



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 15-41(C)

File No. 4-14015

RESOLUTION

WHEREAS, Bowie Heritage, LLC is the owner of a 3.17-acre parcel of land known as Tax Map 55 in Grid D-2 and is also known as Lot 5, Block E—City of Capitals, said property being in the 7th Election District of Prince George’s County, Maryland, and being zoned Commercial Miscellaneous; and

WHEREAS, on February 24, 2015, Bowie Heritage, LLC filed an application for approval of a Preliminary Plan of Subdivision for the addition of 2,228 square feet of gross floor area for an eating and drinking establishment and the creation of two lots (Lots 10 and 11); and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-14015 for 16300 Heritage Blvd. (City of Capitals) 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 April 30, 2015, for its review and action in accordance with the Land Use Article of the 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 April 30, 2015, the Prince George’s County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George’s County Code, the Prince George’s County Planning Board APPROVED Preliminary Plan of Subdivision 4-14015 for 16300 Heritage Blvd. (City of Capitals) with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to make the following technical corrections:
 - a. Revise the lot numbers from 6 and 7 to 10 and 11. Revise General Note 32 accordingly.
 - b. Add the current liber/folio reference for the site (L. 18557/ F. 001) to General Note 1.
 - c. Add “Eating and Drinking Establishment, with Drive-Through Service” to the proposed uses in General Note 7.
 - d. In General Note 8, revise the use for the Taco Bell from “Retail” to “Eating and Drinking Establishment, with Drive-Through Service.”

- e. Remove General Note 15, public utility easements will be re-granted at the time of final plat.
 - f. Remove "Ex." from the ten-foot-wide public utility easement (PUE) label on the plan. PUEs will be re-granted at the time of final plat.
2. Development of this site shall be in conformance with the stormwater management concept plan approved by the City of Bowie (Approval No: 01-1214-206NE14) and any subsequent revisions.
 3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement along all public rights-of-way.
 4. Prior to approval of the detailed site plan, the site plan shall reflect an u-shaped bicycle rack that can accommodate a minimum of five bicycles at a location convenient to the entrance of each building.
 5. Any residential development of the subject property shall require approval of a new subdivision prior to approval of any building permits.
 6. Total development shall be limited to a gross floor area cap of 61,900 square feet on Lots 10 and 11 combined. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.
 7. Approval of this preliminary plan of subdivision shall supersede Preliminary Plan of Subdivision 4-79111 for the development of the site.
 8. Prior to approval of the final plat, the applicant or the applicant's heirs, successors, and/or assignees shall obtain approval of a detailed site plan in accordance with Part 3, Division 9 of the Zoning Ordinance, Section 27-270.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on Tax Map 55 in Grid D-2 and is known as Lot 5, Block E – City of Capitals, recorded in Plat NLP 150-89 on December 12, 1989, in the Prince George's County Land Records. The property consists of 3.17 acres within the Commercial Miscellaneous (C-M) Zone. Existing Lot 5 is a resubdivision of Lot 2—City of Capitals, recorded in Plat NLP 114-77 on December 29, 1982, which was recorded pursuant to the approval of Preliminary Plan of Subdivision (PPS) 4-79111. The associated resolution for PPS 4-79111 is not available. The findings of transportation adequacy were established through the approval of this

PPS, as further discussed in the Transportation finding. The site is currently developed with 12,600 square feet of gross floor area (GFA) for a commercial use on existing Lot 5, which is to remain. This PPS proposes the addition of 2,228 square feet of GFA for commercial uses and the division of Lot 5 into Lots 10 and 11. The existing development (12,600 GFA) will be located on proposed Lot *[6] 11 and the proposed eating and drinking establishment (2,228 GFA) will be located on proposed Lot 11. Pursuant to Section 24-107 of the Subdivision Regulations, no land shall be subdivided within the Regional District in Prince George's County until the subdivider or his agent shall obtain approval of a PPS and final plat of subdivision, resulting in this application.

Existing Lot 5 is bounded on three sides by public rights-of-way. Along the western boundary of the site is Mitchellville Road (C-308), a 108-foot-wide master plan collector roadway. Heritage Boulevard (95 feet wide) bounds the site to the south, and North Hanson Court (70 feet wide) bounds the site to the east. Existing vehicular access driveways are located at each right-of-way, three in total. Proposed Parcel 10, upon which the existing development will be located, will retain the existing vehicular access driveways to Heritage Boulevard and North Hanson Court. Proposed Parcel 11, upon which the proposed development will be located, will retain the existing vehicular access driveway on Mitchellville Road. The lotting pattern of Parcel 11 is necessary to allocate parking between the two buildings. While the lotting pattern shown on the original PPS depicted shared access between Parcels 10 and 11 to Mitchellville Road, through the review of the PPS, the applicant has revised the plan to show the access point to Mitchellville Road wholly within the boundary of Parcel 11. In the C-M Zone, each lot is required to have frontage on and direct access to a public street.

This subject site is located within a "Local Town Center" as designated in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The site is also located within the 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity* (Bowie and Vicinity Master Plan and SMA) and is wholly situated within the municipal boundary of the City of Bowie (City). The PPS was referred to the City for review and comment. The City Council voted unanimously to recommend approval of the PPS, with no conditions. The site is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. A Standard Letter of Exemption (S-164-14) was issued on December 4, 2014 and a Natural Resources Inventory Equivalency Letter (NRI-189-14) was reviewed and approved on December 4, 2014.

The subject site is part of the City of Capitals development. The City of Capitals, also known as the International Renaissance Center (IRC), is a development of approximately 102 acres, of which approximately 88.44 acres was rezoned from the Rural Residential (R-R) Zone to the C-M Zone by the Prince George's County Council in 1975 as part of the Bowie-Collington Sectional Map Amendment (Council Resolution CR-108-1975, Amendment 14). As part of the approval of rezoning, a conceptual development plan for the entire property was required by the Planning Board. Previous staff reports have stated that the Planning Board, on July 26, 1979, revised the conceptual development plan to require that, prior to any development of any portion of the entire site, a detailed site plan (DSP) for that portion must be approved by the Planning Board. While specific action of the Planning Board, requiring by condition a DSP, has not been

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

identified in a resolution of approval, the requirements of Amendment 14 in the 1975 resolution require a detailed level of site plan review. A DSP is conditioned, as discussed in the Detailed Site Plan finding. A revised conceptual site plan revision, CSP-78020-10, has been approved and a DSP revision is currently in the pre-review stages of submittal.

3. **Setting**—The subject site is located at the northeast quadrant of the intersection of Heritage Boulevard and Mitchellville Road. To the north and northeast of the site is C-M zoned property currently developed with offices. To the west of the site, across North Hanson Court (which bounds the property along the western property line), is C-M zoned property currently developed with a bank. To the west and south of the site are C-M zoned properties currently developed with retail stores.

4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	C-M	C-M
Use(s)	12,600 square feet of GFA for retail and office use	14,828 square feet of GFA for retail, office, and eating and drinking establishment use
Acreage	3.17	3.17
Lots	1	2
Outlots	0	0
Parcels	0	0
Dwelling Units:	0	0
Public Safety	No	No
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on March 13, 2015.

5. **Previous Approvals**—The City of Capitals, also known as the International Renaissance Center, is a development of approximately 102 acres, of which approximately 88.44 acres were rezoned from R-R to C-M by the County Council in 1975 as part of the Bowie-Collington Sectional Map Amendment (CR-108-1975, Amendment 14). Amendment 14 states the following:

Amendment 14.

Change SMA proposed zoning for 88.44± acres located in the northwest corner of Routes 197 and 301, known as the Gaegler Tract, recorded as part of l. 3699/f. 342, l. 4321/f. 21, and l. 4365/f. 126, from the R-R Zone to the C-M-C Zone with the requirement that prior to the issuance of any building and/or grading permits for this property the owner(s) and/or developer(s) of the subject property shall submit to the Planning Board for its approval a comprehensive site plan showing the proposed development for the entire property, or any portion thereof, should development of the tract be proposed to occur in stages, and showing in particular:

1. Relationships of the proposed uses and structures to natural features such as drainage, topography and vegetation;
2. Relationship of proposed uses and structures to existing and anticipated uses of adjoining properties;
3. Internal circulation considerations of all proposed and necessary modes, including pedestrian, bike, car, and truck;
4. Relationship of parking compounds to buildings, buffers and public ways;
5. Relationship of buildings and other structures to others on the same lot and on adjacent lots;
6. Placement, sizing and appropriateness of landscaping elements;
7. Signing and lighting;
8. Location and treatment of off-street loading areas used by trucks, and;
9. Storm water management.

The Planning Board shall act upon a comprehensive site plan within 45 days after the filing thereof with the Planning Board, and shall approve the comprehensive site plan when it finds:

- that the plan makes the subject property as attractive as possible from all public ways and adjacent properties;
- that the developer(s) has devoted sufficient attention to all aspects of site planning, design, grading, access, landscaping, and construction as would have been used and as is often required in large scale development proposals.

There shall be no grading of the site nor cutting of trees until approval has been obtained of the comprehensive site plan. Major stands of trees shall be delineated on the comprehensive site plan and the developer shall demonstrate to the satisfaction of the Planning Board (or District Council upon appeal) why it is necessary to remove any mature or specimen trees.

The developer(s) and/or owner(s) shall have the right to appeal the decision of the Planning Board to the District Council.

A staff memorandum dated March 23, 1989 (Ma to Prince George's County Planning Board) for the approval of SP-78020-01 (City of Capitals) states the following:

"On July 26, 1979, the Planning Board approved a revised version of its initial August 24, 1978 approval of the development concept plan (labeled 'Comprehensive Site Plan') as part of the 'Comprehensive Site Plan' for the City of Capitals. This development concept plan approval required that prior to the development of any portion of the entire site, a detailed site plan for that portion must be approved by the Planning Board. The approved development concept plan, along with the detailed site plan for individual lots, would constitute the 'Comprehensive Site Plan' required by Amendment 14 of CR-108-1975."

The specific action of the Planning Board, requiring by condition a DSP, has not been identified in a resolution of approval.

Conceptual Site Plan SP-78020-01 was approved by the Planning Board on April 6, 1989 (PGCPB Resolution No. 89-167) for the City of Capitals development. Finding 3 of the resolution reflects the requirement for DSP review by the Planning Board, stating the following:

3. **The plan along with the detailed site plans for individual developments within the City of Capitals will constitute the comprehensive site plan required.**

A DSP is conditioned and is currently in the pre-acceptance review process. The DSP condition is discussed further in the Detailed Site Plan finding of this report.

Since the approval of SP-78021-01, several revisions have been submitted for minor land use and lot layout changes, being a part of the overall umbrella CSP, but addressing individual lots and blocks. On November 18, 1993, the Planning Board approved SP-78020-04 (PGCPB Resolution No. 93-307), a revision to amend the proposed uses for Lot 1 of Block E (from which the subject site was later resubdivided). The approved SP-78020-03 showed two building sites within Lot 1 for non-fast-food restaurant uses. The revision modified the use from two restaurants to one restaurant and one restaurant and one office/bank use. The resolution contained five conditions, of which the following conditions in **BOLD** relate to this review:

1. **Development of the subject property is subject to all of the conditions of the previously approved Comprehensive Site Plans (Concept) for the City of Capitals.**

A conceptual site plan revision, CSP-78020-10, has been approved at staff level. As previously mentioned, DSP approval is conditioned.

3. **The design of signs, lighting and entrance features on individual lots shall be carefully coordinated throughout the entire center to ensure the compatibility among these elements and to enhance the overall development's character and appearance. National logos shall not be permitted. Monumental signs for the center (not for individual businesses) shall be permitted at the locations as shown on the subject plan.**

The design of signage, lighting, and entrance features will be reviewed at the time of DSP.

6. **Community Planning**—This subject site is located within a “Local Town Center” as designated in Plan Prince George’s 2035. The center is a pedestrian-friendly transit-oriented community with a regional market. There is a diverse mix of moderate- to high-density and intensity of residential, commercial, and employment uses. The following urban design principle from Planning Board Resolution No. 14-10, number 19, which approved the General Plan, is relevant: “Orient and relate building frontages rather than parking to the street.” Building siting and general architecture will be reviewed at the time of DSP for the proposed development.

The site is also located within the 2006 Bowie and Vicinity Master Plan and SMA. The master plan includes this property as part of the Bowie Regional Center. The following are pertinent goals taken from page 31 of the master plan: “Encourage high-quality infill and redevelopment of existing commercial and parking areas, over time” and “Require pedestrian-oriented and transit-oriented design.” The design principles and goals should be considered at the time of DSP for the proposed development.

The application, with proposed commercial uses, is consistent with the land use recommendations of both Plan Prince George’s 2035 and the master plan.

7. **Urban Design**—As discussed in Section 27-461(b), Uses Permitted, of the Prince George’s County Zoning Ordinance, retail stores, general offices, and eating drinking establishments are permitted uses in the C-M Zone. Section 27-462, Regulations, for commercial development will be evaluated at the time of DSP review, as applicable.

Conformance with the Prince George’s County Landscape Manual

Pursuant to Section 27-459(d), Regulations, development projects in the C-M Zone are required to conform to the 2010 *Prince George’s County Landscape Manual* (Landscape Manual).

Conformance with the requirements of the Landscape Manual will be determined at the time of DSP.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

The Tree Canopy Coverage Ordinance requires ten percent tree canopy coverage for properties in the C-M Zone. This requirement can be met either through the preservation of the existing trees, the proposed on-site landscaping, or a combination of both, and will be evaluated at the time of DSP review.

8. **City of Bowie**—The PPS is located within the municipal boundary of the City of Bowie and was referred to the City for review and comments accordingly. The Bowie City Council conducted a public hearing for the PPS on April 6, 2015. The City Council voted unanimously to recommend approval of the PPS, with no conditions.
9. **Environmental**—The PPS is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010 because the application is for a new PPS. The site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance (WCO). A Standard Letter of Exemption (S-164-14) was issued on December 4, 2014, and a Natural Resources Inventory Equivalency Letter (NRI-189-14) was reviewed and approved on December 4, 2014.

No regulated environmental features are located on-site. The predominant soils found to occur according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Collington-Wist-Urban land and the Urban Land-Adelphia complexes. According to available information, Marlboro clay and Christiana clays are not found to occur on this property. According to the Sensitive Species Project Review Area (SSSPRA) map received from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. No forest interior dwelling species (FIDS) habitat or FIDS buffer are mapped on-site. No specimen trees are located on-site. The site is located approximately 600 feet west of Robert Crain Highway (US 301), which is a designated freeway that is regulated for noise; however, due to the proposed commercial use, noise is not an issue in relation to the subject application. The site does not front on any scenic or historic roadway. The site is located within the Bowie Town Center, in an employment area of the Growth Policy Map, and in Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site is not mapped within the network.

Master Plan Conformance

The master plan for this area is the 2006 Bowie and Vicinity Master Plan and SMA. In the master plan, the Environmental Infrastructure section contains goals, policies, and strategies that should be implemented into the site design. There are no policies or strategies that directly address the development of this property.

Conformance with the Countywide Green Infrastructure Plan

The subject property is not located within the designated Green Infrastructure network.

Environmental Review

An approved Natural Resources Inventory Equivalence Letter (NRI-189-14) was submitted with the review package, which was approved on December 4, 2014. The NRI verifies that no regulated environmental features or woodlands occur on the subject property. This project is exempt from the provisions of the WCO because the site contains less than 10,000 acres of woodland, and does not have a previously approved tree conservation plan. The site has received a Woodland Conservation Exemption Letter (S-164-14) dated December 4, 2014. A Type 1 tree conservation plan is not required. Section 24-130(b)(5) of the Subdivision Regulations requires subdivision applications to demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. There are no regulated environmental features on the subject property; therefore, no primary management area is located on the subject property and no findings with regard to Section 24-130(b)(5) are required.

10. **Stormwater Management**—The subject site is totally located within the municipal boundary of the City of Bowie, therefore, approval of the stormwater management concept plan for the proposed development is under the authority of the municipality. The City has approved the Stormwater Management Concept Plan (Approval No: 01-1214-206NE14) for the site. The approved concept shows water quality control requirements being met with micro-bioretenion, non-rooftop disconnection, drywells, and infiltration trenches; these features have been found to meet the requirement for environmental site design (ESD) to the maximum extent practicable (MEP), according to the approval letter. The one-year water quantity controls are to be met with ESD. The ten-year and 100-year water quantity controls are to be provided in the existing gateway stormwater management pond located on Harbour Way.

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties, or projects, and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans; County ordinances for stormwater management, 100-year floodplain, and woodland conservation; and programs implemented by the Department of Permitting, Inspections and Enforcement (DPIE), the Prince George's County Health Department, the Prince George's County Department of the Environment, the Prince George's Soil Conservation District, the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department, and the Washington Suburban Sanitary Commission (WSSC) are also deemed to be consistent with this master plan.

11. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, mandatory dedication of parkland is not required for the subject site because it consists of nonresidential development.
12. **Trails**—This PPS has been reviewed for conformance with Sections 24-123 and 24-124.01 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the 2006 Bowie and Vicinity Master Plan and SMA in order to implement planned trails,

bikeways, and pedestrian improvements.

Conformance to Section 24-124.01 (Adequate Public Pedestrian and Bikeway Facilities)

Section 24-124.01 contains specific requirements for adequate public pedestrian and bikeway facilities in County centers and corridors. This section applies to all new subdivisions with designated centers and corridors. The subject application is within the Bowie Regional Center. However, part (b) includes the following exceptions:

- (b) Except for applications for development projects proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.

Because the subject application proposes only 2,228 square feet of GFA for new commercial development, it is exempt from the requirements of Section 24-124.01.

Conformance to the Master Plan of Transportation (MPOT)

Mitchellville Road is designated as a master plan trail/bikeway corridor. This appears to have been implemented at the time of road construction, with the provision of a wide sidewalk along the west side of Mitchellville Road. This is consistent with what was constructed along Mitchellville Road, south of Laurel-Bowie Road (MD 197), where an eight-foot-wide sidewalk/sidepath has been constructed from MD 197 to Mount Oak Road. There is also an existing bus stop and shelter along the west side of Mitchellville Road in the vicinity of the subject site.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets section includes the following policies regarding sidewalk construction and the accommodation of pedestrians, which support the improvements being made by the applicant.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The subject site's road frontages along Mitchellville Road, North Hanson Court, and Heritage Boulevard include existing standard sidewalks. No additional frontage improvements are necessary, unless otherwise requested by the City of Bowie as part of street construction permits. The master plan trail along Mitchellville Road has been implemented by the wide sidewalk along

the west side of the road. The City of Bowie has also implemented bikeway signage along this road in the vicinity of the subject site.

13. **Transportation**—The City of Capitals is a development of 102.80 acres, of which 88.41 acres was rezoned from R-R to C-M by the County Council in 1975. The resolution of approval for the underlying PPS (4-79111) is not available. However, PPS 4-91104 for adjacent development within the City of Capitals (1992) contained development caps (GFAs) for individual lots. The overall site (± 102 acres) has development potential of up to 1,600,000 square feet of GFA. A development cap was placed on the 102.80 acres based a floor area ratio of 0.35. Lot 5, Block E, the subject of this proposal, has a GFA cap of 61,900 square feet.

There is an existing office building of 12,600 square feet on proposed Lot 10. The applicant proposes to convert 11,000 square feet of the office space to retail use. An eating and drinking establishment, with drive-through service, of 2,228 square feet is proposed on Lot 11, creating a total of 14,828 square feet, which is far below the development cap for original Lot 5.

Existing commercial entrances will serve the office/retail building of 12,600 square feet and the proposed fast-food restaurant. The proposed drive-through service lane is located behind the fast-food restaurant which will reduce possible queuing of vehicles onto Mitchellville Road. Crosswalks and sidewalks are shown between the two buildings. On-site circulation of traffic is adequate. Adjustments to the site layout, if needed, will be made at the time of DSP review and could include minor changes to the lotting pattern consistent with the PPS approval.

Mitchellville Road is a master plan collector roadway (C-308) as shown in the Bowie and Vicinity Master Plan and SMA. No further dedication is required.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Subdivision Regulations, with conditions.

The development, existing and proposed, is within the previous trip cap established for this site and, while not required, the applicant submitted a traffic study dated November 2014 which is analyzed for informational purposes. Traffic counts in the study date from October 2014.

The traffic study included three nearby intersections:

- MD 197 @ Mitchellville Rd. (signalized)
- Mitchellville Rd. @ Heritage Blvd. (non-signalized)
- Mitchellville Rd. @ Site Access (non-signalized)

A growth rate of one percent per year for two years was assumed for background through volumes at the intersections. These were combined with the proposed development to arrive at total traffic conditions. The conversion of the existing 12,600-square-foot office building to retail space and the addition of the fast-food restaurant will generate 61 (100) new AM (PM) peak hour trips after a

50 percent reduction for pass-by trips. The subject property is located within Transportation Service Area (TSA) 2, as defined in Plan Prince George's 2035. All of the intersections operate at acceptable levels of service (LOS) and with minimal amounts of delay.

- MD 197 @ Mitchellville Rd (signalized) – LOS A (A)
- Mitchellville Rd @ Heritage Blvd (non-signalized) – less than 25 second delay
- Mitchellville Rd @ Site Access (non-signalized) – less than 25 second delay

Signalized intersections within TSA 2 should operate at LOS D or better. Non-signalized intersections should have less than 50 seconds of delay. The three intersections meet the criteria for adequate LOS as set forth in Section 24-124.

14. **Schools**—The subdivision has been reviewed for impact on 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 subdivision will have no impact on the school clusters because it is a nonresidential use.
15. **Fire and Rescue**—The PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(e)(1)(E) of the Subdivision Regulations. Section 24-122.01(e)(1)(E) states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The proposed project is served by Northview Fire/EMS, Company 16. This first due response station, located at 14901 Health Center Drive, is within the maximum seven-minute travel time.

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

16. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2013 (U.S. Census Bureau) county population estimate is 890,081. Using 141 square feet per 1,000 residents, it calculates to 125,501 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
17. **Water and Sewer Categories**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2008 *Water and Sewer Plan* placed part of this property in water and sewer Category 3, Community System, and will therefore be served by public water and sewer

service.

18. **Health Department**—The PPS was referred to the Health Department for review. At the time of the writing of this report, comments have not been received from the Health Department.
19. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when public utility easements (PUEs) are required by a public utility company, the subdivider should include the following statement on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The PPS correctly delineates a ten-foot-wide PUE along the public right-of-way as required, which will be reflected on the final plat prior to approval.

20. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The property has been previously graded and developed. This proposal will not impact any historic sites, historic resources, or known archeological sites.
21. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new subdivision is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are other considerations for a residential subdivision not considered in the review of commercial, industrial, and mixed-use development including the recreational components, noise, and access. A new subdivision is recommended if residential development is to be proposed.
22. **Detailed Site Plan**—A commercial retail/office/eating and drinking establishment use, as permitted in the C-M Zone, does not require a DSP. However, several factors necessitate detailed review of the proposed development on this site. The City of Capitals, also known as the International Renaissance Center, is a development of approximately 102 acres, of which approximately 88.44 acres were rezoned from R-R to C-M by the County Council in 1975 as part of the Bowie-Collington Sectional Map Amendment (CR-108-1975, Amendment 14). Amendment 14 states the following:

Amendment 14.

Change SMA proposed zoning for 88.44± acres located in the northwest corner of Routes 197 and 301, known as the Gaegler Tract, recorded as part of l. 3699/f. 342, l. 4321/f. 21, and l. 4365/f. 126, from the R-R Zone to the C-M-C Zone with the requirement that prior to the issuance of any building and/or grading permits for this property the owner(s) and/or developer(s) of the subject property shall submit to the Planning Board for its approval a comprehensive site plan showing the proposed development for the entire property, or any portion thereof, should

development of the tract be proposed to occur in stages, and showing in particular:

1. Relationships of the proposed uses and structures to natural features such as drainage, topography and vegetation;
2. Relationship of proposed uses and structures to existing and anticipated uses of adjoining properties;
3. Internal circulation considerations of all proposed and necessary modes, including pedestrian, bike, car, and truck;
4. Relationship of parking compounds to buildings, buffers and public ways;
5. Relationship of buildings and other structures to others on the same lot and on adjacent lots;
6. Placement, sizing and appropriateness of landscaping elements;
7. Signing and lighting;
8. Location and treatment of off-street loading areas used by trucks, and;
9. Storm water management.

The Planning Board shall act upon a comprehensive site plan within 45 days after the filing thereof with the Planning Board, and shall approve the comprehensive site plan when it finds:

- that the plan makes the subject property as attractive as possible from all public ways and adjacent properties;
- that the developer(s) has devoted sufficient attention to all aspects of site planning, design, grading, access, landscaping, and construction as would have been used and as is often required in large scale development proposals.

There shall be no grading of the site nor cutting of trees until approval has been obtained of the comprehensive site plan. Major stands of trees shall be delineated on the comprehensive site plan and the developer shall demonstrate to the satisfaction of the Planning Board (or District Council upon appeal) why it is necessary to remove any mature or specimen trees.

The developer(s) and/or owner(s) shall have the right to appeal the decision of the Planning Board to the District Council.

A staff memorandum dated March 23, 1989 (Ma to Prince George's County Planning Board) for the approval of SP-78020-01 (City of Capitals) states the following:

"On July 26, 1979, the Planning Board approved a revised version of its initial August 24, 1978 approval of the development concept plan (labeled 'Comprehensive Site Plan') as part of the 'Comprehensive Site Plan' for the City of Capitals. This development concept plan approval required that prior to the development of any portion of the entire site, a Detailed Site Plan for that portion must be approved by the Planning Board. The approved development concept plan, along with the Detailed Site Plan for individual lots, would constitute the 'Comprehensive Site Plan' required by Amendment 14 of CR-108-1975."

While the specific action of the Planning Board, requiring by condition a DSP, has not been identified in a resolution of approval, the requirements of Amendment 14 in the 1975 resolution require a detailed level of site plan review. Furthermore, findings of the Planning Board in later approvals for development within the City of Capitals affirm such a process. For example, SP-780210/01 was approved by the Planning Board on April 6, 1989 (PGCPB Resolution No. 89-167) for the City of Capitals development. Finding 3 of the resolution reflects the requirement for DSP review by the Planning Board, stating the following:

3. **The plan along with the detailed site plans for individual developments within the City of Capitals will constitute the comprehensive site plan required.**

In light of these facts, a DSP is conditioned by the Planning Board in accordance with Section 27-270 of the Zoning Ordinance, Order of Approvals, to ensure that the requirements of Amendment 14 of the Bowie-Collington Sectional Map Amendment (CR-108-1975) be implemented.

23. At the hearing on April 30, 2015, the Planning Board approved revised Conditions 1(c) and 1(d), per Applicant's Exhibit No. 1, to specify the proposed use in the PPS as an "Eating and Drinking Establishment, with Drive-Through Service." Additionally, the Planning Board approved revised Condition 4, per Applicant's Exhibit No. 1, to specify the minimum number of bicycles to be accommodated at each building. These revised conditions have been incorporated into the conditions of approval for the PPS.

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.

* * * * *

PGCPB No. 15-41(C)

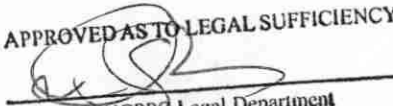
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 30, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of May 2015 *and
corrected administratively on May 27, 2015.

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 5/28/15

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:WM:ydw

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language