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Preliminary Plan 4-05143

Application	General Data
Project Name: CHARLES CARROLL SUBDIVISION Location: Southwest quadrant of the intersection of US 301 and Collington Road (MD 197). Applicant/Address: 3720 Crain Highway Joint Venture 7799 Leesburg Pike, Suite 810N Falls Church, VA. 22043-2413	Date Accepted: 02/7/2006
	Planning Board Action Limit: 06/27/2006
	Plan Acreage: 2.04
	Zone: C-M
	Lots: 0
	Parcel: 1
	Planning Area: 71B
	Tier: Developing
	Council District: 04
	Municipality: Bowie
	200-Scale Base Map: 205NE14

Purpose of Application	Notice Dates
COMMERCIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 11/30/2005 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 5/16/2006

Staff Recommendation		Staff Reviewer: Whitney Chellis	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-05143
Charles Carroll Subdivision Parcel A

OVERVIEW

The subject property is located on Tax Map 55 in Grid D-3 and is known as Parcel A. Parcel A is approximately 2.04 acres and is zoned C-M, as discussed further in Finding 3 of this report. The property is the subject of Plat VJ 189@33, recorded in land records on March 15, 2000. At the time of approval of the underlying preliminary plan (4-99011) the Planning Board required that the entire property be placed in reservation for the right-of-way of the planned interchange of US 301/MD 197, consistent with the recommendations of the 1991 *Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A and 74B*. The plat of reservation (VJ 189@34) was recorded in land records on March 15, 2000. The reservation was established for a three-year period by the Planning Board (PGCPB 99-149). At the end of the reservation period the owner at that time chose not to renew the reservation and it expired as a matter of law on July 1, 2002.

With the expiry of the reservation period the applicant was and is free to proceed with the development of the property consistent with the Planning Boards approval (PGCPB 99-88) of the preliminary plan of subdivision and the valid record plat (VJ 189@33) for Parcel A. With the approval of Preliminary Plan 4-99011 the applicant accepted a restriction on the amount of development that could occur on the property. In PGCPB Resolution 99-88, Condition 1, the Planning Board limited development of the site to no more than 3 AM and 3 PM peak hour trips, and stipulated that any development that would generate a greater trip rate would be subject to a new preliminary plan of subdivision and a new determination of adequate public facilities.

This application has been filed because the applicant is proposing development that would exceed the existing transportation cap. The applicant is proposing a 5,000 square-foot quick lube and car wash. That amount of development, pursuant to Condition 1 of PGCPB Resolution 99-88, requires a new preliminary plan of subdivision because it will exceed the existing trip cap. The applicant filed the subject application on January 7, 2006, and was advised that staff would recommend that the property be placed in reservation consistent with the new 2006 *Bowie and Vicinity Master Plan and Sectional Map Amendment*, for the right-of-way of the planned interchange of US 301/MD 197, as discussed further in Finding 6 of this report.

At issue is that the applicant does not believe that the Planning Board has the authority to place a property in reservation for the same purposes more than once. The applicant argues de facto that a new preliminary plan is not subject to all of the requirements of Subtitle 24, and is in fact exempt from Subtitle 24, Division 7, Reservations (Subtitle 24). The applicant believes that once a property is placed in reservation pursuant to the authority of the Planning Board as set forth in Subtitle 24 and the reservation expires, that if the applicant chooses to file a new preliminary plan of subdivision the property cannot be placed in reservation. Staff and the Associate General Council have reviewed Subtitle 24 and

have found no such exemption from the Planning Board's authority to place a property in reservation with the review of a preliminary plan of subdivision.

SETTING

The property is located in the southwest quadrant of the intersection of MD 197 and US 301, south of the intersection of US 50 and US 301. Abutting to the south is Old Collington Road, which appears on State Roads Commission of Maryland, Plat No. 17162. The Pin Oak townhouse development is located on the south side of Old Collington Road. To the east across US 301 is the Rips Restaurant and Motel.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	C-M	C-M
Use(s)	Vacant	Carwash and quick lube (est. 5,000 square feet of gross floor area)
Acreage	2.04	2.04
Parcels	1	1

2. **Environmental**—The Environmental Planning Section has reviewed revised plans for Preliminary Plan of Subdivision 4-05143 and the Type I Tree Conservation Plan TCPI/20/99-01, stamped as received on April 28, 2006. Several required minor revisions have been made to the TCPI as requested. The Environmental Planning Section recommends approval.

The Environmental Planning Section previously reviewed plans associated with this site in Zoning Map Amendment A-9826 and Preliminary Plan of Subdivision 4-99011. The Planning Board approved Preliminary Plan 4-99011 in May of 1999. The Board's action is found in Resolution No. 99-88. A Type I Tree Conservation Plan, TCPI/20/99, was included in the approval of Preliminary Plan 4-99011 and it was signed in June of 1999. This preliminary plan represents an -01 revision to TCPI/20/99.

Site Description

Based on a review of available information, there are no regulated environmental features associated with the site. According to Year 2000 air photos, the site is 100 percent wooded. Two soil series are associated with the site and these include: Collington fine sandy loam (two types in this series) and Shrewsbury fine sandy loam. Shrewsbury soils have development constraints such as a high water table and poor drainage conditions associated with these in relation to building foundations, streets, and parking lots being located on them. Marlboro clay is not found at this location.

MD 197 is an arterial road and US 301 is classified as an expressway. Both roads are traffic noise generators based on their respective classifications; however, traffic noise impacts are not anticipated because the proposed use is commercial in nature. There are no designated scenic or historic roads in the vicinity of the site. According to the Maryland Department of Natural Resources Natural Heritage Program staff, rare, threatened and endangered species are not found in

the vicinity of the property. According to the *Countywide Green Infrastructure Plan*, there are no network features on-site. The site is in the Green Branch watershed of the Patuxent River basin.

A signed Natural Resources Inventory (NRI) NRI/105/05 was submitted with the application. A review of the preliminary plan and TCPI in relation to the NRI has been conducted. The current TCPI has a specimen tree table on it as is shown on the signed NRI for one specimen tree identified at the site. One forest stand (Stand A) was identified at the site. The dominant species include Red Maple, Black Locust, Box Elder and Elm. Invasive species are located along the edges of the stand and this accounts for a significant portion of the herbaceous layer. The forest retention rating for the stand is considered poor because there are no significant environmental features associated with it, coupled with the presence of invasive species.

The site is subject to the Woodland Conservation and Tree Preservation Ordinance because there is a previously approved TCPI associated with it (TCPI/20/99). A revised Type I tree conservation plan has been submitted and reviewed. Existing woodland on the site totals 2.04 acres. The woodland conservation threshold (WCT) is 0.31 acres. The proposed amount of woodland to be cleared totals 1.81 acres. The site's woodland conservation requirement totals 0.82 acres and is proposed to be met with 0.82 acres of off-site mitigation on another property.

A copy of the approved stormwater management concept plan and the concept plan approval letter have been submitted. The concept plan approval letter was issued on January 5, 2006 and is valid until January 30, 2009. The DER case number for this plan is: 43201-2005-00. Because the site's woodland conservation requirement is proposed to be met entirely off-site, there are no potential conflicts with woodland treatment areas in relation to the method of stormwater management.

Water and Sewer Categories

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

3. **Community Planning**—The subject property is located within the limits of the 2006 *Bowie and Vicinity Master Plan and Sectional Map Amendment*. The master plan land use recommendation for this property is high density residential. However, the 2006 sectional map amendment retained the property in the C-M Zone. The land use concept provided for informational purposes with the preliminary plan of subdivision is a permitted use (both the car wash and quick lube) in the C-M Zone, and is therefore consistent with the master plan sectional map amendment. The master plan land use recommendation of high-density residential land use is generally not permitted in the C-M Zone. With the retention of the C-M zoning through the adoption of the sectional map amendment, the application is not inconsistent with the 2006 Bowie and Vicinity Master Plan and implementing sectional map amendment.

The property was rezoned from the R-R Zone to the C-M Zone by zoning map amendment A-9826-C. The District Council in that case issued a notice of final decision on May 18, 1994. The decision contained one condition as follows:

“Development of the site shall be in accordance with detailed site plan review per Division 9, Subdivision 3 of the Zoning Ordinance. Special attention shall be paid to the issues of access and noise intrusion.”

The 2006 Bowie and Vicinity Master Plan was adopted by CR-11-2006 on February 7, 2006, and page 4, line 26 through 30 of that resolution sets forth that the conditions and findings attached to a previously approved zoning application adopted in the 1991 *Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A and 74B* (the subject site is in 71B) as described in Council Resolution 22-1991, are considered part of this sectional map amendment where the previous zoning category has been maintained and noted on the zoning map.

Condition 1 of A-9826-C requires that a detailed site plan be approved in accordance with Division 9, Subdivision 3 of Subtitle 27. Subdivision 3, Section 27-285(a)(1) requires that prior to the issuance of any grading, building and use and occupancy permit for the development or use of any land for which a detailed site plan is required, the applicant shall obtain approval of a detailed site plan from the Planning Board.

The site is within the limits of the Developing Tier as identified in the 2002 *Prince George's County Approved General Plan*. One of the visions for the Developing Tier is to maintain a pattern of distinct commercial centers and employment areas that are increasingly transit serviceable. With the condition of zoning requiring a detailed site plan review by the Planning Board, a distinctive center in character can be required. Specifically, the Developing Tier Chapter (p.34, per amendment 22 by CR-11- 2006) of the 2006 Bowie and Vicinity Master Plan applies to the development of the property:

“Policy 3: Protect, maintain and enhance the unique historical, cultural, and architectural identity, heritage and character of the City of Bowie.”

“Strategy 4. Properties located at key intersections within the planning area, such as the intersection of US 301 and MD 197, are recommended for site plan review and approval.”

The master plan specifically recommends site plan review and approval for properties located at key intersections. However, the requirement of a DSP already exists as a result of A-9826-C, and can help ensure that the recommendations of the master plan are implemented.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations this site is exempt from the requirements of the mandatory dedication of parkland because it is a non-residential use.
5. **Trails**—The Bowie and Vicinity Master Plan designates MD 197 as a master plan trail corridor. Extensive portions of this facility exist to the west of the subject site along the north side of MD 197. No trail construction is recommended at this location. If the master plan facility is extended all the way to US 301, it will be on the north side, consistent with existing development. Pedestrian crossings of MD 197 to get to the master plan trail exist at the traffic light at Mitchellville Road and at the pedestrian bridge near the Bowie Town Center. There are no master plan trails recommendations. Standard sidewalks should be provided along the entire street frontages of the site.
6. **Transportation**—The application is a preliminary plan of subdivision for a commercial (automotive) development consisting of a car wash and an auto-lube facility. The property is located in the southwest quadrant of the MD 197/US 301 intersection.

The traffic generated by the proposed preliminary plan would impact the signalized intersection of US 301 and MD 197. This intersection is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program:

The subject property is located within the Developing Tier as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards: **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of [1,450] or better. **Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

This property was the subject of a previous Planning Board review and approval for a preliminary plan of subdivision. Pursuant to PGCPB No. 99-88 for the previous application (File No. 4-99011), the application was approved with several conditions, including the following:

- 1. Total development of this 2.4-acre site shall be limited to permitted uses which generate no more than 3 AM and 3 PM peak hour vehicle trips. Any development other than that identified herein above shall require a new Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.**

The proposed development consists of uses with different trip generation rates. Citing rates from the Institute of Transportation Engineer's (ITE) *Trip Generation Manual*, a quick lube facility (941) has a trip rate of 5.19 trips per service bay during the PM peak hour. The subject application proposes three service bays. Consequently, this use is projected to generate 16 trips during the PM peak hour. The ITE manual also shows a trip rate of 11.64 trips per 1,000 square feet of gross floor area for an automated car washing facility. The proposed car wash for the subject property consists of (150' x 32' =) 4,800 square feet. Consequently, this use is projected to generate (4.8 x 11.64 =) 56 trips during the PM peak hour.

Because the ITE manual does not cite a trip rate for the combination of uses being proposed, in deciding how many trips the site will generate, one has to factor how motorists are likely to utilize these facilities. While there are motorists that will visit the site for one use or the other, there are also those who will visit the site for both uses during a trip, and consequently, consideration must be given to the fact that there could be some overlapping regarding trip generation of the total site. Additionally, one must also consider the effect of pass-by trips, which are by definition, trips already on the road due to another trip generator. Since trips to these types of automotive facilities are generally planned, and less spur-of-the-moment, staff will allow a rather modest pass-by rate of no more than 15 percent. Staff further allows a 50 percent reduction in rates of the lesser generator due to the potential on-site overlapping of usage.

Taking all of the above-mentioned factors into consideration, staff concludes that the proposed development would generate ((56+8) x 85% =) 54 new trips during the PM peak hour. Information available in the guidelines indicates 1 PM peak-hour trip generated in the C-M Zone, based on commercial use, is the equivalent of 10 daily trips. Applying that ratio to this

application, staff concludes that this development would generate (54 x 10) 540 trips on a daily basis.

Pursuant to PGCPB No. 99-88 for the previous application (File No. 4-99011), the application was approved with several conditions including a trip cap of three trips during either peak hour. Since 1 peak hour trip is the equivalent of 10 daily trips, then 3 peak trips would be the equivalent of 30 daily trips. Consequently, this development would generate (540-30) 510 more daily trips than was previously approved. Since the Planning Board has already established a formula for determining pro-rata contributions toward transportation improvements at the MD 197/US 301 intersection, staff will apply that formula for the subject application. In so doing, the applicant would be required to pay ($\$210 \times 510 =$) \$107,100.00.

Bowie and Vicinity Master Plan

The current Bowie and Vicinity Master Plan recommends the upgrading of US 301 within Prince George's County to freeway standard, resulting in an interchange being built at the US 301 and MD 197 intersection. As a result of this recommendation, a significant portion of the subject site will be impacted by this future upgrade. Consequently, staff is requiring the applicant to place the entire property in reservation. An April 25, 2006, letter from SHA (Veeramachaneni to Foster) to staff indicates SHA will have funds available to acquire the property within three years. Hence, SHA supports reservation of the entire property.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved with conditions.

Variation to Section 24-121(a)(3)— Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway.

The subject property has frontage on and proposes direct vehicular access via US 301. The applicant is proposing a right-in, right-out access point at the southernmost point of the site, along US 301. Pursuant to the required finding for Section 24-121 of the Subdivision Regulations, staff concurs with State Highway Administration (SHA) regarding approval of the access point shown on the preliminary plan.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

1. **The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

Comment: One of the purposes of limiting access to an arterial is to enhance public safety, health and welfare. In this case, the property has frontage on US 301 and MD 197, as well as the "old road bed" of Old Collington Road, 30 feet wide and in the ownership of SHA. MD 197 and US 301 are both roadways with an arterial classification or higher.

The applicant has proposed restricted site access with a right in, right-out only along US 301. SHA has indicated that through the required DSP process further refinements may occur to the applicant's proposed site access location. SHA recommends in fact that the access location be shifted further to the south than proposed on the applicant's concept plan, and that the access may in fact be consistent with the right-of-way of Old Collington Road and in accordance with SHA requirements.

SHA has determined that access via MD 197 creates an unsafe vehicular movement and may offer an opportunity for traffic to cross MD 197 to enter the left hand turn lane to proceed north on US 301. Access via US 301 southbound with a right-in, right-out will not allow for a similar movement to travel north on US 301 because there is a median at that location.

2. **The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

Comment: The property is unique to surrounding properties because the property is triangular in shape and has frontage on MD 197, US 301, and Old Collington Road. None of the surrounding properties generally have this particular shape and as a result unique access issues, and are entirely surrounded by roads.

3. **The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

Comment: This will not result in a violation of other applicable laws, ordinances or regulations. The site access will be reviewed and approved by SHA, as the permitting authority for state roadways, through the access permit process and will be required to conform to SHA regulations.

4. **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

Comment: The property is unique to surrounding properties because the property is triangular in shape and that is generally unique to the surrounding properties. If the variation were not granted a particular hardship to the owner would result because SHA will not grant access permits to Old Collington Road or MD 197. The variation as requested by the applicant is consistent with the recommendations of SHA insofar as which right-of-way will be authorized by SHA.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003, however the subdivision does not impact schools facilities because it is a commercial use.
8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.
 - a. The existing fire engine service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 4.46 minutes, which is beyond the 3.25-minutes travel time guideline.
 - b. The existing paramedic service at Bowie Fire Station, Company 43, located at 16400 Pointer Ridge Drive, has a service travel time of 4.46 minutes, which is within the 7.25-minutes travel time guideline.
 - c. The existing ladder truck service at Bowie Fire Station, Company 39, located at 15454 Annapolis Road, has a service travel time of 7.10 minutes, which is beyond the 4.25-minutes travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/ EMS Department determines that an alternative method of fire suppression is appropriate.

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

9. **Police Facilities**—The proposed development is within the service area for Police District II-Bowie. In accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed commercial development.
10. **Health Department**—The Health Department has reviewed the preliminary plan of subdivision and has no comment.
11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 43201-2005-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
12. **Historic**—Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. A search of current and historic photographs, topographic and historic maps, and locations of currently know archeological sites indicates no known archeological sites in the vicinity and no known historic structures within the vicinity of the subject property.

Section 106 review may require archeological survey for state or federal agencies, however. 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 federal monies, federal properties, or federal permits are required for a project.

13. The subject property is zoned C-M. While the subject application is not proposing any residential development, if legislation would permit such a land use, a new preliminary plan should be approved. Because there exist different adequate public facility tests, and there are considerations for recreational components for residential subdivisions, a new preliminary plan should be required if residential development is to be considered.
14. **City of Bowie**—The City of Bowie Council held a public hearing on June 5, 2006, on this preliminary plan and recommends denial of the preliminary plan. The city notes that the 2006 Bowie and Vicinity Master Plan places this property within the right-of-way of the interchange for MD 197 and US 301. The city recommends that this property should be placed in reservation for purchase for the interchange by SHA.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to make the following technical corrections:
 - a. Provide the SWM concept number and approval date.
 - b. Reflect the note indicated in Condition 7.
 - c. Remove general notes 16–18 relating to the provided and required parking, and proposed number of auto bays.
2. A Type II tree conservation plan shall be approved with the detailed site plan.
3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 43201-2005-00 and any subsequent revisions.
4. Development of this subdivision shall be in conformance with approved Type I Tree Conservation Plan TCPI/20/99-01. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan TCPI/20/99-01, or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation and Tree Preservation Policy. This property is subject to the notification provisions of CB-60-2005. ”
5. The applicant shall provide standard sidewalks along the property’s entire street frontages unless modified by the State Highway Administration at the time of issuance of street construction permits.
6. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

7. Prior to the issuance of any permits, a detailed site plan shall be approved by the Planning Board in accordance with Zoning Map Amendment A-9826-C.
8. Prior to final plat approval, the applicant his heirs, successors, and/or assignees shall prepare a plat of reservation and shall reserve the entire subject property as right-of-way for the proposed US 301/MD 197 interchange as recommended in the 2006 Bowie and Vicinity Master Plan per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:
 - a. The reservation period shall continue for three years and commence with the recordation of a reservation plat with the final plat of subdivision. The reservation area shall also be shown on the final plat. The reservation plat shall comply with all requirements for recording plats among the land records of Prince George's County.
 - b. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all landowners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the landowners.
 - c. During the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.
 - d. All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.
 - e. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.
9. The applicant, his heirs, successors, and/or assignees shall reserve the entire subject property as right-of-way for the proposed US 301/MD 197 interchange, as recommended in the Bowie-Collington-Mitchellville and Vicinity Master Plan, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:
 - a. The reservation period shall continue for three years and commence with the recordation of a reservation plat recorded with the final plat of subdivision. The reservation area shall also be shown on the final plat. The reservation plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.
 - b. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all landowners, the Planning Board may

renew the reservation for additional periods of time (not less than one year) if agreeable to the landowners.

- c. During the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.
 - d. All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.
 - e. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.
- 10 Prior to the release of any building permit, the applicant shall pay a fee of \$107,100.00 (indexed) as a fair share of the cost of construction for improvements to US 301 and MD 197 to the Department of Public Works and Transportation based on the following formula:
- $$\frac{\$210 \times (\text{Daily Trips Generated}) \times (\text{FHWA Construction Index for 4 quarters preceding permit application})}{(1994 \text{ FHWA Construction Index})}$$
11. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN TCPI/20/99-01 AND A VARIATION TO SECTION 24-121(a)(3).