

R E S O L U T I O N

WHEREAS, Bowie HCD, LLC. is the owner of a 15.44-acre tract of land known as Parcels 80, 81, 84, 85, 95, and Part of Parcel C, Tax Map 55 in Grid A-1, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned R-18/R-80; and

WHEREAS, on June 18, 2007, Harmony Place Associates, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-07028 for Harmony Place was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 25, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on October 25, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/24/07), and further APPROVED Preliminary Plan of Subdivision 4-07028, Harmony Place, including a Variation from Section 24-130(a) for Parcels A and B with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
  - a. Revise either general note 18 or the height designation labeled on Building 2 to provide the correct proposed height of Building 2.
  - b. Remove all proposed buildings and structures from the preliminary plan.
  - c. Dimension all structures shown on the TCPI.
  - d. Label MD 197 as having a 120-foot-wide right-of-way width.
2. A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.

3. Development of this site shall be in conformance with Stormwater Management Concept Plan #01-0807-206NE13 and any subsequent revisions.
4. Prior to signature approval of the preliminary plan, a revised NRI shall be submitted that includes consistent information regarding all calculations such as the site's total woodland acreage, 100-year floodplain, and woodland in the floodplain. The relevant documents, including the FSD text, the preliminary plan and the TCPI, shall also be corrected as necessary for overall consistency.
5. As part of the submission for certificate approval of the detailed site plan, the package shall be evaluated to ensure that it includes a final subsurface evaluation. The design and construction shall address the findings and recommendations of the final subsurface evaluation.
6. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the Patuxent River Primary Management Preservation Area and all woodland conservation areas, except for areas of approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.”
7. Prior to signature approval of the TCPI, it shall be revised to show at least ten feet of clearing and grading between all outer walls of the buildings and structures to the limits of disturbance.
8. Prior to the issuance of any permits which impact jurisdictional 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.
9. Prior to signature approval of the preliminary plan, a revised TCPI shall be submitted which demonstrates the following:
  - a. Remove the fee-in-lieu payment in the worksheet and show this acreage as off-site mitigation on another site.
  - b. Remove the soils layer from the legend and the plan.
  - c. Remove the conceptual spot grades and provide the conceptual grading with a corresponding symbol in the legend.
  - d. Within standard TCPI note 5, refer to the city of Bowie's applicable stormwater management concept plan case number.

- e. Add the following note: “The TCPII shall show the provision of chain-link fencing, six feet in height, around all woodland preservation areas within 10 feet of any road or building construction on the north side of Health Center Drive. Other tree protection devices shall be provided for all other preservation areas. All tree protection devices shall be installed prior to issuance of the grading permit and shall remain in place until the first use and occupancy permit has been issued, or until sign-off for the fence removal has been obtained from the DPW&T Inspector and M-NCPPC’s Environmental Planning Section. At no time during construction shall this fencing be removed for any reason. Any impacts to woodland preservation areas shall be mitigated at a ratio of 2 to 1.” This note will also be added to the TCPII and the details for the chain-link fencing shall be shown on the plan.
  - f. Add the following note: “The TCPII shall show the locations and details for the additional signage to explain the purpose and maintenance of the bioretention areas and the afforestation areas. Afforestation areas shall be planted with trees one inch in caliper and greater.”
  - g. After these revisions have been made, have the qualified professional who prepared the plan sign and date it.
10. Development of this subdivision shall be in conformance with the approved Type I Tree Conservation Plan (TCPI/024/07). The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type I Tree Conservation Plan, TCPI/24/07, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree conservation plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
11. Prior to signature approval of the preliminary plan, a revised preliminary plan and TCPI shall be submitted which locates the unmitigated 65 dBA Ldn noise contour as found in Figure 2 of the Phase I noise study. The noise contour shall be shown within each plan’s legend with a corresponding symbol.
  12. At the time of detailed site plan, the DSP and the TCPII shall locate the unmitigated 65 dBA Ldn noise contour with a corresponding symbol in each plan’s legend.
  13. Prior to the acceptance of a detailed site plan, the package shall be evaluated to ensure that it includes a Phase II noise study that details how interior noise levels will be mitigated to 45 dBA Ldn or less for interior areas.

14. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit two copies of the stormwater management concept plan, signed by the City of Bowie, and two copies of the approval letter. The stormwater management concept plan approval number and approval date shall be delineated on the preliminary plan and TCPI. Any required stormwater management facilities shall be shown on the TCPI.
15. The applicant, his heirs, successors and/or assignees shall provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines, subject to the following:
  - a. Submission of three original, executed recreational facilities agreements (RFA) to DRD for their approval three weeks prior to a submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
  - b. Submission to DRD of a performance bond, letter of credit, other suitable financial guarantee, or other guarantee in an amount to be determined by DRD within at least two weeks prior to applying for building permits.
16. The developer, his heirs, successors and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed recreational facilities.
17. Private recreational facilities which comply with the standards outlined in the *Parks and Recreation Facilities Guidelines* shall be reviewed by the Urban Design Review Section of DRD for adequacy and property siting at the time of the detailed site plan.
18. The applicant his heirs, successors, and/or assignees shall provide a six-foot-wide trail or sidewalk connection from the subject property to the existing master plan trail along Northview Drive. The trail location shall be determined at the time of detailed site plan.
19. The applicant his heirs, successors, and/or assignees shall provide standard sidewalks along the subject property's entire frontage of Health Center Drive, unless modified by the City of Bowie.
20. The applicant, his heirs, successors and/or assignees shall provide an internal pedestrian connection between Building 1 and Building 2. The exact location of the trail or sidewalk connection shall be determined at the time of detailed site plan.
21. At the time of detailed site plan, the applicant his heirs, successors and/or assignees shall demonstrate conformance with the fencing and setback requirements for the proposed swimming pool in accordance with Section 27-424 of the Zoning Ordinance.
22. Prior to the approval of a final plat, the applicant, his heirs, successors and/or assignees shall have a detailed site plan approved by the Planning Board in accordance with Part 3, Division 9, of the

Zoning Ordinance. If necessary, approval of alternative compliance is also required at the time of detailed site plan.

23. Development of this property shall be limited to any permitted uses that generate no more than 149 AM peak-hour trips and 172 PM peak-hour trips on the weekdays.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located along the southwest quadrant of Collington Road, (MD 197) and Northview Drive.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	R-18/R-80 (14.81/0.63)	R-18/R-80 (14.81/0.63)
Use(s)	Vacant	Multifamily
Acreage	15.44	15.44
Lots	0	0
Parcels	6	2
Dwelling Units:	0	287
Public Safety Mitigation Fee		No

4. **Environmental**—The Environmental Planning Section has reviewed revised plans for Preliminary Plan of Subdivision 4-07028 and the Type I Tree Conservation Plan, TCPI/024/07. A revised natural resources inventory (NRI) was stamped as received on October 3, 2007, and a revised preliminary plan, TCPI, a variation request, and a letter of justification for impacts to the primary management areas (PMA) were stamped as received on October 5, 2007. The Environmental Planning Section recommends approval of Preliminary Plan 4-07028 and the Type I Tree Conservation Plan, TCPI/024/07, subject to conditions.

**Background**

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

## Site Description

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

## Master Plan Conformance

The site is in the Bowie and Vicinity Planning Area. The Environmental Infrastructure chapter of the master plan contains goals, policies and strategies to preserve, enhance, and where appropriate, restore environmentally sensitive features. The environmental vision recognizes values of an interconnected system of public and private lands that contain significant areas of woodlands, wetlands, wildlife habitat, and other sensitive areas with minimal intrusions from land development, light and noise pollution.

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

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

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

This site contains headwater areas in the Collington Branch watershed, one of the two designated primary corridors in the master plan. The protection of headwater areas is critical to the overall health of stream systems. The development proposal should seek to permanently protect and preserve as much of the existing woodland as possible, focusing on the regulated areas of the site.

The revised TCPI includes a redesign of the proposed buildings to preserve more of the regulated areas than the previous design. The building layout and parking areas continue to occupy a substantial portion of the site, as up to 60 percent of the site will be impervious surfaces when constructed. This is another reason to permanently preserve as much of the woodland on-site as possible.

The TCPI shows the preservation of woodlands inside the limits of disturbance, but not all the way to the edges of the areas to be disturbed. This is highly unusual and implies that the woodlands between the limits of disturbance and the areas of designated woodland conservation are not going to be permanently preserved. The designation of the permanent preservation areas should be coterminous with the limits of disturbance unless existing utility easements prevent the land's use as a woodland conservation area. Additional conditions are proposed in the Environmental Review section below regarding the permanent preservation of the existing woodlands.

### **Green Infrastructure Plan Conformance**

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

The site's woodland conservation threshold (WCT) is 3.09 acres and the woodland conservation requirement is 4.73 acres. The threshold is proposed to be met on site with 2.52 acres of on-site preservation and 1.41 acres of afforestation/reforestation. The remainder of the site's requirement (0.80 acre) is proposed to be met through the use of a fee-in-lieu payment.

Because the site is small and constrained, and the woodland conservation threshold is being met on site, the design is in general conformance with the *Countywide Green Infrastructure Plan*. The additional conditions recommended to ensure the permanent preservation of the woodlands on site are necessary to find conformance with this plan.

### **Environmental Review**

A staff-signed natural resources inventory (NRI/031/07) was included within the initial plan submittal. A detailed forest stand delineation (FSD) was conducted in February 2007, and the FSD narrative was subsequently amended during the review of the NRI in May 2007. The total woodland on site is 7.45 acres, as reflected on the revised NRI, and the amended narrative shows 8.35 acres of existing woodland on-site. This discrepancy has not been addressed.

The revised NRI shows the correct PMA delineation based on a field visit conducted on September 27, 2007, and additional information recently submitted. The 100-year floodplain easement has been determined by DPW&T to no longer be needed on the subject property. However, the floodplain easement and its associated notes still remain on the plans. The worksheet on the TCPI has been updated to eliminate the woodland in the floodplain, and the PMA has been adjusted on all the plans to reflect its elimination. All the data on each of the plans must be consistent before signature approval of the preliminary plan.

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

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

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

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

Impacts to the PMA require a letter of justification. Impacts outside the Patuxent River basin, and to isolated wetlands across the county, require a variation request and certain required findings. The project proposes impacts to the PMA that are discussed below. In addition, an impact to an isolated wetland is proposed. Because this wetland is not part of the PMA, it is discussed separately.

### **Analysis of PMA Impacts**

The initial letter of justification submitted for this application on August 15, 2007, contained seven proposed impacts. The revised letter of justification dated October 3, 2007, contains a discussion of all seven impacts and identifies which of those impacts have been eliminated by the redesign. The PMA impacts have been reduced from seven to three. A fourth impact area proposed on the plans, but not described in the revised letter, is for a proposed outfall from a bioretention area on the western end of the site (shown but not identified on Exhibit 1). The overall PMA impacts have been reduced from 19,652 square feet to 6,779 square feet.

Several revisions to the plans based on new information have resulted in the reduction of the PMA boundaries and the amount of impacts proposed. DPW&T has determined that the floodplain easement is no longer needed on the property, which reduces the area of the PMA. In addition, the Corps of Engineers determined that a section of stream that was previously shown on the applicant's wetland study as a linear wetland was, in fact, an ephemeral stream, and as such, is not regulated. The site visit confirmed that although there was likely a wetland in this location at one time, it was eliminated by the construction of Health Center Drive. The elimination of the linear wetland from regulatory status resulted in a reduction in the area of PMA and the separation of a wetland, making it now an "isolated wetland." This designation means that a variation request is now required to obtain approval to impact the isolated wetland. The overall impacts have also been reduced by making slight changes in the building footprint to pull the building back from the PMA boundaries.

The Environmental Planning Section supports the proposed impacts to the PMA in Exhibits 1, 2 and 3 and supports the additional Impact 4, located on the western edge of the property for the outfall from the bioretention facility.

#### **Impact 1**

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

Impact 1 has been eliminated because the building footprint has been scaled down, and the floodplain easement at this location is in the process of being vacated by DPW&T.

Although the impact to the floodplain easement is eliminated, Exhibit 1 in the revised letter of justification contains a second impact, that being for a proposed stormdrain outfall. The proposed outfall is shown on the northwest portion of the site. The outfall extends from a proposed bioretention area and impacts an adjacent wetland buffer in the vicinity. Based on the scale of this exhibit within the October 5, 2007, letter, the impact area is approximately 500 square feet. This is an essential impact because it is part of the site's infrastructure and is, therefore, supported.

### **Impact 2**

Impact 2 is for the construction of a service lane/emergency vehicle turnaround at the west side of proposed Building 1 within the PMA. A total of 3,646 square feet of impacts were initially proposed. This impact has been reduced to a total of 934 square feet. This impact is supported because it is necessary to provide two access points to any residential development and to ensure adequate access for emergency vehicles.

### **Impact 3**

Impact 3 is for the construction of the west side of proposed Building 1's wall that was located in the PMA. Initially, the total area of impact was for 1,722 square feet.

In the revised design, the corner of the building will be located 5.0 feet from the PMA, with impacts to the PMA for proper grading to meet the requirements of the grading ordinance. This proposed impact has been reduced in the redesign. Additional clearing that is not shown on the plans will need to be added to show ten feet from the building to the limits of disturbance in order to meet the requirements of the grading ordinance.

### **Impact 4**

Impact 4 is for the construction of an access road to the site across a stream and wetland area. The initial total area of impact was 4,489 square feet. On the revised plans the total area of impact has increased to 5,171 square feet.

A road crossing to obtain access to an otherwise isolated developable area is considered an essential impact. Alternative locations for the second entrance were explored and considered infeasible due to the proximity of the second entrance to the east and the location on an interior curve of a roadway. The alternate locations were deemed inappropriate. Proposed Impact 4 is supported because it is essential to the development and cannot be located elsewhere.

### **Impact 5**

Impact 5 is described as a proposed building wall to be located approximately 1.5 feet from the PMA. The initial total area of impact was 421 square feet. Exhibit 5 in the August 15, 2007, letter shows three proposed areas where the footprint for Building 1 was located at the edge of the PMA (a wetlands buffer).

This proposed impact area has been reduced to 174 square feet. Because the impact is solely to the buffer and the grading ordinance is requiring the additional area for grading, this impact is supported.

**Impact 6**

Impact 6 was initially for the construction of a proposed building wall to be located 2.5 feet from the PMA. This impact area as initially shown totaled 477 square feet of wetland buffer.

As a result of new information from the U.S. Army Corps of Engineers, this area is no longer considered regulated and as such there is no impact proposed in this location.

**Impact 7**

Initially, Impact 7 was for the location of a proposed clubhouse and a portion of a proposed entrance road that ends as a cul-de-sac within a wetland. This impact area totaled 8,483 square feet. In the August 15, 2007, letter of justification, this wetland was described as being an “isolated wetland” when at that time its status was as a wetland connected to a wetland and stream system, according to the approved jurisdictional determination.

Because this wetland is now deemed by the Corps to be isolated, a variation request is required to allow the impact. Additional discussion regarding the variation request is contained within the Environmental Review section of this resolution.

**Summary of Proposed Impacts**

Initially a total of 19,652 square feet of PMA impacts were proposed. The plans have been revised and the proposed buildings have been redesigned and scaled back. In the redesign, the revised plans significantly reduce the proposed amount of PMA impact area to a total of 6,779 square feet. This is a reduction and elimination of 12,873 square feet of the overall impact area previously proposed. The Environmental Planning Section recommends that the Planning Board approved PMA impacts 1, 2, 4 and 5 as shown on the revised plans.

The following table demonstrates how the seven originally proposed impacts to the PMA have been modified, reduced and/or eliminated to preserve and protect the PMA to the fullest extent possible.

<b>Initial PMA Impact (Proposed sq. ft.)—Revised PMA Impact Status (Revised sq. ft.)</b>		
1	414	414 sf impact eliminated; 500 sf impact added
2	3,646	reduced to 934 sf
3	1,722	impact eliminated in redesign
4	4,489	increased to 5,171 sf
5	421	reduced to 174 sf
6	477	impact eliminated thru PMA adjustment
<b>TOTAL</b>	<b>11,169</b>	<b>REVISED PMA IMPACT TOTAL: 6,779 sq. ft.</b>

**Reduction of 4,390 square feet from revised PMA and redesign**

7	8,483 sq. ft.	no longer a PMA impact, see variation request
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A variation request stamped as received on October 5, 2007, contains the proposed impact to an isolated wetland that totals 1,928 square feet (not including its associated buffer). The U.S Army Corps of Engineers has revised its previous jurisdictional determination to state that the linear wetland that previously connected the wetland with the stream system is no longer a regulated feature. The regulated stream in this area was impacted when Health Center Drive was constructed.

The wetland’s status at the local level has not changed with regard to whether or not this is a regulated feature—it remains a regulated feature under Section 24-130(b)(7). The process for evaluation of isolated wetlands is through the variation process. The required findings for a variation are contained in Section 24-113.

The Environmental Planning Section supports the impact to this wetland for reasons related to sustainability and supports the applicant’s recommended finding that the property has particular physical surroundings, shape or topographic conditions that are specific to the property and cause practical difficulties. Staff does not agree that financial hardship is equivalent to the necessary hardship findings of 24-113.

The wetland in question has been degraded by the previous removal of the hydrologic connection to the larger stream system. It stands now in an isolated condition that will only become more isolated as development occurs around the other three sides. In the future it would have little or no water flow to support the wetland vegetation and would cease to provide the benefits that are desirable in its preservation, as wetland functions are not sustainable when development occurs around it. Because of this lack of future benefits from this isolated wetland, the Environmental Planning Section is supporting the variation request.

The following is an analysis of the proposed design’s conformance with Section 24-113 of the Subdivision Regulations. The **bold** text denoted text from the Subdivision Regulations; the plan text are staff’s comments.

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

**Section 24-113(a)...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;**

Because the hydrological connection of this wetland to the larger system was severed by previous development in the area, the additional impact to this wetland will not be detrimental to the public safety, health, or welfare, or injurious to other property. Prior to grading permit issuance the applicant is required to obtain the state and federal permits for the proposed work and the additional permit review will assure that impacts to other properties are not included.

- (2) The condition 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 subject property is indeed unique in that it is bounded by several major highways and contains environmental features in locations that make access to the developable portions of the site difficult. The isolated location of the wetland is unique to the property in that hydrologic connections to other sensitive environmental features are usually protected and not eliminated when roadways are built. Because the impact that severed this wetland occurred prior to the proposed application, this is again a unique situation.

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

Even after obtaining Planning Board approval, the applicant must obtain federal and state permits prior to the issuance of any grading permit. As such, there is no violation of other applicable laws.

It should be noted that in the applicant's variation request, the word "and" was deleted from the end of required Finding 3. This is important because all of the four findings must be met for approval.

- (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.**

This site has a unique physical shape and topographical condition because it is located between two existing public rights-of-way (relocated MD 197 and realigned Health Center Drive) and narrows at the location where the isolated wetland exists. The site has a long and narrow shape that was created after the State Highway Administration (SHA) constructed a segment of relocated MD 197 to the north in the late 1990s. After this highway was relocated, SHA realigned segments of Health Center Drive and the long and narrow shape of these parcels was created.

Because of the site's unique shape, there are design and site planning constraints, in addition to the presence of other regulated features that comprise the PMA. The PMA features on site limit the placement of vehicular access.

In commenting on the conformance with this required finding, the applicant quotes the recommendations of the master plan regarding the use of garage parking as a reason for the need for the impact. The parking garage is not in the location of the impact—the impact is for the clubhouse, which is an amenity to the development. The inclusion of amenities is mentioned in the master plan. From an environmental perspective, the requirement for the use of parking garages was an acknowledgment of the environmental constraints on the site. Although the extent of the regulated areas was not known at the time of the rezoning of the property, it was clearly understood that there were constraints that would need to be addressed.

The comments for this finding go on to state that the hardship to the applicant in this situation is a financial one. It should be noted for the record that this is not an appropriate finding in this case. There are sufficient developable areas of the site that can be used and accessed for construction. Because the development scheme proposed on this site does not fit within the developable areas, is not considered sufficient hardship to warrant the finding on this ground alone.

In the letter, the applicant quotes Colao vs. M-NCPPC: "The 'particular hardship to the owner' is balanced against the possible harm done." In this case, given the peculiar shape and constraints on this site, the Environmental Planning Section recommends that the Planning Board find that the harm done by removing the wetland in question is minimal, and that the benefits of preserving this wetland in isolation are also minimal.

The Environmental Planning Section recommends that the Planning Board find that the required findings of Section 24-113 can be made on the subject application.

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

The revised plan shows the overall property totals 15.44 acres, with no areas of 100-year floodplain on-site. However, notes on the plan continue to refer to 100-year floodplain. The site is split-zoned with two residential zones. The requirement has been correctly calculated using the split-zone worksheet. The plan shows 7.45 acres of existing woodland and zero acres of forested floodplain. The site has a woodland conservation threshold (WCT) of 20 percent, or 3.09 acres, and a woodland conservation requirement of 4.73 acres based on the amount of clearing currently proposed. The revised TCPI worksheet shows this requirement to be met with 2.52 acres of on-site preservation, 1.41 acres of afforestation/reforestation, and a fee-in-lieu payment of \$10,454.40 for 0.80 acres.

Conceptual grading has never been shown on the plan submittals. This is a concern because

grading is needed to determine if the proposed limits of disturbance are properly represented. Conceptual grading symbols should be shown on the plan instead of the conceptual spot grades which are delineated at a four-foot-wide scale. The soils layer should be removed from the plan and the legend.

Note 5 within the standard TCPI notes should refer to the City of Bowie's applicable stormwater management concept plan case number.

Some additional revisions are needed to the plans to ensure that the woodland conservation on the site is properly protected and implemented. As previously noted, the woodlands to be retained and counted as woodland conservation do not include all of the areas outside the limits of disturbance. To ensure their permanent protection, all of the woodlands should be included. In addition, these areas need to be provided a higher level of tree protection than the normal two strands of wire or orange plastic fencing. Semi-permanent chain-link fencing must be installed (in the ground) around all the preservation areas prior to the commencement of construction.

Afforestation areas are proposed in highly visible locations on the site. These types of planting areas are often considered by the public to be eyesores. In order to educate the public and to clearly demonstrate that these areas are future forests, they should be planted with large caliper trees (one-inch caliper at planting or greater) and signage should be provided, which is in addition to the required afforestation signage. The additional signage should explain the reason for the forested area and further demonstrate why the area is not being mowed. Additional signage should also be provided for the bioretention areas to explain their purpose.

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

Based on the revised building locations, it appears the outdoor activity areas are outside of the noise corridor, including the proposed outdoor swimming pool. The proposed buildings will shield the activity areas, therefore noise barriers will not be required. The noise study states that all of Building 2 and about one-half of Building 1 are within the noise corridor. Noise mitigation measures may only be required for the apartment units facing the roadways. The interior noise levels can be reduced with the use of doors and windows which are somewhat higher than routine building materials. Noise mitigation details will be determined within a Phase II noise study. An August 10, 2007, letter from Frederick Ward Associates to the City of Bowie's Director of Public Works was included within the plan submittal. The letter states a concept plan approval letter was being prepared along with mylars for signature approval. The August 16, 2007, referral included a copy of an unsigned stormwater management concept plan with the August 10, 2007, letter. No additional information regarding stormwater management has been submitted. The approved stormwater concept plan should be reviewed for comparison purposes with the revised TCPI to ensure that there are no conflicts with the on-site preservation and reforestation/afforestation treatment areas. Several stormwater management methods are shown

on the proposed concept plan, including, but not limited to, areas of bioretention, an underground sand filter, and underground stormwater management controls for water quantity. Ultimately, the approved conceptual and technical plans should reflect the same limits of disturbance as the tree conservation plans. The conceptual and technical stormwater management plans cannot show impacts to the regulated areas that are not approved by the Planning Board. As previously noted, one of the proposed outfalls on the revised TCPI will result in an impact to the PMA.

### **Water and Sewer Categories**

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

5. **Community Planning**—The subject property is located in Planning Area 74B within the Bowie community and is within the limits of the 2006 approved Bowie and vicinity master plan. The master plan land use recommendation for the property is for a high-density residential land use. This application proposes a high-density residential land use which is consistent with the land use recommendation within the 2006 approved Bowie and vicinity master plan. The master plan’s design guidelines specifically applicable to the subject property will be reviewed at the time of the detailed site plan. (See Planning Issues section.)

The 2002 General Plan locates 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. This application proposes a moderate density suburban residential community which is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 2006 Bowie and vicinity sectional map amendment rezoned the property from the C-O Zone to the R-18 Zone, and retained a portion at the southeast end within the R-80 Zone.

### **Planning Issues**

This application is for development of residential apartments within the R-18 Zone. The Zoning Ordinance requires the approval of a detailed site plan (DSP) for a multifamily development in the R-18 Zone. The 2006 approved Bowie and vicinity master plan contains the following design guidelines on pages 17 and 18, which shall be reviewed during the DSP process:

“This property contains approximately 13.08 acres. The property is planned for multifamily dwellings. It is located within distance of the Bowie Senior Center, the Bowie Town Center, and other amenities and services appropriate for senior citizens. The property abuts the Bowie Regional Center, an area designated for medium-to high-density mixed-use and pedestrian-oriented development. Future development at this location should conform to the following design guidelines:

“(1) Site Design

- “(a) A minimum of 75 percent of the required parking should be in garages.
- “(b) Enhance pedestrian and area safety by encouraging a strong visual connection between the interiors of the buildings and the sidewalk, private oversight of public space, and the provision of a uniform level of pedestrian-oriented lighting.

“(2) Building Design

- “(a) High-quality materials that are durable and attractive should be used on the facades of all proposed buildings.
- “(b) Upscale and luxurious apartments with elevators are encouraged.”

6. **Parks and Recreation**—The applicant, his heirs, successors and/or assignees should provide adequate, private recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
7. **Trails**—The subject property includes the southern approach to the existing pedestrian bridge over MD 197. This bridge provides safe pedestrian access across MD 197 in an area with numerous traffic movements and sometimes high speed. The bridge provides access between the Bowie Town Center and the movie theatre/restaurant and hotel complex on the north side of MD 197. It also connects existing master plan trails along MD 197 and Northview Drive.

There is an existing trail along the south side of Health Center Drive. The north side of Health Center Drive is a closed section, but does not include a sidewalk. This includes the frontage of the subject property. The Transportation Planning Section recommends that internal pedestrian connections be provided on the subject property. These connections can be evaluated at the time of detailed site plan and should include:

- A pedestrian connection between Building 1 and Building 2.
  - A pedestrian connection from the subject property to the trail along Northview Drive
  - A standard sidewalk along the site’s frontage of Health Center Drive, unless modified by the City of Bowie.
8. **Transportation**—The Transportation Planning Section has reviewed the preliminary plan of subdivision application for Harmony Place. The applicant proposes the construction of 287 multifamily garden apartments.

**Traffic Study Analyses**

The applicant submitted a traffic study dated June 22, 2007, which was later revised on October 12, 2007. 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. The study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 197 @ US 50 WB Ramps	A/894	B/1054
MD 197 @ US 50 EB Ramps	A/795	B/1125
MD 197 @ Northview Drive	B/1045	C/1230
Northview Drive @ Excelsior Drive	A/568	B/1003
Northview Drive @ Evergreen Parkway	A/549	A/561

The traffic study identified a 20,000-square-foot shopping center, a 132,250-square-foot office facility, and a 750-student elementary school as background developments that could have an impact on some or all of the intersections being analyzed. 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	PM
	(LOS/CLV)	(LOS/CLV)
MD 197 @ US 50 WB Ramps	A/949	B/1128
MD 197 @ US 50 EB Ramps	A/873	B/1217
MD 197 @ Northview Drive	B/1124	C/1332
Northview Drive @ Excelsior Drive	A/631	B/1070
Northview Drive @ Evergreen Parkway	A/611	A/610

Using the Guidelines For The Analysis Of The Traffic Impact Of Development Proposals, the study has indicated that the proposed development of 287 residential apartments will be adding 149 (29 in; 120 out) AM peak-hour trips and 172 (112 in; 60 out) PM peak-hour trips at the time of full build-out. A third analysis was done, whereby the impact of the proposed development was evaluated. The results of that analysis are as follows:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)	(LOS/CLV)
MD 197 @ US 50 WB Ramps	A/949	B/1140
MD 197 @ US 50 EB Ramps	A/899	B/1248
MD 197 @ Northview Drive	B/1163	C/1421
Northview Drive @ Excelsior Drive	A/726	B/1118
Northview Drive @ Evergreen Parkway	A/615	A/617
Health Center Drive @ Site Access	A/286	A/274

In light of the results which indicated acceptable levels of service at all of the intersections, the traffic study concluded that the proposed development would not have an adverse effect on the nearby road system.

**Staff Review and Comments**

Upon review of the applicant’s traffic study, the Transportation Planning Section concurs with its findings regarding the adequacy of the intersections within the study area. However, staff does not agree with the methodology that was used in analyzing the site access with Health Center Drive. The traffic study used the critical lane volume (CLV) methodology which is designed for signalized intersections. The preferred method for unsignalized intersections is the procedure outlined in Chapter 10 of the Highway Capacity Manual. Using such a procedure, a delay of 50 seconds or less for any movement is considered acceptable by our guidelines. When the site access was analyzed using the approved methodology, it was revealed that the intersection would operate with a delay of 10.2 and 10.3 seconds per car during the AM and PM peak-hour respectively.

In addition to the Transportation Planning Section, the county’s Department of Public Works and Transportation (DPW&T), as well as the State Highway Administration (SHA), also reviewed the traffic study. Both agencies concurred with the traffic study conclusions.

### **Master Plan Comments**

The Bowie and vicinity master plan (2006) lists Collington Road (MD 197) as an arterial roadway having a 120-foot-wide right-of-way width. The subject property fronts on this road as well as Health Center Drive. No access was being proposed from MD 197, and SHA has expressed its opposition to any future access to this roadway.

### **TRANSPORTATION STAFF FINDINGS**

The application is a preliminary plan of subdivision for a residential development consisting of 287 residential apartments. The proposed development will be adding 149 (29 in; 120 out) AM peak-hour trips and 172 (112 in; 60 out) PM peak-hour trips at the time of full build-out. The traffic generated by the proposed preliminary plan would impact the following intersections:

- MD 197 @ US 50 WB Ramps
- MD 197 @ US 50 EB Ramps
- MD 197 @ Northview Drive
- Northview Drive @ Excelsior Drive
- Northview Drive @ Evergreen Parkway
- Health Center Drive @ Site Access

### **Growth Policy—Service Level Standards**

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a) (6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

All of the intersections are currently operating adequately and are projected to continue operating adequately under background and total conditions. Because the transportation facilities are found to be operating adequately and this finding is based on the development generating 149 (29 in; 120 out) AM peak-hour trips and 172 (112 in; 60 out) PM peak-hour trips at the time of full

build-out, the Transportation Planning Section recommends a trip cap of 149 AM and 172 PM peak hour trips.

**TRANSPORTATION STAFF CONCLUSIONS**

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George’s County Code.

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

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 3	Middle School Cluster 2	High School Cluster 2
Dwelling Units	287 DU	287 DU	287 DU
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	68.88	17.22	34.44
Actual Enrollment	4,900	6,782	10,542
Completion Enrollment	230.40	117	234
Cumulative Enrollment	4.56	1.14	2.52
Total Enrollment	5,203.84	6,917.36	10,812.96
State Rated Capacity	4,838	6,356	10,254
Percent Capacity	107.56%	108.83%	105.45%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,671 and \$13,151, to be paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section finds that this project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have reviewed this subdivision plan for fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Subdivision Ordinance.

The Historic Preservation and Public Facilities Planning Section has determined that this preliminary plan is within the required seven-minute response time for the first due fire station, Bowie Company 39, using the *7 Minute Travel Times and Fire Station Locations Map* provided by the Prince George’s County Fire EMS Department.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn fire and rescue personnel staffing levels.

The Fire Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

11. **Police Facilities**—The subject property is located in Police District II. The standard for emergency calls response is 10 minutes and the standard is 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months. The preliminary plan was accepted for processing by the Planning Department on June 18, 2007.

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Non-emergency
June 18, 2007			
Acceptance Date Mo/day/year	6/06-6/07	<b>10</b> minutes	<b>19</b> minutes
Cycle 1	7/06-7/07		
Cycle 2	8/06-8/07		
Cycle 3	9/06-9/07		

The response time standards of 10 minutes for emergency calls and 25 minutes for nonemergency calls were met on July 2, 2007.

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George’s County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A, B) regarding sworn police personnel staffing levels.

12. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for the Harmony Place Property and has no comments to offer.
13. **Stormwater Management**—The City of Bowie has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #01-0807-206NE13, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic**—A Phase I archeological survey is not recommended on the 15.44-acre property located at the southwest quadrant of Collington Road and Northview Drive. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Extensive grading occurred on the property at the time MD 197 was built. This grading has most likely adversely impacted any intact archeological deposits that may have been present on the property. However, the applicant should be aware that there are 12 known archeological sites within a one-mile radius of the subject property, 11 prehistoric and 1 historic. In addition, there is one historic resource, the Enfield-Chase Site (71B-006), within a one-mile radius of the subject property.

Moreover, 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. This review is required when state or federal monies or federal permits are required for a project.

15. **Urban Design**—The Urban Design Section has reviewed the preliminary plan application for Harmony Place and offers the following comments:

**Conformance with the *Landscape Manual*:**

The site will be subject to Section 4.1, Residential Requirements, 4.2, Parking Lot Requirements, 4.4 b. and c, Screening Requirements, and Section 4.7, Buffering Incompatible Uses of the *Landscape Manual*. The compliance with the requirements of Section 4.1 and 4.7 will be reviewed at the time of detail site plan review.

**Conformance with the Requirement of R-18 Zone:**

The proposed site is subject to all requirements applicable to the R-18 Zone, Section 27-436. The proposed development is also subject to:

Section 27-419, Bedroom percentages:

- (1) **The maximum percentages of two (2) or more bedrooms per apartment unit in a separate building or project are as follows:**

- (A) **For two (2) bedroom apartments, forty percent (40%); and**
  - (B) **For three (3) (or more) bedroom apartments, ten percent (10%). Unused percentages for three (3) (or more) bedroom apartment units may be added to the maximum allowed percentages for two (2) bedroom apartment units;**
- (2) **Percentage limitations shall apply only to dwelling units actually constructed.**
  - (3) **The percentage limitations do not apply to efficiency and one (1) bedroom apartment units.**

**Sec. 27-424. Swimming pools.**

- (a) **All outdoor swimming pools in the R-E, R-R, R-80, R-55, R-35, and R-20 zones shall be enclosed by a fence at least six (6) feet high. If the pool is constructed above grade, and a fence or railing (the top of which is at least six (6) feet above grade) is attached to it, another separate fence shall not be required. (See Figure 51.)**

Although the proposed swimming pool will be located within the portion of property which is zoned R-18, fencing requirements would still be required in accordance with county regulations. The specific fencing requirements will be determined at the time of detailed site plan.

- (b) **Outdoor swimming pools shall meet the setback requirements for a main building (not for accessory structures). Pools accessory to one-family detached dwellings need only be located eight (8) feet from the rear lot line.**

The applicant is proposing to provide a recreation facility on site by providing an outdoor private pool adjacent to the clubhouse for the use of the future residents within this development. The outdoor swimming pool should meet the setback requirements for the proposed buildings. The proposed outdoor pool should be enclosed by fence or railing at least six feet in height. The swimming pool requirements will be reviewed at the time of detailed site plan review.

**Other Design Issues**

The 2006 approved Bowie and vicinity master plan contains the following design guidelines on pages 17 and 18, which shall be reviewed at the time of detailed site plan review:

“This property contains approximately 13.08 acres. The property is planned for multifamily dwellings. It is located within distance of the Bowie Senior Center, the Bowie Town Center, and other amenities and services appropriate for senior citizens. The property abuts the Bowie Regional Center, an area designated for medium-to high-density mixed-use and pedestrian-oriented development. Future development at this location should conform to the following design guidelines:

“(1) Site Design

- “(a) A minimum of 75 percent of the required parking should be in garages.
- “(b) Enhance pedestrian and area safety by encouraging a strong visual connection between the interiors of the buildings and the sidewalk, private oversight of public space, and the provision of a uniform level of pedestrian-oriented lighting.

“(2) Building Design

- “(a) High-quality materials that are durable and attractive should be used on the facades of all proposed buildings.
- “(b) Upscale and luxurious apartments with elevators are encouraged.”

These issues should be addressed at the time of detailed site plan.

16. **City of Bowie**—On August 1, 2007, the Bowie City Council held a public hearing regarding Preliminary Plan 4-07028 for the project proposed by Harmony Place Associates, LLC, known as Harmony Place. The preliminary plan proposes 287 multifamily apartment units in the R-18 (Multifamily Medium Density Residential) and R-80 (Single-Family Detached Residential) zones on land located along the north side of Health Center Drive, west of Northview Drive.

The City Council found that Preliminary Plan 4-07028 would meet the criteria for approval contained in the subdivision regulations, if conditions were attached to address the plan's current deficiencies. The Council recommended approval of Preliminary Plan 4-07028 with the following conditions, which were intended to enhance the quality of the subdivision and general area:

- a. Including Parcel One (city-owned) to fulfill the existing 0.92-acre gap in tree mitigation requirements, and, if necessary, pursuing, with the State of Maryland, the acquisition of their property (Liber 7025, Folio 523) that abuts the subject property for tree mitigation purposes.

**Comment:** Since the time the Bowie City Council approved the preliminary plan, a revised Type I tree conservation plan has been submitted to the Planning Department. The revised TCPI has reduced the amount of remaining acreage that is proposed to be met through the use of a fee-in-lieu from 0.92 acre to 0.80 acre.

- b. A detailed site plan shall be submitted to the city adhering to the following requirements and design guidelines established in the county Zoning Ordinance and 2006 Bowie and vicinity master plan:

- (1) The development shall be designed and constructed in accordance with the bedroom percentages and lot coverage and building setback requirements set forth in the county Zoning Ordinance for the R-18 Zone.
- (2) Site Design
  - (a) A minimum of 75 percent of the required parking shall be provided in garages.
  - (b) Pedestrian and area safety shall be enhanced by encouraging a strong visual connection between the interiors of the building(s) and the sidewalk, private oversight for public space, and the provision of uniform level of pedestrian-oriented lighting.
- (3) Building Design
  - (a) High quality materials that are curable and attractive should be used on the facades of all proposed buildings.
  - (b) Upscale and luxurious apartments with elevators should be provided.

**Comment:** Section 27-436(e) of the Prince George's County Zoning Ordinance requires detailed site plan approval for all attached and multifamily dwellings, including any associated community building or recreational facilities, in accordance with Part 3, Division 9, of the Zoning Ordinance. The detailed site plan must be approved prior to approval of the final plat of subdivision.

- c. The site shall be cleared from east to west to provide an opportunity for any wildlife that may exist on the property to relocate to those areas that will remain undisturbed. Orange plastic mesh fencing shall be installed along the site frontages of Northview Drive, Health Center Drive, and along the northern portion of the site abutting the MD 197 right-of-way to prevent wildlife from crossing those roadways.

**Comment:** The Type I tree conservation plan has gone through extensive revisions during this application's review period. The numerous sensitive environmental features that are located on the property have dictated which areas will be preserved or cleared. The revised plan will implement the Countywide Green Infrastructure Plan at this location and meet the requirements of the Woodland Conservation Ordinance. Staff has no objections to the request for plastic mesh fencing to be installed along a majority of the property's street frontage; however, there is no subdivision or Zoning Ordinance regulation that would make this a requirement of the applicant.

17. **Use Issues** – The Subdivision Section has received a copy of a letter sent from Maryland Senator Douglas J.J. Peters to Chairman Samuel J. Parker, Jr., Chairman of the Prince George's County Planning Board, dated September 19, 2007. Senator Peters, who previously represented the 4<sup>th</sup>

County Council District, was the primary sponsor of the Planning Department's update of the Bowie and Vicinity Master Plan, which rezoned the majority of the subject property from the C-O Zone to the R-18 Zone. Senator Peters stated that his vision for this property was to allow for a multifamily residential use for seniors, whether for sale or rental purposes, and the application as currently proposed for a non-age restricted multifamily rental development is not consistent with the Bowie Master Plan or his desire for the property at the time of adoption of the plan.

This preliminary plan application is for the purposes of determining whether adequate public facilities exist for a 287-unit multifamily development. Upon Planning Board approval, this application would allow any permitted use in the R-18 Zone that does not exceed 149 AM peak-hour trips and 172 PM peak-hour trips on the weekdays. Therefore, at the time of detailed site plan, if it is determined that the proposed multifamily use must be age-restricted housing, the transportation impact would ultimately be less than what it was tested for at the time of preliminary plan and would allow the change in use without obtaining approval of another preliminary plan application.

18. **Density Issues** – The applicant is proposing to utilize the acreage within a parcel of land located on the south side of Health Center Drive (Parcel B), where no development is proposed, for the purposes of determining the permissible density on the parcel (Parcel A), located on the north side of Health Center Drive. This issue has been the subject of extensive internal conversations between staff, which are currently ongoing. The Subdivision Section is currently researching the density issue in detail, which not only requires interpretation of the Zoning Ordinance, but requires interpretation of the specific definitions within the Zoning Ordinance as well. The Planning Department's ultimate position in this matter would not only affect the subject application, but could apply to several future applications that have a tract of land that is separated from one another by a public right-of-way. At this time, the application is being tested for adequate public facilities based on the applicant's requested density of 287 multifamily units. If it is determined at the time of detailed site plan that the acreage of Parcel B (1.24 acres) should be subtracted from the net tract area for the purposes of determining the allowable density, this can be accomplished without the need for a new preliminary plan application, or any additional action by the Planning Board on the current application.
19. **At the Public Hearing** – At the public hearing for this application on October 25, 2007, the applicant had requested revisions to the language within Conditions 5 and 9(e). The requested change to Condition 5 related to the timing for the submission of the final subsurface evaluation, and the requested change to Condition 9 (e) related to the timing for the installation and removal of fencing around designated tree preservation areas, and further specified which preservation areas would need to reflect the fencing requirements at the time of TCPII. The Environmental Planning Section was in agreement with the applicant's proposed changes to Conditions 5 and 9 (e), subject to additional language being added for clarity purposes. The applicant concurred with the Environmental Planning Section's minor revisions, and the changes to both conditions were deemed acceptable by the Planning Board. Conditions 5 and 9 (e) have been revised accordingly.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 25, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of November 2007.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:JF:bjs