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Preliminary Plan 4-11011

Application	General Data	
Project Name: Mill Branch Crossing Location: East of Robert Crain Highway (MD 301), between Laurel-Bowie Road (MD 197) and Mill Branch Road. Applicant/Address: Mill Branch Crossing LLC 150 White Plains Road, Suite 400 Tarrytown, NY 10591-5535 Property Owner: Mill Branch Crossing LLC 150 White Plains Road, Suite 400 Tarrytown, NY 10591-5535	Planning Board Hearing Date:	06/14/12
	Staff Report Date:	06/07/12
	Date Accepted:	03/22/12
	Planning Board Action Limit:	09/07/12
	Mandatory Action Timeframe:	140 days
	Plan Acreage:	73.98
	Zone:	C-S-C
	Gross Floor Area:	496,000 sq. ft.
	Lots:	0
	Parcels:	5
	Planning Area:	74B
	Tier:	Developing
	Council District:	04
	Election District	07
	Municipality:	City of Bowie
	200-Scale Base Map:	205NE14

Purpose of Application	Notice Dates	
This case was continued from the Planning Board agenda date of May 31, 2012 to June 14, 2012. To re-subdivide the site into five parcels for the development of an integrated shopping center with approximately 496,000 square feet of commercial/retail and a 150-room hotel. Variance from Section 25-122(b)(1)(G) Variation from Section 24-121(a)(3)	Informational Mailing	05/02/11
	Acceptance Mailing:	03/20/12
	Sign Posting Deadline:	05/11/12

Staff Recommendation			Staff Reviewer: Quynn Nguyen Phone Number: 301-780-2465 E-mail: Quynn.Nguyen@ppd.mncppc.org
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 4-11011
Mill Branch Crossing
Parcels 1–4 and Parcel A

OVERVIEW

The subject property is located on Tax Map 55 in Grid E-5 and is known as Parcels 20, 27, 28, 52, 57, 58, 59, and 71. The property is 73.98 acres and zoned Commercial Shopping Center (C-S-C). The property is currently undeveloped and is primarily open fields with woodland along the property's boundary. The site is subjected to an approved Preliminary Plan of Subdivision, 4-08052, but the property was never recorded in a final plat. The applicant is proposing a new preliminary plan to re-subdivide the site into five parcels for the development of an integrated shopping center with approximately 496,000 square feet of commercial/retail and a 150-room hotel.

Preliminary Plan of Subdivision 4-08052 for the Mill Branch Crossing shopping center was originally approved on May 28, 2009 by the Prince George's County Planning Board (PGCPB Resolution No. 09-85). The approved preliminary plan of subdivision was for the development of a shopping center and a 150-room hotel. The Planning Board Resolution No. 09-85 created Parcel A and contains 36 conditions. The approved preliminary plan is valid until December 31, 2013. No final plat has been filed or recorded for the subject site. The applicant submitted a letter dated January 6, 2011 to request a reconsideration of Conditions 2, 6, 8, 9, 18, 19, 20, 21, 22, 26, and 32, of the resolution (No. 09-85) relating to the detailed site plan (DSP). On February 3, 2011, the Planning Board denied the request for a waiver of the rules and reconsideration for Preliminary Plan of Subdivision 4-08052. Therefore, the applicant submitted a new Preliminary Plan of Subdivision, 4-11011, to create five parcels for the development of a shopping center and adjust the previous detailed site plan conditions. If this preliminary plan of subdivision is approved for the site, it will supersede the validity of Preliminary Plan of Subdivision 4-08052 for this property.

The property has frontage on Mill Branch Road, a designated historic road, to the south and Crain Highway (US 301), a master-planned freeway, to the west. The applicant is proposing right-of-way dedication along Mill Branch Road and US 301. This preliminary plan is proposing the primary direct vehicular access for the development (Parcels 1–4) from Mill Branch Road through Parcel A, and a secondary access (right-in/right-out) onto US 301 within the master plan right-of-way of the MD 197/US 301 interchange, which impacts this property. Section 24-121(a)(3) of the Subdivision Regulations requires that, when lots or parcels are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. A variation request for direct access onto US 301 has been submitted and is discussed further in the Transportation section of this report. Staff recommends approval of the variation request. The 2009

Approved Countywide Master Plan of Transportation (MPOT) shows a master plan alignment, the interchange of MD 197 and US 301, on proposed Parcel 4 (Lot 4) of the site. Based on the recommendations of the MPOT, the portion of Parcel 4 that is encumbered by the proposed master plan alignment of the interchange of MD 197 and US 301 is recommended for reservation as discussed further in the Transportation section of this report.

The site is currently encumbered by a 50-foot access easement (Liber 28018 at Folio 685), to the benefit of The Maryland-National Capital Park and Planning Commission (M-NCPPC), which extends northeast from Mill Branch Road along the entire southeastern property line of the site on proposed Parcel A to provide access to existing park property, abutting to the east and northeast. The abutting park property is known as the Green Branch Regional Park which is slated to be under construction. The current alignment of the access easement overlaps a bufferyard which will be required with the development of the shopping center on-site. Complicating the access location is the desire to provide an appropriate transition between the Rural and Developing tiers. The abutting property is located in the Rural Tier with the subject property being located in the Developing Tier. The access easement must be relocated to fully implement the required 45 feet buffer yard, recommended with this preliminary plan of subdivision. Prior to approval of the final plat, the realignment of the access easement should be reflected on the plat, and is recommended.

The property contains regulated environmental features that are required to be protected pursuant to Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features (primary management area (PMA)) include streams and their associated 75-foot-wide buffers, nontidal wetlands and their associated 25-foot-wide buffers, and 100-year floodplain. Section 24-130(b)(5) requires that the PMA be preserved in a natural state to the fullest extent possible. This application proposed impacts to wetlands, and a statement of justification was received and is supported as discussed further in the Primary Management Area section of this report. There are seven specimen trees shown on the tree conservation plan. A variance application to Section 25-122(b)(1)(G) of the Woodland and Wildlife Habitat Conservation Ordinance for the removal of three of the seven specimen trees has been submitted. A statement of justification of a variance application was received and is supported as discussed further in the Variance section of this report.

A Phase I archeological survey was completed on the subject property in November 2006 and resulted in the identification of four Archeological Sites, 18PR856, 18PR857, 18PR858, and 18PR859. Due to the low artifact yield and degree of disturbance around Archeological Sites 18PR856, 18PR858, and 18PR859, no further work was recommended. A Phase II investigation was requested and conducted on the subject property to further evaluate the significance of Site 18PR857. The Historic Preservation Commission (HPC) reviewed the previous application, Preliminary Plan of Subdivision 4-08052 (Mill Branch Crossing), at its April 21, 2009 meeting. The HPC found that Archeological Site 18PR857 is both historically and culturally significant and that it could be found to meet at least two criteria within Section 29-104 of the Prince George's County Historic Preservation Ordinance and voted to recommend the designation of Archeological Site 18PR857, the William Goe Plantation Site, as a historic site. On that basis, the HPC recommended preservation in place of Archeological Site 18PR857. However, the Planning Board concluded, in the approval of 4-08052, that data recovery of Archeological Site 18PR857 was preferable to preserving the site in place within the shopping center property. This new Preliminary Plan (4-11011) was reviewed by HPC at its April 17, 2012 meeting. The HPC voted to reaffirm its April 21, 2009 decision to recommend the designation of Archeological Site 18PR857, the William Goe Plantation Site, as a historic site and preservation in place with conditions. The HPC also acknowledged that, if the Planning Board reaffirms its previous decision that data recovery of Archeological Site 18PR857 is preferable to preserving the archeological site in place, they recommend Phase III data recovery with conditions. For the previous Preliminary Plan, 4-08052, the Planning Board approved Phase III data recovery for Archeological Site 18PR857, therefore, staff is carrying forward in this report

the Planning Board's previous approval of Phase III data recovery with conditions.

An integrated shopping center is a permitted use in the C-S-C Zone and a DSP is not required. As discussed throughout this report, staff is recommending a DSP including, but not limited, to architecture, green building techniques, viewshed, landscaping, streetscape, and pedestrian/bike connection to be approved by the Planning Board or its designee for each parcel prior to building permits.

SETTING

The property is located in the northeastern quadrant of the intersection of Mill Branch Road and Robert Crain Highway (US 301). The northern portion of the property is east of the intersection of Laurel-Bowie Road (MD 197) and US 301, south of Rip's Restaurant, not abutting. The property is located in the Developing Tier, and the properties to the south and east are located in the Rural Tier. To the north, generally along the east side of US 301, properties are located in the Developing Tier. The subject property is generally located on the county's Rural Tier boundary which extends east and south from US 301.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Vacant	Retail
Acreage	73.98	73.98
Lots	0	0
Outlots	0	0
Parcels	8	5
Dwelling Units	0	0
Commercial/Retail	0	496,000 sq. ft. 150 Hotel room
Public Safety Mitigation Fee	No	No
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	Yes (Section 24-121(a)(3))

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on April 13, 2012. The requested variation to Section 24-121(a)(3) of the Subdivision Regulations was accepted on April 11, 2012, as discussed further in the Transportation section of this report, and was heard on April 13, 2012 at SDRC as required by Section 24-113(b) of the Subdivision Regulations.

2. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject property within 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 preliminary plan is

consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by proposing a commercial center. Approval of this application does not violate the General Plan's growth goals for the year 2025 based upon Prince George's County's current General Plan Growth Policy Update.

The land use proposed by this preliminary plan conforms to the land use recommendations of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* for commercial development on this site. The property was rezoned from Residential Agricultural (R-A) to Commercial Shopping Center (C-S-C) by the 2006 Bowie and Vicinity Sectional Map Amendment.

While the proposed land uses on the subject property conform with the commercial land use recommendation of the Bowie and Vicinity Master Plan, the master plan vision, design guidelines, and economic development strategies for the Bowie Regional Center are important to the review of this application. The master plan vision specifically states:

POLICY 6, Strategy 1

- b. This property, given its proximity to the Bowie Regional Center, should be developed with high-quality commercial retail uses, including a hotel. Future development should promote the optimum use of the transportation system and public infrastructure, preserve environmentally sensitive areas, and provide for the needs of workers and residents in the area.**

The plan recommends the following guideline:

- (3) The development should include a pedestrian/ hiker/biker system that is comprehensively designed to encourage pedestrian and biking activity within the development and with connections to the Green Branch Regional Park and Prince George's Stadium.**

This application does not show many of the master plan's policies and strategies specific to incorporate pedestrian and hiker/biker connectivity between the proposed shopping center and the adjacent Green Branch Regional Park at this time. These policies should be addressed with a DSP and is recommended.

This development proposal is located in the Developing Tier adjacent to the Rural Tier and has frontage on Mill Branch Road, a scenic and historic road. The site's location is at an entry point to several historic and agricultural features located along Mill Branch Road, currently a two-lane rural road. Given the high visibility at this intersection and unique surroundings, adjacent to the Rural Tier and the Green Branch Regional Park, it is warranted that special attention is given to design features, materials, colors, signage, and appropriate building materials for the proposed development.

The proposed development should relate to the Rural Tier and Green Branch Regional Park so it does not detract from the character of the surrounding communities. The DSP should include, but not to be limited to, architecture, signage, landscaping, and pedestrian and biking connections to be approved by the Planning Board or its designee prior to building permits.

- 3. **Urban Design**—The 2010 *Prince George's County Landscape Manual* and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property.

2010 Prince George's County Landscape Manual

Per Section 27-540 of the Zoning Ordinance, landscaping, screening, and buffering within all commercial zones shall be provided in accordance with the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual will be determined at the time of DSP review. However, given the proposed parcel layout, it is appropriate at this time to consider a Section 4.7 bufferyard between the proposed integrated shopping center and the adjacent R-A-zoned Parcel 29 to the southeast on proposed Parcel A, which is proposed to only be developed with an access drive serving Parcels 1–4. The abutting property is located in the Rural Tier while the subject property is located in the Developing Tier. Section 4.7 of the Landscape Manual would require a Type “D” bufferyard in this situation, with a 50-foot building setback and a 40-foot landscaped yard planted with 160 plant units per 100 linear feet, which is provided. In addition, an additional five feet is being required with this preliminary plan for a total landscape bufferyard width of 45 feet with planting consistent with a Type “D” bufferyard. The 45-foot buffer-yard will provide an appropriate transition between the rural and developing tiers. Compliance with this requirement will be reviewed at the time of permit review for construction of the access drive on Parcel A.

The site is currently encumbered by a 50-foot-wide access easement (Liber 28018 Folio 685), to The Maryland-National Capital Park and Planning Commission (M-NCPPC), which extends northeast from Mill Branch Road along the entire southeast property line of the site on proposed Parcel A to provide access to existing park property, abutting to the east and northeast. The current alignment of the access easement overlaps 45-foot bufferyard, as described above, which shall be required with the development on site. The 50-foot-wide access easement must be relocated to implement the required 45-foot bufferyard. Therefore prior to approval of the final the realignment of the access easement shall be record and reflected on the plat.

The proposed development is also subject to the requirements of Sections 4.2, 4.3, 4.4, and 4.9 of the Landscape Manual. The site's conformance with those sections will be reviewed at the time of DSP for Parcels 1–4 and permit review for Parcel A.

Zoning Ordinance

Pursuant to Section 27-462, Regulations, of the Zoning Ordinance for the C-S-C Zone, the proposed parcels for commercial development appear to be sufficient to meet the regulations for the C-S-C Zone as stated in Section 27-462. However, final compliance with these requirements will be reviewed at the time of DSP review. The proposed development is also subject to all other applicable zoning regulations at the time of DSP in accordance with Part 3, Division 9, Subdivision 2 of the Zoning Ordinance.

The subject site is located at an entrance to the Rural Tier, lies adjacent to residentially-zoned properties and the Green Branch Regional Park, along a designated scenic historic road, Mill Branch Road, and along a major thoroughfare within the county, US 301. Special attention should be given to the design and siting of buildings in the proposed shopping center, therefore, a detailed site plan is recommended for proposed Parcels 1–4 (Lots 1–4). Additional analyses, such as the center's relationship with the adjacent properties, the view from US 301 and Mill Branch Road, and the overall design aesthetics of the development, in addition to the requirements for a DSP as listed in Section 27-282, Submittal Requirements, of the Zoning Ordinance should be provided at the time of DSP.

Parcel A, which is located in the southeastern corner of the property, is proposed to contain the main access drive to the shopping center, which will also serve as the main entrance to the

regional park. Due to the construction sequence, this parcel will probably be the first land to be developed for this project. Parcel A is for access only and no buildings or freestanding commercial signage are proposed on this parcel, therefore, a detailed site plan should not be required for Parcel A, and is not recommended.

4. **Environmental**—This preliminary plan has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations, the Woodland and Wildlife Habitat Conservation Ordinance, and the appropriate area master plan. A signed Natural Resources Inventory (NRI-029-07-01) and Type 1 Tree Conservation Plan (TCP1-022-07-01) for the subject property has been received and reviewed. The project is subject to the environmental regulations that came into effect on September 1, 2010 because the application is for a new preliminary plan of subdivision.

Conformance to the Master Plan

The master plan for this area is the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*. In the approved master plan and sectional map amendment, the Environmental Infrastructure section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Protect, preserve and enhance the identified green infrastructure network within the master plan area.

Strategies:

1. **Use designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**

The preliminary plan is reviewed further below for conformance with the 2005 *Approved Countywide Green Infrastructure Plan*.

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

This site abuts a major regional park site, which provides a large contiguous block of woodlands connecting eastward to the Patuxent River, a plan-designated primary corridor. Protection and restoration of sensitive environmental areas related to this primary corridor is a priority and is addressed herein.

3. **Evaluate carefully land development proposals in the vicinity of identified Special Conservation Areas (SCA) to ensure that the SCAs are not impacted and that connections are either maintained or restored.**

This site is located in the vicinity of the Patuxent River Special Conservation Area

(SCA). Connections and corridors to the Patuxent SCA will be evaluated during review of this plan to maintain and/or restore connectivity.

POLICY 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

Strategies:

- 1. Implement the strategies contained in the Western Branch Watershed Restoration Action Strategy (WRAS).**
- 2. Add identified mitigation sites from the WRAS to the countywide database of mitigation sites.**
- 3. Encourage the location of necessary off-site mitigation for wetlands, streams and woodland within sites identified in the WRAS and within sensitive areas that are not currently wooded.**

This site is not located in the Western Branch Watershed Restoration Action Strategy (WRAS) area.

- 4. Ensure the use of low impact development techniques to the extent possible during the development process.**

The stormwater management concept plan shows the use of bioretention areas and an underground storage facility. There appears to be other opportunities for low impact development (LID) techniques on the site. If the preliminary plan is approved, a DSP should be required to fully evaluate opportunities for sensitive stormwater treatments. The DSP should demonstrate the use of LID stormwater management techniques such as bioretention, french drains, depressed parking lot islands, and the use of native plants, subject to approval by the Department of Public Works and Transportation (DPW&T) during technical stormwater management review, to the fullest extent possible, and is recommended.

- 5. During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.**

The Green Branch tributary, which crosses this site along its northern boundary, has been evaluated for existing and proposed water quality and stream stability. In addition, the proposed stormwater discharge was analyzed with this application.

A stream corridor assessment was prepared by McCarthy & Associates, Inc. in April 2009 which identified problem areas located on the Green Branch tributary adjacent to this site, and a subsequent field walk was held to review the areas of concern. Seven specific problem areas were identified and remediation methodologies were proposed. Subsequently, it has been concluded that disturbance in these areas may be more problematic than previously identified. Staff and the applicant are currently looking at the countywide stream corridor assessments prepared by the Maryland Department of Natural Resources (DNR) to see if other mitigation opportunities can be identified downstream within the same stream network.

6. Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.

The landscape plan submitted with the DSP shall demonstrate the use of native plant materials and conservation landscaping techniques that reduce water consumption to the fullest extent possible, and is recommended.

7. Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.

8. Reduce the area of impervious surfaces during redevelopment projects.

A large parking lot with expansive areas of unbroken impervious areas is conceptually proposed for this commercial development. The design does not allow for the micromanagement of stormwater and could create a large heat island directly adjacent to the Patuxent River primary corridor. The DSP for each parcel should break up the areas of impervious surfaces and provide larger islands of shade. During the review of the DSP, the plans should include a justification for any parking spaces above the minimum requirements and alternative paving surfaces should be considered for all parking spaces above the minimum requirements. The application of alternative parking materials such as grass block or reinforced turf combined with LID techniques, such as bioretention areas, will be used to the greatest extent possible, to provide conformance to this master plan recommendation.

POLICY 3: Protect and enhance tree cover within the master plan area.

Strategies

1. Encourage the planting of trees in developed areas and established communities to increase the overall tree cover.

This is a new commercial development located adjacent to the Rural Tier. The site has been in agricultural use and is largely agricultural land. The use of trees and landscaping materials to provide a transition between the Developing Tier and the Rural Tier is recommended and an increase in the overall tree cover will be required in accordance with the tree canopy coverage (TCC) requirements of Subtitle 25, as indicated below.

2. Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.

3. Establish street trees in planting strips designed to promote long-term

growth and increase tree cover.

- 4. Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

At the time of DSP review, the landscape plan should be reviewed for conformance with these requirements. Development of this site will be subject to the TCC requirements of Subtitle 25, Division 3 which came into effect on September 1, 2010 and as amended February 1, 2012, and the comprehensive update to the Landscape Manual effective December 13, 2010.

POLICY 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategies:

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- 2. Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.**

The use of green building techniques and energy conservation techniques should be required and evaluated at the time of DSP review. The DSP shall demonstrate the application of green building techniques and energy conservation methodologies to the fullest extent possible.

POLICY 5: Reduce light pollution and intrusion into rural and environmentally sensitive areas.

Strategies:

- 1. Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations and 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 should be used for all proposed uses.**
- 3. Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.**

The minimization of light intrusion from this site, located in the Developing Tier, onto adjacent properties in the Rural Tier is a special concern because the Patuxent River is an inter-continental migration route and high light levels severely impact these bird

populations. At the time of DSP, the use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off optic light fixtures are recommended.

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

Strategies:

- 1. Evaluate development proposals using Phase I noise studies and noise models.**
- 2. Provide for adequate setbacks for projects located adjacent to existing and proposed noise generators.**
- 3. Provide for the use of approved attenuation measures when noise issues are identified.**

Because of the proposed commercial uses on the site, noise impacts are not a major concern. If a hotel, day care center, or similar residential-type use is proposed, the structural shell should be evaluated to ensure that interior noise standards are met, and that acceptable exterior noise levels are achieved in outdoor activity areas.

Using the Environmental Planning Section's noise model, the 65 dBA Ldn noise contour is approximately 470 feet from the centerline of Crain Highway (US 301) which has been shown on both the preliminary plan and Type 1 tree conservation plan (TCP1). There are five proposed building pad sites which lie within the 65 dBA Ldn noise contour, or portions of the structures lie with the delineated noise contour. In accordance with the master plan, prior to any application for building permits on this site for a hotel, day care center, or similar residential-type use which falls within the established 65 dBA Ldn noise contour, certification by a professional engineer with competency in acoustical analysis should be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.

POLICY 7: Protect wellhead areas of public wells.

Strategies:

- 1. Retain land uses that currently exist within the wellhead areas of existing public wells.**
- 2. Continue monitoring water quality.**
- 3. Consider the development of alternative public water provision strategies such as public water connections, to eventually eliminate public wells.**

This site is not located within a wellhead protection area.

Conformance to the Green Infrastructure Plan

The following policies support the stated measurable objectives of the 2005 *Approved Countywide Green Infrastructure Plan*, an adopted functional master plan. The policy text is in **BOLD** and the conformance analysis is in regular type.

POLICY 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The zoning of the property is C-S-C, permitting a shopping center use on this site. The proposed development has been scaled-down from the original application to protect the enlarged primary management area (PMA) buffers now required and additional reforestation areas have been introduced on the site.

POLICY 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

As noted above in the discussion of master plan conformance, water quality is an issue on this site. Approved Stormwater Management Concept Plan (12844-2010-00) has been received from the DPW&T. The stormwater management (SWM) concept and plan were approved on October 28, 2011 and are not inconsistent with the TCP1 submitted with the current application. Further revisions to the SWM concept may be needed, but they are not expected to be substantial.

POLICY 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

In order for the development to be in conformance with this policy, the woodland conservation threshold (WCT) must be met on-site. The TCP1 submitted with the current application proposes more woodland preservation than the WCT on-site, and is recommended for approval.

Environmental Review

The preliminary plan application has a revised and approved Natural Resources Inventory (NRI-029-07-01) that was included with the application package. The TCP1 and the preliminary plan show all of the required information in conformance with the revised NRI. No further information regarding the NRI is required. There are streams, nontidal wetlands, and 100-year floodplain found on this property. The site contains streams and wetlands that are regulated by federal and state requirements. The site is approximately 15 percent wooded and contains areas of open agricultural fields on the remaining acreage. According to the Sensitive Species Protection Review Area (SSPRA) GIS layer, obtained from the Maryland DNR, Natural Heritage Program, no endangered species are found to occur in the vicinity. The property is located in the Middle Patuxent River watershed of the Patuxent River basin.

The soil series found on this property include Collington and Shrewsbury. Shrewsbury soils may experience limitations with respect to impeded drainage or seasonally-high water. Collington soils pose few problems for development and have a K factor of 0.28. Based on available information, Marlboro clay is not found to occur within 500 horizontal feet of the site. The soils found on this property include soils that may have limitations with respect to 100-year floodplain or seasonally-high water tables. Although these limitations may affect the construction phase of this development there are no limitations that would affect the site design or layout. During the review of building permits, the county may require a soils study addressing soil limitations with respect to the construction.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it is greater than 40,000 square feet in gross tract area, and there are more than 10,000 square feet of existing woodland. A Type I Tree Conservation

Plan (TCP-022-07-01) was submitted with the previous preliminary plan application. A revised Type 1 tree conservation plan (TCP1) has been submitted with the current application for review.

The WCT for this site is 10.98 acres. There are only 7.94 acres of existing woodlands on the net tract, which falls below the WCT and, in addition, the applicant is proposing 274 acres of clearing; therefore, the site must be afforested with 5.48 acres to meet the WCT of 10.98 acres. The total amount of required woodland conservation based on the afforestation threshold, and the amount of clearing currently proposed, is 13.72 acres.

The TCP1, as currently designed, proposes to meet the requirement with 5.20 acres of on-site preservation, 6.05 acres of on-site afforestation/reforestation, and 2.47 acres of off-site woodland conservation. Because the WCT has been satisfied on-site, the proposed TCP1 can be found to be in conformance with the policies of the General Plan and the Green Infrastructure Plan.

The site has frontage on Mill Branch Road, which is classified as collector, and US 301, which is a master-planned freeway that typically generates sufficient traffic volumes that result in noise levels over 65 dBA Ldn. However, the application is proposing commercial uses for the site, therefore, noise impacts are not a major concern on this site. However, if a hotel, day care center, or similar residential-type use is proposed, the structural shell should be evaluated to ensure that interior noise standards are met, and that acceptable exterior noise levels are achieved in outdoor activity areas, pursuant to the master plan recommendations.

As indicated previously, using the Environmental Planning Section's noise model, the 65 dBA Ldn noise contour is approximately 470 feet from the centerline of US 301, which has been shown on both the preliminary plan and TCP1. There are five proposed building pad sites which lie within the 65 dBA Ldn noise contour, or portions of the structures lie within the delineated noise contour. Prior to any application for building permits on this site for a hotel, day care center, or similar residential-type use which fall within the established 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis should be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less, for initial construction. Subsequent to original construction, retrofitting should not be required.

Mill Branch Road is designated as a historic road in the *Prince George's County Historic Sites and District Plan*, and is subject to the *Prince George's County Design Guidelines and Standards for Scenic and Historic Roads*. An inventory of significant visual features for the frontage of the subject property was previously submitted. On this site, the existing viewshed is comprised of open agricultural fields. To preserve the scenic viewshed along the historic road, a scenic easement with a width of 40 feet located outside of the ultimate right-of-way of Mill Branch Road and exclusive of the public utility easement (PUE) has been delineated on the preliminary plan and TCP1. Within the scenic easement, protection of significant visual elements, preservation of existing woodlands, afforestation of the scenic easement where appropriate, limiting of access points, and supplemental landscaping may be appropriate to conserve and enhance the viewshed of the historic road and compliment the character. This scenic easement will also allow for further review of the transition from the Developing Tier to the adjacent Rural Tier along Mill Branch Road, and will be reviewed at the time of DSP.

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned C-S-C are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 73.98 acres in gross tract area, resulting in a TCC requirement of

7.39 acres. It appears that the subject application will be able to meet the requirement using on-site woodland conservation. During the review of each DSP for Parcels 1–4, the landscape plan will be required to demonstrate conformance with Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance. Parcel A is not recommended for a detailed site plan therefore the conformance with Subtitle 25, the Tree Canopy Coverage Ordinance will be reviewed at the time of grading permit.

A detailed site plan is recommended for each parcel (1-4) to coordinate the appearance of the development from the surrounding character of communities and streets, address the landscaping for the historic road and Rural Tier, and evaluate the green building and site development techniques as recommended by the master plan.

5. **Primary Management Area (PMA)**—This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include streams and their associated 75-foot-wide buffers, nontidal wetlands and their associated 25-foot-wide buffers, and 100-year floodplain. Section 24-130(b)(5) states:

- (5) **Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

A statement of justification letter dated March 20, 2012, and associated exhibits for proposed impacts to the nontidal wetland and wetland buffer located adjacent to Crain Highway (US 301), was received with the application package. The current site design on the TCP1 shows the disturbance of nontidal wetlands and wetland buffers on this site for the construction of buildings, drive aisles, and parking facilities.

Impact Analysis

The request states that permanent disturbance of 1,924 square feet (0.04 acre) of nontidal wetlands, and 7,427 square feet (0.18 acre) of nontidal wetland buffer, as shown on the associated exhibits, will occur within the right-of-way of the future construction of improvements to US 301, and the applicant requests permanent impacts on the current application to 16,198 square feet (0.37 acre) of nontidal wetlands and 26,863 square feet (0.62 acre) of wetland buffer on-site to allow for the construction of this site including parking.

The statement of justification provides the following rational for why the disturbance is necessary, and why avoidance of all impacts to regulated environmental features on the site does not provide the highest environmental benefit to the stream and wetland system:

“...We believe that ultimately the hydrology of this wetland area will change due to the proposed development...Currently 29.4 acres of the site drains to a 42-inch (diameter) culvert under the northbound lanes of US 301...in the developed conditions, 64% of the drainage that currently flows to the 42-inch (diameter) culvert will be diverted to an on-site underground SWM facilities through a series of storm drain systems to provide quantity control for the 100-year storm for the development. The outfall from this underground system will be directed to the Green Branch tributary. This diversion of drainage to the 42-inch (diameter) culvert will potentially change the hydrology of the wetland area.”

It appears that the wetland that has developed along the frontage of this property has resulted from the construction of US 301 blocking the natural drainage patterns of the site. The drainage has been concentrated into a 42-inch diameter culvert under the northbound lanes of US 301, where the culvert outfalls into the median, and then is directly picked up in a 42-inch diameter culvert that flows west under the south bound lanes of US 301. It then travels approximately 240 feet north in a closed storm drain system, along the south bound lanes, outfalling into a swale along the edge of the roadway. It then travels approximately 100 feet in the northbound direction in a swale and enters a 72-inch diameter culvert that flows east under the southbound and northbound lanes of US 301 into the Green Branch tributary, which flows along the northern boundary of this property.

The stream corridor assessment has identified several problem areas in the Green Branch tributary adjacent to this property which seem to be directly related to erosive forces related to the concentrated volume of channel flow. The applicant proposes that capturing the drainage in the stormwater management (SWM) system proposed on-site for slow release into the adjacent tributary will modulate the erosive forces related to SWM flow volumes. Intercepting the water also reduces the SWM requirements for the proposed US 301 improvements in the future, since the retention of the wetland would continue to result in an outfall of stormwater into the US 301 right-of-way that would require future management. The applicant further states that the significant changes in hydrology on the site will likely result in the demise of the existing wetland due to the reduced water volume, staff agrees with the applicant's assessment.

Avoidance Analysis

The avoidance guidance provided in the Environmental Technical Manual in Part C asks that the following questions be addressed:

Avoidance: Can the impacts be avoided by another design? Are the road crossings as shown necessary for the reasonable development of the property? Is it necessary to place the utilities within the boundaries of the regulated environmental features?

The applicant states that avoidance of this environmental impact is possible, but would ultimately be unsuccessful in retaining the wetlands and wetland buffers because of impacts to local hydrology caused by the proposed development and the master-planned roadway improvements. Staff agrees that retention of high-quality wetlands in the proposed location may be counterproductive to adequate SWM and improved water quality.

Minimization Analysis

The statement of justification addresses the minimization guidance provided in the Environmental Technical Manual in Part C:

Minimization: Have the impacts been minimized? Are road crossings placed at the point of least impact? Are the utilities placed in locations where they can be paired or grouped to reduce the number of different locations of impacts? Are there alternative designs that could reduce the proposed impacts?

Based on the analysis, impacts to regulated environmental features on the site have been minimized to the fullest extent possible, and can be supported for the following reasons:

- a. The proposed impacts will in fact result in a reduction to the erosive force of the existing SWM pathway, and stormwater flows will be moderated through on-site SWM measures, reducing peak storm flows and improving water quality.
- b. Detrimental impacts to the Green Branch tributary and properties further downstream will be reduced by on-site SWM, and
- c. The regulated environmental features is the result of blocked drainage caused by the construction of US 301, and the resulting convoluted drainage pathway that has resulted places a specific construction difficulty to the future improvement of US 301 and makes future retention of the wetlands unlikely.

Mitigation Analysis

In lieu of the permanent loss of wetlands, their stormwater management and water quality functions, the applicant has proffered to mitigate for the permanent removal of the wetland area and wetland buffer totaling 1.21 acres, which is acceptable to offset the impacts to the watershed and restore the wetland functions to the fullest extent possible.

The proposed design and the proffered mitigation of the wetland impacts demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. The Statement of Justification and the plans submitted demonstrates that mitigation for the requested impact is the best environmental management practice for this site due to the unique features of the site.

A Stream Corridor Assessment for the Mill Branch Shopping Center prepared by McCarthy and

Associates and dated April 2009 was submitted with the current application and previously field reviewed by staff and the applicant.

Stream or wetlands restoration, wetland creation, or retrofitting of existing stormwater management facilities that are not required by some other section of County Code may be considered as mitigation. The amount and type of mitigation shall be determined at the time of Detailed Site Plan.

Primary Management Area Conclusions

The proposed site design and the statement of justification show that the impacts proposed will provide the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. The proposed impacts for future construction of improvements to US 301 and the construction of buildings and parking on Lot 3, totally 18,122 square feet of nontidal wetlands and 34,290 square feet of nontidal wetland buffer, are recommended for approval.

6. **Variance to Section 25-122(b)(1)(G)**—Type 1 tree conservation plan applications are required to meet all of the requirements of Subtitle 25, Division 2 (the Woodland and Wildlife Habitat Conservation Ordinance (WCO)), which includes the preservation of specimen trees pursuant to Section 25-122(b)(1)(G). If the specimen trees on-site have a condition rating of 70 or above, every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances).

If after careful consideration has been given to the preservation of the specimen trees there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of the WCO provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of the Code of Maryland Regulations (COMAR). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 variance application and a statement of justification in support of a variance were stamped as received by the Environmental Planning Section on December 1, 2011.

The TCP1 indicates that the site contains seven specimen trees. The specimen tree table on the TCP1 shows the proposed removal of three of the seven specimen trees that exist on-site (Specimen Trees 1–3). The three specimen trees are all red maples in good condition clustered around an area of nontidal wetlands located adjacent to the ultimate right-of-way for US 301.

SPECIMEN TREE CHART				
No	Common Name	DBH	Condition	Disposition
1	Red Maple	35	Good	Remove
2	Tri-Trunk Red Maple	52	Good	Remove
3	Red Maple	34	Good	Remove

Section 25-119(d) of the WCO contains six required findings [text in **bold**] to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for all three specimen trees as a group. Staff agrees with this approach to the analysis

because they are clustered together centrally on the site and have similar concerns regarding their location, species, and condition.

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The justification statement indicates that woodland preservation has been focused on portions of the site with greater habitat value and potential for contiguous canopy coverage associated with the adjacent stream, and that the proposed development sets aside significant portions of the site to satisfy environmental constraints. As a result, retaining specimen trees in the area adjacent to the ultimate right-of-way presents an unwarranted hardship.

In reviewing the site, staff finds that the property is adjacent to US 301 and a historic road. The three trees proposed to be removed are located on the site associated with a nontidal wetland area. Retaining the trees would make development of a retail commercial use difficult because of the need to grade down the site to direct SWM to a SWM quantity control facility, which will greatly alter the hydrologic patterns on the site, making the long-term viability of these trees questionable.

The trees proposed for removal are red maples, a fast-growing, water-loving tree. While the red maples are considered to be in good condition, retention of these trees, while possible, does not provide a substantial woodland or habitat benefit on the site, as they are not related to a green infrastructure corridor and would be isolated on the site based on the development pattern proposed.

The hardship on this site is created by the location of the trees, possible future impacts to the trees due to master-planned road improvements, and the need for positive grading to meet the requirements of other sections of the County Code.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

The statement of justification states that other developed properties within and immediately adjacent to the site were not subject to the same requirement to retain specimen trees which directly affects the visibility of this commercial site from the major adjacent roadway.

Approval of a variance to remove the specimen trees along the frontage of the property appears to be consistent with the expectations of the District Council with regard to the development of this site when the site was rezoned from O-S to C-S-C development, which occurred prior to passage of the WCO. If other properties, similarly zoned, encountered trees in a similar condition and in a similar location on a site, the same considerations would be provided during the review of the required variance application.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

The statement of justification addresses this required finding by stating that the variance request will not grant to the applicant a special privilege denied to others because all surrounding properties are either already developed or are subject to the restrictions of the Rural Tier.

Approval of a variance to remove specimen trees on this site cannot be construed as conferring a special privilege since the subject application is proposing to remove three of seven specimen trees in an area of the site consistent with the proposed development pattern for the site.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;

The statement of justification indicates that the request is not based on conditions or circumstances which are the result of actions by the applicant. Removal of the trees is due to their location on the site as it relates to the proposed development pattern, the changing hydrologic patterns of the site due to SWM requirements, and is not the result of actions by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and

The statement of justification states that the request to remove the three specimen trees does not arise from any condition on a neighboring property. Staff agrees.

(F) Granting of the variance will not adversely affect water quality.

The statement of justification states that granting a variance to remove the specimen trees will not adversely affect water quality because the development will comply with the requirements of the Prince George's County Stormwater Ordinance and the Prince George's County Soil Conservation District.

In addition, a ten percent tree canopy coverage (TCC) requirement will need to be met along with the requirements of the Landscape Manual related to green space and landscape requirement. Because the site is for the most part an unvegetated field at this point, the TCC throughout this site, as well as in the PMA, will be greater after development of the site than it is today.

Variance Conclusions

The three specimen trees proposed for removal are all along the US 301 frontage. The trees are located adjacent to major master-planned road improvements; the potential for preserving these specimen trees within the commercial development pattern is found to be low. In addition, the proposed changes to the hydrology of the property due to development would result in an unwarranted hardship should Trees 1 through 3 be required to be preserved.

Based on the preceding analysis, the required findings of Section 25-119(d) have been addressed for the removal of Specimen Trees 1 through 3 based on the information provided, and staff recommends approval of the variance to remove Specimen Trees 1, 2, and 3.

7. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site SWM is required. A SWM Concept Plan, 12844-2010-00, was approved on August 3, 2010 and is valid until August 3, 2013. The concept plan shows the use of bioretention areas and an underground facility. The concept plan is based on a development layout slightly different than that shown on the TCP1. Further revisions to the SWM concept plan may be needed, but they are not expected to be substantial or to affect the

subdivision proposed. Development must be in accordance with the approved plan or any subsequent revisions as approved by DPW&T.

The approved stormwater concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32 (Water Resources and Protection), Division 3 (Stormwater Management), Section 172 (Watershed Management Planning). As such, the requirements of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, have been addressed with the approval of the SWM concept plan by DPW&T.

8. **Parks and Recreation**—In accordance with Section 24-134(3)(a) of the Subdivision Regulations, mandatory dedication of parkland requirements is not applicable because it consists of nonresidential development.

Existing Joint Access Easement

The subject property is encumbered by an existing 50-foot-wide joint access easement (Liber 28018 at Folio 685) along the southeastern property line, which will be impacted by a required landscape buffer. The access easement was conveyed to M-NCPPC on April 21, 2007 for the installation, construction, reconstruction, maintenance, repair, and operation of a two-lane “access road” for vehicular and pedestrian ingress/egress from Mill Branch Road to the planned Green Branch Athletic Complex.

The easement agreement states that “the Grantor (“Applicant”) retained the right to use the easement in common with the Grantee (“M-NCPPC”).” In addition, the easement agreement states that “the Grantor at any time may request the Grantee to relocate all or any portion of the right of way to a different easement area at the location designated by the Grantor at the sole cost and expense of the Grantor, and the Grantee shall have the same rights and privileges in the new location.”

In 2009, a DPR consultant prepared plans for the construction of the access road in the existing easement area as part of the first phase of the Green Branch Athletic Complex development plan. The access road had been designed within the existing easement area with minimal alteration to existing topography and with minimal impact to the applicant’s property. During the review and approval of the previous Preliminary Plan, 4-08052, the applicant requested that DPR relocate the planned access road 45 feet from the southeastern property line in order to accommodate the required 45-foot-wide landscape buffer, which is more than normally required by the 2010 *Prince George’s County Landscape Manual*, between the subject property and adjacent property to the southeast, which is located in the Rural Tier. DPR agreed to relocate the access road 45 feet from the property line.

The easement agreement also states that “the design of the Access Road shall be such that it can readily be assimilated into the ultimate four-lane entrance road design.” After approval of Preliminary Plan 4-08052, the applicant also requested that DPR build the access road at an elevation suitable for the ultimate four-lane access road to serve the development. The applicant provided proposed elevations for the ultimate four-lane entrance road to DPR staff. DPR designed the access road at the elevations proposed by the applicant and agreed to build a 22-foot-wide asphalt cross section (half- section of the ultimate four-lane road) as requested by the applicant. The relocation of the access road from the existing easement area to new location and construction of the access road at the elevation suitable for the ultimate four-lane access road created additional costs associated with design, engineering, and construction.

The preliminary plan of subdivision reflects the existing 50-foot-wide joint access easement and provides a note on the plan (Note 34) that the existing 50-foot-wide access easement is to be relocated and recorded as part of the final record plat. The existing 50-foot-wide access easement must be extinguished and relocated to accommodate the 45-foot-wide landscape buffer. The new easement area agreed upon between the applicant and M-NCPPC must be shown on the preliminary plan so that it can be reviewed and approved as part of this preliminary plan of subdivision.

DPR staff also reviewed the Type 1 tree conservation plan (TCP1) submitted with this application. This plan shows a second access to the site from US 301. This access driveway extends to the park property line and could provide a second access to the Green Branch Athletic Complex from US 301. While the development on-site is conceptual, as shown on the TCP1, the addition of a second access to the park could benefit the community, but is not required. DPR also believes that, at the time of development of the DSP for Parcel 4, the applicant and DPR should discuss conveyance of the easement to M-NCPPC for the second access to the Green Branch Athletic Complex from this portion of the property.

Joint Access Road Construction Status

DPR has county-issued permits for construction of the access road which will serve as a half-section of the future four-lane road through this property (at the location suggested by the applicant) and construction of the Phase I recreational facilities in the Green Branch Athletic Complex. The construction drawings for the access road include: grading, SWM, soil erosion and sediment control, tree conservation plans, construction details, and horizontal and vertical alignments of the access road. Since there is no other suitable public access to the Green Branch Athletic Complex available at this time, development of the access road through this property is needed to facilitate construction of the first phase of the Green Branch Athletic Complex and provide public access to the new park. Construction of this project will begin after execution of a new joint access easement agreement.

Archeological Site 18PR857

The subject property includes four archeological sites. Archeological site 18PR857 consists of a large scatter of 18th century artifacts and is located in close proximity to the proposed area of the relocated joint access easement. Construction of the access road (half-section of the ultimate four-lane road) will not impact Archeological Site 18PR857. However, as a practical matter, a decision to preserve the archeological site in place may result in the need to relocate the ultimate four-lane access road. This would result in additional costs for engineering and construction of the access road and ultimately delay the construction of the Green Branch Athletic Complex. In order to protect the area of the archeological artifacts during construction of the park access road, DPR proposes installing a super silt fence along the area of the archeological site during construction. The super silt fence will be installed prior to grading and removed after completion of the park access road. In addition, a DPR archeologist will monitor installation of the super silt fence and grading activity next to Archeological Site 18PR857. The DPR archeologist will monitor grading activities to ensure that there is no disturbance to the archeological site and to ensure that any possible artifacts located outside of the archeological site will be collected and investigated. If the Planning Board reaffirms its May 29, 2009 decision that data recovery of Archeological Site 18PR957 is preferable to preserving the site in place, DPR will work with the applicant to determine a suitable location for appropriate commemorative/ interpretive displays and/or signage in the Green Branch Athletic Complex. The commemorative/interpretive displays and signage in the park may be located in the park as determined appropriate.

9. **Trails**—This preliminary plan has been reviewed for conformance with Section 24-123 of the

Subdivision Regulations, the *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

Conformance to the Master Plan and Prior Approvals

Preliminary Plan of Subdivision 4-11011 involves a proposed shopping center on a property that has prior preliminary plan approval. The prior approval for 4-08052 included an analysis of bicycle and pedestrian facilities, as well as pedestrian safety needs. Issues that were addressed as part of these prior approvals include the master plan trail along Mill Branch Road, the pedestrian crossing of US 301 to Excalibur Lane, and internal pedestrian circulation on the site. Many of these issues and recommendations remain relevant to the subject site and are reiterated for this application, or will be reevaluated as part of the future detailed site plans. The proposed shopping center access roadway crosses the southwestern edge of the shopping center site. The previously approved preliminary plan included several conditions of approval that, while beyond the scope of this application, will improve pedestrian access from the City of Bowie onto the site. The conditions of approval that relate to pedestrian and bike access include:

- 12. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the DPW&T for the placement of a bikeway sign(s) along Mill Branch Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.**
- 13. The applicant and the applicant's heirs, successors and/or assignees shall provide, unless modified by the DPW&T and the SHA:**
 - a. Multiuse sidepath for pedestrians and bicyclists on Mill Branch Road connecting to the intersection of US 301 and Excalibur Road**
 - b. Provide a wide crosswalk with pedestrian islands on US 301 to create a safe road crossing and accommodate both pedestrians and bicyclists using the recommended sidepath**
 - c. Raised crosswalks on roads approaching Mill Branch Road to create safe road crossings for pedestrians and bicyclists**
 - d. Install "bikeway narrows" signage on the approach to Mill Branch Road and the site entrance**
- 6. Prior to the approval of final plats, a detailed site plan shall be approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance. The detailed site plan shall include, but not be limited to the following:**
 - f. Evaluate appropriate pedestrian connections and circulation including a connection to the Green Branch Regional Park,**

There are two master plan trails identified in either the MPOT or the *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* that impact the subject application. A master plan trail is recommended along the entire length of Excalibur Road. This has been implemented as an eight-foot-wide asphalt trail on the north side

of the road. This trail ends at the Wal-Mart property, approximately 400 feet west of the southbound lanes of US 301. The master plan recommends that this trail be extended to US 301. Mill Branch Road, which is directly across US 301 from Excalibur Road, is designated as a master plan bikeway. However, due to the density of the proposed development, the nature of the land use, and the road cross sections approved for the site at the time of the preliminary plan, an eight-foot-wide asphalt trail was required along the subject site's frontage of Mill Branch Road (previously Condition 13.a. of 4-08052). This trail is recommended with this application and will connect to the existing master plan trail on Excalibur Road and provide pedestrian and bike access to the shopping center. At-grade pedestrian improvements are also appropriate at the Mill Branch Road/US 301 intersection and were required at the time of the original preliminary plan approval (Condition 13.b – d). These conditions will improve pedestrian and bicycle access to the shopping center site, and are recommended herein.

The MPOT includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Internal pedestrian circulation should be addressed on the subject site. This is most appropriately done at the time of review of each DSP. The types of internal pedestrian connections that should be considered and incorporated into the DSP reviews include (1) access from the master plan trail along Mill Branch Road to the proposed shopping center, (2) access to the adjacent park facility, (3) internal pedestrian access from the main shopping to the adjacent pad sites, and (4) pedestrian safety features, particularly where pedestrians will cross heavily travelled roads or drive aisles.

Bike and pedestrian access is appropriate to the adjacent park site. Vehicular access to the parkland will be via an access drive from Mill Branch Road, which is currently an open section road. However, the proposed development will require frontage improvements along Mill Branch Road that include curb, gutter, and sidepath. The initial portion of the access drive will be constructed by DPR and will be open section. Staff recommends a sidepath along the access drive on proposed Parcel A when the ultimate access drive is completed by the applicant to ensure a sufficient pedestrian/bicycle connection is provided from Mill Branch Road through to the shopping center and the adjacent park property. However, the access drive is a private easement and not a public street; therefore, the sidepath cannot be required under Subdivision Regulations. The applicant can choose to implement the sidepath with access drive to the benefit of the public.

10. **Transportation**—The subject application proposes the construction of 91,000 square feet of office; 405,000 square feet of retail; and a 150-room hotel in one phase. The applicant submitted a traffic study dated March 29, 2012. While the traffic study acknowledged that the applicant may propose a Phase II in the future, the traffic study analysis only included Phase I. The applicant has been advised that, to proceed with Phase II, a new preliminary plan of subdivision and a new determination of adequacy are required if the trip cap established herein is exceeded. 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” (Guidelines) for Phase I only. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
US 301 @ Governors Bridge Road—Harbor Way	B/1138	D/1326
US 301 @ MD 197—Rip’s Restaurant Access	A/954	C/1240
US 301 @ Mill Branch Road—Excalibur Road	D/1304	D/1392
MD 197 @ Mitchellville Road	A/667	A/851
US 301 @ Heritage Boulevard—Ball Park Road	A/1000	D/1317

The traffic study identified eleven background developments whose impact would affect some or all of the study intersections. Based on the last ten years of average daily traffic (ADT) along Laurel-Bowie Road (MD 197) as well as Robert Crain Highway (US 301), no discernible growth has been detected; consequently, no adjustment for growth was made to the traffic data. A second analysis was done to evaluate the impact of the background developments on existing infrastructure. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
US 301 @ Governors Bridge Road—Harbor Way	C/1174	D/1392
US 301 @ MD 197—Rip’s Restaurant Access	C/1167	E/1559
US 301 @ Mill Branch Road—Excalibur Road	D/1398	E/1572
MD 197 @ Mitchellville Road	A/758	B/1013
US 301 @ Heritage Boulevard—Ball Park Road	B/1066	D/1413

Regarding potential uses for the subject application, the traffic study assumed the following uses for the Phase I development:

- 91,000 square feet office
- 405,000 square feet retail
- 150 hotel rooms

Using the Guidelines, as well as the *Trip Generation Manual* (Institute of Transportation Engineers), the study has indicated that the aforementioned uses (after factoring pass-by trip reduction) will be adding 596 (410 in; 186 out) AM peak hour trips and 1,018 (465 in; 553 out) PM peak hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersection	AM (LOS/CLV)	PM (LOS/CLV)
US 301 @ Governors Bridge Road-Harbor Way	C/1191	D/1433
US 301 @ MD 197-Rip's Restaurant Access <i>With Improvements</i>	C/1238 A/999	F/1704 D/1373
US 301 @ Mill Branch Road-Excalibur Road <i>With Improvements</i>	F/1853 B/1131	F/2588 D/1432
MD 197 @ Mitchellville Road	A/792	B/1100
US 301 @ Heritage Boulevard-Ball Park Road <i>With Improvements</i>	B/1121 B/1116	E/1474 D/1442
Mill Branch Road @ Site Access road	A/316	A/479

The results shown in the table above have indicated that there are three signalized intersections that would operate unacceptably under total traffic conditions. To address the inadequacies at these intersections, the traffic study proposed the following improvements:

a. US 301 @ MD 197—Rip's Restaurant Access

- Modify the westbound exit from Rip's restaurant to a three (3) lane exit to provide an exclusive left lane, a through lane and a right-turn lane.
- Provide an additional left-turn lane along the northbound approach to provide a total of three left-turn lanes.
- Provide three receiving lanes on the western leg (MD 197) of the intersection subject to SHA requirement.
- Provide a fourth southbound through lane by converting the existing right turn lane into a shared through-right lane.

b. US 301 @ Mill Branch Road—Excalibur Road

- Construct a double southbound left turn along US 301 at Mill Branch Road.
- Widen Mill Branch Road to a four (4) lane westbound approach providing two (2) left-turn lanes, one through lane and a free right-turn lane.
- Provide three receiving lanes on the eastern leg of the intersection (Mill Branch Road) subject to the requirements of SHA/DPW&T.
- Provide a third northbound through lane along US 301 beginning at a point 1,000 feet south of Mill Branch Road, and ending at a point approximately 2,500 feet north of Mill Branch Road.

c. US 301 @ Heritage Boulevard

- Re-stripe the southbound right turn lane along US 301 to a shared through/right lane.

The traffic study re-analyzed the failing intersections predicated on all of the improvements being in place. The previous table shows the italicized results based on the applicant's proffered improvements. As shown in the previous table, all of the failing intersections will operate at adequate levels of service if the identified improvements are in place.

Mitigation

The traffic study proposed the following improvements under the provisions of mitigation pursuant to Section 24-124(a)(6) of the Subdivision Regulations:

- a. US 301 @ MD 197—Rip's Restaurant Access
 - Modify the westbound exit from the Rips restaurant to a three (3) lane exit to provide an exclusive left lane, a through lane and a right turn lane.
 - Provide an additional left-turn lane along the northbound approach to provide a total of three left-turn lanes.
 - Provide three receiving lanes on the western leg (MD 197) of the intersection subject to SHA requirement.

Transportation Facilities Mitigation Plan (TFMP) Capacity Analysis Results

Intersection	Existing Traffic	Background Traffic	Total Traffic	CLV increase (+) decrease (-)	Required Mitigation %	Actual Mitigated %
PM Peak Hour Traffic						
LOS/CLV						
US 301 @ MD 197	C/1240	E/1559	F/1704	+145	150	
<i>with mitigation improvement</i>			<i>E/1457</i>	<i>-247</i>		<i>169.5</i>

The above table indicates that the proposed mitigation action would mitigate at 169.5 percent of site-generated trips during the PM peak hour, reducing the critical lane volume (CLV) by 247 trips. The intersection of US 301 @ MD 197 will operate within the allowable thresholds required under the use of mitigation. **Therefore, the applicant's proposed mitigation at US 301 and MD 197—Rip's Restaurant Access meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Regulations in considering traffic impacts.**

DPW&T and SHA Comments

Staff is in general agreement with the findings and conclusions of the traffic study. In addition to the Transportation Planning Section, the traffic study was reviewed by two other agencies, the State Highway Administration (SHA) and the Department of Public and Transportation (DPW&T). The City of Bowie was also solicited for comments on the traffic study.

In a May 31, 2012 memorandum (Issayans to Burton), Mr. Issayans provided comments on the following issues:

- "The westbound right turn lane at the US 301 @ Governor Bridge intersection must be

extended an additional 200 feet.”

While this improvement is not required for additional capacity, its implementation would enhance traffic operation.

- “If a second left-turn lane is to be provided on the southbound approach at the intersection of US 301 and Excalibur Road/Mill Branch Road, a second receiving lane must be provided on Mill Branch Road and extended to the proposed access point.”

The Transportation Planning Section concurs.

- “An acceleration lane should be provided on northbound US 301 for the westbound free right turn movement from Mill Branch Road.”

While this improvement is not required for additional capacity, its implementation would enhance traffic operation and will require a permit from SHA.

- “We recommend that the lane configuration on eastbound Excalibur Road at US 301 be changed to exclusive left, through and right turn lanes. With this configuration, concurrent phasing for the east-west movement should be evaluated for further improvement in operations.”

This improvement may enhance traffic operation; however, its implementation will affect the phasing and, consequently, the capacity of the intersection. Transportation Planning Section does not support this change.

- “A double left turn lane from Mill Branch Road into the Site, with two receiving lanes, shall be provided. A traffic signal is to be installed at this intersection. Additionally, a right turn bay shall be provided on westbound Mill Branch Road at the Site Access.”

The Transportation Planning Section concurs.

- “The signal at the Site Access should be timed to work efficiently with the signal at US 301/Mill Branch Road.”

The Transportation Planning Section concurs.

- “No trip generation rates and volumes were provided for the Regional Park that will be located at the end of the Site Access Road.”

The regional park does not meet the definition of a pipeline development. The Guidelines define a pipeline development as one having an approved and valid preliminary plan of subdivision, final plat, or record plat. None of these criteria apply to the park site.

- “Signal timing optimization (splits and offsets) is recommended along US 301 to improve operations and progression in the study area.”

The Transportation Planning Section concurs.

- “Since several of the subject intersections are under the jurisdiction of the Maryland State Highway Administration, they will make the final decision on any recommendations

along US 301 and MD 197.”

Transportation Planning Section concurs.

In May 2009, the Planning Board approved a Preliminary Plan of Subdivision (4-08052) for the subject property. During the review process for that application, staff received feedback from citizens regarding operational issues on and between both ends of Mill Branch Road. Specifically, the citizens were concerned about accidents and overall safety on Mill Branch Road, as well as potential congestion on Mill Branch Road between the site entrance and US 301. In response to these concerns, DPW&T disclosed that there were two non-fatal/non-injury accidents reported on Mill Branch Road at or near the intersection with Queen Anne Bridge Road. Those accident data were collected between 2005 and 2007. DPW&T further disclosed that, within that same period, there were three non-fatal accidents reported on Mill Branch Road, at or near the intersection with US 301. In its review of the current traffic study, DPW&T provided no further update regarding traffic operation along Mill Branch Road.

The Transportation Planning Section is in receipt of a May 18, 2012 letter (Foster to Burton). While SHA supports many of the recommendations in the traffic study, SHA identified several issues:

- “This updated report did not include a growth rate to the design year of Phase I development. According to recent trends examined by the Travel Forecasting Division, a 3% annual growth at to the build-out year of the development should be assumed.”

Pursuant to the Guidelines, growth rate is computed by averaging the last ten years of ADT. The last ten years of data shows approximately zero growth. There is no empirical evidence to support a three percent growth rate.

- “It appears that Background Development #11 (Public Elementary School) was not included in the future traffic projections. The future traffic estimates should be updated to include this development.”

The Guidelines define a pipeline development as one having an approved and valid preliminary plan of subdivision, final plat, or record plat. None of these criteria apply to the school site and it was therefore not included in background.

All of the transportation facilities evaluated in the applicant’s traffic study are under the authority of SHA or DPW&T. However, since the subject property has been annexed into the City of Bowie, a copy of the traffic study was sent to the City for their review and comments. Staff is in receipt of a response letter dated May 22, 2012 from the City to Elizabeth Hewlett, Chairman of the Planning Board. Based on this letter, the City of Bowie concurs with the improvements proffered by the applicant at the critical intersections as well as the link of Mill Branch Road between US 301 and the entrance to the regional park.

Master Plan and Right of Way Dedication

The property is located in an area where the development policies are governed by the approved Bowie and Vicinity Master Plan, 2006. One of the recommendations from the master plan was the upgrade of US 301 to a freeway (F-10), as well as the conversion of at-grade intersections along US 301 to grade-separated interchanges. The subject property will be impacted by expansion along US 301 as well as interchanges at Mill Branch Road and MD 197. The proposed plan is showing right-of-way dedication along US 301, as well as Mill Branch Road that are

consistent with master plan requirements. The proposed dedication for the right-in/right-out entrance on US 301 is also found to be acceptable to staff and is necessary to serve the development. While the proposed interchanges have received state and federal approval at the planning level, one or both facilities may be subject to further engineering modification. In that regard, staff will recommend right-of-way dedication for the Mill Branch Road interchange based on the currently approved footprint. However, if by the time of record plat for the subject property, SHA decides on a smaller footprint for the interchange, staff will re-assess the right-of-way needs accordingly and the right-of-way dedication may be reduced, with the concurrence of SHA, prior to final plat approval.

Reservation

In accordance with Division 7, Section 24-139, 24-140, and 24-141 of the Subdivision Regulations, the Planning Board, when reviewing a preliminary plan of subdivision, shall refer to the General Plan, master plans, or amendments and parts thereof to determine the need for reserving for public use any of the land included in the preliminary plan. Reservations may be required for highway, transit, or street rights-of-way. If a reservation appears desirable, the Planning Board refers the plan to the public agency concerned with acquisition for its consideration and report; and to the County Executive, County Council, and any municipality within which the property is located, for their comments. The public agency's recommendation, if affirmative, includes a map showing the boundaries and area of the parcel to be reserved, and an estimate of the time required to complete the acquisition. Upon receipt of an affirmative report from a public agency, the Planning Board **shall** establish the reservation, with or without modifications, concurrently with the approval of the preliminary plan of subdivision.

Further, Section 24-140 states that no reservation shall continue for longer than three years without the written approval of all persons holding or otherwise owning any legal or equitable interest in the property. The reservations will be exempt from all state, county, and local taxes during the reservation period. Prior to the expiration of a reservation period, with the written consent of all land owners, the Planning Board may renew the reservation for additional periods of time; provided that the time period of the renewal is mutually agreeable to the land owners and the Planning Board. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation will expire. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the property owner(s).

As stated above, the master plan recommends the upgrade of US 301 to a freeway (F-10), as well as the conversion of at-grade intersections along US 301 to grade-separated interchanges. Based on the recommendations of the master plan, the subject property will be impacted by expansion along US 301, as well as interchanges at Mill Branch Road and at MD 197. The traffic study did assume that any expansion of the proposed development beyond the proposed Phase I would be reliant on capacity created by the future interchange at MD 197. Given the fact that the proposed development is for Phase I only, the findings of adequacy were made without the need for dedication of the future interchange at MD 197. However, as recommended by the master plan and MPOT, the future interchange at MD 197 and US 301 will impact the subject property; therefore, a referral was made to SHA concerning potential reservation in accordance with Section 24-139(b) of the Subdivision Regulations to the appropriate agencies.

Based on a June 1, 2012 letter from SHA (Slater to Foster), SHA has expressed its support for reservation of approximately 7.0 acres of the footprint of the proposed master plan interchange at MD 197 at US 301 (SHA Exhibit A). With the current SHA Consolidated Transportation

Program (CTP) showing funding for right-of-way acquisition within the county, SHA has also expressed a three-year timeframe within which it anticipates a completion of the acquisition process. Given that SHA's response is affirmative with a timeframe for acquisition, the request is consistent with the requirements of Section 24-139(b) and it is recommended that 7.0 acres of the footprint of the future proposed interchange at MD 197 and US 301 be placed in reservation for three years.

Transportation Conclusions

Based on the preceding findings, it is determined that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations if the application is approved with conditions.

11. **Variation to Section 24-121(a)(3)**—This preliminary plan proposes a primary access to Mill Branch Road and a secondary access (right-in/right-out) to Robert Crain Highway (US 301) from the subject site. It is noted that US 301 is a master plan freeway facility and, pursuant to Section 24-121 of the Subdivision Regulations, for lots that front on arterial roadways or higher classification, these lots shall be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This requirement requires an applicant to develop alternatives to direct access onto an arterial roadway. Section 24-121(a)(3) of the Subdivision Regulation states:

- (3) **When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right of way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

The site has frontage on Mill Branch Road and US 301. Proposed Parcel A is proposing one direct vehicular access onto Mill Branch Road. Parcel A is intended to be used for an access drive only and no commercial buildings are permitted. Proposed Parcel 4 is proposing right-in/right-out access onto US 301. Since US 301 is an existing arterial facility, a request was submitted for a variation from Section 24-121(a)(3) for proposed access onto US 301. Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of a variation request and reads as follows:

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

The site access plan for the subject property is providing one full-signalized access driveway onto Mill Branch Road and is requesting a variation for a limited right-in/right-out point of access along the property frontage on US 301. This access has been previously reviewed by the State Highway Administration (SHA) and is consistent with their recommendation.

- (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 is the only property on US 301 in the general area which has vehicular access through the site for a regional park facility.

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

The variation to Section 24-121(a)(3) is unique to the Subdivision Regulations and is not regulated by any other law, ordinance, or regulations. Therefore, granting of the variation will not violate any other code requirement.

- (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 regulations is carried out.**

Due to the property's shape, the primary frontage is on US 301, a limited-access highway. The lesser frontage is on Mill Branch Road, a designated historic road. Because of the limited opportunities for access onto Mill Branch Road, the US 301 point of access is critical. Without the second access onto US 301, the on-site circulation would be limited and could create an unsafe situation. Based on the proceeding findings, staff previously recommended approval of the variation to Section 24-121(a)(3) of the Subdivision Regulations for direct access to US 301 as delineated on the preliminary plan.

Based on the preceding findings, the criteria for approval of a variation has been met for proposed access onto US 301 for Parcel 4 and therefore, the variation request from Section 24-121(a)(3) is recommended for approval with the condition that direct access from Parcels 1–3 to US 301 be denied, and the record plat contain a note that all of the parcels are subject to a cross access easement pursuant to Section 24-128(b)(15) of the Subdivision Regulations for an integrated shopping center.

12. **Schools**—The proposed preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (County Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
13. **Fire and Rescue**—The proposed preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
16	Northview	Engine	14901 Health Center Dr.	2.23	3.25	Within
43	Bowie	Ladder Truck	16408 Pointer Ridge Dr.	2.98	4.25	Within
16	Northview	Ambulance	14901 Health Center Dr.	2.23	4.25	Within
43	Bowie	Paramedic	16408 Pointer Ridge Dr.	2.98	7.25	Within

Capital Improvement Program (CIP)

There are no Prince George's County Capital Improvement Program (CIP) projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

14. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2011 (U.S. Census Bureau) county population estimate is 871,233. Using 141 square feet per 1,000 residents, it calculates to 122,843 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
15. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 4, Community System. The property must be approved for water and sewer Category 3 through the administrative amendment procedure before approval of a final plat.

A water main in Robert Crain Highway (US 301) south is situated on the west (south bound) side of this divided highway. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC).

16. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision and has no comments.
17. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication on the final plat:

"Utility easements are granted pursuant to the terms and provisions recorded among the Land Records of Prince George's County in Liber 3703 at Folio 748."

The preliminary plan of subdivision correctly delineates a ten-foot-wide public utility easement (PUE) along the public rights-of-way as requested by the utility companies and will be required on the final plat.

18. **Historic**—The subject Preliminary Plan, 4-11011, is substantially the same as the previous application, 4-08052. The subject property comprises 73.98 acres and is located east of Crain Highway (US 301), between Laurel-Bowie Road (MD 197) and Mill Branch Road. The subject property contains two archeological sites with one site eligible for the National Register of Historic Places.

Phase I Archeological Survey

A Phase I archeological survey was completed on the subject property in November 2006 prior to submission of both the subject preliminary plan application and the previous one. A total of four archeological sites were identified. The Mill Branch Crossing Ridge Site (18PR856) is located in the southern portion of the property and consists of a light scatter of 18th century artifacts. The Mill Branch Crossing Field Site (18PR857) is located in the southeastern portion of the property

and consists of a large scatter of 18th century artifacts. The Mill Branch Crossing Homestead Site (18PR858) is located in the north central portion of the property and consists of a 20th century homestead and associated tobacco barn. The Mill Branch Crossing Mill Site (18PR859) is a possible early 20th century agricultural complex that includes two concrete dams across a tributary of Green Branch, a pond with artificially constructed berms and an artificial channel. Due to the paucity of materials recovered from the Mill Branch Crossing Ridge Site (18PR856), no further archeological investigation was recommended. No further work was recommended for the Mill Branch Crossing Homestead Site (18PR858) due to the relatively late 20th century date of the materials and the disturbed subsurface context from which many of the artifacts were recovered. At the time the Phase I survey was conducted, the area where site 18PR859 is located was designated as open space and no further work was recommended on this site. However, the archeological report noted that, if new development plans will impact this area, subsequent archaeological investigation may be necessary.

The Mill Branch Crossing Field Site (18PR857) contained a large concentration of artifacts dating to the mid- to late-18th century and it appeared likely that there were intact deposits below the plow zone. Therefore, Phase II investigations were recommended on this site. The Historic Preservation Section (M-NCPPC) received a draft copy of the Phase I report in December 2006.

In a review letter dated January 24, 2007, staff concurred that no further work was necessary on sites 18PR856 and 18PR858 and that, if site 18PR859 remains in an area that will not be impacted by construction, then no further work is necessary on this site. Staff additionally concurred that Phase II investigations should be conducted on site 18PR857 to determine the extent of the site, its date, and the presence of intact features. The final Phase I archeological report was accepted by the Historic Preservation Section on February 27, 2007.

Phase II Archeological Survey

A Phase II work plan for site 18PR857 was submitted to the Historic Preservation Section in December 2006. The work plan was approved and the Phase II investigations were conducted in May and June 2007. At least 11 intact features, including post holes, a possible chimney foundation, and several pits were identified in excavation units placed across the site. Artifacts recovered from the excavations indicate that the site was occupied from the early to late 1700s and was abandoned by about 1800. A draft Phase II report was submitted to the Historic Preservation Section on April 15, 2008. A review letter asked the applicant to explore preserving the site in place. Four copies of the final Phase II report were received on March 12, 2009 and were accepted by the Historic Preservation Section on March 31, 2009.

Historical documents indicate that site 18PR857 was located on the Ample Grange survey that was patented to James Neale in 1670. John Boyd, a tavern owner in the small town of Queen Anne in the early 1700s, obtained title to Ample Grange in 1697. John Boyd died around 1704 and his will stipulated that his Ample Grange land be divided among his six children. The land allotted to each child was never described by metes and bounds. One daughter, Mary Boyd Bateman, was married at that time (1704) to Ishmael Bateman. Later deeds indicate that Ishmael and Mary Bateman resided at site 18PR857 in the late 1600s or early 1700s. Ishmael Bateman appears to have died before 1721, as he is not mentioned in the will of Mary Boyd, the wife of John Boyd and the mother of Mary Bateman. Mary Boyd Bateman remarried to William Goe in 1725 and they probably continued to reside at site 18PR857. It was not until March 1762 that the heirs of John and Mary Boyd agreed on a partition of the Ample Grange survey. William Goe was allotted a 100-acre tract in the southwestern portion of Ample Grange, the site of 18PR857. William Goe died in 1762 and he left a will in which he allotted 200 acres to his son, William Goe Jr. William Goe's inventory shows that he held seven enslaved laborers at the time of his death, Jack, Janey, Tobey, Lucey, Nacey, Rachel, and Jane.

William Goe Jr. may have also lived at site 18PR857 until about 1772, when he sold the property to Thomas Belt. One year later, Thomas Belt conveyed the land on which site 18PR857 is located to Thomas Boyd, who was a relative of William Goe Jr., and a great-grandson of John and Mary Boyd. Thomas Boyd married Charity Duckett, a sister of Baruch and Isaac Duckett, in 1757. Thomas and Charity Boyd may have lived at site 18PR857 after acquiring the property in 1773. By 1792, Thomas Boyd had accumulated numerous debts against his plantation on the Ample Grange survey and conveyed his interest in the property to his brother-in-law, Baruch Duckett. Baruch Duckett may have allowed Thomas and Charity Boyd to continue to live at site 18PR857. Thomas Boyd died about 1797 and an inventory was taken of his estate at that time.

Phase II investigations have determined that site 18PR857 is eligible for listing in the National Register of Historic Places under Criterion D. Artifacts recovered from 18PR857 indicate the site was occupied from the early 18th century (early 1700s) to about 1800. Phase II archeological investigations of site 18PR857 have identified 11 intact features below the plow zone that represent the remains of at least two post-in-the-ground structures and possibly some outbuildings spanning the 18th century.

According to the Planning Board's *Guidelines for Archeological Review*, a site shall be subject to Phase III treatment if it meets criteria of: A. Rarity, B. Research Value, C. Public Value, D. Site Integrity, or E. Interpretive Value in Place. This site can provide significant information on the early history of Prince George's County and on a significant family, the Boyds, who were early settlers. Only 85 other archeological sites dating to this period have been identified in Prince George's County and, therefore, the site is a fairly rare type (Criterion A). Site 18PR857 traces the history of a Prince George's County family from the early settlement of the county, through the transition from indentured servitude, to a reliance on slave labor and, therefore, has important research value (Criterion B). Features identified at site 18PR857 indicate that this was an extensive plantation complex occupied by a middling planter family and intact deposits and features exist (Criterion D). Site 18PR857 extends across an area of at least 1.3 acres. The Phase II report recommends that the site be preserved in place due to its interpretive value (Criterion E). Site 18PR857 would provide significant information comparable to other 18th century sites excavated in the county. Site 18PR705 located within the Waterford development and about 3.7 miles west of 18PR857 was occupied by Richard Duckett, the father of Charity Duckett Boyd, Baruch Duckett, and Isaac Duckett.

Previous Approvals

The Historic Preservation Commission (HPC) previously reviewed a preliminary plan of subdivision for the subject property (Preliminary Plan 4-08052, Mill Branch Crossing) at its April 21, 2009 meeting. Staff recommended that an archeological site identified within the property (18PR857) be preserved in place with an environmental setting of at least two acres and that the site be designated as a Prince George's County historic site to be known as the William Goe Plantation Site.

HPC voted to recommend the designation of Archeological Site 18PR857, the William Goe Plantation Site, as a historic site according to the procedures outlined in the Planning Board's *Guidelines for Archeological Review* (Attachment 2). HPC concluded that the site meets two criteria for historical and cultural significance, as specified by the Prince George's County Historic Preservation Ordinance (Subtitle 29):

- a. As the location of an early Prince George's County plantation household whose occupants participated in the agricultural economy and the institution of slavery, site 18PR857 has interest and value as part of the development and heritage of the County near the early port town of Queen Anne (1)(A)(i).**
- b. As an excellent example of a plantation site spanning the eighteenth century, a period when many plantations were transitioning from the use of indentured servants to bound labor, site 18PR857 exemplifies the economic, social and historical heritage of the county in its eighteenth century communities (1)(A)(iv).**

HPC reviewed the previous application, Preliminary Plan 4-08025 for Mill Branch Crossing, at its April 21, 2009 meeting. HPC voted to recommend the designation of Archeological Site 18PR857, the William Goe Plantation, as a historic site according to the procedures outlined in the Planning Board's *Guidelines for Archeological Review*. HPC found that Archeological Site 18PR857 is both historically and culturally significant and that it could be found to meet at least two criteria within Section 29-104(1)(A)(i)—**it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation**, and Section 29-104(1)(A)(iv)—**it exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities**. The period of significance for the archeological site relates directly to the occupancy of the property by the Boyd and Goe families from at least the early 1700s until about 1800, when the site appears to have been abandoned. On that basis, HPC recommended preservation in place of Archeological Site 18PR857.

The application for approval of Preliminary Plan 4-08052 for Mill Branch Crossing, Parcel A was presented to the Planning Board on May 28, 2009 for its review and action. After lengthy discussion, the Planning Board concluded that data recovery of Archeological Site 18PR857 was preferable to preserving the site in place within the shopping center property. The Planning Board approved Preliminary Plan 4-08052, Mill Branch Crossing with the following conditions regarding Archeological Sites 18PR857 and 18PR859 (PGCPB Resolution No. 09-85):

- 8. Prior to the approval of the detailed site plan, the applicant shall submit a Phase III mitigation and data recovery plan for review and approval by the Historic Preservation staff and the Historic Preservation Commission for 18PR857. The applicant shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manner and brought back to the site for interpretative exhibits to be determined by the Planning Board at the time of review of the Detailed Site Plan.**

9. **The applicant shall provide interpretive signage detailing the results of the archeological investigations at site 18PR857. The location, wording and timing for its installation shall be reviewed at the time of detailed site plan and be reviewed by the staff archeologist.**
10. **If archeological site 18PR859, located in the northern portion of the property, will be impacted by the proposed development, the applicant shall provide a plan for:**
 - a. **Evaluating the resource at the Phase II level, or**
 - b. **Avoiding and preserving the resource in place.**
11. **If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of final plat.**

The applicant submitted a Phase III data recovery plan for the mitigation of Archeological Site 18PR857 in June 2009. This plan provides a detailed description of Phases I and II findings and outlines where concentrations of architectural and domestic artifacts were recovered. A series of research questions are listed that address issues such as site layout, types of structures present, social status, and foodways. However, there is no discussion of slavery or the use of enslaved labor on this plantation. William Goe, who resided on the property in the mid-18th century, held seven slaves at the time of his death in 1762.

Site 18PR857 was occupied by Thomas Boyd, a relative of William Goe's, in the later 18th century. His wife was Charity Duckett, daughter of Richard Duckett, a prominent planter in Prince George's County during the early 18th century. Richard Duckett's homestead, 18PR705, was excavated in 2006 and was located about 3.7 miles west of 18PR857. Material from 18PR857 should be compared to that from 18PR705, as the families were related. Other 18th century plantation sites in Prince George's County should also serve as comparative material, as stated in the methodology section.

The applicant's Phase III work plan proposes up to 50, three by three-foot units will be excavated to sample the plow zone in areas where the highest artifact concentrations were identified in the Phase I and II investigations. Mechanical stripping of the plow zone will occur on at least one-half acre of the site. Expansion of the area exposed by mechanical stripping may be necessary to completely expose all features. All features will be completely excavated. Samples will be taken from features containing ash material to search for botanical remains that will shed light on the diet of the site's occupants. The data recovery plan's methodology is consistent with state and county standards and requirements.

Proposed interpretive measures include public lectures, professional conference papers, and articles in professional journals. Subsequent to the field investigations, an on-site exhibit will be developed that will be housed within one of the buildings to be constructed on the property. Additional interpretive signage will be placed near the site's location. Proposed interpretive

measures meet state and county standards and guidelines.

HPC reviewed the applicant's Phase III work plan for site 18PR857 at its September 15, 2009 meeting and voted 4-1-1 (the Vice-Chair voted "no" and the Chair voted "present") to approve the applicant's Phase III work plan with two conditions:

- a. **Several research questions that address slavery shall be added to the work plan.**
- b. **The applicant shall provide interpretive signage detailing the results of the archeological investigations at site 18PR857. The location, wording and timing for its installation shall be reviewed at the time of detailed site plan and be reviewed by the staff archeologist.**

These conditions were addressed in a revised Phase III work plan that was submitted to Historic Preservation Section in March 2012.

Historic Preservation Commission

The Historic Preservation Commission (HPC) reviewed the new Preliminary Plan, 4-11011, for the subject property at its April 17, 2012 meeting. HPC voted 5-0 to reaffirm its April 21, 2009 decision to recommend the designation of Archeological Site 18PR857, the William Goe Plantation, as a historic site according to the procedures outlined in the Planning Board's *Guidelines for Archeological Review*. HPC found that Archeological Site 18PR857 is both historically and culturally significant and that it could be found to meet at least two criteria within Section 29-104(1)(A)(i)—**it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation**, and Section 29-104(1)(A)(iv)—**it exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities**. The period of significance for the archeological site relates directly to the occupancy of the property by the Boyd and Goe families from at least the early 1700s until about 1800, when the site appears to have been abandoned. On that basis, HPC recommended preservation in place of Archeological Site 18PR857.

In addition, HPC reaffirms its April 21, 2009 decision to recommend the following conditions to the Planning Board for its review of Preliminary Plan 4-11011:

- a. Prior to final plat, an environmental setting of at least 1.5 acres shall be established for Archeological Site 18PR857 to ensure that a sufficient area of nondisturbance is placed around the site (Staff exhibits 1 and 2).
- b. The applicant should work with an organization, such as the Archaeological Conservancy, to preserve Archeological Site 18PR857 in place as an important example of the county's early historical heritage.
- c. The applicant shall provide interpretive signage detailing the results of the archeological investigations at site 18PR857. The location and wording shall be subject to approval by the staff archeologist prior to the issuance of any building permits for the development. The signage and other interpretive material shall be in place prior to the final use and occupancy permit for the subject property.
- d. If Archeological Site 18PR859, located in the northern portion of the property, will be impacted by the proposed development, prior to Planning Board approval of the final plat, the applicant shall provide a plan for:

- (1) Evaluating the resource at the Phase II level, or
 - (2) Avoiding and preserving the resource in place.
- e. If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of final plat.

However, if the Planning Board reaffirms its May 29, 2009 decision that data recovery of Archeological Site 18PR857 is preferable to preserving the site in place within the shopping center property, HPC recommends that Phase III data recovery be conducted on site 18PR857 and recommends the following conditions:

- a. Prior to Planning Board approval of a detailed site plan for Parcel 2, the applicant shall:
 - (1) provide a plan for the installation of on-site commemorative/interpretive features and other public outreach measures focused on the history and significance of the subject property based on the findings of the Phase I, Phase II, and Phase III archeological investigations and other research on the property. The location and wording of the signage and public outreach measures shall be subject to approval by the Planning Board or its designee;
 - (2) if Archeological Site 18PR859, located in the northern portion of the property, will be impacted by the proposed development, the applicant shall provide a plan for evaluating the resource at least at the Phase II level.
- b. Prior to any ground disturbance or the approval of any grading permits, the applicant shall provide a final report detailing the Phase III investigations at site 18PR857 and 18PR859, if necessary, and ensure that all artifacts are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, MD. Proof of disposition of the artifacts shall be provided to Historic Preservation staff. Some of the artifacts shall be brought back to the site for interpretive exhibits.
- c. Prior to the first use and occupancy permit for Parcel 2, the applicant shall install the on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures for sites 18PR857 and 18PR859.

For the previous Preliminary Plan, 4-08052, the Planning Board approved Phase III data recovery for Archeological Site 18PR857, therefore, staff finds it is appropriate to carry forward the Planning Board previous approval of Phase III data recovery with conditions.

Archeological Site 18PR859 is located in the northern portion of the subject property to the south of Green Branch. The preliminary plan shows the site in a tree preservation area. If site 18PR859 will be impacted by any proposed construction or stream restoration efforts, a Phase II work plan should be submitted to further investigate the date, extent, and integrity of this cultural resource.

19. **Residential Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan is recommended. There exists different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. A new preliminary plan is recommended if residential development is to be proposed.
20. **Detailed Site Plan**—In accordance with Section 24-110 of the Subdivision Regulations, a detailed site plan (DSP) is recommended in accordance with Part 3, Division 9, Subdivision 3 of the Zoning Ordinance for the development of Parcels 1–4. Specifically, Section 24-110 provides the following:

Regulation of the subdivision of land and the attachment of reasonable conditions to plat approval are an exercise of valid police power delegated by the State to the Commission. The developer has the duty to comply with reasonable conditions imposed by the Planning Board for the design, dedication, improvement, and restrictive use of the land, so as to enhance the physical and economic development of the Regional District and to protect the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

As discussed in the Community Planning section of this report, this property is located at a highly visible location along the Crain Highway (US 301) corridor, on a designated historic road (Mill Branch Road), and at the boundary of the Rural Tier. The 2006 Approved Bowie and Vicinity Master Plan makes specific recommendation for the development of this property which should be considered in the review of each DSP, as discussed in detail in the Community Planning Section of this report.

The transition between the Developing and Rural Tiers should be considered with the review of the DSP as well as the impact on the rural character and regional park facility to the east. The placement and orientation of buildings, landscaping and driveways, architectural elevations, and massing and scale of the improvements should also be included in the review of each DSP to evaluate and carefully plan how the development of this property relates to the surrounding uses and viewsheds.

The DSP's should evaluate the use of low impact development (LID) techniques which should be used to the fullest extent possible. The applicant should use green building techniques that reduce energy consumption, and new building design should strive to incorporate the latest environmental technologies in building construction and site design as recommended in the master plan.

As indicated in the Historic Section of this report, the Planning Board approved Phase III data recovery for archeological site 18PR857 with the previous Preliminary Plan 4-08052 and staff has carried forward that approval with this application. The review of the detailed site plan for Parcel 2 should include further evaluation that the recovery of all artifacts are curated in a proper manner, appropriate location of on-site commemorative/interpretive features, and the timing for the installation of the signage.

Therefore, it is recommended that a DSP be required for, but not limited to, to architecture, pedestrian, bike and vehicular connections for the shopping center, viewsheds, design and site layout of the shopping in relation to adjacent Rural Tier and Green Branch Regional Park, and the use of green building and site development techniques, for each parcel (1-4).

Pursuant to Section 27-270 of the Zoning Ordinance, Order of Approvals, the DSP is normally required prior to approval of the final plat of subdivision. However, in this case, approval of the DSP will have no bearing on the proposed parcel's configuration. Therefore, staff recommends that the DSP reviews for each parcel (not including Parcel A) could occur prior to building permits and not prior to final plat as provided for in Section 27-270(a)(5), which allows for modification of the order of approval if technical staff determines that the site plan approval will not affect final plat approval.

21. **City of Bowie**—The subject property has been annexed into the City of Bowie pursuant to Council of the City of Bowie Annexation Resolution R-11-12 enacted on April 2, 2012. The annexation became effective May 17, 2012. The resolution contains no conditions on the subject property.

The City of Bowie previously reviewed a preliminary plan of subdivision for the subject property (Preliminary Plan 4-08052, Mill Branch Crossing) at its public hearing on May 18, 2009. The Council of the City of Bowie voted to recommend approval of the previous preliminary plan with several conditions, mostly related to traffic and road improvements.

This Preliminary Plan of Subdivision, 4-11011, was referred to the City of Bowie for review and comment. Based on a letter dated May 22, 2012 (Robinson to Hewlett), the Council of the City of Bowie recommends approval of this application with the following conditions:

- a. No building permit for any building construction on the site shall be issued without the review and approval of a detailed site plan.**

A DSP is required for Lots 1–4 pursuant to this preliminary plan as discussed above in the Detailed Site Plan section of this report. Staff is recommending a DSP prior to approval of building permits for each parcel. Parcel A is not proposed for building development, and a DSP is therefore not recommended.

- b. At the time of final plat, the applicant shall dedicate 6.50 acres to the State Highway Administration for improvements to U.S. Route 301.**

The preliminary plan shows the required roadway dedication along US 301 and Mill Branch Road as discussed above in the Transportation section of this report. The roadway dedication is recommended as a condition.

- c. Direct vehicular access to U.S. Route 301 from proposed Lots 1, 2 and 3 shall be denied.**

General Note 35 on the preliminary plan indicates a denial of direct vehicular access to US 301 from Lots 1–3. Lots 1–4 will utilize an access easement over Parcel A to Mill Branch Road pursuant to Section 24-128(b)(15) of Subdivision Regulations as discussed above in the Transportation section of this report. The denial of access to US 301 from Lots 1–3 is recommended as a condition to be reflected on the record plat.

- d. Prior to issuance of any building permits within the subject site, the following road improvements shall: (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation “Consolidated Transportation Program (CTP)” or the Prince George’s County “Capital Improvement Program (CIP)”;** (b) have

been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

(1) U.S. Route 301/Heritage Boulevard Intersection

- (a) The applicant shall remark the southbound right turn lane along U.S. Route 301 to a shared through/right lane. (Through lanes exist beyond the intersection to accept the additional lane southbound.) Additional pavement markings shall be applied as necessary and as approved by the State Highway Administration.**

(2) U.S. Route 301/Mill Branch Intersection

- (a) The applicant shall construct a double southbound left turn lane along U.S. Route 301 at Mill Branch Road, in accordance with plans approved by the State Highway Administration.**
- (b) The applicant shall widen Mill Branch Road to a four (4) lane westbound approach to provide for: two (2) left turn lanes; one (1) through lane; and, one (1) free right turn lane onto U.S. Route 301 northbound.**
- (c) The applicant shall construct a third northbound through lane along U.S. Route 301, beginning at a point 1,000 feet south of Mill Branch Road and extending north to MD Route 197, a distance of 3,500 feet total, as approved by the State Highway Administration.**
- (d) Either modify the existing traffic signal, or install a new traffic signal, as required by the State Highway Administration.**

(3) Mill Branch Road/Site Access Intersection

- (a) The applicant shall construct two (2) left turn lanes into the site from eastbound Mill Branch Road, subject to the approval of the Prince George's County Department of Public Works and Transportation.**
- (b) The applicant shall construct a shared deceleration lane/right turn lane into the site from westbound Mill Branch Road, subject to the approval of the Prince George's County Department of Public Works and Transportation.**
- (c) The applicant shall install a traffic signal at the intersection of Mill Branch Road and the site access, subject to the approval of the Prince George's County Department of Public Works and Transportation.**

(4) U.S. Route 301/MD Route 197/Rip's Ingress/Egress Intersection

- (a) Modify the westbound exit from Rip's to a three (3) lane exit to accommodate exclusive left and right turn lanes.**
- (b) Provide an additional left turn lane northbound along U.S. Route 301 onto MD Route 197, and provide a third northbound receiving lane on MD Route 197.**
- (c) Modify the existing traffic signal, as necessary and required by the State Highway Administration.**

SHA and Transportation Planning Section have found the improvements are necessary to support the development and have included both improvements in the Recommendation section of this report. However, timing for the installation of the improvements is subject to the approval of SHA and their permitting process, who will establish the timing for construction at that time.

- e. In conjunction with the improvements to Mill Branch Road, the applicant shall install "Share the Road" signage along Mill Branch Road, subject to the approval of the Prince George's County Department of Public Works and Transportation.**

The "Share the Road" signage is recommended as a condition.

- f. In conjunction with the improvements to Mill Branch Road, signage shall be installed by the applicant along Mill Branch Road indicating that eastbound travel along Mill Branch Road is for "Local Traffic Only", subject to the approval of the Department of Public Works and Transportation.**
- g. The applicant shall maximize the use of public transit to the site to reduce vehicle trips to/from the property.**

Conditions f and g have been recommended as a condition in this report.

- h. Prior to approval of the final plat, Phase III Mitigation and Data Recovery Plan shall be submitted to the County for review and approval for Site #18PR857. If any artifacts are determined to be worth preserving, the applicant shall ensure that these artifacts are curated in a proper manner prior to any ground disturbance or the approval of any grading permits. The applicant shall work with the County Department of Parks and Recreation to locate interpretive displays related to the archeological findings on the Green Branch Park property.**

HPC is recommending preservation in place of 18PR857. For the previous Preliminary Plan, 4-08052, the Planning Board approved Phase III data recovery for Archeological Site 18PR857; therefore, staff is recommending the Planning Board's previous approval of Phase III data recovery with conditions.

- i. Prior to the issuance of any building permits within the subject site, the following road improvements shall: (a) have full financial assurances**

through either private money or full funding in the Maryland Department of Transportation “Consolidated Transportation Program (CTP)” or the Prince George’s County “Capital Improvement Program (CIP)”; (b) have been permitted for construction through the operating agency’s permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- (1) A grade-separated interchange at the U.S. Route 301/MD Route 197, as planned by the State Highway Administration, or improvements that result in a satisfactory Level of Service shall be constructed.**
- (2) A grade-separated interchange at the U.S. Route 301/Mill Branch Road, as planned by the State Highway Administration, or improvements that result in a satisfactory Level of Service shall be constructed.**

The roadway improvements recommended by the City are identical to those proposed by the applicant. Those improvements are contained in the Recommendation section plus additional improvements over those proposed by the applicant.

The City of Bowie recommended conditions have included herein.

RECOMMENDATION:

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Re-label Lots 1 through 4 to Parcels 1 through 4.
 - b. Add a note that states the following:

“Parcel A shall be used for an access drive and commercial directional signage only, for which no detailed site plan is required. Commercial buildings and freestanding commercial identification signage are prohibited on proposed Parcel A. This condition does not apply to building or signage for a federal or state agency.”
 - c. Revise General Note 35 to state the following:

“Direct vehicular access to US 301 will be denied to Parcels 1, 2, and 3. A cross-parcel access easement is authorized for Parcels 1–4 across Parcel A pursuant to Section 24-128(b)(15) of the Subdivision Regulations. The liber/folio of the easement agreement shall be reflected on the final plat.”
 - d. Revise Note 9 in the Site Data section to state that the proposed uses are 496,000 square feet retail/office and a 150-room hotel.
 - e. Show the proposed relocation of the 50-foot-wide joint access easement to M-NCPPC as

reflected on the Department of Parks Recreation Exhibit A.

2. Prior to approval of building permits on proposed Parcels 1–4, the applicant and the applicant’s heirs, successors, and/or assignees shall obtain approval of a detailed site plan for each parcel from the Planning Board or its designee.
3. At the time of each detailed site plan, the following additional specific site issues, as applicable to each parcel, shall be evaluated:
 - a. The pedestrian, bike, and vehicular connections for the shopping center, especially to the adjacent Green Branch Regional Park.
 - b. The view of the shopping center from the Crain Highway (US 301) corridor and Mill Branch Road.
 - c. An overall, consistent design aesthetic and site layout for the shopping center that relates to the adjacent Rural Tier and Green Branch Regional Park, and the use of green building and site development techniques.
4. Prior to approval of the first building permits for Parcels 1–4, the applicant and the applicant’s heirs, successors, and/or assignees shall provide a maximum 45-foot-wide landscape buffer along the entire southeastern property line of Parcel A. This buffer shall be planted in accordance with the *Prince George’s County Landscape Manual* requirements for a Section 4.7 Type “D” bufferyard for the first 40 feet immediately adjacent to Parcel 29, followed by a five-foot wide grass strip.
5. Parcel A shall be limited to 0 AM and 0 OM peak-hour vehicle trips and shall be used for an access drive and commercial directional signage only, for which no detailed site plan is required. Commercial buildings and freestanding commercial identification signage are prohibited on proposed Parcel A.
6. Prior to the approval of the final plat for Parcel A, the applicant and the applicant’s heirs, successors, and/or assignees shall relocated the 50- foot-wide joint access easement (Liber 28018 Folio 685) and provide the liber/folio of the easement agreement on the final plat.
7. Pursuant to Section 24-119(e)(2) of the Subdivision Regulations, the first final plat approval shall include Parcel A, which provides the primary access for Parcels 1–4.
8. Development of this site shall be in conformance with Stormwater Management Concept Plan 12844-2010-00 and any subsequent revisions.
9. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Add a graphic to the plan and legend which indicates which specimen trees are proposed for removal;
 - b. Graphically indicate the specimen trees proposed for removal;
 - c. Add the following note to the plan on the same plan sheet where the woodland conservation worksheet is provided:

“NOTE: A Variance Application to Section 25-122(b)(1)(G) was approved by the Planning Board in association with the approval of the preliminary plan to allow removal of Specimen Trees 1 through 3”; and

- d. Have the plan signed and dated by the qualified professional who prepared it.
10. Prior to approval of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
11. Prior to approval of any detailed site plan for the subject property, a stream and/or wetland restoration package shall be submitted for the environmentally sensitive restoration of the problem areas identified in the Stream Corridor Assessment Report or on the Green Branch tributary. Stream or wetlands restoration, wetland creation, or retrofitting of existing stormwater management facilities that are not required by some other section of County Code may be considered credit as mitigation. The amount and type of mitigation shall be determined at the time of detailed site plan.
12. Prior to approval of each detailed site plan, the applicant and the applicant’s heirs, successors, and/or assignees shall submit a lighting plan which addresses the use of lighting technologies that minimize light intrusion into the Rural Tier and environmentally-sensitive areas. Full cut-off optic light fixtures shall be used throughout this site including any lighting on Parcel A to reduce light intrusion outside of the Developing Tier, more effective directed lighting, and address best management practices for maintaining a dark sky.
13. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following:
 - a. A note to state the following:

“Parcel A shall be used for an access drive and commercial directional signage only, for which no detailed site plan is required. Commercial buildings and freestanding commercial identification signage are prohibited on proposed Parcel A.”
 - b. A note to state the following:

“Prior to any application for building permits on this site for a hotel, day care center, or similar residential-type use which falls within the established 65 dBA Ldn noise contour, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures have been designed to reduce interior noise levels to 45 dBA Ldn or less.”
 - c. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-022-07/01). The following note shall be placed on the final plat:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-022-07/01 or most recent revision), or as modified by

the Type 2 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 and Wildlife Habitat 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."

- d. A conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River primary management area, except for impacts to regulated environmental features approved by the Planning Board, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the final 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."

- e. A 40-foot-wide scenic easement, behind the ultimate right-of-way and public utility easement (PUE) shall be established along Mill Branch Road and a note shall be placed on the final plat as follows:

"Mill Branch Road is a county-designated historic road. The scenic easement described on this plat is an area the installation of structures and roads and/or 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."

- 14. Detailed site plans which include hotel or residential-type uses shall be evaluated for interior noise levels and may result in a condition, at the time of the initial building permits, that a certification be submitted to M-NCPPC prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
- 15. Prior to approval of any detailed site plan, the applicant shall:
 - a. Provide a plan for the installation of on-site commemorative/interpretive features and other public outreach measures focused on the history and significance of the subject property based on the findings of the Phase I, Phase II, and Phase III archeological investigations and other research on the property. The location and wording of the signage and public outreach measures shall be subject to approval by the Planning Board or its designee;
 - b. If Archeological Site 18PR859, located in the northern portion of the property, will be impacted by the proposed development, the applicant shall provide a plan for evaluating the resource at least at the Phase II level.
- 16. Prior to any ground disturbance or the approval of any grading permits, the applicant shall provide a final report detailing the Phase III investigations at site 18PR857 and 18PR859 (if

necessary) and ensure that all artifacts are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, MD. Proof of disposition of the artifacts shall be provided to the Historic Preservation Section (M-NCPPC). Some of the artifacts shall be brought back to the site for interpretive exhibits.

17. Prior to approval of the first use and occupancy permit for Parcel 2, or as determined appropriate at the time of DSP, the applicant shall install the on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures for sites 18PR857 and 18PR859.
18. If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant and the applicant's heirs, successor and/or assignees, shall provide proof to the Historic Preservation Section (M-NCPPC) that all necessary materials have been forwarded to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of any detailed site plan.
 - a. If site 18PR859 will be impacted by any proposed construction or stream restoration efforts, a Phase II work plan shall be submitted to further investigate the date, extent, and integrity of this cultural resource.
19. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation (DPW&T) for the placement of a bikeway sign(s) along Mill Branch Road, a designated Class III bikeway. A note shall be placed on the final plat for payment to be received prior to issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.
20. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following, unless modified by the Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA):
 - a. A multi-use sidepath for pedestrians and bicyclists on Mill Branch Road connecting to the intersection of Crain Highway (US 301) and Excalibur Road.
 - b. A wide, high-visibility crosswalk with pedestrian islands on Crain Highway (US 301) to create a safe road crossing and accommodate both pedestrians and bicyclists using the recommended sidepath along Excalibur Drive and Mill Branch Road.
 - c. Pedestrian countdown signals at Crain Highway (US 301), unless modified by SHA.
21. Prior to approval of the first final plat which shall include Parcel A, a cross access easement agreement authorized pursuant to Section 24-128(b)(15) of the Subdivision Regulations to assure access to Parcels 1–4 through Parcel A to Mill Branch Road shall be reviewed for sufficiency by the M-NCPPC legal department and shall be recorded in Prince George's County Land Records and the liber/folio reflected on the final plats for each parcel.
22. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. Grant a ten-foot-wide public utility easement (PUE) along the public rights-of-way as delineated on the approved preliminary plan of subdivision.
 - b. A note that a cross-parcel access easement is authorized for Parcels 1–4 pursuant to Section 24-128(b)(15) of the Subdivision Regulations and provide the liber/folio of the easement agreement on the final plat.
 - c. A note to state that direct vehicular access to Crain Highway (US 301) from Parcels 1–3 is denied.
23. Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
24. Total development within the subject property shall be limited to a mix of commercial/retail development or equivalent development which generates no more than 596 AM peak hour and 1,018 PM peak-hour (weekdays) vehicle trips in consideration of the approved trip rates and the approved methodologies for computing pass-by rates. Any development generating a traffic impact greater than that identified herein-above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
25. At the time of final plat approval, the applicant and the applicant's heirs, successors, and/ or assignees shall either:
 - a. Dedicate of right-of-way along Mill Branch Road to facilitate the construction of the master plan interchange and associated improvements on Mill Branch Road as shown on the approved preliminary plan of subdivision, or
 - b. Dedicate the amount of land on Mill Branch Road to be determined by the State Highway Administration (SHA) redesign of the interchange and associated improvements on Mill Branch Road.
26. At the time of final plat approval, the applicant and the applicant's heirs, successors, and/ or assignees shall dedicate right-of-way along Robert Crain Highway (US 301), including the right-in/right-out access, as shown on the approved preliminary plan.
27. Prior to approval of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. US 301 @ Governors Bridge Road—Harbor Way
 - Extend the westbound right turn lane by an additional 200 feet pursuant to Department of Public Works and Transportation (DPW&T) requirements.
 - b. US 301 @ MD 197—Rip's Restaurant Access
 - Modify the westbound exit from Rip's restaurant to a three-lane exit to provide

an exclusive left lane, a through lane, and a right turn lane.

- Provide an additional left-turn lane along the northbound approach to provide a total of three left-turn lanes.
- Provide three receiving lanes on the western leg, Laurel-Bowie Road (MD 197), of the intersection subject to State Highway Administration (SHA) requirements.

c. US 301 @ Mill Branch Road—Excalibur Road

- Construct a double southbound left-turn along US 301 at Mill Branch Road.
- Widen Mill Branch Road to a four-lane westbound approach providing two left-turn lanes, one through lane, and a free right-turn lane.
- Provide two receiving lanes on the eastern leg of the intersection, Mill Branch Road, subject to the requirements of SHA/DPW&T.
- Provide a third northbound through lane along US 301 beginning at a point south of Mill Branch Road and ending at a point north of Mill Branch Road. The beginning and end point of this third lane shall be determined by SHA.

d. US 301 @ Heritage Boulevard

- Re-stripe the southbound right turn lane along US 301 to a shared through/right lane.

e. Mill Branch Road @ Site Access

- Provide a double left turn and a separate through lane on the eastbound approach.
- Provide two receiving lanes on the site access leg.
- On the site access approach leg, provide a channelized free right-turn lane and a separate left-turn lane.
- Install a traffic signal.

28. The applicant and the applicant's heirs, successors, and/or assignees, shall place in reservation the interchange of MD 197/US 301 as delineated on SHA Exhibit A, and as recommended in the Bowie and Vicinity Master Plan, 2006, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:

- a. The reservation period shall continue for three years and commence with the recordation of a Reservation Plat with the Final Plat of Subdivision. The reservation area shall also be shown on the Final Plat. The Reservation Plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.
- b. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not

been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all landowners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the landowners.

- c. During the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.
 - d. All reserved land shall be maintained by the owner as required by county law. The Planning Board shall be notified immediately upon the sale of any land so reserved.
 - e. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.
29. In conjunction with the improvements to Mill Branch Road, signage shall be installed by the applicant along Mill Branch Road indicating that eastbound travel along Mill Branch Road is for "Local Traffic Only," subject to the approval of the Department of Public Works and Transportation.
30. The applicant shall maximize the use of public transit to the site to reduce vehicle trips to/from the property.
31. Approval of this preliminary plan of subdivision shall supersede and void Preliminary Plan of Subdivision 4-08052 (PGCPB Resolution No. 09-85) for development of this property.

STAFF RECOMMENDS APPROVAL OF TYPE 1 TREE CONSERVATION PLAN TCP1-022-07-01, A VARIANCE TO SECTION 25-122(b)(1)(G), AND A VARIATION TO SECTION 24-121(a)(3).