



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Preliminary Plan of Subdivision 4-19032

Amber Ridge

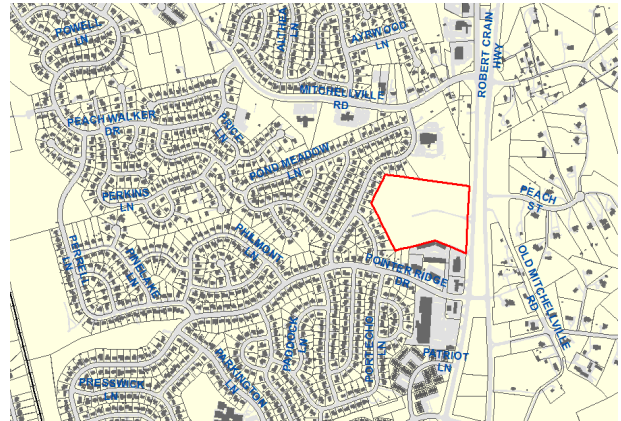
REQUEST	STAFF RECOMMENDATION
195 lots and 26 parcels for townhouse and commercial development	APPROVAL with conditions
Variance to Section 27-548(h) Variation from Section 24-128(b)(7)(A) Variation from Section 24-128(b)(12)	DISAPPROVAL APPROVAL APPROVAL

Location: On the west side of southbound US 301 (Robert Crain Highway), approximately 1,200 feet south of its intersection with Mitchellville Road

Gross Acreage:	19.03
Zone:	M-X-T
Gross Floor Area/ Dwelling Units:	20,000 sq. ft./195 d.u.
Lots:	195
Parcels:	26
Planning Area:	74B
Council District:	04
Election District:	07
Municipality:	Bowie
200-Scale Base Map:	203NE14 & 202NE14

Applicant/Address:
CBR Amber Ridge, LLC
7 Hill Chase Court
Pikesville, MD 21208

Staff Reviewer: Eddie Diaz-Campbell
Phone Number: 301-952-3665
Email: Eddie.Diaz-Campbell@ppd.mncppc.org



Planning Board Date:	02/06/2020
Planning Board Action Limit:	02/11/2020
Mandatory Action Timeframe:	70 days
Staff Report Date:	01/23/2020
Date Accepted:	11/18/2019
Informational Mailing:	07/05/2019
Acceptance Mailing:	11/13/2019
Sign Posting Deadline:	01/07/2020

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Table of Contents

OVERVIEW	3
SETTING.....	4
FINDINGS AND REASONS FOR STAFF RECOMMENDATION	4
1. Development Data Summary.....	4
2. Previous Approvals	5
3. Community Planning.....	7
4. Stormwater Management	7
5. Parks and Recreation.....	8
6. Trails	8
7. Transportation.....	10
8. Access to Private Roads, Alleys, and Open Space.....	14
9. Schools	17
10. Public Facilities.....	17
11. Use Conversion.....	17
12. Public Utility Easement (PUE)	18
13. Historic.....	20
14. Environmental	20
15. Urban Design	23
RECOMMENDATION	28

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-19032
Type 1 Tree Conservation Plan TCP1-001-2017-01
Amber Ridge

OVERVIEW

The subject site is located on the west side of US 301 (Robert Crain Highway), south of its intersection with Mitchellville Road and north of its intersection with Pointer Ridge Drive. The site is known as Parcel B of the Amber Ridge Shopping Center and is recorded in Plat Book SJH 245-6. The site is located in the Mixed Use-Transportation Oriented (M-X-T) Zone and is subject to the 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity* (Bowie and Vicinity Master Plan and SMA). The parcel is largely undeveloped, with the exception of two existing driveways and a stormwater management (SWM) pond.

The applicant proposes 195 lots, 24 parcels to be conveyed to an homeowners association (HOA), and 2 commercial parcels for the development of 195 townhouse dwelling units and 20,000 square feet of commercial development. The commercial parcels are proposed along the US 301 frontage, with the townhouse lots and HOA parcels behind. Private streets and alleys are proposed to serve the development. A preliminary plan of subdivision (PPS) is required for the division of land for the mixed-use development proposal.

The PPS proposes townhouse lots fronting on private streets and open space and served by private alleys. Specifically, 131 lots are accessed by alleys, of which 69 have frontage on private roads and 62 have frontage on open space. Section 24-128(b)(7)(A) of the Subdivision Regulations requires that, in the M-X-T Zone, uses served by alleys have frontage on, and pedestrian access to, a public right-of-way. The applicant requests approval of a variation from this section in order to permit the lots to front on private streets and open space, as discussed further in this technical staff report.

The two proposed private streets are known as Fife Way and Adamson Way. Fife Way is the primary access to the development and loops through the residential portion, while Adamson Way connects through the existing driveway at the southern edge of the site to an existing street known as Pointer Ridge Place. A 10-foot-wide public utility easement (PUE) is proposed along Fife Way, but not along Adamson Way. The applicant requests approval of a variation from Section 24-128(b)(12) to omit placement of the PUE along Adamson Way, as discussed further in this technical staff report.

Of the 195 townhouse units, 64 (32.8 percent) are proposed to have a lot width of 24 feet, 81 (41.6 percent) are proposed with a lot width of 20 feet, and 50 (25.6 percent) are proposed with a lot width of 16 feet. The minimum lot width for a townhouse unit in the M-X-T Zone is 18 feet,

according to Section 27-548(h) of the Prince George’s County Zoning Ordinance. The applicant requests approval of a variance from this section to allow fifty 16-foot-wide units, as discussed further in this technical staff report.

Staff recommends **approval** of the PPS, with conditions, and approval of the two variation requests. However, staff recommends **disapproval** of the variance request because the applicant has not demonstrated that the project meets the criteria for a variance, as listed in Section 27-230 of the Zoning Ordinance.

SETTING

The 19.03-acre property is zoned M-X-T and is located on the west side of US 301, in Bowie, Maryland. The site is bounded on the north by the South Bowie Recreation Center in the Open Space Zone; to the west by single-family detached dwellings in the Rural Residential Zone; to the south by commercial uses in the Commercial Office Zone; and to the east by US 301, with single-family detached dwellings in the Rural Agricultural Zone beyond. The site is located outside of the Bowie municipal boundary; however, it is located adjacent to the boundary on the north, west, and south sides.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	M-X-T	M-X-T
Use(s)	Vacant	Commercial and Single-Family Attached (Townhouse)
Acreage	19.03	19.03
Gross Floor Area	0	20,000 square feet
Dwelling Units	0	195
Parcels	1	26
Lots	0	195
Outlots	0	0
Variance	No	Yes 27-548(h)
Variation	No	Yes 24-128(b)(7)(A) 24-128(b)(12)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on December 2, 2019. The requested variations from Sections 24-128(b)(7)(A) and 24-128(b)(12) were accepted on November 15, 2019, and also heard at SDRC on December 2, 2019, as required by Section 24-113(b) of the Subdivision Regulations.

2. **Previous Approvals**—The site is subject to PPS 4-98006, Amber Ridge Shopping Center, which was approved by the Prince George’s County Planning Board on May 14, 1998 (PGCPB Resolution No. 98-165), for one parcel for the development of 200,000 square feet of retail space. This use of the property was in line with its then-placement in the Commercial Shopping Center (C-S-C) Zone. The property subsequently proceeded to final plat in 2002, and was recorded in Plat Book REP 193-32. The property was re-platted in 2016 to establish two “ownership parcels” (Parcels B-1 and B-2) recorded in Plat Book SJH 245-6, but development ultimately did not take place. The subject PPS 4-19032, if approved, will supersede PPS 4-98006 for the subject site, and a new final plat will be required.

On September 8, 2014, the District Council granted approval of Zoning Map Amendment A-10031-C, for the rezoning application for the subject property from the C-S-C Zone to the M-X-T Zone. This amendment was approved with one condition of approval, which reads as follows:

1. **At a time to be determined at preliminary plat of subdivision and subject to the concurrence of the Planning Board and State Highway Administration, the following road improvements identified in the Applicant's traffic impact study shall be under construction, one hundred percent (100%) funded within the adopted County "Capital Improvement Program," funded within the current State "Consolidated Transportation program," funded by a specific public facilities financing and implementation program established for the area, or provided by the Applicant:**
 - a. **US 301 and Pointer Ridge Drive intersection:**
 - (1) **Provide a second left turn lane at the northbound approach, with a length to be determined by SHA**
 - (2) **Provide a second left turn lane on the eastbound approach, with a length to be determined by SHA.**
 - b. **US 301 and Mitchellville Road intersection:**
 - (1) **Provide a free right-turn- lane at the eastbound approach with a 560-foot acceleration lane on southbound US 301.**

Staff recommends that the Planning Board not concur with the preceding road improvements, and instead recommends that the Planning Board require an alternative set of road improvements, as discussed in the Transportation finding of this staff report, and further required in the recommended conditions of approval.

Zoning Map Amendment A-10031-C was also approved with a set of 12 guidelines to be observed during the preparation and review of subsequent plans. Those guidelines relevant to this PPS are listed below in **bold** text, with staff responses in plain text:

1. **A vertical mix of uses should be considered especially along the western side of the extension of Pointer Ridge Place, perhaps on the first story of the proposed multifamily development. This could provide a mix of commercial uses for the residents of the development and encourage a more genuinely mixed use, walkable and economically vital community.**

A vertical mix of uses is not proposed with PPS 4-19032; however, this guideline may be further evaluated at the time of detailed site plan (DSP).

2. **Walkability is encouraged by the provision of a street grid enhanced by the provision of sidewalks on both sides of the roadways, specialty paving, sitting areas, plazas, open space and landscaping.**

Sidewalks are provided along both sides of the internal streets, and connections are provided to the South Bowie Community Center to the north and to the office building to the south. The PPS proposes parcels which may be used for active and passive open space areas. These areas will be further analyzed at the time of DSP.

8. **Bicycle parking shall be provided on-site, with the number and locations(s) to be determined at the time of SDP.**

Staff recommends with this PPS that inverted U bicycle racks be located on the property convenient to the proposed retail, as described in the Trails finding of this technical staff report. As a condition of approval, staff recommends that, prior to acceptance of a DSP, the specifications, quantity, and location of the bicycle racks shall be indicated on the DSP.

11. **The Preliminary Plan Application package shall contain a Phase I noise study, certified by a professional acoustical engineer, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours associated with Robert Crain Highway (US 301).**

The Phase I noise study was provided with this PPS, as required.

On March 23, 2017, the Planning Board approved Conceptual Site Plan CSP-16007 (PGCPB Resolution No. 17-55), in connection with the proposed development and the subject PPS. A CSP was required in accordance with Section 27-546(a) of the Zoning Ordinance. The CSP established a cap of 200 residential units and 20,000 square feet of commercial development for the site. The CSP was approved with three conditions of approval, one of which is relevant to this PPS. This condition reads as follows:

2. **Prior to approval of the preliminary plan of subdivision, the following information shall be provided:**
 - a. **Additional pedestrian and vehicular connections should be evaluated, including access to Pointer Ridge Place and the South Bowie Community Center.**
 - b. **A Phase I noise study, which delineates the location of the unmitigated upper and lower level 165 dBA Ldn noise contours associated with Robert S. Crain Highway (US 301).**

The PPS shows the additional pedestrian connections, and these will be further evaluated at the time of DSP. The PPS also shows a vehicular connection to Pointer Ridge Place. A vehicular connection to the South Bowie Community Center was evaluated, and staff does not recommend requiring such a connection. The Prince George's County Department of Parks and Recreation (DPR) determined that a vehicular connection would be more problematic than beneficial, as detailed in an email dated November 27, 2019 (Zyla to Chellis), incorporated by reference herein.

The Phase I noise study was provided with this PPS, as required.

3. **Community Planning**—Conformance with the *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the Bowie and Vicinity Master Plan and SMA for Planning Areas 71A, 71B, 74A, and 74B are evaluated as follows:

General Plan

This application is in the Established Communities Growth Policy Area. The vision for the Established Communities area is context-sensitive infill and low- to medium-density development. Maintaining and enhancing existing public services, facilities, and infrastructure is recommended to ensure that the needs of residents are met.

Master Plan

The area master plan retained the subject property in the C-S-C Zone. Zoning Map Amendment A-10031-C for Amber Ridge subsequently reclassified the subject property into the M-X-T Zone. The master plan designates the subject property as part of the Pointer Ridge Mixed-Use Activity Center "intended for future planned residential and commercial development as cohesive pedestrian-oriented mixed-use communities" and recommends mixed-use development land use. The following policy is relevant to this application "Policy 1: Encourage low- to moderate-density, pedestrian oriented mixed-use development" (page 29). Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, staff finds that this application conforms to the area master plan.

4. **Stormwater Management**—An approved SWM concept approval letter issued by the Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE) was submitted with the subject application. SWM Concept Approval Letter 8005300-1985-05 was approved on January 25, 2017, with conditions of approval requiring use of the existing on-site pond, providing micro-bioretenention facilities, and requiring analysis and upgrade of downstream stormdrain culverts. The concept approval expires on January 25, 2020.

Environmental site design practices are not preferred within the limits of Marlboro clay. DPIE indicates that the SWM requirements may need to be reevaluated once the limits of Marlboro clay are verified to eliminate or reduce the use of environmental site design on the site.

If the subject property is annexed into the City of Bowie prior to development activities, the City will have jurisdiction over the technical SWM requirements for this site.

Development must be in conformance with the SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements of the Subdivision Regulations, the Bowie and Vicinity Master Plan and SMA, the Land Preservation, Parks and Recreation Plan for Prince George’s County, and the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, as they pertain to public parks and recreational facilities.

The South Bowie Community Center property is located adjacent to, and north of, the subject property. This Maryland-National Capital Park and Planning Commission (M-NCPPC) facility includes a community center, a gymnasium, a computer lab, tennis courts, athletic fields, and a playground. In order to capitalize on the recreational facilities in close proximity to the residents of this new development, DPR recommends construction of an 8-foot-wide asphalt connector and loop trail around the existing athletic field on park property. This will allow for connection of the development’s internal trail network with the outdoor recreational facilities and community center on the adjacent park property. In addition, a centralized outdoor fitness area is being recommended next to the proposed loop trail and existing playground, as shown on DPR Exhibit A, incorporated by reference herein. Per email correspondence dated January 21, 2020 (Zyla to Diaz-Campbell), incorporated by reference herein, the estimated values of the loop trail and fitness area are \$45,000 and \$70,000, respectively.

Per Section 24-135 of the Subdivision Regulations, the applicant has proposed a combination of on-site recreational facilities and fee-in-lieu of mandatory dedication of parkland. The applicant has identified a tot lot, an open lawn for passive and active use, and the on-site portion of the trail connection to the community center as their on-site recreation facilities, per the applicant’s Illustrative Plan dated November 1, 2019, and received by the Development Review Division on December 31, 2019. DPR’s needs analysis indicated a moderate need for outdoor recreational facilities for the CI Park Community, in which the project site is located. Given the close proximity of the South Bowie Community Center and the availability of recreational amenities, DPR concurs with the on-site recreational facilities option, but recommends substitution of fee-in-lieu with additional recreational facilities on M-NCPPC parkland recommended by staff. At the time of DSP, the applicant shall submit detailed construction plans for construction of the on and off-site facilities. Staff finds that construction of the on-site private and off-site recreational facilities will fulfill the project’s requirements for mandatory dedication of parkland.

6. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the area master plan to implement planned trails, bikeways, and pedestrian improvements. The property is not located within a

designated center or corridor; therefore, it is not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2."

Continuous sidewalks should be provided along both sides of all internal roads, excluding alleys. Inverted U bicycle rack(s) are recommended at a location(s) convenient to the proposed retail. Internal sidewalk access and bicycle parking will be evaluated in more detail at the time of DSP. The submitted PPS does not include blocks over 750 feet long and, therefore, does not need to provide additional walkway facilities and mid-block crossing facilities pursuant to Section 24-121(a)(9). The sidewalk network, crosswalk treatments, and Americans with Disabilities Act (ADA) access will be evaluated in more detail at the time of DSP.

Previous Conditions of Approval and Findings

The approved CSP-16007 included the following conditions related to bike and pedestrian access:

- 2. Prior to approval of the preliminary plan of subdivision, the following information shall be provided:**
 - a. Additional pedestrian and vehicular connections should be evaluated, including access to Pointer Ridge Place and the South Bowie Community Center.**
- 3. Prior to approval of the detailed site plan (DSP), the following information shall be provided:**
 - e. Bicycle parking on-site, including the number and locations of facilities.**

Per Condition 2a of CSP-16007, a sidewalk connection is shown to Pittsfield Lane. Discussion regarding connection to the South Bowie Community Center is provided within the Parks and Recreation finding of this technical staff report. There is also a connection shown along the road/drive aisle connecting to the property's southern boundary and the office building to the south. The intent of Condition 2a has been met.

Review of Area and Master Plan of Transportation (MPOT) Compliance

There are no master-planned trails that impact the subject site.

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (pages 9–10):

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

Continuous sidewalks should be provided along both sides of all internal roads, excluding alleys. Sidewalk access to building entrances and through large expanses of surface parking are also appropriate and will be evaluated in more detail at the time of DSP.

The Bowie and Vicinity Master Plan and SMA includes the following policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclist (page 52):

POLICY 2: Incorporate appropriate pedestrian-oriented development (POD) features in all new development and improve pedestrian safety in existing development.

Direct pedestrian connections and crossing treatments to the adjacent M-NCPPC recreation facility to the north, the shopping center to the south, and the proposed commercial retail on-site will fulfill the intent of the policy above and are recommended as improvements for the application.

7. **Transportation**—The application analyzed is a PPS for a mixed-use development. The applicant is proposing a mix of commercial and residential (townhouse) uses. An October 2019 traffic impact analysis (TIA) was submitted by the applicant and based on 200 units; however, at a subsequent submittal, the applicant revised the PPS for 195 units. Using trip generation rates from the “Transportation Review Guidelines, Part 1” (Guidelines), the proposed development of 195 townhomes and 20,000 square feet of commercial will generate 221 AM and 242 PM net new trips.

The proposed development will impact the following intersections deemed to be critical:

- Pointer Ridge Drive at Pointer Ridge Place (unsignalized)
- US 301 at Pointer Ridge Drive (signalized)
- US 301 (southbound) at site access (unsignalized)
- US 301 at Queen Anne Bridge/Mitchellville Road (signalized)
- US 301 (southbound) at existing commercial driveway (unsignalized)

The findings and recommendations outlined below are based upon a review of the materials and analyses conducted, consistent with the Guidelines.

Analysis of Traffic Impacts

The subject property is located in Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better;

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

Based on the TIA accepted as part of this PPS, the following tables represent the results of the analyses of critical intersections under existing, background, and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Pointer Ridge Drive at Pointer Ridge Place	10.3*	15.9*	--	--
US 301 at Pointer Ridge Drive	1,321	1,490	D	E
US 301 at site access	N/A	N/A	N/A	N/A
US 301 at Queen Anne Bridge/ Mitchellville Road	1,353	1,383	D	D
US 301 at existing commercial driveway	N/A	N/A	N/A	N/A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy. Not Applicable (N/A)- This intersection is a right-in, right-out. Therefore, no conflicts are anticipated.				

Background traffic has been developed for the study area. A 0.83 percent annual growth rate for a period of six years has been assumed. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Pointer Ridge Drive at Pointer Ridge Place	10.6*	26.0*	--	--
US 301 at Pointer Ridge Drive	1,419	1,683	D	F
US 301 at site access	N/A	N/A	N/A	N/A
US 301 at Queen Anne Bridge/ Mitchellville Road	1,439	1,568	D	E
US 301 at existing commercial driveway	N/A	N/A	N/A	N/A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy. Not Applicable (N/A)- This intersection is a right-in, right-out. Therefore, no conflicts are anticipated at this intersection.				

The critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the Guidelines, including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Pointer Ridge Drive at Pointer Ridge Place	10.7*	19.3*	--	--
US 301 at Pointer Ridge Drive	1,481	1,611	E	F
4-98006 condition: (2 nd eastbound left)	1,443	1,557	D	E
US 301 at site access	N/A	N/A	N/A	N/A
US 301 at Queen Anne Bridge/ Mitchellville Road	1,473	1,505	E	E
-With Improvements on EB Mitchellville Road	1,442	1,475	D	E
US 301 at existing commercial driveway	N/A	N/A	N/A	N/A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy. Not Applicable (N/A)- This intersection is a right-in, right-out. Therefore, no conflicts are anticipated.				

Under total traffic conditions, the unsignalized intersection is operating at an acceptable level of delay, as defined by the Guidelines. It does not exceed 50 seconds of minor street delay during the morning and evening peak-hour. Therefore, tier two and three of the three-tier test of adequacy was not conducted, and the intersection is deemed to be adequate.

During the morning peak-hour, the intersection of US 301 at Pointer Ridge Drive does not operate at an acceptable LOS, as defined by the Guidelines. If no improvements are done, the intersection will continue to operate at LOS E. However, the site has been the subject of a prior PPS approval (4-98006) that required specific transportation improvements. Those improvements are as follows:

- Widen the median crossover between the northbound and southbound lanes of US 301 in order to allow a double left-turn lane from eastbound Pointer Ridge Drive onto northbound US 301.

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
US 301 at Pointer Ridge Drive				
Background Conditions	D/1,419	F/1,683	--	--
Total Traffic Conditions	D/1,481	F/1,611	+62	-72
Total Traffic Conditions w/Mitigation	D/1,443	E/1,557	-38	-54

As the CLV at the critical intersection of US 301 and Pointer Ridge Drive is between 1,450 and 1,813 during the AM and PM peak-hour, the proposed mitigation actions must mitigate at least 150 percent of the trips generated by the subject property, according to the Guidelines.

The above table indicates that the proposed mitigation action would mitigate more than 150 percent of site-generated trips during the AM and PM peak-hour (157 percent). Therefore, the applicant's proposed mitigation at US 301 and Pointer Ridge Drive meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Regulations in considering traffic impacts.

During the morning peak-hour, the intersection of US 301 at Queen Anne Bridge/Mitchellville Road does not operate at an acceptable LOS, as defined by the Guidelines. If no improvements are done, the intersection will continue to operate at LOS E. However, the site has a prior approved application (4-98006) that provided a specific condition to mitigate traffic impacts at US 301 at Queen Anne Bridge/Mitchellville Road. The condition was to construct a second northbound left-turn lane along US 301 at Mitchellville Road, and provide an additional receiving lane along westbound Mitchellville Road as it leaves the intersection. This previously required improvement has already been completed. Therefore, a new condition has been proposed along eastbound Mitchellville Road to accommodate one eastbound left-turn lane, one shared through/left-turn lane, and one free right turn onto southbound US 301.

IMPACT OF MITIGATION				
Intersection	LOS and CLV (AM & PM)		CLV Difference (AM & PM)	
US 301 at Queen Anne Bridge and Mitchellville Road				
Background Conditions	D/1,439	E/1,568	--	--
Total Traffic Conditions	E/1,473	E/1,505	+34	-63
Total Traffic Conditions w/Mitigation	D/1,442	E/1,475	-31	-30

As the CLV at the critical intersection of US 301 and Queen Anne Bridge and Mitchellville Road is between 1,450 and 1,813 during the AM and PM peak-hour, the proposed mitigation actions must mitigate at least 150 percent of the trips generated by the subject property, according to the Guidelines. The above table indicates that the proposed mitigation action would mitigate more than 150 percent of the site-generated trips during the AM and PM peak-hour (157 percent). Therefore, the applicant's proposed mitigation at US 301 at Queen Anne Bridge and Mitchellville Road meets the requirements of Section 24-124(a)(6)(B)(i) in considering traffic impacts.

The current proposal will generate 100 more trips in the morning peak-hour than the current morning peak-hour trip cap of 121 AM trips. Therefore, the morning peak-hour trip cap has been increased to 221 AM trips. During the evening peak-hour, the intersections of US 301 at Pointer Ridge Drive and US 301 at Queen Anne Bridge/Mitchellville Road show a LOS greater than D and exceeds the adequacy threshold. However, the site generates fewer trips than the current trip cap established in the prior approved application (4-98006). While the LOS exceeds the threshold, the proposed development will remain within the approved trip cap for the evening peak, as discussed previously; therefore, no further improvements are required to satisfy the evening peak-hour traffic conditions.

The table below summarizes trip generation in each peak-hour that will be used for formulating the trip cap for the site:

Trip Generation Summary: 4-19032 Amber Ridge							
Land Use	Use Quantity	AM Peak Hour			PM Peak Hour		
		In	Out	Tot	In	Out	Tot
Townhouse	200 units	28	112	140	104	56	160
Shopping Center	20,000 square feet	100	62	162	79	86	165
Pass-By Trips (50% AM & 50% PM)		-50	-31	-81	-40	-43	-83
Total Trip Cap for Proposed Use		78	143	221	143	99	242
Prior Approved Trip Cap (4-98006)				121			640

A trip cap consistent with the trip generation assumed for the site, 221 AM and 242 PM peak-hour vehicle trips, is being recommended, consistent with the analysis.

Site Access Evaluation

Access to the site is from two access points along US 301. In addition to access from US 301, a connection will be provided within the site to Pointer Ridge Place that will allow residents and visitors direct access to Pointer Ridge Drive.

Per the request from the City of Bowie, the feasibility of adding a median crossover along US 301 to provide access to/from the site from northbound US 301 was analyzed. The Maryland State Highway Administration has reviewed the analysis and has opted to not allow a median crossover along US 301 to provide access to/from the site from northbound US 301. The site access along US 301 will remain a right-in, right-out access point, which is supported by staff.

Access and circulation are acceptable.

Master Plan Roads

US 301 is listed in the MPOT as a master plan arterial facility with a variable right-of-way and four to six lanes. Right-of-way has been previously dedicated. Therefore, no additional dedication is required.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required, in accordance with Section 24-124, with conditions.

8. **Access to Private Roads, Alleys, and Open Space**—The PPS proposes townhouse lots fronting on private streets and open space and served by private alleys. Specifically, 131 lots are accessed by alleys, of which 69 have frontage on private roads (Lots 25-48, 104-117, 142-167, and 191-195) and 62 have frontage on open space (Lots 76-103, 131-141, and 168-190). Section 24-128(b)(7)(A) requires that, in the M-X-T Zone, uses served by alleys have frontage on, and pedestrian access to, a public right-of-way. The applicant requests approval of a variation from this section in order to permit the lots to front on private streets and open space.

The applicant has expressed an intention to have the property annexed by the City of Bowie, and if this were to be done, the private streets will become public streets maintained by the City. If the streets were public, a variation would not be required for the 69 lots fronting on private streets. However, annexation is not realized at the time of this PPS. A variation is therefore still required in order to permit the applicant's proposed development.

Variation

Section 24-113 requires that the following criteria are met. The criteria are in **bold** text below, while staff findings for each criterion are in plain text.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The Prince George's County Department of Public Works and Transportation/DPIE standards require front-loaded townhouse units to be accessed by private streets for maintenance purposes, as they do not meet the minimum width between driveway entrances required for maintenance by the County. Therefore, it is standard practice that private streets be proposed for townhouse developments. The current plan has the entire residential development served by private streets, with a mixture of front- and rear-loaded units. The private streets and alleys in this case are being constructed to a standard that is adequate to support the development. The only change to this standard is the ownership of the streets and alleys, the HOA in this case, which is not injurious to the health, safety, or welfare of the users.

There is likewise no injury to the health, safety, or welfare of the users if the townhouse units front on private open space. The applicant has provided adequate access to these units through the provision of alleys and pedestrian walks across the fronts of the houses. All lots will be served by an access road or alley at least 22 feet in width, as required by the Prince George's County Fire/EMS Department. Maintenance of these areas will be handled by the HOA, in lieu of the County.

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

Townhouse units are a permitted use in the M-X-T Zone and are approved as part of the CSP for this site. However, it is not the County's standard to maintain streets providing access to townhouse lots, and so private streets are needed. This

M-X-T-zoned property is bounded by low-density residential development on three sides and the site has been designed to orient the larger townhouse lots to the site perimeter with access and circulation interior to the site, in order to provide a transition and buffer to the surrounding lower density residential areas. These conditions are unique to this property.

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

The variation from Section 24-128(b)(7)(A) is unique too, and under the sole authority of the Planning Board. Approval of this variation request will not constitute a violation of other applicable laws. All lots will be served by an access road at least 22 feet in width, as required by the Fire/EMS Department. Therefore, this variation does not constitute a violation of any other law, ordinance, or regulation.

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

As previously indicated, this M-X-T-zoned property is bounded low-density residential development and the site has been designed to orient the larger townhouse lots to the site perimeter with access and circulation interior to the site, in order to provide a transition and required buffer to the surrounding lower density residential areas. The requirement for public streets would not provide increased connectivity to surrounding areas and would increase the land area necessary for infrastructure associated with public street standards within the site. A hardship to the owner would result if the strict letter of these regulations were carried out because the County will not maintain the streets where townhouse units are accessed from, so private streets are needed. Because the streets must be private, denial of the variation would result in severe design limitations, as the applicant would either be unable to provide alleys to serve the lots fronting on the streets, or be unable to provide townhouses, which are a permitted use. The particular physical surroundings of the property are such that there is little to no opportunity for the townhouse lots to front on existing public streets.

(5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

This subpart is not applicable because the site is zoned M-X-T.

Staff finds that the site is unique to the surrounding properties and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to Plan 2035 and the area master plan.

Therefore, staff recommends **approval** of the variation from Section 24-128(b)(7)(A) to allow 131 units served by alleys to front on private streets and open space.

9. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and Council Resolution CR-23-2003 for the residential units proposed, and the following is concluded:

Residential Impact on Affected Public School Clusters by Dwelling Units (DU)

Affected School Clusters #	Elementary School Cluster 4	Middle School Cluster 4	High School Cluster 4
Single-Family Attached DU	195 DU	195 DU	195 DU
Pupil Yield Factor	0.145	0.076	0.108
Total Future Subdivision Enrollment	29	15	21
Actual Enrollment in 2018	10,551	5,049	8,008
Total Enrollment	10,580	5,064	8,029
State Rated Capacity	12,810	5,374	9,389
Percent Capacity	83%	94%	86%

Section 10-192.01 of the Prince George’s County Code establishes school surcharges and an annual adjustment for inflation. The current amount is \$16,698, as this project is located outside of I-95/495 (Capital Beltway). This fee is to be paid at the time of issuance of each building permit.

Nonresidential

The commercial portion of the subdivision is exempt from a review for schools because it is a nonresidential use.

10. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated January 2, 2020 (Thompson to Diaz-Campbell), provided in the backup of this technical staff report, and incorporated by reference herein.
11. **Use Conversion**—The total development included in this PPS is proposed to be 195 single-family attached dwellings and 20,000 square feet of commercial development in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.

12. **Public Utility Easement (PUE)**—Section 24-122(a) of the Subdivision Regulations requires that, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on public right-of-way US 301 to the east. The required PUE along the public street is delineated on the PPS.

Private streets are also proposed, which require PUEs. Section 24-128(b)(12) requires that 10-foot-wide PUEs be provided along one side of all private streets. The two proposed private streets are known as Fife Way and Adamson Way. Fife Way is the primary access to the development and loops through the residential portion, while Adamson Way connects through the existing driveway at the southern edge of the site to Pointer Ridge Place. A 10-foot-wide PUE is proposed along Fife Way, but not abutting Adamson Way. The applicant requests approval of a variation from Section 24-128(b)(12) to omit placement of the PUE along Adamson Way and provide an alternate location. The townhouse lots along Adamson Way are separated from Adamson Way by an open space parcel. As shown on the PPS, a PUE at the front of the lots is proposed, abutting the private open space in front of the units, so that these units will be served by utilities.

Variation

Section 24-113 requires that the following criteria are met. The criteria are in **bold** text below, while staff findings for each criterion are in plain text.

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

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

The alternate location of the PUE in question provides utility service through a 10-foot-wide PUE located within the lots and along the open space, so that every unit is served. The intent of the PUE requirement is met with the proposed alternate location. The location of the PUE at the front of the lots minimizes the conflict between wet and dry utilities, which creates a far better scenario not only during construction, but through the life of the project, should future maintenance be necessary. The alternative location of the PUE will not result in any reduction of utility availability or service to the

lots; conversely, the proposed location creates a better scenario for the utilities. Therefore, granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property.

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

The variation request, with the units along Adamson Way served by a 10-foot-wide PUE located in front of the units by the open space, meets the intent of the PUE requirement. Providing the PUE at the street line would increase the distance utilities would need to travel to get to individual lots, increasing infrastructure and encumbrances on open space areas. This proposed design is unique to the lots being served in this PPS and is necessary to accommodate all utilities, while also ensuring that adequate open space exists for the development.

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

This PPS and this variation request for the location of PUEs was referred to the Washington Suburban Sanitary Commission (WSSC), Verizon, the Potomac Electric Power Company, the Southern Maryland Electric Cooperative, Baltimore Gas and Electric Company, Washington Gas, Comcast, and AT&T. Verizon provided a response indicating no issues with the project proposal. AT&T provided a response indicating they have no local facilities. Responses regarding the variation request were not received from the other agencies. The proposed utilities will be designed in direct coordination with the individual utility companies, in order to meet all requisite requirements and design standards at the permitting stage. The variation from Section 24-122(a) is unique to, and under the sole authority of, the Planning Board. Approval of this variation request will not constitute a violation of any other applicable law, ordinance, or regulation.

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

Public utility easements will be provided along the public street (US 301) providing entry to the site and provide continuity of the PUE requirement for surrounding properties. The proposal for dry utility location in the PUE, as designed, also avoids conflict with the water and sewer house connections which are also required to serve the site. The denial of this variation request would result in a hardship to the property owner because it would result in design limitations reducing the ability to provide open space and efficient utility connections within the project.

- (5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

This subpart is not applicable because the site is zoned M-X-T.

Staff finds that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, which is to guide development according to Plan 2035 and the area master plan.

Therefore, staff recommends **approval** of the variation from Section 24-128(b)(12) to allow an alternate location for the PUE along Adamson Way, in order to serve the adjacent units.

13. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. A Phase I archeology survey is not recommended on the subject property. This proposal will not impact any historic sites, historic resources, or known archeological sites.
14. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-98006	N/A	Planning Board	Approved	6/18/1998	PGCPB No. 98-165
5-01160	N/A	Planning Board	Approved	1/03/2002	N/A
A-10031	N/A	District Council	Approved	10/07/2014	N/A
5-16040	N/A	Planning Director	Approved	6/07/2016	N/A
NRI-196-13-01	N/A	Staff	Approved	3/3/2017	N/A
CSP-16007	TCP1-001-2017	Planning Board	Approved	3/23/2017	PGCPB No.17-55
NA	TCP2-018-2018	Staff	Approved	11/07/2018	NA
4-19032	TCP1-001-2017-01	Planning Board	Pending	Pending	Pending

Grandfathering

The site is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the County Code that came into effect on September 1, 2010 and February 1, 2012, and specifically to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual.

Site Description

A review of available information indicates that there are no streams located on the site. The site is within the Patuxent River watershed and drains toward the Middle Patuxent to the north and the Western Branch, a Maryland Stronghold Watershed, to the south. No streams, wetlands, or floodplain are mapped on this property. The Sensitive Species Project

Review Area map received from the Maryland Department of Natural Resources, Natural Heritage Program, shows no rare, threatened, or endangered species found to occur on, or near this property. No forest interior dwelling species (FIDS) habitat or FIDS buffer are mapped on-site. The site is located within Environmental Strategy Area 2 of the Regulated Environmental Protection Areas map, as designated by Plan 2035. The *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Resource Conservation Plan), shows that neither of the network features (regulated or evaluation areas) are present on the property.

2014 Plan Prince George's 2035 Approved General Plan

The site is located within the Established Communities area of the Growth Policy Map; Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas map; and for Generalized Future Land Use as mixed-use, as designated by Plan 2035.

2017 Countywide Green Infrastructure Plan

The Green Infrastructure Plan was approved with the adoption of the Resource Conservation Plan on March 7, 2017. According to the Green Infrastructure Plan, no features (regulated or evaluation areas) are present on the property.

Area Master Plan Conformance

The Bowie and Vicinity Master Plan and SMA for Planning Areas 71A, 71B, 74A, and 74B was approved on February 7, 2006 via CR-11-2006. It contains policies and strategies in the Environment chapter of the plan; however, no regulated environmental features or Green Infrastructure network are located on this site. The master plan does not indicate any environmental issues associated with this property.

Previous Approvals

The Planning Board approved CSP-16007 and Type 1 Tree Conservation Plan TCP1-001-2017 on March 23, 2017, subject to conditions contained in PGCPB Resolution No. 17-55. Subsequently, a Type 2 tree conservation plan (TCP2) for the subject property was approved at staff level on November 11, 2018 for clearing of the entire site and for the woodland conservation requirement to be satisfied by the provision of off-site woodland conservation. The approved TCP2 is consistent with the TCP1 submitted with CSP-16007 and will also be consistent with the required revision associated with the PPS, TCP1-001-2017-01.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe the changes, the date made, and by whom.

Natural Resources Inventory/Existing Features

A copy of Natural Resources Inventory NRI-196-13-01, approved on August 13, 2018, was submitted with the application. No regulated environmental features or specimen trees were identified on this property. The NRI shows an outcropping of Marlboro clay located on the property.

The PPS and TCP1 show the required information correctly, in conformance with the NRI, except for the Marlboro clay outcropping. As a condition of approval, the Marlboro clay outcropping shall be shown on the PPS and TCP1 prior to certification of the PPS.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-001-2017), approved with the CSP application, was submitted with the current application. A revision to TCP1-001-2017 is required with the current application to address required technical revisions and provide a TCP1 that demonstrates consistency with the PPS.

Although a revised TCP1 will be required, the woodland conservation requirement for the site is not anticipated to change. A Type 2 Tree Conservation Plan (TCP2-08-2018) was approved for clearing of all on-site woodlands, consistent with approved TCP1-001-2017, for the purpose of rough grading.

The net tract area for calculating the woodland conservation requirement on this site is 19.03 acres. The site is zoned M-X-T and has a woodland conservation threshold of 15 percent of the net tract area. According to the worksheet provided on the TCP1, the woodland conservation requirement, based on the total proposed clearing of 2.08 acres of woodlands, is 4.93 acres. The TCP1 proposes to meet this requirement with 4.93 acres of off-site woodland conservation credits.

Required technical revisions to the TCP1 are provided as conditions to be addressed prior to PPS certification. Standard conditions for required notes to be placed on the final plat and the requirement for a TCP2 prior to grading are included in the recommendation section of this report.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual." No specimen trees, champion trees, or trees associated with historic sites were identified on this property.

Preservation of Regulated Environmental Features

The site does not contain regulated environmental features. No review of impacts to regulated environmental features is necessary and no conservation easements are recommended for this site.

Soils and Marlboro clay

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are the Collington-Wist-Urban land complex (5–15 percent slopes) and Widewater and Issue Soils (frequently flooded).

A study conducted in 1989 for WSSC revealed that a band of Marlboro clay was found along the eastern perimeter of the property. In 1993, a stormdrain system was installed in the Marlboro clay outcrop area and subsequently backfilled with structural fill. All potential problem slopes greater than 3:1 were graded to more level terrain.

An outcropping of Marlboro clay is mapped on the NRI and shall also be shown on the PPS and TCP1. DPIE will require that the limits of the Marlboro clay be verified at the time of SWM technical review to address potential impacts on the design of SWM facilities on-site.

15. **Urban Design**—Staff reviewed the PPS for conformance with the requirements of the Zoning Ordinance, the Prince George’s County Tree Canopy Coverage Ordinance, the 2010 *Prince George’s County Landscape Manual* (Landscape Manual), and the conditions of previous approvals, and finds the following:

Conformance with the Requirements of the Prince George’s County Zoning Ordinance

Conformance with the requirements of the Zoning Ordinance is required for the proposed development at the time of DSP review including, but not limited to, the following:

- Section 27-547(b) regarding the Table of Uses for the M-X-T Zone;
- Sections 27-544 and 27-546 regarding regulations in the M-X-T Zone;
- Section 27-548 regarding additional regulations in the M-X-T Zone, as amended by Council Bill CB-87-2018; and;
- Parts 11 and 12 of the Zoning Ordinance regarding parking and signage, respectively.

Section 27-548(g) of the Zoning Ordinance has specific requirements for each lot, as follows:

- (g) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

Private streets have been proposed in this application. Staff finds that the private streets are consistent with the requirements of Subtitle 24, with the recommended approval of a variation request from Section 24-128(b)(7)(A), as detailed in Finding 8 of this staff report. The section of the private streets that provides entry to, and circulation around, the commercial parcels is shown on the PPS as to be dedicated to the HOA, but should be maintained by the future commercial owners, either solely or jointly with the HOA. Appropriate covenants shall be established to ensure access and maintenance of these private street parcels so that the homeowners are not overburdened by the maintenance of commercial traffic areas.

Section 27-548(h) gives a variety of design standards for townhouses in the M-X-T Zone, including the maximum number of units in each building group. Specifically, the maximum number of townhouses in a building group is eight. The applicant is proposing one building group with nine townhouses. The Planning Board may, at the time of DSP, approve a building group with nine units if justified by the applicant. The PPS may show the

nine-house grouping; however, should the request be denied at the time of DSP, the layout will require modification and the final plat for the property will have to reflect building groups with a maximum of eight units.

Variance Request

The proposed lot layout generally conforms with the Zoning Ordinance requirements applicable to the M-X-T Zone. However, the proposed PPS is not consistent with the requirements of Section 27-548(h), regarding minimum lot width and maximum number of units in each building group. Specifically, the applicable provisions of Section 27-548(h) are as follows:

- (h) Townhouses developed pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, shall be on lots at least one thousand two hundred (1,200) square feet in size, and shall have at least sixty percent (60%) of the full front facades constructed of brick, stone, or stucco. In addition, there shall be no more than eight (8) townhouses per building group, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than eight (8) dwelling units (but not more than ten (10) dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than eight (8) dwelling units exceed twenty percent (20%) of the total number of building groups in the total development. The minimum building width in any continuous, attached group shall be eighteen (18) feet, and the minimum gross living space shall be one thousand two hundred and fifty (1,250) square feet. For the purposes of this Subsection, gross living space shall be defined as all interior building space except the garage and unfinished basement or attic area.**

In this case, 50 lots within the proposed development are 16 feet in width. The applicant requests a variance from the minimum lot width requirements of Section 27-548(h) to allow 50 lots to be 16 feet in width, instead of the required 18 feet.

In accordance with Section 27-230(a), in order to approve a variance, the Planning Board must make the following findings:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

This 19.03-acre site is roughly rectangular in shape, has been previously graded, and contains no environmentally sensitive features or exceptional topographic conditions. The site is bounded by existing development on three sides and US 301 on the other. The MPOT provides that US 301 is to be upgraded to a freeway (F-10), with an arterial alignment of A-61 running parallel to F-10 along the property frontage. In order to achieve the compact mixed-use development envisioned, commercial uses are best located along the frontage of US 301. The applicant contends that the condition on which this variance is based contemplates the recognition that the property has a unique opportunity to provide a mixed-use

residential and commercial development that is encouraged by the master plan and envisioned by the approved CSP. Staff agrees that, while the applicant does have a unique opportunity to provide a compact mixed-use community on this property, there are no exceptional or extraordinary conditions inherent with this property, as all M-X-T-zoned properties have a CSP and many have been envisioned in master plans.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

In the statement of justification (SOJ), the applicant discusses the variance requested herein as being an "area" variance, not a "use" variance. The discussion asserts that the appellate courts of Maryland have made clear distinctions between the criteria applicable to a use variance and an area variance. In this case, the applicant is proposing to construct a permitted use in a manner other than that prescribed by Section 27-548(h). As such, the appellate courts have held that the lesser standard of "practical difficulty" must be met for an area variance, and not the more burdensome "undue hardship" standard for a use variance. (See *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 28 Md. App. 28 (1974)). Thus, in this analysis, all that is necessary is practical difficulty and the applicant contends that, based on these findings, that test is met.

As conceptually designed and envisioned, the preferred layout of the townhouse community places the larger 24-foot-wide units along the perimeter of the property, with the 20-foot and 16-foot-wide units comingled within the core area and adjacent to the proposed commercial along US 301 and the existing commercial office uses to the south. Staff agrees that mixing the unit types within a stick, from a planning perspective, is superior since it not only affords the builder and future homeowner with diversification of product types, but also provides diversification (within the same mixed-use development and in most cases within the same stick of units) of different living experiences. This diversification includes a more urban feel close to commercial retail and highway areas, compared to a slightly more suburban feel along the perimeter of the property with larger units and lots adjacent to the single-family detached units on the western side of the property.

The applicant asserts that strict application of this Subtitle would result in limitations to the development of the property, as it would not be able to achieve the density envisioned when the property was rezoned to M-X-T and conceptually designed and depicted on the approved CSP. However, this is inaccurate, as the CSP was approved with a range between 150 and 200 units, and 195 units are currently proposed. Staff estimates that replacing the 16-foot-wide units with 18-foot-wide units would conservatively result in the loss of six units, a reduction of only three percent. The site can be effectively and fully developed as envisioned with the CSP, while still meeting the regulations established in Section 27-548(h).

The applicant also contends that the inability to provide a reduced width product type, which results in being able to provide diversification of price points to accommodate a larger class of buyers, will create practical difficulties by limiting the ability to provide housing options that capture a wider market. The applicant also

states that the variation of unit sizes, ranging from 24 to 16 feet, provides sufficient deviation in price point to accommodate a wider range of potential buyers, allowing a mixed-use project that meets all income levels. While it is true that the 16-foot-wide units may attract buyers that 18-foot wide units wouldn't, the problem of attracting market share is one held in common by all development. Any proposed development in the M-X-T Zone, where the minimum townhouse width is 18 feet, could try and get a greater market share by asking to provide 16-foot-wide units. Thus, this difficulty is neither peculiar nor unusual.

The applicant asserts that they are unable to find a builder with an 18-foot-wide product. However, A basic search of regional builders revealed several 18-foot-wide models. Difficulties finding a product provider are also neither peculiar nor unusual.

In the SOJ, the applicant continues by asserting that the 18-foot minimum standard for Amber Ridge "works against the reasoning and purpose of zoning the property to the M-X-T Zone, not to mention the design and densities approved with the conceptual site plan." The M-X-T Zone calls for flexibility in design to respond to market demands for "freedom of architectural design to provide an opportunity and incentive for the developer to achieve excellence in physical, social, and economic planning." However, the flexibility called for by the M-X-T Zone is still limited by the standards set in the Zoning Ordinance. The District Council approved CB-87-2018 on October 23, 2018 to allow an 18-foot townhouse lot width, in lieu of the previously required 20-foot townhouse width minimum. Staff supports the deliberate action of the District Council and is compelled to uphold the standards set for in their decision. Because of this already-approved reduction, 18 feet must be interpreted to be the lower limit of the flexibility envisioned by the M-X-T Zone and the District Council. Supporting further reductions in the allowed townhouse lot width would go against their intent.

Based on staff's analysis of the applicant's assertions, the applicant would not face any peculiar or unusual practical difficulties in designing the site with 18-foot-wide units.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The area master plan recommends a mixed-use activity center on the property, and retained it in the C-S-C Zone. However, Zoning Map Amendment A-10031-C was approved in 2014, rezoning the property to the M-X-T Zone in furtherance of the mixed-use recommendation of the master plan. Subsequently, in 2014, the County adopted Plan 2035, which placed the property in the Established Communities Growth Policy Area. The Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development.

Staff has evaluated the requested variance for this criterion and finds that the requested variance to allow a 16-foot townhouse lot width, in lieu of the required 18-foot-wide townhouse lot width, will not substantially impair the intent, purpose, or integrity of Plan 2035 or the master plan.

In conclusion, staff believes that the proposed variance request cannot meet all of the required findings for approval and does not support the variance from the requirements of Section 27-548(h) to allow any townhouse lots to be narrower than 18 feet in width.

Conformance with Previous Approvals

CSP-16007 was previously approved by the Planning Board on March 23, 2019 (PGCPB Resolution No. 17-55) for development of 150 to 200 townhouses and 10,000 to 20,000 square feet of commercial office/retail space, subject to three conditions. This PPS requests approval for development of 195 townhouses and two pad sites for future commercial development. The following condition from the CSP is applicable to the review of this PPS:

2. Prior to approval of the preliminary plan of subdivision, the following information shall be provided.

b. A Phase I noise study, which delineates the location of the unmitigated upper and lower level 65 dBA Ldn noise contours associated with Robert S. Crain Highway (US 301).

The submitted PPS shows the unmitigated 65 dBA Ldn (day-night average noise level) noise contour and it does not appear to substantially impact any residential lots. However, this noise contour is for ground-level noise, and the upper level 65 dBA Ldn noise contour has a more substantial impact. The noise impacting the site is further discussed in the Noise finding of this staff report.

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development is subject to the requirements of the Landscape Manual. Specifically, Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, are applicable to this development. Conformance with the requirements of the Landscape Manual will be evaluated at the time of DSP.

Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 19.03 acres and, therefore, requires 1.90 acres of tree canopy coverage. Compliance with this requirement will be further evaluated at the time of DSP review.

- 16. City of Bowie**—As of the writing of this technical staff report, the City of Bowie has not provided its final comments or recommendation on this instant PPS.
- 17. Noise**—A Phase I noise analysis dated June 10, 2019 was prepared by Phoenix Noise and Vibration, and was submitted by the applicant with this PPS. The analysis measured road noise from US 301. The analysis addressed outdoor noise based on conceptual building location, and the noise measurement results indicate that the site will be subject to noise levels above 65 dBA Ldn. The analysis further indicated that, while areas of the site will be

impacted by the 65 dBA Ldn noise contour, outdoor activity areas proposed on-site will be maintained below the 65 dBA Ldn noise limit based on the conceptual building location provided in the analysis. The noise study concluded that 36 of the proposed townhomes located closest to US 301 will be exposed to noise levels slightly above 65 DBA Ldn, with a maximum impact of 69 dBA Ldn upon the townhome located at the northeastern corner of the residential portion of the site. Further analysis of the building architecture would be needed to determine whether an interior noise level of 45 dBA Ldn for the residences could be maintained. A Phase II noise study should be provided prior to acceptance of the DSP, which evaluates how the building structures proposed will mitigate the noise impacts. To ensure that the necessary interior noise levels are maintained, at the time of building permit, all affected residential buildings should have acoustical certification that building shells have been designed to reduce interior noise levels to 45 dBA Ldn or less.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Show the location of the Marlboro clay on-site, consistent with approved Natural Resources Inventory NRI-196-13-01.
 - b. Revise the lots shown on the plan so that no lot has a width less than 18 feet. Revise the minimum lot width shown in the general notes column from 16 feet to 18 feet.
 - c. Remove the outdated approval block from the plan per Planning Department Bulletin 5-2019. Save a 2-inch square blank space in the lower right corner of the plan for placement of a new certification approval.
 - d. Revise the general notes column to indicate that the mandatory dedication requirement for parkland is to be met with on- and off-site facilities rather than fee-in-lieu.
2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
3. Development of the site shall be limited to uses that would generate no more than 221 AM and 242 PM peak-hour vehicle trips. Any development generating an impact greater than identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

4. Prior to issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction by the appropriate agency and/or jurisdiction, and (c) have a timetable for construction with the appropriate agency and/or jurisdiction:
 - a. Intersection of US 301 at Pointer Ridge Drive: Construct a second left-turn lane along eastbound Point Ridge Drive to northbound US 301.
 - b. Intersection of US at Queen Bridge Road/Mitchellville Road: Construct eastbound Mitchellville Road to accommodate one eastbound left-turn lane, one shared through/left-turn lane, and one free right turn onto southbound US 301.
5. Development of this site shall be in conformance with approved Stormwater Management Concept Plan (8005300-1985-05) and any subsequent revisions.
6. Prior to approval of a final plat:
 - a. The final plat shall grant 10-foot-wide public utility easements along the public and private rights-of-way, as delineated on the preliminary plan of subdivision.
 - b. Demonstrate that a homeowners/business owners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision and Zoning Section of the Development Review Division to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The covenant shall ensure the maintenance of the private street sections providing entry to, and circulation around, the commercial parcels by the owners of Parcels 1 and 2, either solely or jointly with the homeowners. The liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.
7. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-001-2017-01. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-2017-01), 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 (M-NCPPC), Prince George’s County Planning Department.”
8. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. Revise Note 1 to indicate that the plan is associated with Preliminary Plan of Subdivision 4-19032.

- b. Revise Note 9 to indicate the classification of the adjacent roadway.
 - c. Remove the soils boundaries from the plan and the legend.
 - d. Apply the most current TCP1 approval block to the plan. Information concerning prior approvals (signatures, dates, Development Review Division case numbers, and reason for revisions) shall be shown in typeface, and information columns stating the DRD case numbers and reason for revision shall be completed.
 - e. Add the unmitigated 65 dBA Ldn noise contour for transportation noise impacts related to US 301 (Robert Crain Highway), which is classified as an expressway, and add a graphic for the noise contours to the legend.
 - f. Show the location of the Marlboro clay, consistent with approved Natural Resources Inventory NRI-196-13-01 under the graphic line identified in the legend.
 - g. Add a graphic line to the legend for conceptual grading.
 - h. Label the top and bottom elevations of all retaining walls.
 - i. After required revisions to the PPS have been completed, revise the TCP1 to be consistent with the proposed site features and lotting pattern of the PPS.
 - j. Have the revised TCP1 signed and dated by the qualified professional who prepared it.
9. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
- a. Standard sidewalks along both sides of all internal roads, excluding alleys, unless modified by the Prince George's County Department of Public Works and Transportation and the Prince George's County Department of Permitting, Inspections, and Enforcement with written correspondence.
 - b. A direct trail connection to the Maryland-National Capital Park and Planning Commission facility north of the subject site, unless modified by the Prince George's County Department of Parks and Recreation with written correspondence. The trail alignment shall be indicated on the site plans at the time of acceptance of the detailed site plan.
 - c. Sidewalk connection along the road/drive aisle connecting to the property's southern boundary and the office building to the south.
10. Prior to acceptance of a detailed site plan (DSP), the specifications, quantity, and location of the bicycle racks shall be indicated on the DSP.

11. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners/business owners association land as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
 - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division, Upper Marlboro, Maryland.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
12. The applicant and the applicant's heirs, successors, and/or assignees shall provide private on-site and public off-site recreational facilities in fulfillment of the mandatory parkland dedication requirement. At the time of detailed site plan, the type and siting of the facilities shall be determined, including appropriate triggers for construction.
13. Prior to issuance of the building permits for Lots 11 and 12, the applicant and the applicant's heirs, successors, and/or assignees shall construct the 8-foot-wide concrete trail connection from Fife Way to the adjacent Maryland-National Capital Park and Planning Commission property.
14. Construction drawings for the trail and fitness area to be constructed on parkland shall be submitted prior to acceptance of the detailed site plan (DSP), and they shall be reviewed and approved by the Prince George's County Department of Parks and Recreation (DPR) prior to certification of the DSP. The trail shall be designed in accordance with the standards outlined in the Parks and Recreational Facilities Guidelines. The location of the trail shall be staked in the field and approved by DPR prior to construction.

15. Construction drawings for the on-site recreation facilities shall be submitted prior to acceptance of the detailed site plan (DSP), and they shall be reviewed and approved by the Urban Design Section of the Prince George's County Development Review Division prior to certification of the DSP. The facilities shall be designed in accordance with the standards outlined in the Parks and Recreational Facilities Guidelines.
16. Prior to any work being performed on Maryland-National Capital Park and Planning Commission property, the applicant and the applicant's heirs, successors, and/or assignees shall obtain a Right of Entry permit from the Prince George's County Department of Parks and Recreation.
17. Prior to submission of final record plat, three (3) original, executed Recreational Facilities Agreements (RFAs) for public recreational facilities shall be submitted to the Prince George's County Department of Parks and Recreation (DPR) for review and approval. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland and the liber/folio shall be noted on the final plat. The RFA shall contain appropriate triggers for construction as determined at the time of detailed site plan.
18. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on-site prior to issuance of building permits.
19. Prior to issuance of the 98th building permit, the applicant, their heirs, successors and/or assigns shall construct an eight-foot-wide asphalt hiker/biker loop/connector trail around the existing athletic field connecting the development's internal trail network with the adjacent South Bowie Community Center property, and a centralized outdoor fitness area, as shown on DPR Exhibit A.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-19032
- Approval of Type 1 Tree Conservation Plan TCP1-001-2017-01
- Approval of a Variation from Section 24-128(b)(7)(A)
- Approval of a Variation from Section 24-128(b)(12)
- Disapproval of a Variance to Section 27-548(h)