of the preliminary plan of subdivision pursuant to Section 24-124 with conditions.

9. **Schools**—There are no residential dwelling units proposed; therefore, no anticipated impacts on schools.
10. **Fire and Rescue**— The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan application for a combination of office, warehouse and retail uses on a 176.19 acre tract in the M-X-T Zone for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

#### **Fire and Rescue Findings**

The existing fire engine service at Bowie Fire Station, Company 43 located at 16408 Pointer Ridge Road, has a service travel time of 4.60 minutes, which is beyond the 3.25-minutes travel time guideline.

The existing paramedic service at Bowie Fire Station, Company 43 located at 16408 Pointer Ridge Drive, has a service travel time of 4.60 minutes, which is within the 7.25-minutes travel time guideline.

The existing ladder truck service at Glenn Dale Fire Station, Company 18 located at 11900 Glenn Dale Boulevard, has a service travel time of 9.09 minutes, which is beyond the 4.25-minutes travel time guideline.

The existing ladder truck and engine services are beyond recommended travel time guidelines. However there is a proposed station that will address the response time deficiencies to the property in question. This proposed station, the Bowie Fire and EMS facility, is located in the vicinity of Northview Drive and Health Center Drive and will be within 2.27 minutes of the Melford property. The proposed station is included as a fully funded project in the 2007-2012 Capital Improvement Program. The construction of this station is proposed to begin this fiscal year in October 2008.

The above 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.

11. **Police Facilities**—The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The Plan includes planning guidelines for police facilities and they are:

Station space per capita: 141 square feet per 1,000 county residents

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline. The proposed development is within the service area for **Police District II, Bowie**.

12. **Health Department**—The Environmental Engineering Program section notes that any abandoned well or septic system shall be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative of the Health Department prior to final plat approval.
13. **Stormwater Management**—The City of Bowie, Department of Public Works, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 01-0907-207NE15, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with the approved plan to ensure that development of this site does not result in on-site or downstream flooding.
14. **Historic**—The developing property is subject to a number of conditions associated with previous approvals by the Planning Board and District Council. Among those, conditions approved by the District Council in its review of CSP-06002 are applicable to the subject preliminary plan application.

The subject property includes the Melford Historic Site (#71B-016). Built in the 1840s, Melford is a 2½-story brick plantation house of side-hall-and-double-parlor plan. The house is distinguished by a two-story, semicircular bay and a parapetted, double chimney at the south gable end. Attached to the north gable end is a lower kitchen wing built of brick and stone. The interior exhibits fine Greek Revival-style trim. The house was built by Richard Duckett and later was home to three generations of the Hardisty family. The grounds include several early outbuildings and terraced gardens, and there is a Duckett family burial ground on the adjoining knoll to the northwest. The bay and chimney configuration makes Melford unique in Prince George's County. The property is also listed in the National Register of Historic Places.

The Duckett family cemetery, although a part of the Melford Historic Site environmental setting (#71B-016), is not included within the subject preliminary plan application. In addition, the



Duckett family cemetery is not owned by the applicant, and there is an apparent tax lien on the property. The Duckett family cemetery is currently in a deteriorated condition and there is no plan for regular maintenance or restoration of the gravestones and other features of the site. Moreover, the subject application will impact the adjacent cemetery.

### **CSP-06002**

The CSP approval requires that all plans of development delineate and note both the Melford Historic Site environmental setting that includes the house site, adjacent outbuildings and gardens, and the cemetery on a separate parcel, and the impact review area surrounding these features on the subject plan and all subsequent plans (Condition 3). Conditions 4, 5 and 7 ensure the retention of the historic vista from the Melford House to the cemetery and will be addressed at the time of detailed site plan for the development within Pod 1. Review will evaluate development within the impact review area where preservation and enhancement of the historic vista can occur.

The first detailed site plan for Pod 1, within the subject property, should address the Melford Historic Site environmental setting and its impact review area. The purpose of the detailed site plan is to ensure compliance with Conditions 4, 5 and 7 of CSP-06002. In particular, the detailed site plan should ensure the retention of the viewshed between Melford House and the Duckett family cemetery (Condition 4), and address the guidelines for new construction approved by the District Council through CDP-8601 and again through CSP-06002 (Condition 5). The first detailed site plan filed within Pod 1 should be for the Melford Historic Site (Lot 1, Block A), which will include the review of the impact review area.

The applicant has revised the subject preliminary plan to identify both the Melford Historic Site environmental setting (including the house site, adjacent outbuildings and gardens, and the cemetery on a separate parcel), and the impact review area that establishes the vista between them, in compliance with Condition 3 of CSP-06002. Further evaluation will occur with the review of the detailed site plans within Pod 1.

Through the review of the detailed site plan for Melford House, the ownership of the Duckett family cemetery should be clarified and plans developed that provide for the long term maintenance and restoration of this important feature of the Melford Historic Site. The applicant should submit a plan and timetable for the protection, stabilization, restoration and planned adaptive use for the Melford Historic Site through the historic area work permit process, as required in Condition 6 of CSP-06002. The plan, timetable and HAWP are to be reviewed by the Historic Preservation Commission, and should be filed with the detailed site plan for Melford House. Condition 8 of CSP-06002 requires that prior to the issuance of building permits, the applicant will initiate the restoration of the historic site through the historic area work permit process.

The applicant has complied with CSP-06002 Conditions 6 and 8 through the submittal of a Historic Area Work Permit application (HAWP #45-07) that addresses the exterior rehabilitation

of the historic site in anticipation of its use as a single-family dwelling. However, a detailed site plan application must be submitted for the Melford Historic Site prior to the issuance of a use and occupancy permit for the property. That detailed site plan application should demonstrate compliance with all relevant approved conditions of CSP-06002.

The applicant is in compliance with the requirement of Condition 9 to submit regular quarterly condition reports on the condition of the Melford Historic Site and associated outbuildings and their ongoing maintenance. These quarterly reports will be required until a permanent use for the building is identified and established. The most recent quarterly report was submitted by the applicant on February 7, 2008; the next report is therefore due on or about May 7, 2008.

The applicant has revised the subject application to provide access from a public street to Melford House within the larger portion of the Melford Historic Site environmental setting that also includes the outbuildings and gardens. The applicant has not provided access from a public street for the Duckett family cemetery (also part of the Melford Historic Site environmental setting) that is adjacent to and outside the limits of this preliminary plan. However, conditions will address this issue by requiring that the preliminary plan be revised to provide two additional public streets within the limit of Pod 1 prior to signature approval.

### **Archeology**

A Phase I archeological survey was conducted on the property in February 2005. Three archeological sites were identified on the property. Site 18PR30 is a Late Archaic through Woodland period short-term base camp located adjacent to the Patuxent River floodplain. The portion of the site within the subject property had been extensively disturbed by tree removal and grading. Therefore, the site did not retain its integrity and no further work was recommended.

Site 18PR164 consists of archeological deposits and features associated with the Melford Historic Site (#71B-016). Artifacts recovered date from the late 18<sup>th</sup> century to the present. Four cultural features and a sheet midden were identified around the house. Some of the artifacts may reflect the activities of African American slaves. Phase II investigations were recommended for site 18PR164 to assess its eligibility for inclusion in the National Register of Historic Places.

Site 18PR165 is the Duckett family cemetery, located about 650 feet northwest of the Melford House, and not a part of this application, but is a part of the historic site. Development plans placed a buffer area around the cemetery. Several shovel test pits were excavated outside of and around the cemetery to determine if there were additional unmarked burials. No evidence of unmarked burials was found; however, ground penetrating radar survey of the vicinity of the cemetery should be completed as part of additional required archeological investigation of the property within the limits of Pod 1, which will be submitted with the detailed site plan for the Melford historic house.

Archeological sites 18PR164 and 18PR165 are located within the Melford Historic Site environmental setting (#71B-016). Staff concurs with the Phase I archeological report's findings

that no further work is necessary on site 18PR30. Staff also concurs that Phase II investigations are necessary on sites 18PR164 and 18PR165. A Phase II work plan was submitted to Historic Preservation staff on January 14, 2008, and was approved on January 18, 2008. The applicant should submit the findings of the Phase II investigations in the form of a draft report to be reviewed before a final report for the work can be accepted. Condition 21 of CSP-06002 requires that prior to the approval of the preliminary plan the applicant shall provide a final report detailing the Phase II investigations. The applicant has not provided that information and should be required prior to signature approval of the preliminary plan. The report should also be submitted with the detailed site plan for the Melford historic house, where the recommendations will be more appropriately considered within the property associated with Melford House and in the vicinity of the family cemetery with the detailed site plan.

Prior to the approval of the detailed site plan for the Melford Historic Site, the applicant should ensure that all artifacts are curated to MHT standards. The curated artifact collection and associated documentation should be deposited with the Maryland Archeological Conservation Lab.

15. **Urban Design**—The following excerpt is from the District Council decision in the review and approval of Conceptual Site Plan CSP-06002, approved September 11, 2007:

**MODIFIED, and, as modified, AFFIRMED, for the reasons stated by the Planning Board, whose decision in PGCPB No. 07-09 is hereby adopted as the findings of fact and conclusions of law of the District Council, with the following modifications and additions:**

- “A. The footprints for all "commercial uses," such as the commercial hotel, commercial retail, commercial office, and commercial office-warehouse (“flex”) uses shown in the CSP, including those in existence, those under construction, and those proposed in this plan, are hereby approved. These commercial and flex-warehouse uses are consistent with the principal goals and objectives of the Bowie and Vicinity Master Plan, approved in February 2006, in Council Resolution 11-2006. The uses also conform with the vision for development of this site in the employment center plans and employment center zoning (E-I-A) approved in 1982, when the residential zoning (R-R and O-S) for the subject property was first changed.
- B. Residential development on the subject property was not contemplated after the E-I-A Zone and basic plan were approved in 1982. In 1986 the CDP (comprehensive design plan) was first approved for the subject tract, and it also showed no residential uses. The Master Plan in 2006 suggested residential uses at Melford for the first time, as part of the employment center. It is not clear how the residential development proposed in this CSP application will conform to the vision of the employment center, and the residential development is not clearly integrated with, nor does it promote, the well-conceived employment center development that the Master Plan and adopted County plans and policies call for, on the subject tract.

- C. The 2006 Master Plan, in its goals, objectives, and recommendations, calls for development of primarily high-quality, class A, office-employment uses on the subject property. This property, originally over 400 acres in size, lies at the intersection of two central arteries in Prince George's County, US 50 and US 301/MD 3. It includes land proposed for technology-oriented employment uses, primarily office, and land areas devoted to transportation and open space. Both US 50 and US 301/MD 3 are planned to be expanded and upgraded, in the State's five-year needs assessment and construction program, and office and employment uses will be needed at this location, before the next Master Plan and Sectional Map Amendment updates are scheduled for this area.
- D. Residential development as currently shown in this CSP cannot be approved. The high-density residential uses proposed by the applicant are not well integrated with employment and office uses elsewhere on the site. Under Master Plan recommendations and the District Council's approved policies for the subject property, commercial office and employment development should be primary and preferred, in all development pods, and any residential development should complement and support the office and employment uses. The residential development shown in this application does not meet that objective.”

The findings above directed that the CSP was to be modified to remove the residential component. Prior to certification of the plans the references to the residential uses was eliminated. Therefore, where the proposed pods of development were previously listed as solely residential; the pod of development was left blank. The District Council’s order indicated that “commercial office and employment development should be primary and preferred, in all development pods.” Therefore, with the review of the detailed site plan for pods previously shown as purely residential the question of conformance to the conceptual site plan may be raised. The preliminary plan proposes uses that are permitted by the CSP. The specific use distribution will be the subject of the subsequent detailed site plans.

The plan has been compared to the layout of the Conceptual Site Plan CSP-06002, for conformance. Preliminary Plan 4-07055 does not provide for a public street layout within Pod 1 and should be revised prior to signature approval. The conceptual site plan provides a layout for the development surrounding the historic site (which includes both the Melford House and the Duckett family cemetery). This layout protected the historic site and addressed many issues, including the street layout and connections, protection of the historic vista between the Melford House and the Duckett family cemetery (via the provision of an open space component), the scale of buildings along the street system surrounding the historic site, and provision of public access to the cemetery.

This roadway system is an important element of the development of Pod 1 and is shown on the conceptual site plan skirting the outer edge of the Melford environmental setting of both the house and the cemetery. These roadways provided connections to Melford Boulevard and Curie Drive. A third roadway connected the two streets along one side of an open space element, which was designed to protect the historic vista between the

house and the cemetery, and will be further evaluated with the review of the detailed site plan.

Since the deletion of the residential component by the District Council through the review and approval of Conceptual Site Plan CSP-06002, there is no longer a homeowners association to own and maintain a street system. It is reasonable that the roadways be public roads that will serve commercial uses, either retail or office uses, or some combination. Private streets are not permitted in the M-X-T Zone for non-residential development and are required for public dedication. In this case the public streets will be under the authority of the City of Bowie. The preliminary plan lotting pattern clearly attempts to recoup land area that was previously shown as roadways for the development of commercial uses.

The following conditions of the CSP apply to review of the preliminary plan:

- 1. Total development within the subject property shall be limited to uses within the M-X-T Zone that generate no more than 2,774 AM or 3,593 PM peak-hour vehicle trips. No development with an impact beyond those limits may be approved, until the applicant revises the CSP and the Planning Board and District Council make a new determination that transportation facilities will be adequate for proposed uses. The applicant shall prepare and file another traffic analysis, to support a finding of adequacy.**

Comment: Any revision to the traffic analysis referenced above requires the applicant to submit a revision to the conceptual site plan for review by the Planning Board and the District Council, and as discussed in the Transportation section of this report.

- 9. Prior to approval of any preliminary plan or detailed site plan applications, the Historic Preservation Section shall certify that all quarterly reports have been received in a timely manner and that the Melford site is being properly maintained.**

Comment: This condition requires timely submission of the required report pertaining to the restoration of the Melford House located on the subject site, and as discussed in the Historic section of this report.

- 12. Connector trails shall be provided to complement the sidewalk network and provide access between uses and development pods. Priority shall be given to providing trail and sidewalk access to the existing trail around the Lower Pond. The comprehensive trail network will be evaluated at the time of preliminary plan and should be in conformance with guidelines 29 and 30 of CR-11-2006.**

Comment: The trails coordinator should provide an analysis of this issue.

- 13. The illustrative plan provided with the CSP is for illustrative purposes only and does not reflect the final layout for any purpose, including limits of disturbance. The**

**CSP may be used as a guide for the layout to be reviewed with the preliminary plan of subdivision or detailed site plans, but its proposed development should be modified, where development shown in the CSP is not consistent with environmental or other Master Plan considerations.**

Comment: This condition was generated by the Environmental Planning Section at the time of the review of the CSP and provided some flexibility in the review of subsequent planning tools in order to protect natural features of the site.

- 15. Prior to signature approval of the CSP, and at least 30 days prior to any hearing on the preliminary plan, the CSP and TCPI shall be revised to remove all buildings, roads, trails, and other amenities from the 100-foot natural buffer for streams and the 150-foot buffer for the 100-year floodplain.**

Comment: The CSP and TCPI plans have been revised in accordance with the requirement above and have obtained signature approval on March 20, 2008.

- 17. During the review of the TCPI associated with the preliminary plan, the linear wetland in the middle of the southeastern portion of the site shall be evaluated, to ensure its protection in a manner consistent with previous approvals.**

Comment: This condition was generated by the Environmental Planning Section at the time of the review of the CSP and requires protection of the on-site wetland area.

- 20. Prior to the approval of a preliminary plan or detailed site plan, the applicant shall demonstrate:**
- a. Development plans shall show minimization of impervious surfaces, through all phases of the project. Structured parking should be used to the maximum extent possible.**

Comment: This issue is best addressed at the time of DSP review.

- b. Streams shall have a 100-foot natural buffer and a 150 foot-wide building and parking setback. There shall be a 150-foot buffer on the 100-year floodplain. If a utility must be extended into any buffer, then an equal area of natural buffer alternative shall be retained on community property.**
- c. Clearing for utility installation shall be minimized, especially in environmentally sensitive areas, and clearing for utilities in those areas shall be coordinated, to minimize ground or buffer disturbance. Woodland disturbed for that purpose shall be reforested, in cooperation with the appropriate utility.**

Comment: Both conditions above have been addressed by the Environmental Planning Section in the review of the preliminary plan.

- 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.**

Comment: This issue is best addressed at the time of the DSP. The CSP should be the guide to the open space component of the project.

- 21. Prior to the submission of a preliminary plan of subdivision, the applicant shall provide a plan for evaluating the resource at the Phase II level. In accordance with the *Guidelines for Archeological Review*, if a Phase II archeological evaluation is necessary, the applicant shall submit a research design for approval by Historic Preservation staff. After the work is completed, and before approval of the preliminary plan, the applicant shall provide a final report detailing the Phase II investigations, and shall ensure that all artifacts are curated to MHT Standards.**
- 22. If a site has been identified as significant and potentially eligible to be listed as a Historic Site or determined eligible for the National Register of Historic Places, the applicant shall provide a plan for:**
  - a. Avoiding and preserving the resource in place; or**
  - b. Phase III Data Recovery investigations and interpretation.**

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

Comment: Both of the conditions above have been addressed in the Historic Preservation Section (HPS) memo by the archeologist.

- 16. Part of Parcel 4 (Zehner Property)—Immediately south of the subject property (Pods 6 & 7) is part of Parcel 4 known as the Zehner property, zoned O-S, and extends south of US 50. In total, Parcel 4 is 111± acres and is divided by the right-of-way of US 50. The SHA has acquired the access controls from the property owner of Parcel 4 along US 50. Therefore, the part of Parcel 4 immediately south of Melford is prohibited from direct access to US 50, unless otherwise approved by the State Roads Commission.**

Section 24-104 of the Subdivision Regulations establishes the purposes of Subtitle 24 and

specifically (a)(3) states in part “[t]o facilitate public and private actions in order to provide adequate and efficient transportation.” Based on the circulation pattern that is proposed for Pod 6, staff finds that access to Parcel 4 from the internal public street across Pod 6 would be an appropriate location to provide adequate access to Parcel 4. Access across Pod 7 would not be appropriate due to the location of the stormwater management pond and existing environmental features on the Melford property, which abut the northern property line of Parcel 4. The specific location of a possible future access easement should be located on the detailed site plan for proper siting, if an agreement can be reached between the property owners.

The applicant in this case has indicated that they should not be required to provide access to the adjoining property, in part because that property owner has frontage on a public street (US 50) and previously negotiated away the right of access to the State Highway Administration. The M-NCPPC Associated General Council in discussions with staff agrees with the applicant’s position. However, we acknowledge that the two private parties could negotiate an access easement to serve that part of Parcel 4 located on the north side of US 50.

17. **Residential Conversion**—The subject property is zoned M-X-T. While the subject application is not proposing any residential development, if the conceptual site plan would permit such a land use, a new preliminary plan should be approved. Because there exists different adequate public facility tests, and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.
18. **Background**— On January 25, 1982, the District Council approved Zoning Map Amendment Application and Basic Plan A-9401 for the subject property (Zoning Ordinance No. 2-1982). This zoning map amendment rezoned the property from the R-A and O-S Zones to the E-I-A Zone. On July 7, 1986, the District Council approved Comprehensive Design Plan CDP-8601, affirming the prior Planning Board decision, PGCPB Resolution No. 86-107, for the Maryland Science and Technology Center. The preliminary plan was approved by the Planning Board on September 28, 2000, PGCPB Resolution No. 99-28(A).

The property was included in the *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* and the property was rezoned from the E-I-A Zone to the M-X-T Zone through the approval of CR-11-2006 on February 6, 2006. On February 15, 2007, the Planning Board approved Conceptual Site Plan CSP-06002, 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 September 11, 2007, the District Council approved CSP-06002, rejecting the residential component of the proposed development. The preliminary plan is consistent with the District Council’s action on the CSP and proposes no residential uses.



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

\* \* \* \* \*

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, May 29, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of June 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:WC:bjs