

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on September 21, 2000, regarding Comprehensive Design Plan CDP-8504/02 for Bowie New Town Center, PT-1, Parcel 18 the Planning Board finds:

1. An application to amend the Comprehensive Design Plan for Bowie New Town Center was received by the Development Review Division of the M-NCPPC on October 13, 1999. An affidavit of mailing to property owners within Bowie New Town Center regarding the amendment was received on October 21, 1999 from the applicant's attorney. The application was accepted for review on April 17, 2000. Notification to all previous parties of record of the application was mailed on May 2, 2000. In accordance with Section 27-519 of the Prince George's County Zoning Ordinance, copies of the proposal were sent to all public agencies concerned (including the City of Bowie), and thirty (30) days were allowed from the date of the referral within which time to submit written comments.

A public hearing was scheduled for July 20, 2000 before the Prince George's County Planning Board. Previous to that hearing, the City of Bowie held a public hearing and recommended denial of the Comprehensive Design Plan application and the companion Specific Design Plan. Subsequently, the applicant requested a continuance of the Planning Board hearing to September 21, 2000 in order to allow sufficient time to work with the City of Bowie and stakeholders on various outstanding issues. On September 5, 2000, the City of Bowie held a reconsideration hearing for the Comprehensive Design Plan and Specific Design Plan and reversed its previous decision of denial to approval with conditions.

The Comprehensive Design Plan amendment, which was originally submitted for 100 senior housing dwelling units, is for the purpose of allowing 79 senior housing dwelling units on a 4.33 acre portion of Parcel 18 which had been previously reserved for the Master Planned alignment of PT-1, a light rail line extension of the Blue Line. The reservation for the property expired in 1995, and no subsequent extensions of reservation were requested. Additionally, no public entity has attempted to acquire the property for public use.

2. On June 13, 1988, the District Council adopted the amended Basic Plan application, Zoning Ordinance 35-1988 for Bowie New Town Center, subject to 14 conditions, 13 considerations, and the following land use types and quantities:

Commercial

Retail	1,225,000 square feet
Office	900,000 square feet

Residential - (M-A-C)

Multifamily	1,005 dwelling units
Townhouses	415 dwelling units

Findings Required by Section 27-521 of the Zoning Ordinance (Findings 3-11 below)

3. The Comprehensive Design Plan for Bowie New Town Center is in conformance with the Basic Plan, Zoning Application No. A-8589-C, as amended on June 13, 1988, and applicable conditions of approval.

As described above in Finding 2, the Basic Plan approved up to 1005 multifamily dwelling units for the development. CDP-8504 approved 850 multifamily units. This application amends condition 3 of PGCPB No. 92-386, and increases the number of multifamily units to 929, an increase of 79 units. With the additional units requested by the applicant, there is still room under the cap. Therefore, the application is in conformance with the Basic Plan in terms of allowable density.

Specific conditions which warrant discussion regarding conformance of the Comprehensive Design Plan with the Basic Plan are considered below:

8.a. The revised Basic Plan shall show a floating symbol within Parcel 9 to indicate a possible public transportation right-of-way or station facilities either on, through, or in the general area of Parcel 9 (PT-1; public transportation mode to be determined).

8.b. A note shall be added on the Basic Plan indicating the following:

The floating transit symbol does not commit the owner to provide such a right-of-way or facility. Land acquisition and design will be negotiated at such time as the facility is determined necessary by government.

With regard to the above condition, the Transportation Planning Section by memorandum dated November 3, 1999 (Masog to Wagner), offered the following comments: This application proposes to utilize a portion of the PT-1 right-of-way for development. The PT-1 alignment, a planned alignment for a fixed guideway transit facility, is shown in the *Bowie, Collington, Mitchellville and Vicinity Master Plan*. The Master Plan

recognizes two alternative alignments for PT-1 in the vicinity of the Bowie New Town Center. The first alignment crosses the site from the southwest to the northeast, crossing Parcel 9 to connect with MD 197. The second alignment follows MD 197. The transportation staff has the following considerations in making its findings:

- \$ A portion of the PT-1 right-of-way between Parcels 17 and 18 on the CDP has been in reservation for the requisite period. No public agency has purchased this property, and the owner has decided not to extend the reservation.
- \$ Records involving the transportation staff's considerations regarding PT-1 at the time of CDP/subdivision in 1985-1986 are sketchy. However, subdivision would have been the appropriate time to place this portion of Parcel 18 in reservation or otherwise establish the appropriate easements if there was a desire to actively pursue preservation of the PT-1 right-of-way.
- \$ There are no current studies by any agency underway to extend rail transit along MD 197, US 50, or to the Bowie New Town Center, or to otherwise extend transit services along the PT-1 alignment past MD 202.

In regard to the PT-1 alignment which crosses the Bowie New Town Center from southwest to northeast (with a station shown within Parcel 9), the transportation staff finds that necessary steps to preserve this right-of-way as a viable transit right-of-way have not been taken, indicating little or no willingness to utilize this right-of-way in the future. Alternatively, a buffer along MD 197 provides a possible future location for a transit facility if service to the Bowie New Town Center is desired.

This is not to say that the transportation staff is in full agreement with the discussion of PT-1 given by the applicant. To that end, the transportation staff offers the following comments:

- \$ While PT-1 has sometimes been informally described as a light rail line, no plan or study ever determined that PT-1 would be developed as a light rail line. Therefore, the staff disagrees with language describing PT-1 as such, along with any suggestions regarding light rail vehicle noise, vibrations and visual disturbances. @
- \$ The Planning Board and, ultimately, the District Council placed PT-1 on the Master Plan. We would disagree with any statement that suggests that any agency or board other than these two could eliminate the PT-1 alignment.
- \$ A statement in the letter requesting the CDP revision indicates that the PT-1 alignment was found to be unworkable. @ This statement, when provided by staff during review of a previous case, only referred to the portion of the PT-1 extending east of US 301. The location for which that statement was made is nearly 1.5 miles east of the subject property. While past Board actions regarding

PT-1 are of interest, such a statement taken out of context cannot be used to justify development of the subject property.

§ No study has shown that the placement of transit along PT-1 is infeasible.

The fact that the subject property was legally placed in reservation, remained in reservation for longer than the legally-required three-year period and came out of reservation is the most compelling detail that needs consideration in whether the subject property should be developed. Government had the opportunity to forestall development on this property and purchase it, and did not pursue the purchase. In its review of CDP-8504/01, the transportation staff found no need for providing or retaining any designation of PT-1 on the subject CDP. Therefore, the transportation staff would not oppose development of the parcel designated for reservation on the original CDP.

The Community Planning Division by memorandum dated November 30, 1999 (Ambrosi to Wagner), offered the following comments:

Transportation: The plan map shows two alignments for PT-1 traversing this property. The plan map also shows a transit station at this location. The ATransportation Chapter @ of the master plan addresses PT-1 and as it pertains to this property with the following:

- a. The future need for a public transportation facility (PT-1), extended from Largo to the Bowie Town Center vicinity, as shown in the 1982 *General Plan*, is reaffirmed. Also, to encourage future corridor circulation, the Plan concept supports extending PT-1 beyond the New Town Center into Anne Arundel County. Alternative alignments for PT-1 are proposed which are intended for further analysis in ongoing transit corridor studies.
- b. As an alternative and/or addition to the PT-1 alignment, future studies should consider the use of US 50 (I-595) for an east-west alignment. Alternative alignments from US 50 (I-595) to the Bowie Town Center could be accommodated generally by using the rights-of-way of A-44 or MD 197. The use of US 50 (I-595) could provide an opportunity to ultimately have two possible east-west public transit facilities serving the Bowie area: one oriented to the New Carrollton Metro line via US 50 (I-595) and one oriented to the Addison Road/Largo Metro line via the existing PT-1 right-of-way or an alternative which extends northward from Woodmore Road along the PEPCO right-of-way to US 50 (I-595) and south along MD 197 to the Bowie Town Center.
- c. Continue to reserve or dedicate rights-of-way for PT-1 and complete studies to determine what possible modes of transportation should utilize this and/or the alternative alignment.
- d. The master plan endorses a transit station location in the vicinity of the Bowie Town Center. The Plan further recommends a continuation of the PT-1

right-of-way into Anne Arundel County, with a station location to be considered within or along the US 50 (I-595) right-of-way, east of US 301. Station locations should not be relied upon or used to justify rezonings that would be inconsistent with the specific land use recommendations of this master plan.

Considerations

11. As part of Phase II, a stormwater management concept plan shall be submitted which considers the following:

- c. For those sectors of the parcel located north and northwest of Mill Branch, consideration should be given to utilizing infiltration measures.**

The applicant has submitted a stormwater management plan that utilizes infiltration measures.

4. In general, the proposed Comprehensive Design Plan will result in a development with a better environment than could be achieved under other regulations.

An existing senior housing facility of 110 dwelling units has been constructed on Parcel 18. That facility has amenities that, under conventional zoning, would be difficult to achieve. Similar amenities are proposed for this development which will result in a development with a better environment.

The original application was for 100 dwelling units. That application was denied by the City of Bowie, based on citizen concern about the number of dwelling units, the length of the building and the height of the building. Based on those concerns, the applicant revised the plan in several ways. They reduced the number of units from 100 to 79; they increased the number of two-bedroom units to 71 and decreased one bedroom units to 8; they reduced the height of the building from 47 feet to 34 feet; they reduced the length of the building by 59 feet; and they widened the bufferyard along the property line shared with the existing Evergreen Estates townhouse development.

5. Approval is warranted by the way in which the amendment to the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project.

Amenities proposed by the applicant include: a movie theater; fitness room; two activity rooms; a room for visiting medical professionals; a multi-purpose room and kitchen; a library; a beauty salon; five patio areas, trails and picnic areas. The trails will be connected to the existing senior facility.

6. The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings. The use of senior housing already exists on Parcel 18 (Evergreen Senior Apartments) and was deemed to be a compatible land use with the approval of the Basic Plan and Comprehensive Design Plan. The additional 79 senior housing dwelling units is an appropriate use for this parcel.

7. Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

- a. Amounts of building coverage and open space.

The original CDP established a minimum 50 percent greenspace requirement for multifamily development. The applicant proposes 56 percent greenspace for this development.

- b. Building setbacks from streets and abutting land uses.

Because of concerns from residents living in the adjacent Evergreen Estates townhouse development to the south that the building will be out of scale with the existing townhouses, the proposed building is to be set closer to the northern property line, adjacent to the existing senior housing facility. A bufferyard with berming and landscaping will be provided along the south property line that is in excess of the requirements of the *Landscape Manual* to help screen the development from the existing townhouses.

- c. Circulation access points.

As part of the CDP amendment for the mall, the vehicular circulation pattern for the development was altered. Evergreen Parkway was originally designed as a four-lane, divided roadway providing direct vehicular access to the mall site and several office and residential parcels. Although the primary access for this parcel is off of Evergreen Parkway, the Parkway now dead ends into a cul-de-sac at the entrance to this project.

8. Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability. The Bowie Town Center project, as a whole, is in the final stages of development. The mall is under construction; all other residential parcels have approved Specific Design Plans and are completed or are near completion; there remain a few office parcels to be developed. All of the infrastructure needed for this development is in place.
9. The staging of the development will not be an unreasonable burden on available public facilities. See Findings 13 and 14 for discussion on public facilities.
10. The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part

3, Division 9 of this Subtitle. These criteria will be reviewed at the time of Specific Design Plan.

11. The plan is in conformance with an approved Tree Conservation Plan. For more information, see Finding 15 below.

Comparison with CDP-8504

12. The CDP amendment was evaluated to determine its adherence to the previously approved conditions of CDP-8504. The following condition warrants discussion:

2. **A 50-foot landscaped buffer shall be located along the perimeter of the project site, except for a 25-foot buffer along Enfield Drive.**

The applicant has provided an existing tree save area along the perimeter of the site at the western property line. The proposed building setback is approximately 90 feet, and the majority of that area is wooded.

13. In their memorandum dated September 11, 2000 (Masog to Wagner), the Transportation Planning Section offered the following comments:

The Transportation Planning Section has reviewed the Comprehensive Design Plan (CDP) revision referenced above. The subject property consists of approximately 274.7 acres of land in the M-A-C and the R-S zones. The property is north and south of MD 197 between Northview Drive and Mitchellville Road within the City of Bowie.

From the standpoint of transportation, the specific revision to the approved CDP would revise Condition 3 of PGCPB No. 92-386, which approved a reconsideration of CDP-8504. The condition would be revised to allow 79 additional multi-family residences within the Bowie New Town Center - a change from 850 to 929. This additional residential development would be placed within a parcel that was formerly designated for reservation for the PT-1 alignment, as designated on the 1982 *General Plan* and the *Bowie, Collington, Mitchellville and Vicinity Master Plan*.

Summary of Transportation Impacts

There are two significant issues involved in this revision: the use of the PT-1 right-of-way for development which is discussed in Finding 3, and the ability of past findings of transportation adequacy to accommodate the proposal.

This is a CDP revision to an approved plan which was reviewed for transportation adequacy in 1985-1986. The applicant correctly observes that 33 residences - 14 multi-family residences and 19 townhouse residences, remain unbuilt even though all residential parcels of the Bowie New Town Center are built out or have approved Specific Design Plans which are currently being realized. In most cases the

transportation staff is not in favor of assigning development potential from one parcel to another within a large CDP. Because the potential of the residential parcels within the Bowie New Town Center appears to be fully realized, however, the transportation staff could support shifting the unbuilt residences to the subject site.

The staff has reviewed the trip generation report attached to the letter requesting the CDP revision. Rates for several types of senior housing shown in the Institute of Transportation Engineers= *Trip Generation Manual* (sixth edition) are compared with the approved development in the table below:

Comparison of Estimated Trip Generation, CDP-8504/02					
Use	Units	AM Pk. Hr. Trips		PM Pk. Hr. Trips	
		In	Out	In	Out
Unbuilt Residences					
Townhouses	19 units	3	10	10	5
Multi-Family	14 units	1	6	5	3
	Total	4	16	15	8
Proposed Development					
Retirement Community	79 units	6	7	12	9
Elderly Housing-Detached	79 units	6	11	12	6
Congregate Care	79 units	3	2	7	6
Elderly Housing-Attached	79 units	3	2	5	3

The comparison of estimated site trip generation indicates that the proposal generally would generate less traffic if developed as senior housing than it would if the residual general-purpose housing were to be developed. The transportation staff would support the contention that Elderly Housing-Attached is the most representative land use in the Manual. As a result, we agree that 79 units of senior housing would generate fewer trips than the remaining unbuilt housing within the Bowie New Town Center. We would note that even if trip generation more commonly resembles that for Retirement Community (the other similar use), the added trip generation in the PM peak hour of 4 vehicle trips would not have a significant impact on any critical intersections in the area. Therefore, the transportation staff believes that past findings of transportation adequacy do accommodate the subject proposal for 79 units of senior housing.

Concerning access to the site, Evergreen Parkway was originally proposed as a four-lane collector roadway with a median immediately to the north of the parcel proposed for development by this CDP revision. CDP-8504/01 has effectively eliminated Evergreen Parkway as a roadway, although the right-of-way remains in place for public use. The label AEvergreen Parkway@ should be removed from that public right-of-way, although access can still be shown to that right-of-way. Access to this site should connect to the access for adjacent Parcel X.

The status of the transportation-related conditions on CDP-8504 was reviewed as a part of the staff's review of CDP-8504/01. Condition 13 is the only condition which directly relates to the parcel proposed for development; that condition has been met.

This CDP was referred to the Department of Public Works & Transportation and the State Highway Administration. No comments have been received from either agency to date.

Recommendations

Based on the preceding comments and findings, the Transportation Planning Section concludes that the proposed CDP revision will not be an unreasonable burden on transportation facilities which are existing, under construction or for which 100% construction funding is contained in the County CIP or the State CTP. Therefore, the transportation staff believes that the requirements pertaining to transportation facilities under Section 27-521 of the Prince George's County Code would be met if the application is approved with the following additional condition:

The label AEvergreen Parkway@ should be removed from the public right-of-way adjacent to the subject parcel, although access can still be shown to the former Evergreen Parkway right-of-way. Access to the subject site should connect to the access for adjacent Parcel X.

14. In a memorandum dated June 14, 2000, (Williams to Wagner) the Growth Policy and Public Facilities Planning Section has determined that the staging of the development will not be an unreasonable burden on the available public facilities per Sec. 27-520 (a)(8) of the Zoning Ordinance. The Growth Policy and Public Facilities Planning Section concludes:

The existing **fire engine service** at **Bowie Fire Station, Company 43** located at **16400 Pointer Ridge Drive** has a service response time of **5.59** minutes, which is **beyond** the **3.25** minutes response time guideline.

The existing **ambulance service** at **Bowie Fire Station, Company 43** located at **16400 Pointer Ridge Drive** has a service response time of **5.59** minutes, which is **beyond** the **4.25** minutes response time guideline.

The existing **paramedic service** at **Bowie Fire Station, Company 43** located at **16400 Pointer Ridge Drive** has a service response time of 5.59 minutes, which is **within** the 7.25 minutes response time guideline.

The existing **ladder truck service** at **Bowie Fire Station, Company 39** located at **15454 Annapolis Road** has a service response time of 5.87 minutes, which is **beyond** the 4.25 minutes response time guideline.

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*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all residential structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George=s County Laws.

The Approved and Adopted Bowie-Collington-Mitchellville and Vicinity Master Plan proposes a new fire station be located in the vicinity of the Bowie New Town Center. This proposed station is programmed in the Adopted FY 2000 Capital Improvement Program and would provide adequate response time for fire engine and ambulance services to the subject development.

The proposed development is within the service area of the District II-Bowie station. The staff concludes that the existing County police facilities will be adequate to serve the proposed development.

15. The Environmental Planning Section has reviewed the CDP and offers the following comments with regard to tree conservation:

Marlboro clays and Historic/Scenic Roads have not been identified as environment issues for this site. The soils on the property include Monmouth fine sandy loam, Monmouth clay loam and Ochlockonee sandy loam. No significant limitations have been found to be associated with these soils. No significant noise impacts have been found to impact this site and no Scenic or Historic Roads are found in the vicinity of the property. No streams, wetlands or 100-year floodplains have been found to occur on this parcel.

A Forest Stand Delineation (FSD) was submitted with the Comprehensive Design Plan CDP-8504/02 and was found to be acceptable. It should be noted that the same plan was submitted for review as a Type I and Type II Tree Conservation Plan. This format has been used previously and is acceptable. Type I Tree Conservation Plan (TCPI/42/99) has been found to satisfy the requirements of the Prince George=s County Woodland Conservation Ordinance and is recommended for approval in conjunction with the revision to CDP-8504/02. No conditions are recommended for the TCPI approval since it is conceptual in nature and does not require the details necessary for a TCPII approval.

16. The Park Planning and Development Division of the Department of Parks and Recreation (DPR) has indicated that they have no comment with regards to the subject application.
17. The City of Bowie, by letter dated September 7, 2000, recommended approval of the Comprehensive Design Plan, subject to Conditions 1-4 in the Recommendation Section.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type I Tree Conservation Plan (TCPI/42/99), and further APPROVED the Comprehensive Design Plan for the above-described land, subject to the following conditions:

1. Pedestrian connections shall be provided to those which exist on the Evergreen senior apartment property to the north.
2. Building construction for this project shall not begin until the Evergreen senior apartment project is 75% leased.
3. No premature tree clearing or grading shall take place.
4. The applicant shall work with the City and the Environmental Planning Section of MNCPPC to determine a property suitable as a receiving site for off-site mitigation prior to the issuance of any permits.
5. All residential structures shall be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George=s County Laws.
1. The label AEvergreen Parkway@ shall be removed from the public right-of-way adjacent to the subject parcel, although access can still be shown to the former Evergreen Parkway right-of-way. Access to the subject site should connect to the access for adjacent Parcel X.
7. Condition 3 of CDP-8504 (PGCPB No. 92-386) shall be

revised to allow a total of 929 multifamily dwelling units for the development.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Eley, seconded by Commissioner Brown, with Commissioners Hewlett, Eley and Brown voting in favor of the motion, with Commissioner Lowe absent, at its regular meeting held on Thursday, September 21, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of October 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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