



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Preliminary Plan 4-07028

Application	General Data
<b>Project Name:</b> <b>HARMONY PLACE</b> <b>Parcels A &amp; B</b>  <b>Location:</b> Located along the Southwest Quadrant of Collington Road, (MD 197) and Northview Drive.  <b>Applicant/Address:</b> Harmony Place Associates, LLC 124 Slade Avenue, Suite 200 Baltimore, Md. 21208  <b>Property Owner:</b> Bowie HCD, LLC 218 N. Charles Street, Suite 220 Baltimore, Md. 21201-4021	Date Accepted: 6/18/07
	Planning Board Action Limit: 9/24/07
	Plan Acreage: 15.44
	Zone: R-18/R-80
	Lots: 2
	Parcels: 0
	Planning Area: 71B
	Tier: Developing
	Council District: 04
	Election District: 07
	Municipality: City of Bowie
	200-Scale Base Map: 206NE13

Purpose of Application	Notice Dates
2 PARCELS FOR THE DEVELOPMENT OF 287 RESIDENTIAL APARTMENTS UNITS	Adjoining Property Owners Previous Parties of Record Registered Associations: 3/19/07 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 8/21/07

Staff Recommendation		Staff Reviewer: John Ferrante	
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 4-07028  
Harmony Place, Parcels A & B

OVERVIEW

The subject property is located on Tax Map 55, Grid A-1, and is known as Parcels 80, 81, 84, 85, 95, and Part of Parcel C. The property has an approximate gross tract area of 15.44 acres. With the exception of .55 acre of R-80-zoned land, the majority of the property is within the R-18 Zone. However, staff has some discrepancies with the plan's individual acreage breakdown for each of the two zoning categories that are present on the property. The preliminary plan also demonstrates that approximately 1.12 acres of the subject property is currently owned by the City of Bowie. The applicant is proposing to utilize the municipal property for tree conservation purposes.

The applicant is proposing to subdivide the property into two parcels, (Parcels A and B), and proposes the development of 287 multifamily residential apartment units. Two multifamily buildings are proposed on the property to consist of one 129,397-square-foot building along the western portion of the property that is proposed for 247 units, and one 13,205-square-foot building along the eastern portion of the property that is proposed for an additional 40 units.

Two separate access points to the property are proposed via Health Center Drive, a municipal street having a 60-foot right-of-way. The site abuts MD 197 to the north, a six-lane divided arterial roadway. Noise impacts associated with MD 197 are anticipated. The submitted noise study states that all of Building 2 and about one-half of Building 1 are within the noise corridor. Noise mitigation measures will be required to reduce interior noise levels to no more than 45 dBA Ldn. The Environmental Planning Section has requested that a Phase II noise study be submitted prior to the acceptance of a detailed site plan application for this property. Due to the close proximity of the US 50 interchange, the State Highway Administration has stated by letter that they will not support any new access points on MD 197, and they further recommend that the access to the site be provided on Health Center Drive.

A letter of justification has been submitted by the applicant proposing seven impacts to the sensitive environmental features located on site. The Environmental Planning Section has thoroughly reviewed the proposed impacts and has determined that none of the seven impacts can be supported. None of the impacts proposed by the applicant are considered essential development features such as sewer connections or stormdrain outfalls, which are mandated for public health and safety and cannot be designed to avoid impacts. Every impact proposed is considered to be a nonessential impact that could simply be eliminated by redesigning the site and reducing the overall building footprint of the proposed buildings.

The limits of disturbance shown on the submitted plans is also of high concern and may be unrealistic for construction purposes. The conceptual limits of disturbance should be placed at least 20 feet from all structures, roadways, parking areas, and the PMA to allow for proper grading. In several locations, the proposed building footprint is only 1.5 feet to 2.5 feet from the PMA.

At the Subdivision Review Committee meeting for this application on July 13, 2007, the applicant was clearly made aware in writing that the impacts proposed to the sensitive environmental features on this property could not be supported. The applicant has been unwilling to remove the nonessential impacts and has not submitted any revised plans that have reduced the building footprints. The proposed clubhouse building has been the subject of many conversations, e-mails, and meetings between staff and the applicant, as is has been designed to be constructed directly on top of an existing wetland area that would result in an impact consisting of 8,483 square feet. Rather than eliminating the proposed clubhouse building impact by a redesign, the applicant has sought a revised jurisdictional delineation of the wetlands from the Army Corps of Engineers to consider this an isolated wetland area. The regulated features on this property must be reviewed in accordance with the staff-signed NRI, which was prepared by the applicant, and submitted in support of this preliminary plan application.

There are several issues that still remain unresolved, or which require plan revisions to demonstrate conformance. This includes insufficient on-site tree preservation that is not in accordance with the Environmental Infrastructure chapter of the master plan as currently proposed. The amount of development proposed is utilizing the acreage within a parcel of land located on the south side of Health Center Drive (Parcel B), where no development is proposed, for the purposes of determining permittable density on the parcel located on the north side of Health Center Drive. An existing stormwater management pond owned by the State Highway Administration is proposed to be removed, with extensive underground and bioretention stormwater management devices now proposed. However, the stormwater management concept plan has not yet been approved by the City of Bowie and approved plans have not been provided to staff for review. The plans also show that approval of alternative compliance would be required due to the applicant not being able to fulfill the required bufferyards and building setbacks as required by the *Landscape Manual*.

With extensive issues remaining unresolved, the applicant chose not to grant staff a 70-day waiver to allow additional review time to address these issues. The applicant decided to post the site within the first 70-days of preliminary plan review against staff's recommendation to do so. As such, staff has no choice but to recommend disapproval due to unresolved environmental issues, as further indicated within Finding 2 of this report and due to lack of conformance with Section 24-130 of the Subdivision Regulations.

## SETTING

The property is located along the southwest quadrant of Collington Road, (MD 197) and Northview Drive. To the west is an assisted living community within the R-R Zone. To the north, abutting the property, is the MD 197 right-of-way. To the south are detached single-family dwellings within the R-80 Zone. To the east the property abuts Northview Drive, with Bowie New Towne Center located on the eastern side of Northview Drive.

## 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-18/R-80 (14.89/0.55)	R-18/R-80 (14.89/0.55)
Use(s)	Vacant	Multifamily
Acreage	15.44	15.44

Lots	0	0
Parcels	6	2
Dwelling Units:	0	287
Public Safety Mitigation Fee		No

2. **Environmental**—The Environmental Planning Section has reviewed revised plans for Preliminary Plan of Subdivision 4-07028 and the Type I Tree Conservation Plan (TCPI/024/07), stamped as received on August 16, 2007. A letter of justification for the proposed impacts to the Patuxent River Primary Management Area (PMA) was received on August 21, 2007. A recommendation of approval cannot be made at this time because there are seven proposed nonessential impacts to the PMA that are demonstrated on the submitted plans, as well as a recent decision by the Department of Public Works and Transportation that the floodplain area designated on the submitted plans is not a floodplain. This affects the delineation of the regulated areas. A revised NRI is required to continue the review of the preliminary plan application. Required information that staff previously requested within a July 20, 2007, Environmental Planning memo has not been submitted. The Environmental Planning Section reserves the right to make additional comments after revised plans and required information has been received and reviewed.

### **Background**

The Environmental Planning Section has not previously reviewed development plans for this site.

### **Site Description**

This 15.44-acre property is located on the east side of Health Center Drive, west of MD 197 and north of Northview Drive. The property is zoned R-18 and R-80. According to available information, regulated environmental features are associated with the site. These features include a stream, wetlands, 100-year floodplain, and areas of steep slopes at 25 percent or greater. Four soil series are found to occur at the site according to the Prince George's County Soil Survey. These soils include Collington fine sandy loam, Mixed alluvial land, Monmouth fine sandy loam, and Shrewsbury fine sandy loam soils. The Monmouth soils have K-factors of 0.43. The Mixed alluvial land and Shrewsbury soils may have development constraints associated with them. The Mixed alluvial land soils, in relation to building foundations and parking lots, are prone to high water table and flood hazard conditions. The Shrewsbury soils are hydric. Marlboro clays do not occur in the vicinity of the site. The site is within the vicinity of MD 197, which is designated as an arterial roadway. Noise impacts associated with MD 197 are anticipated. There are no designated scenic and historic roads located in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened or endangered species within the vicinity of the site. According to the approved *Countywide Green Infrastructure Plan*, two network features, evaluation areas and network gaps, are located on-site. The property is within the Collington Branch watershed of the Patuxent River basin. The site is also in the Bowie and Vicinity Planning Area and the Developing Tier of the approved General Plan.

### **Master Plan Conformance**

The site is in the Bowie and Vicinity Planning Area. The Environmental Infrastructure chapter of the master plan contains goals, policies and strategies to preserve, enhance, and where

appropriate, restore environmentally sensitive features. The environmental vision recognizes values of an interconnected system of public and private lands that contain significant areas of woodlands, wetlands, wildlife habitat, and other sensitive areas with minimal intrusions from land development, light and noise pollution.

The site contains extensive areas of wetlands including a connected network of three wetland areas all located along the north side of Health Center Drive. The adjacent property to the west and portions of MD 197 drain into the subject site. Along the site's northern property line, abutting MD 197, is an existing stormwater management pond that was constructed by the State Highway Administration. Policies 1 and 5 and the related strategies from the master plan that apply to this site are as follows:

**“Policy 1:** Protect, preserve and enhance the identified green infrastructure network with the master plan area.

**Strategy 2:** Protect primary corridors, (Patuxent River and Collington Branch), during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors (Horsepen Branch, Northeast Branch, Black Branch, Honey Branch and District Branch) to restore and enhance environmental features and habitat.

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

**Strategy 2:** Require the use of full cut-off optic light fixtures for all proposed uses.

This site is within the Collington Branch watershed, one of the two designated primary corridors within the green infrastructure network. The revised plans are not in conformance with the master plan because there are proposed impacts to regulated areas that are not necessary for development. The TCPI shows the elimination of a wetland and significant impacts solely for building construction. In addition, the entrance is placed in such a way that it creates an unnecessary impact on the existing stream. In the July 20, 2007, initial review memo, it was noted that in order for the TCPI to be in conformance with the master plan, on-site preservation must be maximized. The revised TCPI does not include a redesign of the proposed buildings to demonstrate how the Collington Branch has been preserved to maximize on-site preservation, and it does not show the preservation of the existing regulated features. It is possible to develop this site with virtually no impacts to the regulated features.

### ***Countywide Green Infrastructure Plan Conformance***

Most of the site is within an evaluation area of the *Countywide Green Infrastructure Plan*. The plan is used as a guide, and as noted in part 3 of the Environmental Review Section within this report, there are several regulated features found on site that are concentrated along the north side of Health Center Drive. The woodlands within and adjacent to these regulated features are considered priority woodlands for preservation and are in excellent condition with few invasive plant species. To be in conformance with the *Countywide Green Infrastructure Plan*, the on-site woodland conservation should be maximized on site in connected blocks and the regulated areas should be preserved.

The site's woodland conservation threshold (WCT) is 2.78 acres and the total requirement is 4.19 acres. The threshold is proposed to be met on site with 2.54 acres of on-site preservation and

1.40 acres of afforestation/reforestation. The revised TCPI also demonstrates that two-thirds of the site's existing woodland are proposed to be cleared.

There are five proposed on-site tree preservation areas. These areas are very small and are not connected. They are separated by the proposed building footprints and overall design on the TCPI.

### **Environmental Review**

A staff signed natural resources inventory (NRI/031/07) was included within the initial plan submittal. A detailed forest stand delineation (FSD) was conducted in February, 2007, and the FSD narrative was subsequently amended during the review of the NRI in May 2007. The total woodland on-site is 7.45 acres and the amended narrative shows 8.35 acres of existing woodland on site. This discrepancy needs to be rectified. The applicant should revise the FSD plan or the narrative to provide the correct acreage of the 100-year floodplain and the woodland acreage within the floodplain. These revisions to the plans are necessary for the overall consistency of the various acreages found within the NRI, preliminary plan, and TCPI.

Four forest stands (Stands 1-4) were identified in the amended FSD. There are six specimen trees located on the NRI. Two of the six specimen trees are located on site and both are located within Stand 1. The other four specimen trees are within the vicinity of Stand 1 and are located off-site.

Stands 1-3 have tulip poplar as the dominant tree species and pine is the dominant tree species within Stand 4. Stands 2 and 3 have been identified as "priority" retention based on each stand's forest structure and the overall environmental features located within them.

The revised plans did not include an NRI. The information regarding the site's total woodland acreage and the 100-year floodplain need be corrected and the relevant documents, including the signed NRI, preliminary plan, and the TCPI need to be revised as necessary.

A subsurface evaluation prepared by Hardin-Kight Associates, Inc., of Baltimore, Maryland was included in the plan submittal. The evaluation was prepared on March 26, 2007, to determine subsurface conditions in relation to the proposed building foundations and based on development constraints associated with soils at the site. The northern portion of the site has sandy clay soils that are prone to standing water conditions after heavy rainfall. The preliminary recommendation in the evaluation is that a final subsurface evaluation be accomplished prior to the final design of the proposed structures, and prior to the start of construction.

The site contains regulated features including a stream, wetlands and 100-year floodplain within the Patuxent River basin. All regulated site features have been shown on the revised plans correctly. The Patuxent River Primary Management Area (PMA) is to be preserved to the fullest extent possible as required by Section 24-130(b)(5), of the Subdivision Ordinance. Generally, impacts to the PMA are only supported for essential development features. Essential development includes such features as public utility lines (including sewer and stormwater outfalls), road crossings, etc., which are mandated for public health and safety and cannot be redesigned to avoid impacts. Nonessential activities are those such as grading for lots, buildings, stormwater management ponds, parking areas, and roadways, which do not relate directly to public health, safety or welfare.

## **Analysis of PMA Impacts**

A letter of justification dated August 16, 2007, describes seven proposed PMA impacts. On August 20, 2007, a revised letter for proposed Impact 7 was received. The total amount of impact area represented in the letter of justification equals 19,652 square feet. Variation requests were also submitted but are not required.

It appears that this site can be developed with no PMA impacts except for those that may be required for stormwater management outfalls. It should be noted that the magnitude of the proposed impacts is affected by the recent decision by DPW&T regarding the floodplain and the fact that additional area is needed for grading and building construction.

### **Impact 1**

Impact 1 is for the proposed construction of a retaining wall and a portion of the building wall to serve as retaining walls. The total area of impact is 414 square feet. The impact area is located at the northwest portion of the site where steep slopes have been included within the PMA in relation to a wetland buffer and a stream buffer.

Impact 1 is avoidable and is nonessential to the development; therefore, this proposed impact is not supported.

### **Impact 2**

Impact 2 is for the construction of a service lane/emergency vehicle turnaround at the west side of proposed Building 1 within the PMA. A total of 3,646 square feet of impact is proposed.

This impact is avoidable because the layout can be redesigned to avoid it. Impact 2 is a nonessential impact that it is avoidable and, therefore, not supported as it is currently shown.

### **Impact 3**

Impact 3 is for the construction of proposed Building 1's west side wall. The wall is currently located within the PMA. The total area of impact is 1,722 square feet.

This proposed impact, as a whole, is avoidable within a redesign of the site. This type of proposed impact is inappropriate and is nonessential to the development of the site. Impact 3 is not supported.

### **Impact 4**

Impact 4 is for the construction of an access road to the site which crosses a stream and a wetland area. The total area of impact is 4,489 square feet.

A road crossing is normally considered an essential development feature. When proposed impacts to the PMA for a stream and wetland area are reviewed, consideration is given to the location of the PMA and whether other locations are available for an access road to avoid the impacts. Another location on site is available for an access road that does not require a stream or wetland area crossing. The location of an access road that does not result in a PMA impact for a stream and wetland crossing must be utilized. Therefore, proposed Impact 4 is not supported.

## **Impact 5**

Impact 5 is described as a proposed building wall to be located approximately 1.5 feet from the PMA. The total area of impact is 421 square feet. Exhibit 5 shows three proposed areas where the footprint for Building 1 is located at the edge of the PMA (a wetlands buffer).

As previously stated within the analysis for proposed Impacts 1 and 3, PMA impacts for retaining walls, building walls, etc., are nonessential to a site's development, and as such, are not supported. Therefore, Impact 5 should also be eliminated in a redesign of the site to protect the PMA to the fullest extent possible.

## **Impact 6**

Impact 6 is for the construction of a proposed building wall to be located 2.5 feet from the PMA. This impact area totals 477 square feet and is adjacent to a wetland buffer.

Similar to proposed Impacts 1, 3, and 5, Impact 6 is also nonessential, and it should be eliminated in order to protect the PMA to the fullest possible.

## **Impact 7**

In the revised letter of justification for proposed Impact 7, a wetland area within the PMA is identified as being an isolated wetland. The wetland area is connected to and is part of the PMA due to an adjacent wetland and its required buffer that overlap with this wetland buffer. The subject wetland feature is part of the PMA delineation on the staff-signed NRI. Because of this delineation, and due to the PMA connection, this is not an isolated wetland.

Impact 7 is for the location of the proposed clubhouse building and a portion of a proposed entrance road which ends as a cul-de-sac on a wetland feature. This impact area totals 8,483 square feet. The site can be developed in a redesign to eliminate nonessential impacts and to preserve the PMA to the fullest extent possible. Impact 7 is not supported.

The site is subject to the Prince George's County Woodland Conservation Ordinance because the site is greater than 40,000 square feet in area and there are more than 10,000 square feet of existing woodland on-site. A revised Type I tree conservation plan has been submitted and reviewed.

The revised TCPI shows the overall property as 15.44 acres, including 1.53 acres of on-site 100-year floodplain, and two residential zoning designations within the property (R-18/R-80). The requirement has been correctly calculated using the split-zone worksheet. The plan shows 7.45 acres of existing woodland, of which 1.26 acres are forested floodplain. The site has a woodland conservation threshold (WCT) of 20 percent or 2.78 acres, and a woodland conservation requirement of 4.19 acres based on the amount of clearing currently proposed. The revised TCPI worksheet shows this requirement to be met with 2.54 acres of on-site preservation, 1.40 acres of reforestation, and 0.25 acre as a fee-in-lieu payment of \$3,267.00.

The TCPI and NRI/031/07 both need to be revised to show zero floodplain as recently determined by DPW&T. The TCPI worksheet currently shows 1.53 acres of floodplain, of which 1.26 acres is wooded. The worksheet must reflect no floodplain acreage as shown within a revised NRI.



The TCPI worksheet must be revised to eliminate the use of a fee-in-lieu because priority woods exist on-site. This acreage should be shown as on-site preservation in priority forest stands.

Two critical features need to be shown on the TCPI with corresponding symbols in the legend in order for a complete review to be conducted. The revised conceptual limits of disturbance (LOD) symbol should be changed to a standard symbol instead of a line of large dots. The conceptual grading symbols should be shown on the plan instead of the conceptual spot grades that are confusing, and at the scale used are four feet wide. The conceptual limits of disturbance should be placed at least 20 feet from all structures, roadways, parking areas, and the PMA, to allow for proper grading.

Standard TCPI Note 5 needs to be revised to refer to the City of Bowie's applicable stormwater management concept plan number, including the date of any SWM concept approval.

The site abuts MD 197, a road classified as a major arterial. Noise impacts are anticipated because the proposed use is residential and two proposed buildings have sides that are exposed to the noise source. The revised plans as submitted locates a "combined 65 dBA Ldn noise contour" in relation to MD 197 with a corresponding symbol in each plan's legend. A Phase I noise study dated May 18, 2007, was included within the initial plan submittal.

Based on the proposed building locations, it appears the outdoor activity areas for these buildings are outside of the noise corridor, including the proposed outdoor swimming pool. The proposed buildings will shield these activity areas; therefore, noise barriers will not be required. The noise study states that all of Building 2 and about one-half of Building 1 are within the noise corridor. Noise mitigation measures may only be required for the apartment units facing the roadways. The interior noise levels can be reduced with the use of doors and windows that are somewhat higher than routine building materials. The details are to be determined within a Phase II noise study.

A letter dated August 10, 2007, from Frederick Ward Associates to the City of Bowie's Director of Public Works was included within the August 16, 2007, submittal. The letter states that a concept plan approval letter was being prepared along with mylars for signature approval. The August 16, 2007, submittal included a copy of an unsigned stormwater management concept plan with the August 10, 2007 letter.

A copy of the approved concept plan must be reviewed for comparison purposes with a revised TCPI because the TCPI has areas of on-site preservation and reforestation treatments. Several stormwater management methods are shown on the proposed concept plan, including but not limited to areas of bioretention, an underground sand filter, and underground stormwater management controls for water quantity. The current concept plan also shows the proposed clubhouse building on an area of wetlands that are part of the PMA delineation. Ultimately, the approved conceptual and technical plans must reflect the same limits of disturbance as the respective tree conservation plans. The conceptual and technical stormwater management plans cannot show impacts to the regulated areas that are not approved by the Planning Board. In addition, none of the plans show the proposed outfalls, which may result in additional impacts to the PMA.

## RECOMMENDATION

STAFF RECOMMENDS DISAPPROVAL IN ACCORDANCE WITH SECTION 24-130 OF THE SUBDIVISION REGULATIONS.