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Preliminary Plan 4-05148 Reconsideration Hearing

Application	General Data	
Project Name: Mills Property Location: Northwest quadrant of the intersection of Robert Crain Highway (US 301) and Mitchellville Road. Applicant/Address: O'Malley, Miles, Nylen and Gilmore, P.A. 403 East Charles Street LaPlata, MD 20646 Property Owner: Chesapeake Holdings BB MB, LLC	Planning Board Hearing Date:	01/26/12
	Staff Report Date:	01/18/12
	Date Accepted:	12/09/06
	Planning Board Action Limit:	N/A
	Mandatory Action Timeframe:	N/A
	Plan Acreage:	20.92
	Zone:	R-R & C-M
	Lots:	14
	Parcels/Outlot:	2/1
	Planning Area:	74B
	Tier:	Developing
	Council District:	04
	Election District:	07
	Municipality:	N/A
	200-Scale Base Map:	203NE14

Purpose of Application	Notice Dates	
RECONSIDERATION HEARING: By letter dated November 11, 2011, the applicant requested a Reconsideration of findings and conditions relating to vehicular circulation and access to US 301. On December 1, 2011, the Planning Board granted this request.	Previous Parties of Record	01/06/12
	Sign(s) Posted on Site	N/A

Staff Recommendation		Staff Reviewer: Whitney Chellis Phone Number: 301-952-4325 E-mail: Whitney.Chellis@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

RECONSIDERATION STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-05148
Mills Property, Lots 1-14, Parcels A-C, and Outlot A

OVERVIEW

By letter dated November 11, 2011, the applicant requested a Reconsideration of findings and conditions relating to vehicular circulation and direct access to Robert Crain Highway (US 301). On December 1, 2011, the Planning Board granted this request.

The subject property is located on Tax Map 63, Grid D-3. The site comprises 20.92 acres of land in the Rural Residential (R-R; 10.06 acres) and Commercial Miscellaneous (C-M; 10.86 acres) Zones. The preliminary plan was originally approved on April 12, 2007. The written approval is embodied in resolution PGCPB No. 07-66 and is subject to 27 conditions. Several of these conditions and supporting findings require modification or deletion if this reconsideration is approved. This technical staff report document is the original technical staff report, with the exception of this overview, which was originally presented to the Planning Board on March 15, 2007. The modifications recommended to that approval based on the applicant's reconsideration request are indicated herein, with strikethrough for deletions and underlining for new language. If the Planning Board approves the reconsideration, an amended resolution of approval will be drafted for approval that reflects the Planning Board's action on this request.

The existing preliminary plan of subdivision approval allows the R-R-zoned portion of the site to be developed with 14 single-family dwelling units and one parcel (Parcel A) for stormwater management, which will be accessed via an extension of Ayrwood Lane that stubs to the western property line. This portion of the property is not subject to detailed site plan review and has been platted. The City of Bowie has purchased that property and has indicated their intent to utilize that area of land as a public park.

This reconsideration request relates solely to the C-M-zoned portion of the property and more specifically, relates only to vehicular circulation and the ability for direct vehicular access of the same to US 301. Staff has also addressed the disposition of Outlot A with this reconsideration. The additional analysis conducted with this reconsideration request does not and is not intended to revisit any other findings of facts and conditions of the Planning Board's decision contained in PGCPB Resolution No. 07-66, adopted on April 12, 2007, all of which are brought forward herein.

The C-M-zoned portion of the site is proposed and approved for 58,100 square feet of commercial (auto sales) development and was shown to be accessed via an easement along the northern boundary of the site, which is part of the adjoining property to the north (Outparcel A, Walker Parcel, Preliminary Plan 4-04046). While the use of the easement was authorized by the Planning Board direct access to US 301 was also approved by the Planning Board pursuant to a variation request approved to

Section 24-121 of the Subdivision Regulations for one direct vehicular access to US 301 for Parcels B and C in the event that the private access to the north did not become available.

Condition 1 of the preliminary plan of subdivision approval (PGCPB Resolution No. 07-66) requires a detailed site plan (DSP) for Parcels B and C prior to approval of building permits. A Detailed Site Plan (DSP-08038) was filed for Parcel B and approved by the Planning Board (PGCPB Resolution No. 08-174) on January 8, 2009 for an auto dealership and car wash, and a subsequent revision was approved at staff level on April 15, 2011. A detailed site plan has not yet been filed for Parcel C.

The preliminary plan of subdivision approval set forth three expectations regarding access and circulation. First, that access to Parcels B and C would be provided via an access easement to the north of Parcel B. Second, in the event that an agreement could not be reached with that property owner, one point of direct access was authorized pursuant to the approval of a variation to Section 24-121 of the Subdivision Regulations. Third, vehicular circulation would be dependent on an inter-parcel connection to the one access authorized to US 301 for Parcels B and C.

At the time of approval, the preliminary plan represented that an R-R-zoned strip of land (Parcel 44) existed between Parcel B and US 301 and, therefore, Parcel B did not have frontage on US 301, it appeared that only Parcel C had frontage and the ability for direct access. Staff believes that because of this representation on the preliminary plan, granting of the variation for one point of access was not specifically attributed to either parcel; it was assumed that the variation for access was for Parcel C which had frontage on US 301.

The detailed site plan approved (PGCPB Resolution No. 08-174) for Parcel B addressed the issue of access and circulation. The DSP did not propose access to the north from Parcel B, but did propose a single direct access to US 301 from Parcel B. Staff advised the applicant that access across Parcel 44 (R-R Zone) was not permitted and that access to Parcel B should be required via an inter-parcel connection through Parcel C to the south to US 301, where frontage and access would be located. The applicant pointed out that the variation approval with the preliminary plan of subdivision for access did not specify which parcel would have access, and moreover that Parcel 44 was in fact a part of the right-of-way of US 301; therefore, Parcels B and C both had frontage on US 301. The applicant then exercised their right of one point of access to US 301 for Parcels B and C, and chose to locate that access on Parcel B. The DSP was approved.

The Planning Board found, in part, with the approval of DSP-08038 (PGCPB Resolution No. 08-174) for Parcel B regarding the three expectations of access and circulation set forth with the preliminary plan of subdivision, the following:

Relevant findings:

The access point off US 301 in the southeast corner of the site provides a vehicular right-in/right-out connection to US 301. At the time of Preliminary Plan of Subdivision 4-05148, the Planning Board approved the proposed direct access point to the site. However, the Planning Board required the applicant to explore the possibility of providing an access easement to the adjoining property known as Parcel C, to the south of the subject property. The applicant has provided a possible connection near the southern boundary area where the proposed loading space is located. (page 2)

According to the applicant, no agreement has been reached regarding an access easement from the adjacent property to the north to serve the commercial development. At the time of Preliminary Plan of Subdivision 4-05148 approval, the Planning Board approved a direct

access off US 301 to serve the subject site. According to the review by the Subdivision Section (Dubicki to Zhang, October 20, 2008), the DSP is in substantial conformance with the approved preliminary plan for this property. The proposed access point should also be utilized to serve future development on Parcel C via the inter-parcel connection identified on this site. (page 6)

A potential inter-parcel connection has been identified to be located around the proposed loading area along the southern boundary line that adjoins Parcel 175. However, the on-site circulation should be redesigned to accommodate this connection. A condition has been proposed to require the applicant to redesign this small section of the site to be reviewed and approved by the Urban Design Section as the designee of the Planning Board. (page 6)

The subject site is adjacent to a narrow linear strip zoned R-R on the east side that is owned by the State of Maryland. The US 301 right-of-way is located further east of the R-R zoned property. In accordance with Section 4.7, Buffering Incompatible Uses, a Type D bufferyard is technically required to be placed on the subject site adjacent to this residentially-zoned property. The landscape plan provides a ten-foot-wide landscaped strip that is not consistent with the requirements for this portion of the site. Given the extreme narrowness of the property, its ownership by the State of Maryland, and its location adjoining US 301, it is extremely unlikely that the property would be used for residential purposes; it is much more likely to be included into the ROW of US 301. If the property were part of the ROW of US 301, a ten-foot-wide landscape strip, as proposed by the applicant, would be consistent with Section 4.3(a) of the Landscape Manual because the frontage of the site is occupied by surface parking lots. Staff agrees with the proposed frontage treatment. A condition has been proposed to require the applicant either to obtain alternative compliance from the requirements of the Landscape Manual for this frontage *or provide evidence from the State Highway Administration (SHA) that the property will be included in the future ROW of US 301. (emphasis added)* (page 7-8)

SHA still requires the applicant to submit evidence that good faith negotiations have taken place with the adjacent property owner to the north for an access easement to this site. (page 9)

The applicant then filed a revision to the DSP for Parcel B which was approved on April 15, 2011 at staff level and settled the issue of access to the north from Parcel B. The applicant stated that they were unable to negotiate the use of the easement from the abutting property owner to the north. In addition, the applicant provided evidence from the State Highway Administration (SHA) that Parcel 44 to the east of Parcel B is in fact a part of the right-of-way of US 301; therefore, Parcel B does front US 301.

The DSP revision for Parcel B was approved with direct access to US 301, and a driveway stub to the north and south to provide for an inter-parcel connection to Parcel C to the south from Parcel B.

Subsequent to the preliminary plan of subdivision approval, the applicant obtained approval of a Final Plat (5-10080) for the C-M-zoned portion of the property. The record plat was recorded in Prince George's County Land Records in plat book PM 233@48 on November 4, 2010, and created Parcels B and C and Outlot A, and is consistent with the DSP approval. The record plat notes that Parcel 44 (directly east of Parcel B) is a part of the right-of-way of US 301. The primary access to Parcel C is pursuant to an access easement authorized pursuant to Section 24-129(b)(9) of the Subdivision Regulations through Parcel B, and denies direct access to US 301 from Parcel C.

With this reconsideration request, the applicant wishes to have the Planning Board authorize direct

access from Parcel C to US 301, and has filed a variation request to Section 24-121 of the Subdivision Regulations, which restricts direct access to a right-of-way of an arterial or higher classification, and also request that the inter-parcel connection requirement between Parcel B and C be deleted.

Staff and SHA have evaluated the applicant's request and recommend approval of the variation for direct access to US 301 from Parcel C based on the revised findings contained herein, in addition to the access previously authorized for Parcel B. Regarding the deletion of the inter-parcel connection, staff recommends that the inter-parcel connection remain a condition of approval because it will create a safe and adequate circulation to Mitcheville Road for the entire corridor (Parcels B, C, 181, 171 and 16 to the south) without having to access US 301, as discussed further. However, the applicant indicates that the inter-parcel access is not feasible due to grading limitations. Staff recommends that the issue of the feasibility of the connection be reviewed with the DSP required for Parcel C, where the detailed construction and grading plans can be reviewed. Staff's support of the variation for access is based on the condition of a shared access on Parcel C partially serving the parcels to the south which includes Parcels 181, 171 and 16, and every effort to maintain the inter-parcel connections. A possible future owner of the parcels to the south (Parcels 181, 171, and 16) has attended several meetings with the applicant. One possible use may in fact be a CVS which is categorized as a department or variety store. In the C-M Zone a special exception is required pursuant to Section 27-348.02 which in part requires that:

The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.

This code requires an additional direct access to US 301 if this use moves forward to the south. Therefore, staff is recommending that a shared vehicular access easement be established on Parcel C abutting the south property line. This easement location would be located abutting a future shared vehicular access easement on the abutting property to the south along its north property line, which would be required at the time of preliminary plan of subdivision for those properties. These two vehicular cross access easements would be abutting and designed to serve as one point of access to US 301 for both properties. The design of this access will be reviewed by the State Highway Administration (SHA).

Outlot A is a small triangular area located at the northwest quadrant of US 301 and Mitchellville Road which previously was developed as a roadside stand. It is not proposed for development, nor should it be given its size and location directly at the intersection. The Planning Board previously conditioned with the preliminary plan of subdivision approval that it be dedicated to either the state or county at the time of final plat. With the review of DSP-08038 (PGCPB Resolution No. 08-174), the Planning Board found:

The applicant has determined to retain Outlot A, which is not an option according to this condition. A condition has been proposed to require the applicant to dedicate Outlot A either to the State or County prior to the issuance of any building permit. However, during the public hearing for this case on December 4, 2008, the applicant's attorney explained how this condition was included in the resolution of the preliminary plan of subdivision for this case. The applicant's representative further claimed that dedication is not mandatory according to this condition. Since the applicant intends to keep Outparcel A, the attorney requested to delete Condition 3 in the staff recommendation that requires the dedication. The Planning Board approved the applicant's request to remove Condition 3. (page 6)

Staff recommends that Condition 23 be deleted, which was what originally required the dedication of the outlot to SHA or the Department of Public Works and Transportation (DPW&T).

If this reconsideration is granted, a detailed site plan continues to be required prior to building

permit for Parcel C (Condition 1). Staff has recommended an additional condition which would require a new record plat for Parcel C to reflect the Planning Board's action in this request subject to the order of approval (Section 27-270 of the Zoning Ordinance), which requires the DSP prior to final plat.

SETTING

The property is located at the northwest corner of US 301 and Mitchellville Road, extending through to the terminus of Ayrwood Lane. The site is developed with a baseball diamond and numerous small sheds and outbuildings, all of which are to be removed. The site adjoins single-family residences in the R-R and R-80 Zones to the northwest, west and south. Also to the south is the Carroll Chapel (Historic Site 74A-006), located at 1811 Mitchellville Road. Carroll Chapel, built circa 1900 is a front-gabled frame structure of meeting house form with a small entry vestibule that faces south onto Mitchellville Road. The present building replaces and may incorporate part of a chapel that served the local African-American Methodist population from as early as 1877, as record by the local Methodist circuit records of Pastor O. Carroll. The grounds of the chapel also include a number of burials in a graveyard that extends to a neighboring property to the north. Carroll Chapel was designated as a Historic Site through the recent 2006 *Bowie and Vicinity Master Plan and Sectional Map Amendment*. To the north is a car dealership in the C-M Zone. The site is bounded to the east by the southbound lanes of US 301 and a church in the C-S-C Zone.

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	R-R (10.06) C-M (10.86)	R-R (10.06) C-M (10.86)
Use(s)	Baseball field & outbuildings	14 single-family dwellings 58,100 s.f. retail commercial
Acreage	20.92	20.92
Lots	0	14
Parcels	1	3
Outlots	0	1
Public Safety Mitigation Fee		No
<u>Variation(s)</u>		<u>Yes 24-121(a)(3)</u>

2. **Environmental**—A review of available information indicates there is one regulated feature, a stream in the southeast portion of the site. Based on a review of year 2005 air photos the area of existing woodland comprises approximately 45 percent of the site. According to the Prince George's County Soil Survey four soil series are associated with the site. These include Adelphia fine sandy loam, mixed alluvial land, two types of Monmouth loam soils, and Westphalia fine sandy loam. The Monmouth clay loam and Westphalia soils have K-factors of 0.37 and 0.43, respectively. Soil limitations are associated with two of the soils at this location. The mixed alluvial land soils are prone to high water table and flood hazard conditions. Monmouth soils sometimes, have a high water table and are a flood hazard when parking lots are built on these. According to available information, Marlboro clays are not present at this location. US 301 is a traffic noise generator and noise impacts are anticipated in relation to the proposed residential

uses. According to information from Maryland Department of Natural Resources-Natural Heritage Program staff, there are no rare, threatened, or endangered species found to occur in the vicinity of the property. There are no designated scenic or historic roads in vicinity of the site. According to the Countywide Green Infrastructure Plan, the site is within a network gap. The site is in the Mill Branch watershed of the Patuxent River basin, and the Developing Tier of the General Plan.

Master Plan Conformance

This site is in the Bowie and Vicinity Planning Area. In CR-11-2006, the District Council adopted the updated master plan and sectional map amendment. Amendment 15 included the rezoning of a portion of the subject property from R-R to C-M. Strategies in the Development Pattern Element chapter, Developing Tier section of the approved master plan as it relates to the Spriggs/Mills Property and Amendment 15 of CR-11-2006 include three development guidelines for the commercially zoned portion of the property. Guideline 2 regarding lighting reads as follows:

- (2) All lighting for the service-commercial uses including parking areas should be directed away from the adjacent residential development.**

Prior to certificate approval of a detailed site plan for the commercially-zoned portion of the site, the applicant must submit a lighting plan with photometric diagram and details of all light fixtures showing full cut-off optics to reduce off-site glare and sky glow.

The Environmental Infrastructure chapter contains two policies (5 and 6) and three strategies for each policy regarding light pollution and noise impacts. These policies and respective strategies of this chapter read as follows:

“Policy 5: Reduce light pollution and intrusion into residential, rural, and environmentally sensitive areas.

Strategies:

- 1. Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations, car lots so that light intrusion on adjacent properties is minimized. Limit the total amount of light output from these uses.**
- 2. Require the use of full cut-off optic light fixtures for all proposed uses.**
- 3. Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.”**

A condition of approval will require that all community lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.

“Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

Strategies:

- 1. Evaluate development proposals using Phase I noise studies and noise models.**
- 2. Provide adequate set backs for projects located adjacent to existing and proposed**

noise generators.

3. Provide the use of appropriate attenuation measures when noise issues are identified.”

Prior to signature approval of the TCPII for the residential portion and the detailed site plan for the commercial portion of the site, these respective plans should demonstrate how Policy 5 and its three strategies from the Environmental Infrastructure chapter of the Bowie and Vicinity Master Plan have been addressed as it relates to lighting for each proposed use.

Countywide Green Infrastructure Plan

The site is within a network gap within the designated network of the Countywide Green Infrastructure Plan. Network gaps are areas where, if opportunities exist for connectivity, woodlands should be preserved or planted to establish connectivity. There are no opportunities for woodland connectivity on the adjacent three properties because these properties are developed and along the eastern portion of the site is US 301, an existing highway. Because no regulated areas or evaluation areas are on-site, it is appropriate for the existing woodlands to be cleared as proposed and for the required mitigation to be met off-site. No further information regarding implementation of the Green Infrastructure Plan is necessary.

Natural Resources Inventory

A signed Natural Resources Inventory, NRI/086/06-01, was included in the submittal of the preliminary plan.

A current simplified forest stand delineation (FSD) was prepared in October 2006 in compliance with the Prince George’s County Woodland Conservation Ordinance and Tree Preservation Technical Manual because the FSD prepared in April 2000 was more than five years old. One forest stand, Stand A, is on the site. This stand contains 4.22 acres. The dominant tree species in this stand includes yellow poplar, pin oak and sweetgum. A total of 16 specimen trees were located on-site.

The revised preliminary plan and TCPI show gross tract acreages for the R-R and C-M zoned areas at different quantities compared to the signed NRI/086/06-01. For example, the site tabulation on the revised preliminary plan for the R-R portion shows a gross tract area of 9.79 acres and the revised TCPI worksheet shows the R-R portion with a gross tract area of 10.06 acres.

In a memo dated January 8, 2007, the applicant was advised that once all of the revised plans were reviewed, a determination would be made regarding further revisions that may be necessary to the plans for overall consistency of the various acreages found on the NRI, preliminary plan and TCPI. Prior to signature approval of the preliminary plan, the site statistics regarding the site’s gross tract area must be addressed and the relevant documents, including the NRI, preliminary plan and TCPI shall be corrected as deemed necessary so that all plan quantities are consistent.

Patuxent River Primary Management Area (PMA)

The site contains one regulated environmental feature: a stream is located on proposed Outlot A, the portion of the site that is closest to the US 301/Mitchellville Road intersection. This feature comprises the Patuxent River Primary Management Area (PMA) within the Patuxent River basin. The Patuxent River Primary Management Area (PMA) is to be preserved to the fullest extent possible as required in Section 24-130(b)(5) of the Subdivision Ordinance. The PMA delineation

on the signed NRI is shown correctly on the revised preliminary plan and TCPI. The revised plans do not propose impacts to the PMA.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are more than 10,000 square feet of existing woodland on-site and the site contains more than 40,000 square feet. The revised plan has been reviewed and revisions are necessary in order to meet the requirements of the Woodland Conservation Ordinance.

This 20.92-acre site has 4.22 acres of existing woodland on-site. The plan shows the site has a Woodland Conservation Threshold (WCT) of 17.40 percent or 3.64 acres based on the split zoning and a woodland conservation requirement of 7.43 acres. The worksheet shows all of the existing woodland will be cleared and this is consistent with the Green Infrastructure Plan as discussed above. The woodland conservation requirement is proposed to be met with off-site mitigation on another property.

The revised plan shows sixteen specimen trees in a specimen tree table, three of which (specimen trees 14-16) are all in vicinity of proposed Outlot A and will be preserved. The revised plan does not label each of these three specimen trees (14-16) so these are identifiable based on the information in the specimen tree table.

Proposed Parcel A shows a stormwater management pond. A proposed outfall at the northwest end of the pond extends onto a homeowners' association (HOA) parcel in the adjacent Amber Meadows subdivision. The proposed outfall is not labeled as being within a storm drain easement. A 2005 air photo shows several existing trees on the HOA parcel. The existing tree line on the HOA parcel is not shown on the TCPI and does not extend 100 feet from the site's property line as required. It appears that placement of the storm drain outfall on the HOA parcel will require additional off-site clearing that will need to be added to the worksheet.

Noise

Because this proposal includes residential uses and a portion of the overall site has roadway frontage along the southbound lanes of US 301, noise impacts in relation to proposed residential lots are anticipated. The commercial portion has roadway frontage along the southbound lanes of US 301. The existing highway is identified as a planned freeway (F-10) in the master plan. The unmitigated 65 dBA Ldn noise contour is shown on the revised TCPI and preliminary plan for the master planned freeway.

The noise model in the Environmental Planning Section estimates the unmitigated 65 dBA Ldn noise contour at 409 feet from the centerline of the southbound lanes based on a speed limit of 50 miles per hour. Two proposed lots for commercial development are shown on the revised TCPI with future buildings. None of the rear yards and outdoor activity areas of proposed Lots 6-13 have the unmitigated 65 dBA Ldn noise contour on them. The Type II tree conservation plan(s) (TCPII) for the residential and commercial portions of the site should show the location of the mitigated 65 dBA Ldn noise contour as shown on the TCPI in relation to US 301.

Water and Sewer Categories

The water and sewer service categories are W-4 and S-4 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will be served by public systems.

3. **Community Planning**—The subject property is located in Planning Area 74A/Community I. It is subject to the recommendations of the 2006 Approved Bowie & Vicinity Master Plan which recommends the eastern portion of the property be developed for retail/service commercial and recreation uses; and the western portion be developed for single-family detached residential uses.

The 2002 General Plan places the site in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The applicant's proposal is in conformance with these recommendations.

The 2006 Approved Bowie & Vicinity Master Plan states:

“The eastern portion of the Spriggs property should be developed for commercial, retail, and service uses in south Bowie and steer future auto-related uses to this established service-commercial area. The western portion of the Spriggs property should be developed with single-family detached homes at the R-R (Rural Residential) Zone density with a landscaped and/or natural buffer strip between the residential and commercial uses. The approved zoning boundary between the residentially zoned land and commercially zoned land should have two rows of single-family detached homes along a street connected by a stub street to Ayrwood Land and a 75-foot buffer strip located between the residential and commercial uses.” (See page 11 of the preliminary plan.)

The master plan further recommends the following design guidelines (see page 11 of the preliminary plan):

- (1) **A minimum 75-foot-wide landscaped or natural buffer strip should be provided between the service-commercial development to the east and the residential development to the west.**
- (2) **All lighting for the service commercial uses including parking areas should be directed away from the adjacent residential development.**
- (3) **All ingress/egress from US 301 should be minimized and a shared entrance from the existing commercial development to the north should be utilized.”**

The preliminary plan shows a 50-foot-wide landscape buffer between residential and commercial land uses rather than the 75-foot-wide buffer called for in the master plan. Staff recommends the future development on Parcel B and C be subject to a detailed site plan, to ensure that a buffer will be provided that fulfills the intent of the Master Plan. The applicant is proposing a shared entrance from existing commercial development to the north. Guideline 2 is being addressed through a condition of approval.

4. **Parks**—In accordance with Section 24-135(b) of the Prince George's County Subdivision Regulations the Park Planning and Development Division of the Department of Parks and Recreation recommends the applicant pay a fee-in-lieu of parkland dedication for the R-R- portion of the property because the land available for dedication is unsuitable due to its size and location.
5. **Trails**—The Adopted and Approved Bowie and Vicinity Master Plan includes two master plan trail proposals that impact the subject site:

- A continuation of the Mitchellville Road sidepath
- A trail parallel to US 301

DPW&T has completed the side path along the west side of Mitchellville Road from Mount Oak Road to MD 197. This trail was completed as part of road improvement project for Mitchellville Road north of Mount Oak Road. Staff anticipates that the remainder of the trail (from Mount Oak Road to US 301) will be completed at the time that segment of road is upgraded. As the existing trail is along the west side of the road, it is likely that the trail will be continued on that side, which is opposite of the subject site. There is an existing sidewalk along the subject site's frontage of Mitchellville Road, although most of the road is open section with narrow shoulders south of Mount Oak Road. Due to the existing and recently installed sidewalk along the site's frontage and the likelihood that the trail will be continued on the west side of the road, no recommendations are made regarding this master plan trail.

The planned trail along US 301 is intended to provide access between commercial sites along the road, as well as provide connectivity between residential communities in the corridor. Some bicycle commuters occasionally use the corridor as well. The need for a trail along this corridor was identified during the charrette process for the master plan. However, this is a long-term recommendation that will be implemented at the time the US 301 corridor is upgraded and a parallel access road is provided. The trail/bicycle corridor will be provided in conjunction with a service road parallel to the upgraded, limited access US 301. Due to the inability to accommodate the trail until the road is upgraded, no recommendations are made regarding this master plan trail.

Sidewalk Connectivity

Existing Arywood Drive includes a standard sidewalk along one side. Most other roads in the immediate vicinity include standard sidewalks along both sides

6. **Transportation**—The applicant submitted a traffic study dated February 13, 2006. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the “ Guidelines for the Analysis of the Traffic Impact of Development Proposals.”

Growth Policy – Service Level Standards

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. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections subject to meeting the geographical criteria in the guidelines.

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.

Staff Analysis of Traffic Impacts

The applicant has prepared a traffic impact study in support of the application using new counts taken during January 2006. With the development of the subject property, the traffic consultant concluded that the unsignalized intersection (US 301 and median X-over) within the study area would have side street vehicle delays exceeding 50.0 seconds, an unacceptable operating condition. Secondly, the signalized intersection of US 301 and Mitchellville Road would operate at LOS F during the PM peak hour, an unacceptable operating condition.

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections during weekday peak hours:

US 301 and Median X-over (unsignalized)
US 301 and Mitchellville Road (signalized)

The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301 and Median X-over	N/A	N/A	--	--
US 301 and Mitchellville Road	1,245	1,368	C	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Background developments included 53 single-family units, 157,250 square feet of office, 633,000 square feet of retail (Bowie Town Center), two auto dealerships, a church, a restaurant, a banquet facility, a gas station and an elementary school. Background traffic along the study area roads was also increased by four percent each year to account for overall growth up to the design year 2008. This is the expected year of full build-out. This growth was added to through movements as well as turning movements at the critical intersections. Given these assumptions, background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301 and Median X-over	N/A	N/A	--	--
US 301 and Mitchellville Road	1,438	1,669	D	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Under background traffic conditions the level of service is unacceptable at the signalized intersection of US 301 and Mitchellville Road within the study area.

The site is proposed for development as a residential subdivision, with 14 single-family dwellings

and two parcels (Parcel B and C) to be developed as auto dealerships, totaling approximately 58,100 square feet for auto sales. The residential trip rates were obtained from the guidelines. The auto dealership trip rates were obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual. The resulting site trip generation would be 130 AM peak hour trips (90 in, 40 out), and 166 PM peak hour trips (68 in, 98 out). With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS W/O IMPROVEMENTS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301 and Median X-over (EB left) Phase II	42.4*	51.9*	--	--
US 301 and Median X-over (WB Left) Phase II	51.7*	88.0*		
US 301 and Mitchellville Road - Phase I	1,444	1,675	D	F
US 301 and Mitchellville Road - Phase II	1,475	1,696	E	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Under total traffic conditions, without any intersection improvements, the average vehicle delay exceeds 50.0 seconds at the US 301/Median X-Over intersection. According to the Guidelines, an average vehicle delay exceeding 50.0 seconds indicates inadequate traffic operations. No improvements are proposed by the applicant at this intersection to reduce delay. Therefore, the applicant will be required to conduct a traffic signal warrant study at this intersection. Additionally, the intersection of US 301 and Mitchellville Road operates above the threshold for signalized intersections within the Developing Tier (CLV 1450).

Section 24-124 (a)(6) of the County Code authorizes the Planning Board to consider traffic mitigation procedures or Transportation Facilities Mitigation Plans (TFMPs). TFMPs allow development to proceed in certain areas where unacceptable transportation service levels are present, such as the US 301 corridor. “The applicant’s TFMP shall recommend improvements which will eliminate at least 150 percent of the development-generated critical lane volume at the critical intersections or reduce the critical lane volume to 1,450.”

The applicant’s traffic consultant proposed the following improvements to meet the requirements of the TFMP:

Phase I (Residential Component)

Construct a 2nd northbound left-turn lane from US 301 to westbound Mitchellville Road.

Phase II (Commercial Component)

Construct a westbound right-turn lane from Queen Anne Bridge Road to northbound US 301.

These improvements are proposed as mitigation in accordance with the *Guidelines for Mitigation Action* and the requirements of that portion of Section 24-124. The applicant proposes to employ mitigation by means of Criterion 3 in the *Guidelines for Mitigation Action*, which was approved by the District Council as CR 29-1994.

The table below shows the effect of implementing these improvements at the intersection of US 301 and Mitchellville Road. The improvements must reduce the CLV below 1,450 and/or mitigate at least 150 percent of the development's impact.

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
US 301 and Mitchellville Road				
Background Conditions	D/1,438	F/1,669		
Total Traffic Conditions	E/1,475	F/1,696	+37	+27
Total Traffic Conditions with Mitigation	D/1,449*	F/1,631	-26	-65
*Note that the proposed improvement reduces the CLV during the AM peak hour below CLV 1,450.				

As the CLV at US 301 and Mitchellville Road is between 1,600 and 1,813 during the PM peak hour; the proposed mitigation must mitigate at least 150 percent of the trips generated by the subject property, according to the guidelines. The above table indicates that the proposed mitigation action would mitigate in excess of 200 percent of the site-generated trips during the PM peak hour, and it would provide LOS D (the policy LOS within the Developing Tier) during the AM peak hour. Therefore, the proposed mitigation at US 301 and Mitchellville Road meets the requirements of Section 24-124(a)(6)IB(i) of the Subdivision Ordinance in considering traffic impacts.

The Phase I improvements reduce the CLV below 1,450 during the AM peak hour and/or mitigate 150 percent of this phase's development, i.e., the residential component. The Phase II improvements reduce the CLV below 1,450 during the AM peak hour and/or mitigate more than 150 percent of this phase's development, i.e., the commercial component during the PM peak hour.

The mitigation plan was received by DPW&T and SHA. DPW&T had no specific comments. SHA, in a letter dated February 21, 2007, has indicated acceptance of the mitigation proposed at this location.

Site Plan Comments

Access to the residential lots will be from Ayrwood Lane via Mitchellville Road. This is acceptable. There will be no access from US 301 to the residential lots. The applicant is proposing access from US 301 to the proposed auto dealership via a proposed public street outside and just north of the property. If granted, this access point would be right-in/right-out only, which staff supports. Staff has learned that the applicant may consider an alternative access point along US 301 if the north entrance point will not be viable. Such an access point would be restricted to right-in/right-out turning movements and would require a variation request. The State Highway Administration (SHA) will also have to approve any new access points along US 301.

The applicant may be required to provide frontage and/or safety improvements along US 301, if required by the SHA. The applicant may also be required to provide any necessary acceleration and deceleration lanes at the site entrance if required by SHA.

Variation Request to Section 24-121(a)(3) of the Subdivision Regulations

The commercial development along US 301 is proposed to be served by a shared easement with

the property to the north. However, the applicant does not control that property and thus cannot ensure that such an arrangement can be secured. In the event that the easement is not secured, the applicant would have to provide an access point directly to US 301. In order to do so, a variation to Section 24-121(a)(3) of the Subdivision Regulations, which limits individual lot access onto roads of arterial or higher classification would be necessary. The Planning Board authorized one point off access from the commercial property to US 301 with the original approval of the preliminary plan. The applicant exercised that authorization in the development of Parcel B (DSP-08038) and proposed the one point of access from Parcel B to US 301. A reconsideration request has been granted to allow the applicant to request one additional point of access for Parcel C to US 301. Staff recommends approval of the additional access for Parcel C, in addition to the existing access for Parcel B based on the following findings:

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:

- (1) The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

Granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties. The State Highway Administration will dictate the location of the access point, ensuring a location that is safe and takes into account existing access points along US 301. The driveway will necessarily be right-in/right out since southbound US 301 is a one way road.

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

~~This variation request is speculative. The applicant is proposing access via a shared access easement to the north. However, with the review of the DSP for Parcel B, the applicant stated that an agreement with the abutting property owner to the north could not be reached. However, Therefore, the applicant must ensure that alternative access is available in case an agreement cannot be reached with the adjoining property owner.~~ The commercially-zoned section of the subject property has frontage on US 301 only. Access to the commercial uses cannot be relocated through the residentially-zoned section of the subject property. This situation is not generally applicable to other properties.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

Because the applicant will have to obtain the access permit from the State Highway Administration in accordance with their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) **Because of the peculiar 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 regulation is carried out.**

If the access easement is not secured from the property owner to the north, future development on this property cannot proceed or be maintained without this approval. Access to the property would be eliminated and therefore the site would be rendered unusable. Due to the lack of other viable alternatives for access, a particular hardship to the landowner would result. Due to the configuration of Parcels B and C, each parcel should have the ability for direct access onto US 301 to ensure commercial viability. An inter-parcel connection is appropriate between Parcels B and C, and ultimately to Mitchellville Road to the south when they are developed, which will enhance public safety and vehicular circulation. The inter-parcel connection is intended to be a driveway and secondary for access and should be incorporated for development along this corridor. With the development of properties to the south (not the subject of this application) the inter-parcel connection can extend from Parcel B, through to the south to Mitchellville Road along the western property boundaries.

Staff is recommending that, in addition to a possible inter-parcel connection, as a condition of the grant of the variation for direct access from Parcel C to US 301, an access easement to allow the property to the south (Parcel 181) access to US 301. A possible future owner of the parcels to the south (Parcels 181, 171, and 16) has attended several meetings with the applicant. One possible use may in fact be a CVS which is categorized as a department or variety store. In the C-M Zone a special exception is required pursuant to Section 27-348.02 which in part requires that:

The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.

This code requires an additional direct access to US 301 if this use moves forward to the south. Therefore, staff is recommending that a shared vehicular access easement be established abutting the south property line. This easement location would be located abutting a future shared vehicular access easement on the abutting property to the south along its north property line, which would be required at the time of preliminary plan of subdivision for those properties. These two vehicular cross access easements would be abutting and designed to serve as one point of access to US 301 for both properties.

The detailed site plan for Parcel C should delineate the extent of the easement to be provided abutting the south property line with Parcel 181 as discussed above, which will be reflected on the final plat for Parcel C. The easement will provide a consolidation of access for Parcel C and future development to the south on Parcel 181 (not a part of this application). Staff believes that, without this provision of an ability to have a common access, further development to the south will request direct access to US 301 possibly adding a third driveway onto US 301. Providing the ability for a cross access easement will alleviate the need for a third access to US 301 in this vicinity.

Section 24-105 of the Subdivision Regulations sets forth the authority granted to the Planning Board in the approval of a preliminary plan to “approve, approve with modifications or conditions, or disapprove plat[n]s for the subdivision of land.” Staff believes that conditions to require an inter-parcel connection and granting an access easement for a future consolidation of access to US 301 as a condition of the grant of the applicant’s request for a variation is a

reasonable exercise of the powers of the Planning Board.

Master Plan Comments

US 301 is designated as A-61 and F-10 in the Bowie & Vicinity Master Plan (2006). Mitchellville Road is designated as C-304 with 80 feet of rights-of-way and four lanes of traffic. Sufficient rights of way along US 301 and Mitchellville Road exist to accommodate the master plan recommendation; therefore, no further dedication is required of this plan.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with the above findings.

7. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the following.

Commercial

The proposed retail section of this application is exempt from the review for schools because it is a commercial use.

Residential

Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	14 sfd	14 sfd	14 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	3.36	0.84	1.68
Actual Enrollment	5,137	7,218	10,839
Completion Enrollment	178	112	223
Cumulative Enrollment	32.40	305.58	612.24
Total Enrollment	5,347.88	7,635.70	11,674.48
State Rated Capacity	4,838	6,569	8,920
Percent Capacity	110.54%	116.24%	130.88%

Source: Prince George's County Planning Department, M-NCPPC, December 2005

These figures were correct on the day this referral was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution will be the ones that apply to this project.

County Council Bill CB-31-2003 establishes a school facilities surcharge in the amount of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council Bill

CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151 to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the policies for review of school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

Residential

The Prince George's County Planning Department has determined that this preliminary plan is within the required seven-minute response time for the first due fire station Bowie, Company 43, using the seven-minute travel times and fire station locations map provided by the Prince George's County Fire/EMS Department. Pursuant to CR-69-2006, the Prince George's county council and the county executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels. The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Commercial

The existing fire engine service at Bowie Fire Station, Company 43 located at 16408 Pointer Ridge Drive has a service travel time of 0.96 minutes, which is within the 3.25-minutes travel time guideline.

The existing paramedic service at Bowie Fire Station, Company 43 located at 16408 Pointer Ridge Drive has a service travel time of 0.96 minutes, which is within the 7.25-minutes travel time guideline.

The existing ladder truck service at Upper Marlboro Fire Station, Company 20 located at 14815 Pratt Street has a service travel time of 10.79 minutes, which is beyond the 4.25-minutes travel time guideline.

The proposed commercial development will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine and paramedic service

The Bowie Station, Company 43 is physically able to contain a ladder truck and if it were placed at this station it would be within response time standards.

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.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

9. **Police Facilities**—The Prince George's County Planning Department has determined that this preliminary plan is located in Police District II. The response standard is 10 minutes for

emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the planning department on December 9, 2006.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	11/05/05-11/05/06	10.00	22.00

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on November 5, 2006. The Police Chief has reported the department has adequate equipment to meet the standards stated in CB-56-2005. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police and fire and rescue personnel staffing levels.

Commercial

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments. The plan includes planning guidelines for police and they are:

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

The police facilities test is performed on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

10. **Health Department**—The Health Department reviewed the application and reminds the applicant that a raze permit is required prior to the removal of any existing structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. In addition, all abandoned vehicles found on the property must be removed and properly disposed.
11. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T) has determined that on-site stormwater management is required. A stormwater site development concept plan has been submitted, but has not yet gained written approval. A recent staff conversation with DPW&T confirms that the applicant has been granted a verbal approval and that a written approval will be soon forthcoming. Development must be in accordance with this approved plan and any approved revision thereto.
12. **Historic Preservation**— In accordance with the Planning Board's directives, as described in the "Guidelines for Archeological Review," May 2005, and consistent with Subtitle 24-104, 121(a)(18), and 24-135.01, the subject property shall be the subject of a Phase I archeological investigation to identify any archeological sites that may be significant to the understanding of the history of human settlement in Prince George's County, including the possible existence of slave quarters and slave graves, as well as archeological evidence of the presence of Native American peoples. This recommendation is based on the following:
 - a. Fifteen prehistoric and historic archeological sites (18PR58, 18PR59, 18PR60, 18PR61, 18PR62, 18PR66, 18PR67, 18PR68, 18PR69, 18PR70, 18PR112, 18PR152, 18PR187,

18PR188, and 18PR658) are located within a one-mile vicinity of the subject property.

- b. Carroll Chapel (PG:74B-006), a County Historic Site, is located adjacent to the subject property on the south. Carroll Chapel served the local African-American community beginning in 1877. The present structure is believed to date to the early twentieth century, but may have incorporated portions of the older chapel. A small cemetery is located behind the chapel to the north and includes members of the Arnold, Jennings, and Mills families. The Jennings and Arnolds were kinfolk and the Mills family has owned the property to the north of the Chapel since the 1940s. Two other Historic Sites, Mulliken House/B.D. Harwood Hall (PG:74B-009) and Mitchellville Storekeeper's House and Store Site (PG:71B-007), one National Register property, Hamilton House (PG:74B-007), and one Historic Resource, Mitchell Cemetery (PG:71B-008), are located within a one-mile radius of the subject property. The subject property was once part of the larger John Mitchell farm.
- c. The eastern portion of the property has been impacted by modern construction, including a baseball field. However, the western portion of the property appears to have remained undeveloped throughout most of the twentieth century. The potential that the subject property may contain prehistoric and historic archeological resources is moderate.

In addition, the subject application appears to include property within the Environmental Setting of the Carroll Chapel Historic Site. If this is the case, the subject application will require that an application to revise to the Historic Site's Environmental Setting be reviewed and approved by the Historic Preservation Commission and that the subject application be reviewed by the Historic Preservation Commission for impact on the Historic Site. The applicant should clarify the extent of the property included in the subject application so that a determination can be made regarding the scope of review required by the Historic Preservation Commission.

13. **Detailed Site Plan Considerations**—As discussed previously, staff is recommending detailed site plan approval for any proposed development on Parcels B and C. Site plan review is essential in order to ensure adequate buffering and screening from the adjoining residentially developed properties. Although this subdivision application does not approve the location of buildings or other improvements on the site, staff has several concerns that will need to be addressed at the time of detailed site plan:

- a. **Buffering**—The *Landscape Manual* defines a car dealership as a medium impact use. When a medium impact use locates next to a single-family residence (such as are proposed to the west), a Type C bufferyard (40-foot building setback, 30-foot-wide landscaped strip) is required. A 50-foot buffer is shown along the western property line on the subject property, which is less than the 75 feet called for in the master plan. A final determination on the width of the buffer and the extent of landscaping provided will be made at the time of Detailed Site Plan approval.
- b. **Access**—Access to US 301 is a concern in this vicinity because of the numerous existing driveway cuts. The access point to this site must be carefully coordinated with the State Highway Administration to ensure that unsafe conditions are not created. This concern is lessened somewhat if the applicant is able to utilize an existing cut now serving the adjacent auto dealership.

The DSP approval for Parcel B provides a possible future driveway connection to the north (off-site) if in the future an agreement with the abutting property owner is reached.

A driveway connection to the south to Parcel C from Parcel B (DSP-08038) was also required with the approval of the DSP to ensure that an inter-parcel connection between Parcels B and C are provided. At the time of review of the required detailed site plan for Parcel C, the viability of the inter-parcel connection with Parcel B should be determined when detailed construction and grading plans can be provide.

The DSP for Parcel C should determine the extent of the access easement along the southern property line with Parcel 181 necessary to provide a common driveway access to US 301 partially located on Parcel 181 in the future. The easement will then be reflected on the final plat for Parcel C, and reviewed by SHA.

14. **Urban Design**—The reconsideration request for additional access from Parcel C to US 301 was reviewed by the Urban Design Section who offers the following comments:

The Preliminary Plan of Subdivision, 4-05148, including a Type I Tree Conservation Plan (TCPI/15/00), was approved by the Planning Board (PGCPB Resolution No. 07-66) on March 15, 2007, subject to 27 conditions. The application requests a reconsideration of the Condition 21 of PGCPB Resolution No. 07-66 to permit direct access to Robert Crain Highway (US 301) and delete the requirement for inter-parcel connections between Parcel B and C.

The Planning Board approved Preliminary Plan of Subdivision, 4-05148, with 27 conditions, of which Condition 21 requires the applicant to utilize the access on the adjacent property to the north where the existing automobile dealership-Bowie Honda is located and Condition 22 further requires the access easement to be reflected in the final plat as follows:

- 21. The applicant shall obtain an access easement from the adjacent property to the north to serve the commercial development or provide an entrance to US 301 at a location determined acceptable by SHA. If access via the adjacent property is not secured, the applicant should explore the possibility of combining the site entrance with that of the adjacent property, within the right-of-way for US 301.**
- 22. If the access easement is secured, a note shall be added to the final plat that prohibits direct vehicular access to US 301.**

The Planning Board, however, realized the uncertainty to require vehicular access to the subject site through a third-party property. Therefore the Planning Board also approved a variation with 4-05148 to allow one direct vehicular access to Parcels B and C from US 301. The then-applicant agreed with the Planning Board's decision and was willing to utilize inter-parcel connection between Parcels B and C to facilitate future development of both parcels. The reconsideration request proposes to remove the inter-parcel connection which is not supported by the Urban Design Section. Detailed Site Plan DSP-05013 was approved by the Planning Board on July 21, 2005 for a 29,700-square-foot Nissan automobile dealership on 6.29 acres of the C-M zoned land (most of the Parcel B). The approval expired three years later with nothing happened on the subject site. On December 4, 2008, the Planning Board approved a 34,122-square-foot Nissan automobile dealership on Parcel B (7.09 acres) through Detailed Site Plan DSP-08038. At that time of the DSP approval, Parcels B and C were under one ownership. The then

applicant selected to use the approved one access point with DSP-08038 for Parcel B and provided an inter-parcel connection arrangement for the vehicular access to Parcel C. Currently, the construction of the approved Nissan dealership is close to its completion and the access has been fully constructed.

The subject applicant bought Parcel C from previous owner and proposes a car-wash facility on the subject site that requires a direct access from US 301 in order to conduct business. Car-wash facility is a permitted use in the C-M Zone; but subject to detailed site plan review in accordance with Footnote 24 of Section 27-461. In addition, Condition 1 of this preliminary plan currently requires a DSP for any use on Parcel C, this condition is to remain. The applicant indicates in the request for reconsideration the willingness to provide access easement for the adjoin property to the south in order to minimize the total access point onto US 301. In addition, the State Highway Administration in an e-mail dated December 14, 2010 (Chaudhary to Slepicka) states their support for the additional access to US 301 for Parcel C on the condition that the access be located along the southern most property line with Parcel 181 to the south to provide a shared access. The Urban Design Section believes that through the provision of a shared access easement, the impact of the development along this segment of the US 301 will be greatly reduced. However, the illustrative site plan included in this reconsideration request does not provide for the design and layout of the share access easement. The specific design, layout and location of the access easement should be reviewed and approved at time of detailed site plan, and then during future development of the properties to the south. **Staff support of the variation is conditioned on the applicant providing a shared vehicular access easement (which will also be required of future development to the south) and maintaining the ability for inter-parcel connections.**

In addition, the inter-parcel connection as approved in DSP-08038 for Parcel B should be carried out in Parcel C. Additional inter-parcel connections through Parcel C to the adjoin property connecting to Mitchellville Road should also be explored at time of DSP approval for Parcel C and future approvals for the properties to the south adjoining Parcel C.

15. **City of Bowie**—The Bowie City Council originally heard this application at their meeting on February 20, 2007, and recommended approval, subject to conditions. On Monday November 12, 2011 the Bowie City Council, by letter dated November 22, 2011 (Robinson to Hewlett), advised M-NCPPC of their support of the applicant's request for a separate access from Parcel C to US 301, and further agreed with the applicants proposal to share a right-in/right-out driveway access with the adjacent property to the south, as recommended by the State Highway Administration, Access Management Division.

At this time none of the property included within the limits of the preliminary plan of subdivision are within the City of Bowie municipal limits. However, the City does have an executed and recorded annexation agreement with the Nissan dealership on Parcel B and are in discussions with the owner of Parcel C regarding annexing the property into the City boundary. The City purchased the residential component of the Mills subdivision which is located west of Parcels B and C.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to the issuance of building permits for Parcels B and C, the applicant shall obtain detailed site plan approval by the Planning Board. The detailed site plan shall address buffering (including light and noise intrusion), landscaping, access, and the visual relationships between the proposed development and adjoining residentially developed properties.
2. At the time of detailed site plan for the commercially zoned portion of the site, the applicant shall submit a lighting plan with a photometric diagram and details of all light fixtures showing full cut-off optics to reduce off-site glare and sky glow.
3. The following note shall be placed on the preliminary plan and all future tree conservation plans: "All community lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
4. At the time of the TCPII for the residential portion and the detailed site plan for the commercial portion of the site, these respective plans shall demonstrate how Policy 5 and its three strategies from the Environmental Infrastructure chapter of the Bowie and Vicinity Master Plan have been addressed as it relates to lighting for each proposed use.
5. Prior to signature approval of the preliminary plan, the site statistics regarding the site's gross tract area shall be addressed and the relevant documents, including the NRI, preliminary plan and TCPI shall be corrected as deemed necessary so that all plan quantities are consistent.
6. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain all of the Patuxent River Primary Management Area, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
7. Prior to signature approval of the preliminary plan, the TCPI shall be revised as follows:
 - a. Provide the corresponding specimen tree number on the plan for trees 14-16 located in vicinity of proposed Outlot A.
 - b. Show the location of the proposed storm drain outfall and show the associated easement. Correctly show the existing tree line 100 feet off of the site's property line in relation to the adjacent HOA parcel and adjust the worksheet accordingly for the additional off-site clearing at this location.
 - c. Adjust the limits of disturbance on the plan in relation to the proposed storm drain outfall and off-site impacts.
 - d. Revise Notes 1 and 6 to reference the preliminary plan number and the approved stormwater management concept plan number.

- e. Show the scale on the plan.
 - f. Revise the worksheet as needed to address all comments.
 - g. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
8. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI/15/00). The following notes shall be placed on the Final Plat of Subdivision:
- “ This development is subject to restrictions shown on the approved Type I 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 ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
- 9. The TCPII for the residential and commercial portions of the site shall show the location of the mitigated 65 dBA Ldn noise contour on the TCPII as shown on the TCPI in relation to US 301.
 - 10. Prior to signature approval of the preliminary plan, submit a copy of the stormwater concept plan approval letter.
 - 11. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T or the City of Bowie.
 - 12. Prior to signature approval of this preliminary plan, Phase I (Identification) archeological investigations shall be undertaken on the subject property. The potential for significant prehistoric and historic archeological resources is moderate.
 - 13. Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, “ Standards and Guidelines for Archeological Investigations in Maryland” (Shaffer and Cole 1994), and the Prince George’s County Planning Board “ Guidelines for Archeological Review” (May 2005), and report preparation shall follow MHT guidelines and the *American Antiquity* or *Society of Historical Archaeology* style guide. Probate, tax, deed, and census records shall be examined as part of the Phase I archival research process, to determine whether historic landowners of a subject property were slave owners and a chain of title presented. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. All artifacts recovered and documents relating to the Phase I investigation should be curated to MHT standards. As noted in the guidelines, it is expected that these artifacts will be donated to the Maryland Archaeological Conservation Laboratory.
 - 14. In accordance with the approved Planning Board “ Guidelines for Archeological Review” (May 2005), a qualified archaeologist must conduct all investigations and follow “ The Standards and Guidelines for Archeological Investigations in Maryland” (Shaffer and Cole, 1994) and the Prince George’s County Planning Board “ Guidelines for Archeological Review” (May 2005). These investigations must be presented in a draft report following the same guidelines. Following

approval of the draft report, four copies of the final report must be submitted to M-NCPPC Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

15. The design of a Phase I archaeological methodology shall be appropriate to identify slave dwellings and burials, because documentary research would include an examination of known slave burials and dwellings in the surrounding area, their physical locations as related to known structures, as well as their cultural interrelationships. The field investigations shall include a pedestrian survey to locate attributes such as surface depressions, fieldstones, and vegetation common in burial/cemetery environs.
16. Upon receipt of the Phase I report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to approval of final plat, the applicant shall provide a plan for evaluating the resource at the Phase II level. In accordance with the “Guidelines for Archeological Review,” if a Phase II archeological evaluation is necessary, the applicant shall submit a research design for approval by Historic Preservation staff. After the work is completed, the applicant shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated to MHT Standards, prior to approval of any grading permits.
17. If a site has been identified as significant and potentially eligible to be listed as a historic site or determined eligible for the National Register of Historic Places, the applicant shall provide a plan for:
 - a. Avoiding and preserving the resource in place, or for
 - b. Phase III data recovery investigations and interpretation.

Phase III Data Recovery investigations may not begin until Historic Preservation staff have given written approval of the research design. The Phase III (Treatment/Data Recovery) final report must be reviewed and be determined to have complied with the “ Guidelines for Archeological Review” prior to approval of any grading permits.

18. The applicant shall be responsible for the following transportation improvements:
 - a. Complete Phase I intersection improvements at US 301 and Mitchellville Road prior to issuance of any residential building permits. These improvements include the construction of a 2nd northbound left turn lane from US 301 to westbound Mitchellville Road. The applicant will also be responsible for any traffic signal modifications required by SHA to accommodate the second northbound left turn lane.
 - b. Complete Phase I and II intersection improvements at US 301 and Mitchellville Road prior to issuance of any commercial building permits. These improvements include the construction of a 2nd northbound left turn lane from US 301 to westbound Mitchellville Rd and the construction of a westbound right turn lane from Queen Anne Bridge Road to northbound US 301. The applicant will also be responsible for any traffic signal modifications required by SHA to accommodate these intersection improvements.
 - c. Prior to the issuance of any residential or commercial building permits the applicant will be responsible for a traffic signal warrant study at the US 301/median X-over intersection located approximately 1,500 feet north of the Mills Property. If a traffic signal is deemed

warranted, the applicant will be responsible for the construction of the traffic signal at this location.

19. Total development within the subject property shall be limited to 58,100 square feet for auto sales and 14 single-family dwellings, or equivalent development which generates no more than 130 AM and 166 PM peak hour trips. Any development generating greater impact shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
20. Prior to approval of a plat, the applicant shall pay a fee-in-lieu for mandatory dedication of parkland based on the R-R zoned portion of the property.
21. ~~The applicant shall obtain an access easement from the adjacent property to the north to serve the commercial development or provide an entrance to US 301 at a location determined acceptable by SHA. If access via the adjacent property is not secured, the applicant should explore the possibility of combining the site entrance with that of the adjacent property, within the right-of-way for US 301.~~
22. ~~If the access easement is secured, a note shall be added to the final plat that prohibits direct vehicular access to US 301.~~
23. ~~Outlot A shall be dedicated to either the State or County at the time of final plat. The final plat shall identify this conveyance.~~
24. 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.
25. ~~The proposed access road to US 301 shall make allowance for a potential inter-parcel connection to Parcel 175 in the event that direct access to US 301 from Parcel 163 is eliminated. [This is the language of Condition 25 in PGCPB Resolution No. 07-66.]~~
26. Prior to the approval of the DSP for Parcel C the extent of the vehicular cross access easement to US 301, abutting the south property line, shall be determined and reflected on a new final plat for Parcel C, with the intent that a shared access shall be provided with parcels to the south.
27. At time of Detailed Site Plan submittal, the applicant shall provide a site plan note indicating that a cross vehicular access easement on Parcel C is required for the construction of a single-access driveway serving the abutting property to the south and Parcel C.
28. The applicant shall obtain approval of a new final plat for Parcel C subject to Section 27-270 (Order of Approvals) after the approval of the required Detailed Site Plan.

STAFF RECOMMENDS APPROVAL OF THE TYPE I TREE CONSERVATION PLAN, TCPI/15/00 AND A VARIATION FOR TWO ACCESS DRIVEWAYS TO US 301, ONE EACH FOR PARCELS B AND C.