

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 24, 2008 regarding Detailed Site Plan DSP-07031 for Melford, Pod 6, Lots 1-6, the Planning Board finds:

1. **Request:** The subject application is for approval of 134,480 square feet of office in four buildings on proposed Lots 1 and 3, and 248,820 square feet of research and development in seven buildings on proposed Lots 2, 4 and 5 within the existing Melford development. Lot 6 is proposed for stormwater management.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Office/research and development
Acreage	38.56	38.56
Lots/parcels	2 parcels	6 lots
Square Footage/GFA	0	133,680 square feet of office 248,820 square feet of research and development

Parking Data

	PARKING REQUIRED PER TENANT SPACE	TOTAL PARKING REQUIRED	TOTAL PARKING PROPOSED
LOT 1		250	258
Building A 42,000 SF 3-story Office (Max. 5 tenant spaces/floor)	10		
Building B 25,840 SF 1-story Office (Max. 10 tenant spaces)	10		
Handicap Spaces		7	8
Loading Spaces		1	1
LOT 2	10	160	217
Buildings C & D 80,160 SF 1-story R&D			
Handicap Spaces		7	7
Loading Spaces		1	22
LOT 3		203	235
Building E 40,000 SF 1-story Office (Single Tenant)			
Building G 25,840 SF 1-story Office (Max. 10 tenant spaces)	10		
Handicap Spaces		7	10
Loading Spaces		1	2
LOT 4		140	140
Building H & I 70,080 SF 1-story R&D			
Handicap Spaces		5	8
Loading Spaces		1	18
LOT 5		197	212
Buildings J, K & L 98,580 SF 1-story R&D			
Handicap Spaces		7	9
Loading Spaces		1	22

3. **Location:** The subject property is located on the north side of US 50 and southeast of the intersection of Melford Boulevard and Telsa Drive.
4. **Surroundings and Use:** To the north of Pod 6 is vacant undeveloped acreage within Pod 2, to the east is more undeveloped acreage in Pod 7, to the south is US 50/US 301, and to the west are Lots 3 and 4 of Block 4, developed as an office building and research and development.
5. **Previous Approvals:** On January 25, 1982, the District Council approved Zoning Map Amendment Application and Basic Plan No. A-9401 for the subject property with ten conditions (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 with 27 conditions and two considerations. The preliminary plan was approved by the Planning Board on September 28, 2000 (PGCPB Resolution No. 99-28(A)). Specific Design Plan SDP-0103 was approved by the Planning Board on April 26, 2001. A final plat of subdivision was approved on December 24, 2003 for the subject property.

The property was included in the *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*. On February 7, 2006, 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 15, 2007 the Planning Board approved CSP-06002, which proposed a mixed-use development consisting of a hotel, office, retail, restaurant, research and development, and residential (366 single-family detached and attached units, and 500 multifamily units).

On September 11, 2007, the District Council approved Conceptual Site Plan CSP-06002, rejecting the residential component of the proposed development.

On April 3, 2008, the Planning Board approved Detailed Site Plan, DSP-07072 for the development of three retail buildings located within Lots 1 and 2, Block 3, where a 136,000-square-foot office building exists and a 150,000-square-foot office building is currently under construction.

On April 17, 2008, the Planning Board approved the Marriott Hotels at Bowie, Detailed Site Plan DSP-06069, for three hotels including the Courtyard Marriott, the Residence Inn and Springhill Suites.

On May 29 2008, the Planning Board reviewed Preliminary Plan of Subdivision, 4-07055 for 176.2 acres of land, including the subject property.

6. **Design Features:** The detailed site plan for Pod 6 proposes research and development, office, and stormwater management on the site, on six separate lots. Also included in the application, Lot 3, is a proposed Prince George's County public office use. The following summarizes development proposed on a lot by lot basis:

Lot 1—	4.35 acres	Building A	42,000 square feet of office
		Building B	25,840 square feet of office
Lot 2—	7.21 acres	Building C	40,080 square feet of research and development
		Building D	40,080 square feet of research and development
Lot 3—	5.80 acres	Building E	40,000 square feet of office
		Building G	25,840 square feet of office
Lot 4—	6.31 acres	Building H	35,040 square feet of research and development
		Building I	35,040 square feet of research and development
Lot 5—	9.05 acres	Building J	32,040 square feet of research and development
		Building K	30,420 square feet of research and development
		Building L	36,120 square feet of research and development
Lot 6—	Stormwater management pond only		

The subject site has approximately 1,280 linear feet of frontage on US 50/US 301 and is served by the internal street system within the Melford development. The site is roughly rectangular in shape and consists of 38.56 acres of land. The site was previously graded and contains little or no woodland.

The architectural elevations of the three-story building proposed on Lot 1, at the intersection of Melford Drive and Telsa Drive, include a pink and beige colored brick covering the entire structure with a green colored standing seam roof. The architectural detailing of the building appears to be satisfactory and the standing seam roofing material proposed provides a high level of quality.

The architectural elevations for the one-story, 40,000-square-foot office building located on Lot 3, is proposed as coppertone and buff colored brick covering the entire structure, with a metal panel equipment screen shown as a parapet. The architectural detailing consists of recessed door entries and tri-pane windows.

The remaining buildings proposed are called out on the architectural elevations as either office or research and development. These buildings are simple rectangular shaped buildings. The 15-foot-high office buildings are designed with a double face, with doors regularly placed on each side of the building and no loading doors are proposed. The exterior materials are brick with one color scheme combining coppertone and buff.

The 18.5-foot-high research and development buildings are also simple rectangular shaped buildings. One side of each building is similar in design to the office buildings with doors regularly placed along the façade of that side of the building. The opposite side of the building is lined with loading doors placed approximately four feet above grade, raised entrances with stairs and double pane windows.

Signage for the project includes free standing campus identification signs, building identification, tenant monument signage, directional signage and building-mounted signage. The materials are brick in a “pearl grey” color with a painted metal panel insert and metal letters with the St. John Property logo.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The Requirements of the Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the M-X-T Zone and has been found acceptable.
8. **Section 27-548:** Section 27-548 includes regulations for the M-X-T Zone. The requirements relevant to the subject project are included in bold faced type below and are followed by staff’s comment:

(a) **Maximum floor area (FAR):**

(1) **Without the use of the optional method of development—0.40 FAR; and**

(2) **With the use of the optional method of development—0.80 FAR.**

Comment: Section 27-548(a) limits the development within the M-X-T Zone to a maximum floor area ratio (FAR) of 0.40, unless an applicant proposes use of a specified optional method of development, which would increase it to a maximum of 8.00. Further, Section 27-548(e) indicates that the floor area ratio shall be applied to the entire property that is the subject of the conceptual site plan. The following chart lists all development within the Melford development for use in calculating floor area ratio:

SDP/DSP	Development Quantity	Status
Pre-1998	240,000 sq. ft.	Built
SDP-0103	153,250 sq. ft.	Built
SDP-0104	300,000 sq. ft.	Under construction
SDP-0201	83,680 sq. ft.	Built
SDP-0203/01	81,600 sq. ft.	Approved
SDP-0405	136,957 sq. ft.	Approved
DSP-07072	24,375 sq. ft.	Approved
DSP-06096	362 room hotel 253,289 sq. ft.	Approved
DSP-07031	383,300	This Plan

Total	1,656,451 sq. ft.	
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The floor area ratio, including all approved and pending development on the 244.84 net tract acreage of the Melford site and reflected on the chart above, is 0.16, well within the M-X-T Zone 0.40 maximum floor area ratio requirement. Future detailed site plans for the Melford development should include an updated FAR development chart and a recalculation as necessary of the floor area ratio to demonstrate conformance to Section 27-548. A condition of approval requiring such information is included in the recommendation section of this report.

9. **M-X-T Zone:** The proposed mixed-use development is a permitted use in the M-X-T Zone. The detailed site plan must also comply with the following findings listed in **Section 27-546(d)** for development in the M-X-T Zone:

1. **The proposed development is in conformance with the purposes and other provisions of this division;**

Section 27-542(a)(1)—To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

The development of Lots 1–6 will provide for modest expansion of employment for the citizens of the county because the development provides for 383,300 square feet of office and research and development. Increased employment opportunities could be provided with multi-story office buildings (as are called for in the ultimate build-out of this pod) as opposed to the predominant single-story buildings proposed in the subject application.

Section 27-542(a)(2)—To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;

The review of the CSP for this case implemented the master plan as a regulatory tool for the development of the property. Pursuant to various provisions of the master plan, certain conditions were attached to the approval of the CSP that must be fulfilled at the time of the DSP. See Finding No. 10 for those conditions that have either been fulfilled or need revisions to the DSP prior to being considered fulfilled. If the proposed conditions of approval are adopted, the plans will conform to the CSP and thus, to the master plan and general plan.

Section 27-542(a)(3)—To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its

detriment;

The development of the property located within Pod 6 does not maximize the public investment and the private development potential of the subject property. Specifically, the use of single-story, single-use, flex buildings and expansive asphalt surface parking and loading compounds on proposed Lots 2, 4 and 5 does not maximize the development potential of the site. Condition No. 24 of approved CSP-06002 suggests that the development on proposed Lots 2, 4 and 5 be considered as interim uses, as described in the master plan, and that in the future, these uses should be superseded by more intense development. Also, staff recommended that the development of these lots be phased to the later phases of the project in order to leave the land vacant, in case more intense uses are demanded by the market in the near future. However, the Planning Board disagrees with the staff and did not adopt the recommended condition of staff to phase the project

Section 27-542(a)(4)—To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;

The site is not located in close proximity to a metro station. Residential development is not proposed within the subject application and was previously eliminated from the CSP through District Council action. Therefore, the finding above does not apply.

Section 27-542(a)(5)—To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

The proposed development has the potential to encourage a 24-hour environment with the mix of office and retail uses within the overall development. Office uses will generate activity on the site from 6:00 a.m.–7:00 p.m. The retail component is expected to generate activity all day with uses open from 10:00 a.m.–9:00 p.m.

Section 27-542(a)(6)—To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;

The plan proposes a clear horizontal separation of uses of office and research and development. The design of the materials of the buildings blends harmoniously together.

Section 27-542(a)(7)—To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

The proposed architectural design of the buildings should blend together based on the consistent approach to the design of the buildings in regard to exterior finish materials and color palette. Outdoor storage of materials should be discouraged for the research and development buildings.

Section 27-542(a)(8)—To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;

The application proposes single-purpose office buildings and research and development. Optimum use of the site is not expected until the site is redeveloped as required by Condition No. 24 of CSP-06002.

Section 27-542(a)(9)—To permit a flexible response to the market and promote economic vitality and investment; and

Comment: CSP-06002 allows flexibility in response to the market per Condition No. 24.

Section 27-542(a)(10)—To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

Comment: By recognizing that the research and development buildings are interim uses, it allows the developer the choice to achieve excellence in planning and design in the future.

- 3. The proposed development has an outward orientation which is either physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

Comment: The project is designed with an outward orientation toward Melford Circle and Telsa Drive to the west. The project will also be highly visible, even with a 30-foot landscape strip, from the US 50 corridor. Unlike the existing research and development structures along US 50 which are located above the grade of the adjacent lanes of the highway, the majority of this portion of the site will be highly visible, particularly development on Lots 2 and 4. The change in grade from the site to the highway is only slight. The issue of outward orientation is an important one at this location in the county. This property is the first property entering Prince George's County from Anne Arundel County, located directly east of the subject site. Landmark buildings at this location would be preferable to the single-story buildings proposed. The appearance of development on the property should be of the highest quality, particularly on Lots 2 and 4, where the views into the site are not obscured through vegetation. Even though the CSP recognized research and development buildings as interim uses, in the meantime, as a measure to protect the views from the highway into the loading areas, staff recommends the incorporation of walls similar in size and style as those erected along Telsa Drive to screen the research and development loading areas from US 50.

- 4. The proposed development is compatible with existing and proposed development in the vicinity;**

Comment: The office uses complement the existing uses in the vicinity including the future hotel

uses and proposed retail in the larger Melford development.

5. **The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

Comment: The mix of uses, as proposed by the subject application and the previously approved applications, will provide for the arrangement and design of buildings in order to reflect a cohesive development capable of sustaining an independent environment of quality and stability. A condition of approval recommends that the landscape plans use native plant materials which will contribute to a sustainable environment.

6. **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

Comment: It is anticipated that the first building to be built will be Building E on Lot 3. Staff recommends that the project be phased to reserve the land adjacent to US 50 for a landmark building should the market for such a building develop, rather than the one-story flex type buildings proposed.

7. **The pedestrian system is convenient and comprehensively designed to encourage pedestrian activity within the development;**
8. **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as types and textures of materials, landscaping and screening, street furniture, and lighting;**

Comment: The trails coordinator reviewed the plans for the two conditions above and made the following comments in regard to the pedestrian systems proposed for the development:

“The subject application includes standard sidewalks along both Melford Boulevard and Telsa Drive. The subject application also reflects sidewalks around the perimeter of the proposed buildings; however, no sidewalks are included along the internal street accessing the office buildings. Furthermore, no connections are shown from the proposed buildings to the existing sidewalk along Melford Boulevard. Given the conditions noted above, staff recommends that sidewalks be provided along both sides of the planned access road and that connections be provided from the buildings to the sidewalk along this road and Melford Boulevard.”

The Planning Board adopts the staff recommendation.

10. **Conceptual Site Plan CSP-06002:** Conformance of the detailed site plan to the underlying conceptual site plan is required by the Zoning Ordinance. The following finding is taken from the District Council’s action on the conceptual site plan for Melford:

Finding 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.**

Comment: The finding above states “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. The following definition from the Wikipedia encyclopedia defines Class A office space:

“Class A Office Space describes the highest quality office space locally available. The architecture of Class A office structures always prioritizes design and visual appeal over cost, and sometimes over practicality - a Class A building can be considered a monument and a testament to the success and power of its tenants. In most areas, Class A office space is built in multi-story (usually 3 floors or more) buildings using structural steel and composite concrete construction. Cost for the structure alone (excluding land purchase and site improvements) is typically greater than \$150 per square foot, and often rises to several hundred per square foot depending on the tenant's preferences for interior finishes.

“Office buildings are classified according to a combination of location and physical characteristics. Class B and Class C buildings are always defined in reference to the qualities of ‘Class A’ buildings. There is no formula by which buildings can be placed into classes; judgment is always involved. A fair number of the Class C office spaces in the inventory are not truly office buildings but rather walk-up office spaces above retail or service businesses.”

“The Urban Land Institute, a noted authority on commercial land uses, says the following about these classifications in its Office Development Handbook. Class A space can be characterized as buildings that have excellent location and access, attract high quality tenants, and are managed professionally. Building materials are high quality and rents are competitive with other new buildings. Class B buildings have good locations, management, and construction, and tenant standards are high. Buildings should have very little functional obsolescence and deterioration. Class C buildings are typically 15 to 25 years old, but are maintaining steady occupancy. Tenants filter from Class B to Class A and from Class C to Class B.

“In a normal market, Class A rents are higher than Class B, which are above Class C. This makes sense because Class A buildings offer higher quality to the tenants and cost more to provide.”

Comment: The proposed buildings, which are the subject of this case, are not of the Class A building type referred to in the order of approval. The subject plans include a majority of the development as research and development flex space, which Condition No. 24 of CSP-06002 defined as interim uses. See Condition No. 24 below for further discussion on this issue.

The conceptual site plan was approved by the District Council on September 11, 2007, with the following conditions applicable to the review of the proposed detailed site 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: This condition is carried over to the approval of this plan.

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 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/Gov. 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.

Governors 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.

Comment: The condition above should be carried over as a condition of approval for the DSP. The two conditions above relate to the overall land area contained within Conceptual Site Plan, CSP-06002.

- 4. Applicable detailed site plans that may affect the historic vista of the Melford House shall demonstrate that proposed buildings do not obstruct the vista.**

Comment: The subject application is not within the immediate vicinity of the Melford Historic Site.

- 8. Prior to issuance of building permits for any property within CSP-06002, the applicant shall initiate the restoration of the Melford House and outbuildings, through the historic area work permit process. The restoration of Melford and outbuildings shall be completed prior to issuance of use and occupancy permits for any future hotel or office uses.**

Comment: The owner of the Melford historic property, St. John Properties, is currently proceeding forward with the improvements to the historic site.

- 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: The applicant is in compliance with the requirement above to submit regular quarterly condition reports for the historic site, and is expected to continue to do so until a permanent use for the building is identified.

- 10. The applicant shall provide standard sidewalks along both sides of all internal roads, in keeping with guideline 3 of CR-11-2006. In areas of high pedestrian activity, wide sidewalks shall be required. The project shall be pedestrian-friendly, with keen detail for a walkable community.**

- 11. Curb extensions, curb cuts, crosswalks, pedestrian refuges, and other pedestrian safety features shall be provided where appropriate, and shall be shown on all affected DSPs.**

Comment: The subject application includes standard sidewalks along both Melford Boulevard and Telsa Drive. The subject application also reflects sidewalks around the perimeter of the proposed buildings. However, no sidewalks are included along the internal street accessing the office buildings. Furthermore, no connections are shown from the proposed buildings to the existing sidewalk along

Melford Boulevard. Given the conditions noted above, sidewalks should be provided along both sides of the planned access road, and that connections be provided from the buildings to the sidewalk along this road and Melford Boulevard.

The Bowie and Vicinity Master Plan also recommends that trails be provided along publicly-owned land within the Patuxent River corridor (Master Plan, page 52). The trail along the Patuxent River is beyond the scope of the subject application and has been addressed via approved Preliminary Plan 4-07055.

The Master Plan also designates Melford Boulevard as a designated bikeway. Melford Boulevard is within the City of Bowie and will be operated and maintained by the city. The City of Bowie has been implementing a comprehensive bikeway and trails plan for the city that includes bikeway signage along designated roadways. Melford Boulevard is designated as a master plan bikeway in both the City of Bowie Trails Plan and the Adopted and Approved Bowie and Vicinity Master Plan. Staff does not make a specific recommendation regarding the provision of the signage as this agreement can be developed directly between the applicant and the City.

However, staff supported the implementation of the bikeway along Melford Boulevard and will support an agreement between the applicant and the City for the provision of appropriate bikeway signage along this road. Staff also supported including a condition of approval for this bikeway signage, if proposed by the City. Staff recommended the following condition of approval:

In conformance with the Adopted and Approved Bowie and Vicinity Master Plan, the applicant, the applicant's heirs, successors and/or assignees shall provide the following:

- a. Provide standard sidewalks along both sides of the internal road, within Pod 6, from Telsa Drive to the eastern most building on Lot 5 and Melford Boulevard.
- b. Provide sidewalk connections from the perimeter walkways around the proposed buildings to the existing or planned sidewalks along Melford Boulevard and the internal roadway for Pod 6.

The Planning Board adopts the staff recommendation.

- 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 current DSP does not include portions of the site subject to this condition.

- 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 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 the applicant shall adhere to the setback.

Comment: There are no disturbances to the floodplain buffer associated with this application.

- 18. Prior to approval of any DSP, the applicant shall dedicate to the M-NCPPC 108±, acres including but not limited to 100-year floodplain and floodplain buffer, as shown on the Department of Parks and Recreation (DPR) Exhibit “A”.**

Comment: The applicant has not conveyed the 100-year floodplain and floodplain buffer to M-NCPPC. The Department of Parks and Recreation staff recommends conveyance of the parkland prior to certificate approval of DSP-07031.

- 19. Land to be conveyed is subject to conditions 1 through 9, in attached Exhibit “B”.**

Comment: This condition should be carried over to the approval of the subject DSP.

- 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: The submitted TCPII and DSP propose surface parking and paved loading areas throughout the site within this application. According to the DSP, there are 112 parking spaces proposed over the minimum spaces required. No structured parking is shown on the plans. The design, as shown on the TCPII, DSP and landscape plans, does not allow for the micromanagement of stormwater through natural infiltration. The parking spaces in excess of the minimum requirement should be designed with permeable paving or other applicable design method that will allow natural infiltration on the site.

Condition: Prior to certification of the detailed site plan, the DSP and TCPII shall demonstrate the use of permeable paving materials to reduce the area of impervious surfaces and promote natural infiltration. This shall be applied to all parking spaces above the minimum required number of spaces.

- 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 the community property.**

Comment: There are no disturbances to the stream or floodplain buffers associated with this application.

- 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: The TCPII shows the clearing of 28.81 of on-site woodland. This clearing is consistent with the TCPI approved with the CSP and previous TCPII approvals. The TCPII must be revised for the overall site prior to certification.

- 24. **Detailed site plans for new research and development "flex space" shall not exceed 10 percent of total space (excluding existing research and development) within the M-X-T Zone. Generally this flex space is intended as an interim use, which shall be redeveloped predominantly with office use, as market conditions permit. When an area is initially developed as research/development, flex space or warehouses, that area should be the first considered for redevelopment, when market conditions permit new office development. The applicant shall demonstrate that its long-term goal is to have all flex space uses converted to commercial office, with supporting retail (including a main street) and hotel uses, within a reasonable time period.**

Comment: Condition 24 of the District Council order refers to “research and development ‘flex space.’” The Zoning Ordinance does not define any of these terms. The St. John Properties internet site (www.stjohnpropertiesinc.com/property_portfolio/property_flex.aspx) describes “flex/office” as follows:

“The typical St. John Properties flex/office building offers 30-foot-wide bay spacing and 16-foot-high ceilings for maximum tenant flexibility.”

In regard to the buildings labeled “research and development” on the plans, the product type features office fronts on one side of the building and loading areas on the rear of the building. This product type is described as “flex space” in an on-line article entitled “*Flex Space is Future of Office, Storage Needs*,” by Edward A. St. John, an excerpt is provided below:

“Throughout the country, flex space is on the rise. While flex buildings do not contend for profiles in Architectural Digest, they do attract companies in a wide variety of industries.

“Just what are flex buildings and how do companies utilize the space?

“Flex buildings evolved from industrial buildings that prevailed in the 1970s. These were geared to trucks that transported goods to and from the properties, and usually had front

loading docks. Employees and visitors had to position themselves around the trucks to enter the buildings.

“As the ‘80’s approached, everything seemed to get flashier and sleeker, including industrial parks. At the same time, the demand for office space increased.

“Thus came the emergence of flex space as we know it: one-story buildings with high ceilings, rear loading docks, surface parking and generous landscaping.

“The building shells are designed to accommodate companies needing office, light manufacturing and/or warehouse space.”

As mentioned, the Zoning Ordinance does not define “research and development” or “flex” buildings, but the two terms appear to be more or less interchangeable in common usage. The previously approved SDPs for the subject property also listed research and development as the proposed use on the property. However, a site investigation revealed that the uses currently occupying the space previously approved as research and development, may actually be other categories of use.

The specific design plans approved under the previous E-I-A Zone associated with the previously built structures that are specified as flex buildings were initially approved as research and development and office. However, the tenant mix for the two different designations is actually quite similar, and includes such uses as contractor services, private schools, churches and general office. The difference between office flex and research and development flex space is the use of loading facilities at the rear of the research and development buildings and the lack thereof on the office buildings. Both the research and development and some of the office products built within Melford are considered “flex” type construction (See the attached advertisements for the project taken from the web).

The term “flex” buildings is generally known in the industry as buildings that are flexible as to the tenant leasing. The buildings are basically a shell construction and the interior space and finishing for tenants are simply designed so that a single tenant could lease an entire building or multiple tenants could lease pre-determined segments of the building with a minimal amount of construction cost associated with the interior alteration of the buildings.

The following specific design plans have been approved for the Melford development as research and development “flex” buildings:

SDP	Lot/block	Building designation	GFA of building(s)	Type of flex building	Status
SDP-0103	Lot 1 block 4	Building A	33,120	R&D flex	existing
	Lot 1 block 4	Building B	28,560	R&D flex	existing
	Lot 2 block 4	Building C	29,560	R&D flex	existing

	Lot 2 block 4	Building D	31,560	R&D flex	existing
SDP-0201	Lot 3 block 4	Building E	32,560	R&D flex	existing
	Lot 3 block 4	Building F	26,560	R&D flex	existing
	Lot 3 block 4	Building G	25,560	R&D flex	existing
SDP-0402	Lot 5 block 4		40,440	R&D flex	existing
Total			247,920		existing

In regard to conformance to Condition No. 24 above, it could be argued that “total space...within the M-X-T Zone” should apply only to property within the subject CSP, however, staff conceded that “M-X-T Zone” can as easily be interpreted to include all of the contiguous M-X-T zoned property, as the applicant contends, which would include the existing Census Bureau, the IDA building and the Masonry Institute.

The Planning Board accepted this as a reasonable assumption, but does not accept the applicant’s assumption that “total space...within the M-X-T Zone” refers to the overall projected ultimate build-out of the site as approved on the CSP, which was 4,837,060 square feet of GFA. Total build-out of the site, up to the maximum square footage of the CSP, may never come to fruition due to numerous hurdles that could stand in the way, such as the current traffic study not supporting the projected maximum density of the development shown on the CSP. In addition, the type of development shown on the subject detailed site plan may consume so much land area that it would not be feasible to achieve the maximum development shown on the CSP because of reduced land availability. Furthermore, basing the ten percent calculation on this very large and probably unrealistic number would provide no practical brake on construction of flex space. The Planning Board believed that it is more consistent with the intent of the condition to base the ten percent limitation on existing development, i.e. built, permitted or under construction on the site at the time of the application for building permit for additional flex space.

The intent of the condition is clearly to restrict the amount of future development of flex buildings in order to hasten the day when “all flex space uses are converted to commercial office with supporting retail (including a main street) and hotel uses within a reasonable period of time.”

Staff believed that the only way to insure that the intent of the condition is fulfilled, and that the site is in conformance at all times, is to require that every future building permit for a “flex” or “research and development” building should demonstrate conformance with the ten percent limitation. In order to find conformance with the condition above, the following calculation should be performed at the time of each building permit in order to determine the amount of additional flex space allowed at Melford based on the amount of existing development:

$$\begin{array}{l}
 \text{[(Total GFA} \\
 \text{within the M-X-T} \\
 \text{Zone either built or} \\
 \text{permitted at the} \\
 \text{time of application} \\
 \text{– Existing R\&D} \\
 \text{as of 2008} \\
 \text{(274,456 sq. ft.)} \\
 \text{+ GFA of R\&D]} \\
 \text{flex building for} \\
 \text{which permit is} \\
 \text{requested} \\
 \text{x .10 =} \\
 \text{Cumulative} \\
 \text{total of GFA of} \\
 \text{additional} \\
 \text{R\&D} \\
 \text{flex space for}
 \end{array}$$

for a new permit for
R&D

which permit
may be
approved
subsequent to
approval of
DSP-07031

The Planning Board agreed with the staff's conclusions and adopted the formula above as a condition to be enforced at the time of building permit.

The following chart defines the total square feet of GFA within the M-X-T Zone either built or permitted as of this date:

	GFA	AREA	SDP/DSP	Status
Lot 2 block 2	40,800	10.51	SDP-0203/01	existing
Lot 3 Block 2	40,800	9.14	SDP-0203/01	existing
Lot 4 block 2	30,450	3.74	SDP-0103	existing
Lot 1 block 3	150,000	10.88	SDP-0104	existing
Lot 1 block 4	61,680	7.18	SDP-0103	existing
Lot 2 block 4	61,120	5.97	SDP-0103	existing
Lot 3 block 4	83,690	9.07	SDP-0201	existing
Lot 5 block 4	67,966	6.36	SDP-0402	existing
Masonry school	234,000	25.19	SDP-0405	existing
Census Bureau	120,560	9.00	N/A	existing
IDA	87,500	14.21	N/A	existing
Lot 2 block 3	150,000	10.88	SDP-0103	existing
Total	1,916,066			

The following chart defines the total square feet of existing research and development as of this date:

	GFA	AREA	SDP/DSP	Status
Lot 1 block 4	61,680	7.18	SDP-0103	existing
Lot 2 block 4	61,120	5.97	SDP-0103	existing
Lot 3 block 4	83,690	9.07	SDP-0201	existing
Lot 5 block 4	67,966	6.36	SDP-0402	existing
Total	274,456			

- 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: There are no stream channels on this portion of the site that have not been shown. Staff

recommends that the amount of future research and development be restricted as stated above in the formula, at the time of building permit.

26. Prior to the approval of a detailed site plan, the following issues shall be addressed:

- a. Plans shall show the stormwater management ponds as amenities, with gentle natural slopes and extensive native planting.**

Comment: There is one stormwater management pond located on the site, on lot 6. Landscaping of the area is not proposed on the plans. The landscape plan should be revised prior to signature approval to reflect an abundant amount of landscaping with native plant material.

27. Detailed site plans shall provide a minimum 30-foot-wide landscape buffer between the development and US 50, if research and development flex space is proposed. The buffer shall be measured from the public utility easement.

Comment: Additional landscaping is recommended to screen the development from US 50.

28. Recreation Facilities Conditions:

- a. The applicant shall provide private recreational facilities as determined appropriate at the time of review of the detailed site plan (DSP). The recreational facilities shall be constructed in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.**

Comment: This condition appears to be a carryover from the original CSP that included a residential component. That plan was approved with a condition to remove the residential component from the plans; however, it appears that the condition relating to the development of residential units still remains on the plans. No recreational facilities are proposed for the site.

- c. Prior to approval of the first final plat for the project, the applicant shall make a monetary contribution in the amount of \$250,000 for the design and construction of the Green Branch Athletic Complex.**

Comment: Since the proposed lots are subject to a final plat of subdivision, the above condition should be carried over to the approval of this plan.

- d. If necessary, a public access easement shall be recorded from US 301 to the proposed public parkland over the planned private streets to provide public access to the public park.**

Comment: Currently there are no roads extending to the future parkland. Since the applicant is required to dedicate 108± acres to M-NCPPC prior to approval of any DSP, public access to the

parkland will not be available at this time. However, DPR staff recommends that temporary public access should be provided from the public street to the parkland at the location agreeable to DPR and the applicant.

- e. **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 a submission of a final plat of subdivision. Upon approval by the DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.**
- f. **The applicant shall submit to the DPR a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DPR, within at least two weeks prior to applying for building permits.**

Comment: This condition appears to be a carryover from the original CSP that included a residential component. These conditions do not apply to the subject project.

- 11. **Landscape Manual:** The plans are subject to Sections 4.2, 4.3(a) and (c), 4.4 and 4.7 of the *Landscape Manual*. The plans have attempted to demonstrate conformance; however, they should be revised to incorporate a 4.7 schedule of the *Landscape Manual* to demonstrate adequate buffering of the subject property to the adjacent O-S zoned property, and the plans should be revised accordingly. In addition, Sections 4.2 and 4.3(a) require additional shrub plantings and the schedules and plans should be revised accordingly. Section 4.4 requires screening of loading areas from US 50. A condition has been included to incorporate screening walls. Conditions of approval require the plans to be revised prior to certificate of approval.
- 12. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because it has previously approved tree conservation plans. The most recently approved plan, TCPI/44/98-03, was in conjunction with Preliminary Plan 4-07055. The preliminary plan and the TCPI have not yet been submitted for signature approval. Most of the woodland on this site was cleared in conjunction with the first TCPII approval, TCPII/036/99.

A revised Type II Tree Conservation Plan (TCPII/36/99-08) has been submitted. The TCPII indicates that the site within the area of this application contained 30.68 acres of woodland and that 28.81 acres was cleared in a previous phase of development. The remaining 1.87 acres, located within the existing wetland on the east portion of the site, is proposed for preservation. The clearing and preservation are consistent with the detailed site plan.

The worksheet shows information for other phases of development (TCPII/36/99-06 and TCPII/36/99-07) that have been approved by the Planning Board, but have not yet received certification. If the final approvals for those applications do not occur prior to certification of this application, those phases must be removed from the worksheet prior to the TCP signature approval.

The DSP shows proposed grading outside the limits of disturbance (LOD). Revise the LOD on the TCPII and DSP to include all proposed grading for this site. The site contains a wetland on the east portion of the site; however, this is not shown on the DSP. Revise the DSP to show the wetland and wetland buffer of the site in accordance with the signed Natural Resource Inventory (NRI/054/06-01).

Under the signature approval block, add the following note: “The -08 revision to this TCPII is associated with the approval of DSP-07031.”

Condition: Prior to certification of the detailed site plan, the limits of disturbance on the DSP and TCPII shall be revised to reflect all proposed grading necessary for the development of this site.

Condition: Prior to certification of the detailed site plan, the DSP shall be revised to show the wetland and wetland buffer in accordance with the Natural Resource Inventory (NRI/054/06-01).

Condition: Prior to certification of the detailed site plan, the TCPII shall be revised as follows:

- a. Remove the calculations for phases of development that have not yet received certification and signature approval.
- b. Show the required easement for the stormwater management outfall on Sheet 12.
- c. Add the following note under the signature approval block on the coversheet:

“The -08 revision to this TCPII is associated with the approval of DSP-07031.”
- d. Have the plans signed and dated by the qualified professional who prepared the plan.

REFERRALS

13. **Subdivision:** The ultimate right-of-way should be labeled on the site plan (27-282(e)(6)). The width of the right-of-way has not been determined by the City of Bowie. Provide bearings and distances on all property lines (27-282(e)(2)).
14. **Archeology:** A Phase I archeological survey is not recommended on the subject property. 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. Aerial photographs indicate that this 48.19-acre tract has been previously impacted by grading and the construction of a pond in the southeastern part of the tract. It is unlikely that intact archeological deposits will be found on this site. The subject property does not lie within the impact review area for the Melford Historic Site (#71B-016) and will have no impact on the viewshed from the property.

However, Section 106 review may require an archeological survey for state or federal agencies.

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

15. **Community Planning:** In a memorandum dated December 4, 2007, the Community Planning North Division stated that the application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier and conforms to the 2006 Bowie and vicinity master plan's recommendation for mixed-use development. They also pointed out, however, that the application does not meet certain guidelines of the master plan. More specifically:

- a. Detailed site plans shall provide a minimum 30-foot-wide landscape buffer between the development and US 50, if research and development flex space is proposed. The buffer shall be measured from the public utility easement.

Comment: This plan does show the minimum requirement of a 30-foot-wide landscape buffer between the development and US 50.

- b. The applicant shall provide standard sidewalks along both sides of all internal roads in keeping with guideline 3 of CR-11-2006. In areas of high pedestrian activity, wide sidewalks shall be required. The project shall be pedestrian-friendly.
- e. Curb extensions, curb cuts, crosswalks, pedestrian refuges, and other pedestrian safety features shall be provided where appropriate, and shall be shown on all affected detailed site plans.
- f. 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: Conditions have been included to improve the pedestrian systems as stated above.

- g. 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: The plan does not show efforts to minimize any impervious surfaces with this detailed site plan. See Finding No. 10, Condition 20(a) above for additional information on this subject.

16. **Transportation:** Transportation staff has reviewed issues regarding the development of the subject site and the larger Maryland Science and 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 phase 1.

The subject application reflects Pod 6, which is one of five development pods (Pods 1, 5, 6, 7B and P2) that are part of the approved Preliminary Plan of Subdivision (4-07055) for the subject property. The area designated as proposed Pod 1, is located in the section of the site that is covered under approved Preliminary Plan 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 below.

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
DSP-06096	253,289 sq. ft.	Under Const.	235	290
DSP-07072	24,375 sq. ft.	Under Const.	168	122
4-07055 (partial)	164,750 sq. ft. (Pod 1)	Approved	392	875
Total development and traffic to date	1,357,384 sq. ft.		1900	2321

Regarding the remaining Pods 5, 6, 7B and P2, those pods would be required to be developed with a trip generation that does not exceed the difference between the trip caps established by 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	1900	2321
Difference (Pods 5, 6, 7B and P2)	874	1272

The 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.

Immediately south of the subject property (Pods 6 and 7) is the northern section of parcel 4, The Zehner Property. That portion of parcel 4 is sandwiched between Pods 6, 7 and US 50. Given the fact that the State Highway Administration (SHA) has acquired the access controls along US 50, parcel 4 is prohibited from direct access to US 50. Consequently, without access from either Pod 6 or Pod 7, parcel 4 will be considered land-locked. Based on the circulation pattern that is proposed for Pod 6, staff finds that access to parcel 4 from Pod 6 would be more desirable than from Pod 7.

Parking Analysis

Pursuant to the requirements for parking as outlined in Section 27-574 of the county code, the seven proposed buildings require 950 parking spaces, while 1,062, a *surplus* of 112 spaces, have been proposed. Section 27-574(b)(4)(A) through (C) provides conditions under which the base requirements may be minimized. Since the applicant is proposing more than the minimum, and from the perspective of traffic circulation, staff has no issue with the excess parking.

TRANSPORTATION STAFF CONCLUSIONS

Based on the preceding findings, the Transportation Planning Section determined that the plan conforms to the approved CSP-06002 and finds the proposed DSP to be acceptable if the application is approved with the following conditions:

- a. Total development within the subject property shall be limited to uses within the M-X-T Zone that generate no more than 874 AM trips and 1272 PM peak trips for Pods 5, 6, 7B and P2 **combined**. 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.
- b. 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:

(1) 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.

(2) At US 301/Gov. 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.

Governors 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.

c. Prior to approval of the detail site plan for the Pod 6 (DSP-07031), the site plan shall be revised to provide access to the northern portion of parcel 4.

Comment: Conditions A and B above have been included in the recommendation section of this report. Additionally, the trip cap for approved Conceptual Site Plan, CSP-06002, is a condition of approval as well because both trip caps apply to the subject property. This will require the M-NCPPC to track building permits for each trip cap.

In regard to proposed Condition C above, the following is Finding 16 from PGCPB Resolution No. 08-86, 4-07055:

“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 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.”

Comment: Based on the finding of the preliminary plan approval above, the proposed condition (c.) above was not adopted by the Planning Board.

17. **Department of Parks and Recreation:** The Department of Parks and Recreation (DPR) has reviewed Detailed Site Plans DSP-06096 and DSP-07031 for conformance with conditions of CSP-06002 and District Council Resolution SP-06002, and found that the following conditions from the previous approvals are applicable to the above application:

Condition 18 of the SP-06002 states: Prior to approval of any DSP, the applicant shall dedicate to the M-NCPPC 108± acres including but not limited to 100-year floodplain and floodplain buffer, as shown on the Department of Parks and Recreation (DPR) Exhibit “A”.

Condition 19 of the SP-06002 states: Land to be conveyed is subject to Conditions 1–9, in the attached Exhibit “B”. See the following conditions of Exhibit “B”.

- Condition 1. An original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor), shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
- Condition 2. The 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, sidewalls, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
- Condition 3. 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.
- Condition 4. 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.

- Condition 5. 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.
- Condition 6. 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.
- Condition 7. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
- Condition 8. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
- Condition 9. 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.

Comments: The applicant has not conveyed the 100-year floodplain and floodplain buffer to M-NCPPC. DPR staff recommends conveyance of the parkland prior to certificate approval of DSP-06096 or DSP-07031, whichever comes first.

Condition 29 of the SP-06002 states: Recreational Facilities Conditions: If necessary, a public access easement shall be recorded from US 301 to the proposed public parkland over the planned private streets to provide public access to the park.

Comments: Currently, there are no roads extending to the future parkland. The applicant is planning to submit a preliminary plan of subdivision for the eastern portion of the property which will provide public access to the parkland. Since the applicant is required to dedicate 108± acres to M-NCPPC prior to approval of any DSP, public access to the parkland will not be available at this time. However, DPR staff recommended that temporary public access should be provided from the public street to the parkland at the location agreeable to DPR and the applicant.

The Department of Parks and Recreation staff recommended to the Planning Board the following conditions of approval for Detailed Site Plan DSP-07031:

- a. Six weeks prior to submission of the plans for certification of any DSP in the project area, including DSP-06096 and DSP-07031, an original, special warranty deed along with a metes and bounds description for the property to be conveyed to M-NCPPC, (signed by the WSSC Assessment Supervisor) shall be submitted to the DPR for their review and approval. Upon approval by the DPR, the deed shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- b. The 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. Stormdrain 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 M-NCPPC.
- i. The land to be conveyed shall not be encumbered by prescriptive or descriptive easements that are to the benefit of other properties without the expressed written permission of DPR. If encumbered, the DPR shall review the location and the rights and privileges associated with those easements and their anticipated impact on the future development of the parkland. If appropriate, DPR may require the applicant to relocate said easements.
- j. No stormwater management facilities, tree conservation or utility easements (other than typical public utility easements (PUE) associated with the edge of a public right-of-way) 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.
- k. A temporary 20-foot-wide access easement shall be recorded along with the parkland dedication deed to provide suitable vehicular access to the parkland until the public roads be extended to the parkland.

The Planning Board adopts the proposed conditions.

- 18. **Permits:** In a memorandum dated June 18, 2008, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below. It should be noted that Building E, located on Lot 3, is proposed as a public building for use by Prince George's County. Section 27-292 requires that all public buildings, structures and uses must be specifically approved by the District Council.
- 19. **Environmental Planning:** The Environmental Planning Section has reviewed the detailed site plan submitted for Melford, Pod 6, DSP-07031, stamped as received on June 13, 2008, and the Type II Tree Conservation Plan, TCPII/36/99-08, stamped as received on June 25, 2008. The Environmental Planning Section recommends approval of Detailed Site Plan DSP-07031 and revised Type II Tree Conservation Plan, TCPII/36/99-08, subject to the conditions found at the end of this memo. This is the first and only review of this DSP by the Environmental Planning Section.

The area in this application is part of an overall site that the Environmental Planning Section previously reviewed in conjunction with the following applications: Basic Plan A-9401, Comprehensive Design Plan CDP-08601, Preliminary Plans of Subdivision 4-02093, 4-98076, and 4-07055, Type I Tree Conservation Plan TCPI/44/98; and Type II Tree Conservation Plan TCPII/36/99. All of these plans were approved. Conceptual Site Plan CSP-06002 was approved by the Planning Board on January 11, 2007. The District Council approved this plan on September 11, 2007. The CSP and revised TCPI have been certified. The most recent approval for this site is for a

Preliminary Plan of Subdivision (4-07055) and TCPI/044/98-03; however, these plans have not received signature approval at this time.

The Melford site consists of several lots and parcels totaling 431.55 acres. The current DSP application is for the commercial development of Pod 6, in the M-X-T Zone.

The 38.56-acre property identified as Pod 6, is part of the 431.55-acre Melford (Maryland Science and Technology Center) site that is zoned M-X-T. Pod 6 is located in the southeast quadrant of Telsa Drive and Melford Boulevard. The larger Melford site is located in the northeast quadrant of the intersection of US 50 and US 301/MD 3. A review of the available information indicates that streams, wetlands, 100-year floodplain and severe slopes are found to occur on the overall 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) and MD 3 are existing freeways 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 on the property to the west known as the Nash Property. 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 overall 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.

The site has a signed Natural Resource Inventory (NRI/054/06-01) which includes forest stand delineation (FSD). The FSD was found to meet the requirements of the technical manual. The overall site contained a total of 175 acres of woodland on the net tract, of which 30.68 were on the subject site; however, most of this woodland was cleared in conformance with TCPII/36/99.

Comment: No additional information is required with regard to Natural Resource Inventory. A copy of the stormwater management concept plan approval letter and plan were not included in the submittal of the DSP.

Condition: Prior to certification of the detailed site plan, copies of the approved stormwater management concept plan and approval letter shall be submitted. The concept must be correctly reflected on the TCPII.

20. **City of Bowie:** On March 17, 2008, the Bowie City Council conducted a public hearing on DSP-07031. At the conclusion of the hearing, the City Council voted unanimously to recommend APPROVAL of DSP-07031 with conditions. The letter from the City of Bowie indicates that the proposed conditions are intended to maintain the consistency of the features of this project with existing and approved projects in the Melford development, to comply with adopted City policy, and

to improve the quality and aesthetics of the subject development.

Comments: The City's recommended conditions have been included as Conditions 12 and 13.

21. **Sherwood Manor Civic Association:** The Sherwood Manor Civic Association submitted a letter into the record stating the following concerns and recommendation, dated July 8, 2008:

“The Sherwood Manor Civic Association recommends disapproval of DSP-07031 for seven “R&D” “flex” buildings, two single-story flex office buildings, a single-story build-to-suit office building and one three-story office building on Pod 6 of the Melford/Maryland Science and Technology Center because it does not comply with conditions 20a and 24 of the Conceptual Site Plan, (CSP)-06002, concerning minimization of impervious surfaces and restrictions on the amount of additional ‘flex’ space that can be built.

“This letter reflects recent changes by the applicant to DSP-07031 and supersedes our previous letter of May 1, 2008.

“Findings

- “1. **The application proposes excessive impervious surfaces, which are harmful to the environment and violate Condition 20a of CSP-06002.** That condition states that: *“Development plans shall show minimization of impervious surfaces, through all phases of the project.”* In addition, the recently approved Maryland Stormwater Management Act of 2007 highlights a new approach that minimizes impervious surface to provide opportunities for water to infiltrate directly into the soil, reducing the inflow into stormwater management ponds. The Melford/MSTC property is adjacent to the Patuxent River wetlands, which feeds into the Chesapeake Bay. The runoff from this development goes directly into the Patuxent River.

- “a. The applicant has not provided a calculation of total impervious surfaces or an explanation of how they would be minimized.** The impervious surfaces on this site include not only the building footprint (383,300 square feet, 8.8 acres) and 1,062 parking spaces (191,691 square feet, 4.4 acres), but vast expanses of pavement between and behind the flex buildings that include the loading docks. **By our calculations, there’s a total of 247,080 square feet (5.67 acres) of pavement between the backs of the “R&D” flex buildings that is not being counted as parking,** an area almost equivalent to the footprint of the ‘flex’ buildings themselves (248,820 square feet, see Annex 1). No justification has been offered by the applicant for paving these additional 5.67 acres.

“b. The applicant proposes 12 percent more parking spaces and 1,180 percent more loading docks than required. The proposal includes a total of 1,062 parking spaces, 112 more than required, and 64 loading docks (59 more than required), altogether 1.2 acres of excess impervious surface (see Annex 1). The applicant has recently revised *upward* the minimum number of parking spaces required, from 803 to 950, by assuming the maximum number of tenants. However, in the M-X-T zone, the minimum can be adjusted *downward* based on estimates of peak time demand, the timing of uses, and joint uses. We intend to submit additional evidence at the public hearing that the minimum number of spaces proposed by the applicant is in excess of what is actually needed.

“2. The application proposes more than four times the amount of ‘flex’ buildings allowed in CSP-06002. Condition 24 of CSP-06002 states that: “Detailed site plans for new research and development ‘flex space’ shall not exceed 10 percent of total space (excluding existing research and development) within the M-X-T zone”. The applicant claims that the DSP includes 248,820 sq. ft. of one-story ‘flex’ office space labeled “R&D”, which includes seven buildings (C,D,H, I, J, K, L). However, he is proposing two other one story office buildings (B, G) that are also proposed for multiple tenants as flexible office space, totaling 51,680 sq. ft. The only difference between these two categories seems to be the excessive loading docks behind the buildings labeled “R&D”; the office buildings themselves appear to be identical. **Thus, by our calculation this application includes 300,500 sq. ft. of flex buildings, including flex “R&D” and flex office** (see Annex 2). We also note that “R&D” is not defined in the zoning ordinance and that the existing “R&D” buildings on the site are used for many purposes that are not research and development uses, including office, security, medical offices, dance studio, and church.

“We believe that the intent of CSP-06002 was to apply this 10 percent limit to the M-X-T zone within the area covered by the CSP, which includes 653,830 sq. ft. of existing office/hotel/commercial space that is not one-story flex (see Annex 2). **Thus, the applicant would be entitled to an additional 65,383 sq ft of flex building. The current application for 300,500 sq. ft. is more than four times what is permitted.** If all existing or approved buildings in the M-X-T zone are included, even those not within the CSP, then the total non-flex comes to 1,127,830 sq. ft. and the total permitted is 112,783 sq. ft.

“The applicant suggests that the proper denominator for calculating allowable flex space is the total hypothetical build-out of nearly 5 million square feet, which would allow nearly 500,000 square feet of additional flex space. We aren’t sure where this number came from, but we disagree with the argument that the flex space should be calculated on a hypothetical build-out that may never materialize within the

constraints of the existing road infrastructure and trip caps. By including this condition, the District Council clearly wanted to make sure that ‘flex’ space remains a small and temporary part of the office park development; this same restriction was noted in the Master Plan for the site. **If this DSP were to be approved as submitted, the total flex space would amount to 45 percent of all uses in the MXT zone within the area covered by the CSP and a third of all uses in the entire MXT zone.**

“3. **Beyond these issues of compliance with CSP-06002, we would like to point to the following problems with the proposal.**

- “a. **Warehouse uses are not permitted in the MXT zone.** The excessive number of loading docks behind the “R&D” flex buildings, in addition to the excessive pavement between and behind them, would lead one to believe that there is significant warehouse use.
- “b. **Full cut-off lighting should be required.** General note 16 says that “Outdoor lighting shall use full cut off fixtures that are fully shielded *wherever possible...*” The words “wherever possible” should be dropped.
- “c. **Open space requirements should not be waived for this property.** General note 20 says that “The 100-year floodplain area along the Patuxent River shall be dedicated to the M-NCPPC at Stage II of the development *in lieu of open space requirements for individual parcels.*” While the conveyance of the floodplain is in accordance with CSP-06002 and prior approvals under the E-I-A zone, we are aware of no language that allowed the applicant to waive any open space requirements for individual parcels.

“Recommendation

“We recommend that the Planning Board disapprove DSP-07031. The entire concept needs to be re-worked to come into compliance with CSP-06002, replacing most of the proposed flex buildings with multi-story office buildings, removing parking spaces above the minimum number required, removing the pavement behind the flex R&D buildings, and requiring that a share of the required parking be in permeable pavement. It could not be approved in its current form without conditions that dramatically change what is proposed. The public and the Planning Board should be allowed to review such radical revisions at another public hearing before the application is approved.”

Comment: The Planning Board disagrees with the Sherwood Manor Civic Association in regard to the methodology proposed for the restriction of “flex” space to be developed on the property and that the impervious surfaces should be reduced beyond the staff’s recommendation.

22. **Preliminary Plan of Subdivision:** The property is the subject of Preliminary Plan 4-07055. The resolution of approval was adopted by the Planning Board on June 19, 2008 (PGCPB Resolution No. 08-86) and contains 34 conditions. The preliminary plan does not have signature approval, but should prior to the approval of the detailed site plan. There are a number of revisions required to the preliminary plan which could result in modifications to the detailed site plan. Please note Condition 33, which could result in a modification of the rights-of-way. The following conditions relate to the proposed detailed site plan:

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, 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.**

Comment: This condition will be carried over to the approval of the subject application.

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.**

Comment: The DSP and TCPII propose the use of bioretention on the site. The bioretention facility will serve to treat some of the runoff from the site before being conveyed to an adjacent stormwater management pond. No further information is required at this time with regard to low impact development.

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.**

Comment: The submitted DSP did not include information regarding the incorporation of green building techniques and energy efficient building methods. The proposed buildings should incorporate green building techniques and innovative technologies for energy efficient building methods as recommended by the Bowie and Vicinity Master Plan.

Recommended Condition: Prior to certification of the detailed site plan, the applicant shall demonstrate to the satisfaction of the Planning Board or its designee that green building techniques and energy efficient building methods have been incorporated into the design and the details of the proposed architectural products.

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.

Comment: This condition will be carried over to the approval of the subject application.

- 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.**

Comment: This condition requires the completion of the TCPI signature approval process 30 days prior to the public hearing for the first DSP, which is the subject DSP. The condition focuses on issues related to the stream and floodplain buffers. These areas are not located on the subject DSP. Because of this situation, staff recommends that the subject DSP not be required to be in conformance with this condition. Any future DSPs, however, must conform to Condition 14 of the Planning Board’s approval on the preliminary plan. No further information is required at this time for conformance with the preliminary plan conditions. Future DSPs will be required to meet this condition.

- 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.**

Comment: This condition will be addressed when the TCPI is revised.

- 34. “Share the Road” with a bike signs shall be provided along Melford Boulevard frontage at the time of Detailed Site Plan.**

Comment: This condition will be carried over to the approval of the subject application.

- 23. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.**

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 APPROVES the Type II Tree Conservation

Plan (TCPII/36/99-08) and further APPROVES Detailed Site Plan DSP-07031 for the above-described land, subject to the following conditions:

1. Total development within the limits of CSP-06002 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.
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 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/Gov. 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.

Governors 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.

3. Total development within the limits of 4-07055 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 1,272 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.
4. Prior to certification of the detailed site plan, the DSP and TCPII shall demonstrate the use of permeable paving materials to reduce the area of impervious surfaces and promote natural infiltration. This shall be applied to 112 parking spaces at a minimum.

5. Prior to certification of the detailed site plan, the limits of disturbance on the DSP and TCPII shall be revised to reflect all proposed grading necessary for the development of this site.
6. Prior to certification of the detailed site plan, the DSP shall be revised to show the wetland and wetland buffer in accordance with the Natural Resource Inventory (NRI/054/06-01).
7. Prior to certification of the detailed site plan, the TCPII shall be revised as follows:
 - a. Remove the calculations for phases of development that have not yet received certification and signature approval.
 - b. Show the required easement for the stormwater management outfall on Sheet 12.
 - c. Add the following note under the signature approval block on the coversheet:

“The -08 revision to this TCPII is associated with the approval of DSP-07031.”
 - d. Have the plans signed and dated by the qualified professional who prepared the plan.
8. Prior to certification of the detailed site plan, copies of the approved stormwater management concept plan and letter shall be submitted. The concept must be correctly reflected on the TCPII.
9. Six weeks prior to submission of the plans for certification of any DSP in the project area including DSP-07031, an original, special warranty deed along with a metes and bounds description for the property to be conveyed to M-NCPPC (signed by the WSSC Assessment supervisor), shall be submitted to the DPR for their review and approval. Upon approval by the DPR, the deed shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
10. Property to be conveyed to M-NCPPC shall be subject to the following conditions:
 - a. The 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.
 - b. 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.
 - c. 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.

- d. 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.
 - e. 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.
 - f. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - g. The applicant shall terminate any leasehold interests on property to be conveyed to the M-NCPPC.
 - h. The land to be conveyed shall not be encumbered by prescriptive or descriptive easements that are to the benefit of other properties without the expressed written permission of DPR. If encumbered, the DPR shall review the location, the rights and privileges associated with those easements and their anticipated impact on the future development of the parkland. If appropriate, DPR may require the applicant to relocate said easements.
 - i. No stormwater management facilities, tree conservation or utility easements (other than typical public utility easements (PUE) associated with the edge of a public right-of-way) 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.
11. A temporary 20-foot-wide access easement shall be recorded along with the parkland dedication deed to provide suitable vehicular access to the parkland until the public roads will be extended to the parkland.
12. Prior to certification of Detailed Site Plan DSP-07031, the applicant shall comply with the following:
- a. The grades and design from Pod 6 shall be revised to allow future road access to Nash Drive.
 - b. The plans shall be revised to include a Tracking Table that shows how much square footage has been permitted for each use, how much has been approved for the entire Melford development, and how much is proposed for this site.

- c. Roofing plans shall be included and the applicant shall:
 - (1) Note the use of high energy reflective roofing material; and
 - (2) Design the rooftops such that the mechanical equipment, as seen from above, is grouped in a more aesthetically pleasing arrangement.
- d. The Landscape Manual's minimum height of 12–14 feet for shade trees shall be indicated on the landscape plans.
- e. A native groundcover shall be included in the landscape plans such that 50 percent of the groundcover is non-invasive, native or native hybrid.
- f. The landscape plan shall be revised to show a 30-foot landscaped buffer between US 50 and the proposed adjacent flex buildings with 50 percent more additional plant material and larger evergreens at 8–10 feet.
- g. A note shall be added to the plans that all lighting shall have timing devices, be more energy efficient, and details of the timing device shall be provided.
- h. The plans shall be revised to provide decorative crosswalks at the six entrances to the site.
- i. The plans shall be revised to provide continuous sidewalk connectivity between all of the buildings on the site and the adjoining public street sidewalks.
- j. The applicant shall calculate the total percentage of impervious surface area on the site and offset the impervious surface area by utilizing low-impact development techniques such as bioretention areas, green roofs, conservation landscaping, etc. The applicant shall revise the plans to include:
 - (1) Bioretention areas distributed within the site plan in a manner as to improve visual appeal and provide a public amenity;
 - (2) Minimal use of lawn and lawn type products in favor of utilizing native plants, where possible.
- k. The plans shall be revised such that there are no more than 15 parking spaces without an island.
- l. The applicant shall include at least three public amenity spaces: a 'Viewing Area' adjacent to the wet pond, located south of the most easterly flex building on the site; a 'Boulevard' streetscape along Melford Circle and Melford Boulevard in front of the two office buildings; and a minimum of three 'Pavilion' features spread throughout the site.

- (1) The scenic 'Viewing Area' shall have interpretative signage describing the native plants and wildlife in the wet pond, the reasons for utilizing native plants, and the advantages to the Chesapeake Bay.
 - (2) The 'Boulevard' streetscape shall have an enhanced sidewalk with decorative pavers at the office building entrances with decorative lighting no greater than 16 feet high, tree grates, outdoor seating, accent lighting on the building street elevations that is low-wattage so as to not cause off-site glare, bicycle racks, and plantings to create a pedestrian-friendly atmosphere between the office buildings and Melford Boulevard.
 - (3) A minimum of three 'Pavilion' features shall be designed as respite areas for pedestrians and on-site workers that are accessible, safe, and comfortable and have decorative paving, decorative lighting and some benches and/or eating surfaces that create a sense of place between the parking areas and the buildings.
 - m. The applicant shall revise the plans such that the dumpster adjacent to the eastern end of Melford Boulevard is relocated to the rear of the site or heavily landscaped to shield its view from Melford Boulevard. The dumpster enclosure shall be eight feet high and be constructed of masonry to match the buildings.
 - n. A note shall be placed on the plans that all decorative banners and signs shall be prohibited from the site other than one standard size American flag.
 - o. The plans shall be revised such that the square footage of all of the signage and the height of the monument sign is in conformance with SDP-0204.
 - p. The stormwater management plan shall be revised such that there are only non-invasive, native, or native hybrid plants specified.
 - q. A note shall be placed on the plans that "Share the Road" with a bike signs shall be provided along extended Melford Boulevard frontage from Melford Circle and Curie Drive to the eastern portion of this site where it connects to proposed Nash Drive.
13. Prior to issuance of any new sign permits for the Melford development, the applicant shall:
- a. Survey the overall development for all existing and approved signage; and,
 - b. Submit a unified CSP for signage for the entire Melford development that complies with the approved CDP and the recently approved CSP. The signage program should show consistency between previously approved signage and proposed signage in terms of size (height), location (setback), square footage, materials, logos, colors and lighting.
14. Prior to certification of the detailed site plan, the applicant shall demonstrate to the satisfaction of the Planning Board or its designee that green building techniques and energy efficient building methods

have been incorporated into the design and the details of the proposed architectural products.

15. Prior to signature approval of the plans the following changes shall be made:

- a. The plans shall provide retaining walls of the same size, style and contrast as those approved along Telsa Drive, used to screen the loading areas from Telsa Drive for Lots 1, 2 and 3 of Block 4. Retaining walls shall be provided to screen views of large expanses of asphalt and loading areas as viewed from US 50 and Melford Boulevard Extended and Telsa Drive.
- b. The Landscape plan shall be revised to include 80 percent of the plant material as native plant material and an abundant amount of landscaping shall be provided around the proposed stormwater management pond.
- c. The plans shall be revised to include full cut-off lighting systems on the site.
- d. The plans shall be revised to demonstrate conformance to the *Landscape Manual* in regard to Sections 4.2, 4.3(a), 4.4 and 4.7.
- e. In conformance with the Adopted and Approved Bowie and Vicinity Master Plan, the applicant, the applicant's heirs, successors, and/or assignees shall provide the following:
 - (1) Provide standard sidewalks along both sides of the internal road within Pod 6 from Telsa Drive to the eastern most building on Lot 5 and Melford Boulevard, and include curb cuts, cross walks and pedestrian safety features where appropriate.
 - (2) Provide sidewalk connections, curb cuts and cross walks from the perimeter walkways around the proposed buildings to the existing or planned sidewalks along Melford Boulevard and the internal roadway for Pod 6.
- f. The cover sheet shall be updated to include the layout of buildings and lot lines.
- g. The building data in regard to Lot 3, as shown on the cover sheet, shall be revised to match the plans.

16. Prior to approval of the first final plat for the project, the applicant shall make a monetary contribution in the amount of \$250,000 for the design and construction of the Green Branch Athletic Complex.

17. Issuance of each building permit for new research and development/flex space shall be limited to the amount of GFA permitted by the following formula:

$$\begin{array}{llll}
 \text{[(Total GFA} & \text{– Existing R\&D)} & \text{+ GFA of R\&D]} & \text{x .10 = Cumulative total of GFA of} \\
 \text{within the M-X-T Zone} & \text{as of 2008} & \text{flex building for} & \text{additional R\&D} \\
 \text{either built or permitted} & \text{(274,456 sq. ft.)} & \text{which permit is} & \text{flex space for which permit}
 \end{array}$$

at the time of application
for a new permit for
R&D

requested

may be approved of DSP-
07031

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.

* * * * *

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 Vaughns, with Commissioners Squire, Vaughns and Parker voting in favor of the motion, and with Commissioners Cavitt and Clark absent at its regular meeting held on Thursday, July 24, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of September 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:SL:bjs