

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



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

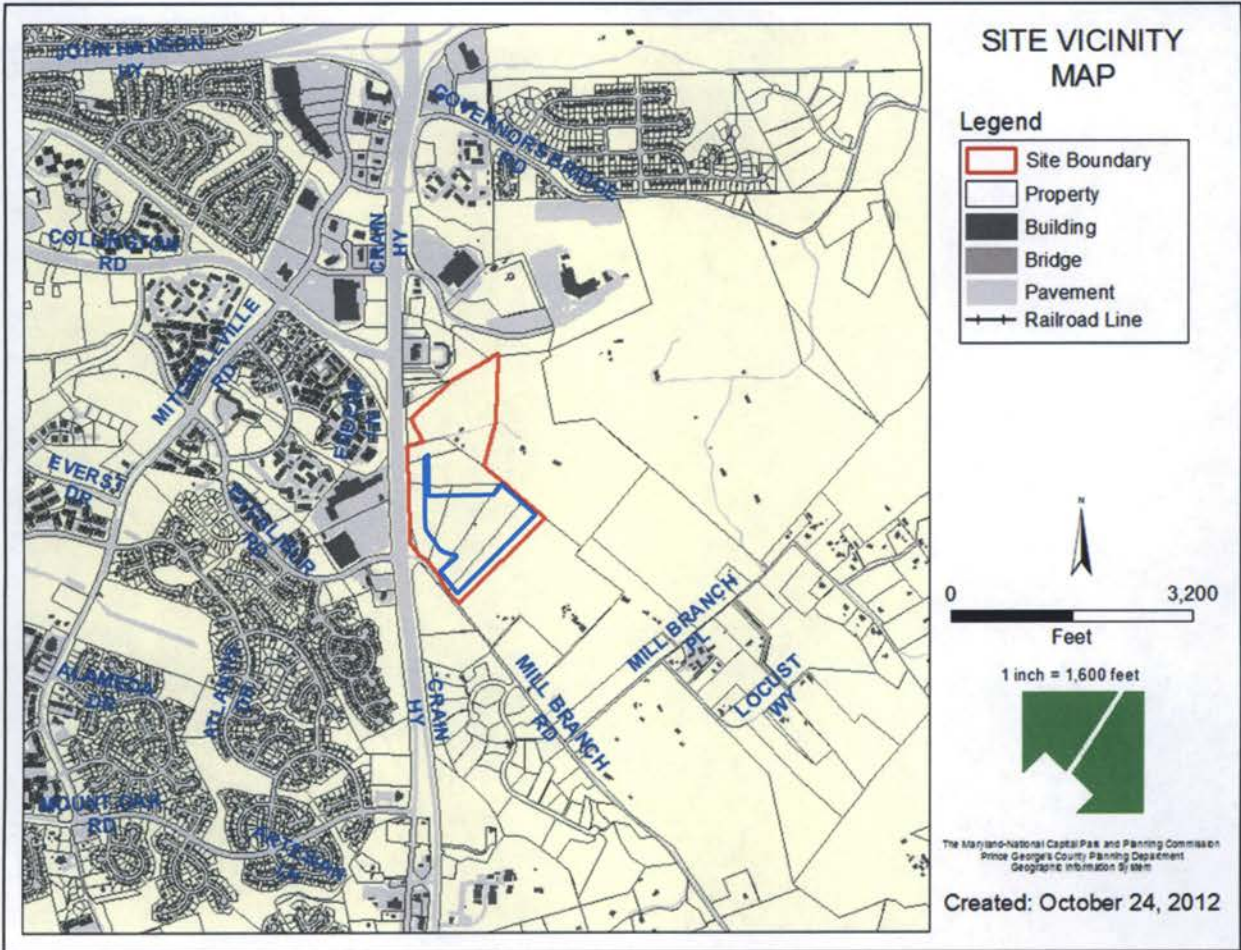
Special Exception

SE-4734

Application	General Data	
Project Name: Mill Branch Crossing (Walmart) Location: East side of Robert Crain Highway (US 301), south of Laurel Bowie Road (MD 197) to Mill Branch Road. Applicant/Address: Wal-Mart Real Estate Business Trust 2001 SE 10th Street Bentonville, AZ 72716 Property Owner: Mill Branch Crossing, LLC. 150 White Plains Road Tarrytown, NY 10591	Planning Board Review Date:	12/12/13
	Staff Report Date:	11/26/13
	Date Accepted:	07/10/13
	Planning Board Action Limit:	N/A
	Plan Acreage:	24.90
	Zone:	C-S-C
	Gross Floor Area:	186,933 sq. ft.
	Lots:	N/A
	Parcels:	8
	Planning Area:	71B
	Tier:	Developing
	Council District:	04
	Election District:	07
	Municipality:	Bowie
200-Scale Base Map:	205NE14	

Purpose of Application	Notice Dates	
Special exception for a department or variety store over 125,000 square feet in the C-S-C Zone.	Informational Mailing	02/05/13
	Acceptance Mailing:	07/08/13 07/09/13
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Tom Lockard Phone Number: 301-952-3410 E-mail: Thomas.Lockard@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	



November 26, 2013

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Tom Lockard, Planner Coordinator, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4734**
Mill Branch Crossing (Walmart)

REQUEST: **Special exception for a department or variety store over 125,000 square feet in the C-S-C Zone.**

RECOMMENDATION: **DISAPPROAL**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of December 12, 2013. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

A. **Location and Field Inspection:** The subject property is located in the northeast quadrant of the intersection of Robert Crain Highway (US 301) and Mill Branch Road. The site is comprised of portions of six parcels and contains a total of 24.9 acres. It is part of a larger 74-acre site which was placed in the Commercial Shopping Center (C-S-C) Zone in 2006 and given the appellation Mill Branch Crossing. As presently configured, the special exception site does not have frontage on or access to a public road, although the site plan does show frontage and access through a limited-movement (right-in/right-out) entrance from US 301 consistent with that approved in the prior preliminary plan of subdivision for the site. The site is partially wooded, but is largely cleared from many decades of agricultural use. The site is currently encumbered by a 50-foot access easement (Liber 28018 at Folio 685), to the benefit of The Maryland-National Capital Park and Planning Commission (M-NCPPC), which extends northeast from Mill Branch Road along the entire southeastern property line of the site to provide access to the Green Branch Regional Park property abutting to the east and northeast.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant, Agriculture	Department/Variety store
Acreage	24.9	24.9
Lots	0	0
Parcels	Parts of 6	Parts of 6
Square Footage/GFA	0	186,933
Variiances	No	No

C. **History:**

1. On March 26, 2002, the 2002 Preliminary General Plan proposal showed the Mill Branch Crossing property in the Rural Tier. The Prince George's County District Council proposed amendments to the Preliminary General Plan by County Council Resolution CR-34-2002, including Amendment 2 for the Mill Branch Crossing property to be placed in the Developing Tier.
2. On July 16, 2002, a joint public hearing on the amendments proposed by CR-34-2002 was held. The District Council approved the 2002 *Prince George's County General Plan* (General Plan) in CR-47-2002 on October 7, 2002, with amendments, including Amendment 2 placing the now Mill Branch Crossing property in the Developing Tier.
3. The 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* (Bowie Master Plan and SMA) reclassified the site from the Residential-Agricultural (R-A) Zone to the C-S-C Zone.
4. On June 12, 2007, the applicant submitted a Preliminary Plan of Subdivision (4-07043) for Mill Branch Crossing shopping center. The application was ultimately withdrawn on November 1, 2007.
5. On May 28, 2009, the Prince George's County Planning Board approved Preliminary Plan of Subdivision 4-08052 for the Mill Branch Crossing shopping center. The approved

preliminary plan was for the development of a shopping center and a 150-room hotel on the larger 74-acre property of which the subject site is a portion. Prince George's County Planning Board Resolution No. 09-85 created Parcel A and contains 36 conditions of approval, including the requirement for a detailed site plan prior to final plat. The approved preliminary plan is valid until December 31, 2015. No final plat has been filed or recorded for the subject site.

6. On June 8, 2010, the applicant submitted a limited Detailed Site Plan (DSP-10018) for an entrance road onto the 74-acre site. This case remains pending.
7. On January 6, 2011, the applicant requested a reconsideration of Conditions 2, 6, 8, 9, 18, 19, 20, 21, 22, 26, and 32, of PGCPB Resolution No. 09-85 relating to the DSP. On February 3, 2011, the Planning Board denied the request for a waiver of the rules and thus the reconsideration.
8. On March 22, 2012, the applicant submitted a new Preliminary Plan, 4-11011, to create five parcels for the development of a shopping center and to adjust the previous DSP conditions. This application was ultimately withdrawn.
9. The applicant has submitted a Detailed Site Plan (DSP-13034) for the entire 74-acre site.

D. **Master Plan Recommendation:** The application conforms to the commercial development land use recommendations of the Bowie Master Plan and SMA. However, the application does not conform to the master plan policies, strategies, and guidelines pertaining to the type of commercial building and uses, which specifically discourages "big-box" commercial uses. The master plan addresses the subject property on pages 12 and 16:

POLICY 6: Improve site design to maximize the preservation of environmentally sensitive areas, encourage a diversity of housing types, provide a mix of land uses in appropriate locations, and reduce the cost of providing new roads and other public facilities.

Strategies:

1. **Recommend development and/or redevelopment in conformance with the following stated land use concept and development guidelines at the following locations:**
 - b. **Property located at the northeast quadrant of the US 301/Mill Branch Road intersection: This property, given its proximity to the Bowie Regional Center, should be developed with high-quality commercial retail uses, including a hotel. Future development should promote the optimum use of the transportation system and public infrastructure, preserve environmentally sensitive areas, and provide for the needs of workers and residents in the area. The property should be rezoned to a suitable zone, such as the C-S-C (Commercial Shopping Center) Zone, to permit development of elements such as an upscale hotel, etc. The development should incorporate the following design guidelines:**
 - (1) **The development should include quality department stores but should not include discount or "big-box" commercial activities. No individual retail uses; other than food or beverage stores (grocery store) shall exceed 125,000 square feet in size. Retail sales of**

alcoholic beverages in a food or beverage store are limited to 5,000 square feet or less.

- (2) **The existing 22-foot easement that provides access to the Green Branch Regional Park should be vacated and replaced by a new temporary easement, fifty feet in width, located on this property at its eastern most property line on Mill Branch Road. The new temporary easement should be vacated when it is replaced by permanent access via a right-of-way to be constructed at the time this property is developed. The new temporary easement on the easternmost property line should form the boundary between the Developing Tier and the Rural Tier.**
- (3) **The development should include a pedestrian hiker/biker system that is comprehensively designed to encourage pedestrian and biking activity within the development and with connections to the Green Branch Regional Park and Prince George's Stadium.**

The master plan's vision and desire for the ultimate development of this site seem to be for something more than what is being proposed by the applicant. A Walmart Supercenter, albeit one more aesthetically pleasing than the older model directly across Crain Highway (US 301) to the west, would seem to staff to be the quintessential example of the big-box discount store being discouraged by the District Council. The applicant is proposing a building that far exceeds the square footage recommendation for a single-use. The applicant explains "The proposed building which is 186,933 square feet is not a typical retail use, and does not impair this Master Plan suggestion. The proposed building and department store contains a number of retail uses. The store has three main entrances: one for general merchandise, one for grocery component, and one for the outdoor garden center. In addition, interior space is provided for tenants. Walmart stores of this size typically include tenant space for additional uses such as fast food, banks florists, beauty and health related operators." Notwithstanding the applicant's explanations to the contrary, staff finds this proposal to be a big-box discount development irrespective of the upgraded façade, multiple entrances, and other retail uses proposed within the building footprint.

The plan does show the existing 50-foot-wide easement along the southeastern property line and, in fact, proposes an additional 62-foot easement to M-NCPPC, all of which is in an area not included in the special exception. However, it does provide for access to the proposed development and will be the primary access for trucks and customers travelling south on US 301. The applicant has not explained how they intend to meet the second guideline or when this temporary easement will be replaced by a permanent right-of-way.

The applicant has provided for sidewalks along internal driveways and within the parking lot, but otherwise does not address or incorporate pedestrian and hiker/biker connectivity between the proposed shopping center and the adjacent Green Branch Regional Park. These would be further analyzed through the DSP process, presumably.

The General Plan locates the subject property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density, suburban, residential communities, distinct commercial centers, and employment areas that are increasingly transit-serviceable.

- E. **Request:** The applicant is proposing to build a 186,933-square-foot Walmart Supercenter on the subject property. The proposal would incorporate three major uses within one building: a grocery store, a general merchandise store, and a garden center. Additional small tenant retail is also usually found in this type of development. Access is proposed from both Crain Highway (US 301) and via a driveway from Mill Branch Road. A 748-space parking lot fronts the proposed building. The southern and eastern sides of the proposed building, which border farmland in the Rural Tier and a future regional park, are the proposed location of an automotive center and the loading docks/recycling/organic waste/wood pallet storage area, respectively.
- F. **Neighborhood and Surrounding Uses:** The subject property is located in a recently annexed portion of the City of Bowie, east of Crain Highway (US 301).

The neighborhood is defined by the following boundaries:

- North—** Green Branch Regional Park
- East—** The Patuxent River
- South—** Mill Branch Road
- West—** Robert Crain Highway (US 301)

This is the same neighborhood as was accepted in the most recent nearby Special Exception, SE-4454 (Locust Lane Farms), approximately 2,500 feet to the southeast. The subject neighborhood has a dual character. To the east and south, it is rural, consisting of farmland and scattered single-family residences. The exceptions are an old golf driving range located at the intersection of Mill Branch Road and Mill Branch Place (seemingly deserted, at present, although the buildings remain) and the Locust Lane Farms landscaping/hydroseeding business at the end of Mill Branch Place. The property to the east, as previously mentioned, is to be developed as a regional park. To the north and west is undeveloped land and retail commercial uses along US 301.

The site is surrounded by the following uses:

- North—** The remainder of the 74-acre Mill Branch Crossing site, beyond which is an unnamed tributary to Green Branch, a gas station and Rips motel, restaurant, and package store all in the C-S-C Zone.
- East—** Agricultural land slated for development as the Green Branch Regional Park (M-NCPPC) in the Open Space (O-S) Zone.
- South—** Undeveloped land and agricultural fields in the R-A Zone.
- West—** The remainder of the Mill Branch Crossing site in the C-S-C Zone. Across US 301 is the existing Walmart store in the C-S-C Zone.

- G. **Effect of Previous Approvals:** When the Planning Board approved Preliminary Plan of Subdivision 4-08052, it did so subject to 36 conditions including the requirement for a DSP prior to final plat. A DSP was submitted three months subsequent to the subject application and has not been finally accepted. The special exception site plan is essentially the “detailed site plan” for that portion of the 74-acre site, since a special exception site plan takes precedence over any other

plan approval (Zoning Ordinance Section 27-319[a]). This is not to say, however, that a DSP is not required, just that it will have to be identical to any approved site plan for that portion of the site covered by the special exception. Many of the conditions of approval in the preliminary plan required specific tests and findings be made at the time of the DSP. Logically, many of the conditions related to DSP approval should also be applied with the special exception site plan to avoid the need for revisions. It is therefore recommended that the special exception site plan address these elements at this time, with the caveat that a final plat cannot be recorded until an overall DSP is approved.

In light of this, staff has made an effort to assess the relevant conditions from Preliminary Plan 4-08052 and Type I Tree Conservation Plan TCPI/022/07 that have some impact on the special exception. They are divided into areas of interest according to the referring agencies. The numbers correspond to the condition numbers contained in the resolution for 4-08052.

Environmental

- 2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved.**

A revised Type I tree conservation plan (TCPI) was originally submitted with the current application; however, a Type II tree conservation plan (TCPII) is required to be submitted with a special exception site plan. A TCPII was previously submitted with Detailed Site Plan DSP-10018, but did not move forward to approval; however, the same TCPII number is retained for the site and will be applied.

A TCPII has been submitted for review with the revised application, and will be addressed in later sections in this memorandum.

- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 14712-2007-00 and any subsequent revisions.**

A Stormwater Management Concept Approval Letter (12844-2010-01), valid until October 28, 2014, was submitted with the application. An unapproved Phase I stormwater management concept plan was submitted with the subject application, which shows stormwater management being handled in an underground storage facility as well as numerous small bioretention facilities scattered around the site. The stormwater management concept plan does not match the layout within the area of the current special exception application. It is unclear whether all elements shown on the approved stormwater management concept plan are reflected on the TCPII. After the stormwater management concept approval plan is confirmed by the City of Bowie, all proposed stormwater management elements shall be added to the TCPII.

The subject property was annexed into the City of Bowie in 2012, which has local stormwater management authority. Subsequently, a revised Stormwater Management Concept Approval Letter, 12844-2010-2, was issued by the Prince George's County Department of Permits, Inspection and Enforcement (DPIE) on September 13, 2013, but confirmation has not been received from the City of Bowie that they endorse the revised concept approval.

- 18. The detailed site plan shall show the use of low-impact development stormwater management techniques such as bioretention, French drains, depressed parking lot**

islands and the use of native plants throughout the site. Low-impact development techniques shall be applied on this site to the greatest extent possible.

This condition should be evaluated in conjunction with the review of the special exception, because the special exception site plan will govern within the limits of the special exception. The stormwater management concept plans show the use of some of these techniques, but confirmation from the City of Bowie is necessary concerning the application of the approved concept plan going forward.

The Environmental Planning Section will be requesting a revision to the TCPII to show the location of all stormwater management features approved with the stormwater management concept approval, subject to confirmation by the City of Bowie, to assess any conflicts with woodland conservation or impacts to the primary management area which are inconsistent with the impacts approved at the time of preliminary plan or the TCPI. The TCPII plan currently shows numerous bioretention areas scattered throughout the site, which are currently obscured by graphic landscape elements which must be removed from the TCPII plan if they are not credited as woodland conservation.

- 19. At time of detailed site plan review, the applicant shall demonstrate the use of alternative parking methods and paving materials to reduce the area of impervious surfaces to the greatest extent possible; insert additional green areas and tree canopy to cover to break up the areas of impervious surfaces; provide large islands of shade; and demonstrate the use of low-impact development techniques.**

This condition should be addressed within the limits of the special exception with the current application. Paving materials, landscape materials, green space, and tree canopy coverage area are all elements which fall under the review authority of the Urban Design Section and are addressed in a later section of this report. Review for the use of low-impact development techniques lies with the City of Bowie, Department of Public Works. The parking areas shown on the site plan are broken up into smaller sections by landscape islands. The parking has been reduced to the minimum required, provided the use comes in as part of an integrated shopping center.

- 20. The landscape plan submitted at time of detailed site plan shall demonstrate the following:**
- a. A minimum of twenty percent tree canopy coverage, after ten years of growth, to provide shading and reduce the heat-island effect within the parking lot area.**
 - b. Planting strips designed to promote long-term growth of trees and increase tree canopy coverage. These strips should be considered for bioretention.**
 - c. Distribution of tree planting throughout the site to provide shade to the maximum amount of impervious area.**
 - d. The use of conservation landscaping techniques that reduce water consumption to the greatest extent possible.**
 - e. Incorporate environmentally sensitive stormwater management techniques throughout.**

f. Provide bufferyard along Parcel 29 to create a transition between the Developing Tier and Rural Tier.

These conditions for DSP approval should be addressed within the limits of the special exception with the current application by the Urban Design Section. This will assure that the special exception site plan and the DSP are consistent at the time of final plat. These landscape elements should not be shown on the TCPII, unless they are proposed to be credited as woodland conservation and meet the woodland conservation methodology for on-site landscaping found in Section 25-122(c)(K) of the Prince George's County Code. Twenty percent tree canopy coverage is provided and the plans show numerous bioretention areas, mostly within the landscape islands within the parking lot.

- 26. Prior to submittal of the detailed site plan, a conceptual design for the environmentally sensitive restoration of the problem areas identified in the Stream Corridor Assessment Report shall be prepared and submitted for approval as part of that application. The restoration plan shall include a "Coastal Plain Outfall" type system, or its equivalent, to slow the velocity of the stormwater running through the stream bed, and stabilize the stream banks to prevent sedimentation into the Patuxent River. The final design shall show integration of the stormwater management and stream restoration.**

This condition is not applicable to the current special exception application which includes no regulated streams, but will be applied with the DSP for the remainder of the site which includes regulated environmental features and areas requiring stream restoration.

- 28. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

The limits of the special exception, as currently delineated, do not include any wetlands or wetland buffer, and does not propose impacts to any wetland features regulated by state or federal agencies. This condition may be applicable with the future DSP application.

- 30. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to show a 40-foot-wide scenic easement, free of parallel public utility easements, adjacent to the ultimate right-of-way of Mill Branch Road.**

This condition was met prior to signature approval of the preliminary plan. It is not applicable within the currently delineated limits of the special exception application, and will be applied with the DSP for the remainder of the site.

- 32. The detailed site plan shall address: protection of significant visual features; preservation of existing woodlands; planting of the scenic easement; limiting of access points; supplemental landscaping appropriate to conserve and enhance the viewshed of the historic road; and the relationship between the Developing Tier and Rural Tier.**

The above condition should be applied to the current application as applicable, specifically the relationship between the proposed special exception in the Developing Tier and the adjacent Rural Tier. The Rural Tier is located 147 to 213 feet from the proposed structure and 50 feet from proposed circulation elements (including the drive aisle used by trucks for loading purposes and waste removal). There are no woodlands to be retained within the area of interface between the tiers, although a large 3.2-acre woodland reforestation/afforestation area is proposed. A 30-foot-wide landscape strip, consistent with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), is provided along the property line.

Although the intersection of the two tiers is partially off the special exception site plan, more information is needed to ensure that this condition is addressed.

Subdivision

- 4. At the time of final plat, the applicant shall dedicate a ten-foot public utility easement along the public rights-of-way as delineated on the approved preliminary plan of subdivision.**

The area under review with this special exception contains frontage on an area to be dedicated, which reflects the ten-foot-wide public utility easement.

- 5. At the time of final plat, the applicant shall dedicate rights-of-way along the property's street frontage consistent with the approved preliminary plan of subdivision, and subsequent detailed site plan if modified by SHA along the frontage of Mill Branch Road.**

The site plan delineates the right-of-way dedication along the frontage of Mill Branch Road and Crain Highway (US 301) as reflected on the approved preliminary plan. The property frontage along Mill Branch Road is not within the limit of this special exception. However, prior to building permits, dedication should be required for master plan and preliminary plan conformance to ensure adequate access.

- 6. Prior to the approval of final plats, a detailed site plan shall be approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance. The detailed site plan shall include, but not be limited to the following:**
 - a. A final determination shall be made by SHA for the ultimate right-of-way dedication along the southern property line at Mill Branch Road,**
 - b. Conformance to the *Prince George's County Landscape Manual*,**
 - c. Establishing an appropriate relationship between the Developing and Rural Tiers while taking into account the impact of the proposed commercial development on the rural character of the area and the regional park facility currently under construction to the east,**
 - d. The placement and orientation of buildings, landscaping, and driveways,**
 - e. The architectural elevations, massing and scale of the improvements,**

- f. **Evaluate appropriate pedestrian connections and circulation including a connection to the Green Branch Regional Park,**
- g. **The use of LID and green building techniques,**
- h. **Conformance to the master plan guidelines,**
- i. **Viewshed analysis from US 301 corridor.**

A DSP is required for the site prior to approval of final plats. A DSP was submitted subsequent to the special exception application, and is not yet finally accepted or scheduled for review. The current proposed layout, placement, and orientation of the store with the rear of building closest to the Rural Tier and regional park do not clearly address the issues raised by the Planning Board in the conditions and findings of the preliminary plan, which required an analysis of the relationship of the buildings on this site as it relates to the Rural Tier boundary to the south and east. In addition, the special exception does not propose any pedestrian connection to the regional park and only peripherally addresses any green building techniques, and does not propose any mixed use on the site, which may not be consistent with the master plan guidelines. The special exception must better address Condition 6, which was a result of the master plan and General Plan tier designations and the relationship and impact on abutting properties.

- 7. **An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

Condition 7 should be added to a general note on the special exception.

- 12. **Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the DPW&T for the placement of a bikeway sign(s) along Mill Branch Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.**

Conformance to Condition 12 will be determined at the time of building permits.

- 13. **The applicant and the applicant's heirs, successors and/or assignees shall provide, unless modified by the DPW&T and the SHA:**
 - a. **Multiuse sidepath for pedestrians and bicyclists on Mill Branch Road connecting to the intersection of US 301 and Excalibur Road.**
 - b. **Provide a wide crosswalk with pedestrian islands on US 301 to create a safe road crossing and accommodate both pedestrians and bicyclists using the recommended sidepath.**
 - c. **Raised crosswalks on roads approaching Mill Branch Road to create safe road crossings for pedestrians and bicyclists.**

- d. **Install “bikeway narrows” signage on the approach to Mill Branch Road and the site entrance.**

The site frontage along US 301 and Mill Branch Road are not within the limit of this special exception. Conformance to Condition 13 will be reviewed and determined at the time of the building permits. In fact, presently, the special exception boundary does not front on any public right-of-way. Prior to building permits, adequate dedication will be required in accordance with the approved preliminary plan.

25. **The following note shall be placed on the Final Plat of Subdivision:**

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/022/07), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

Conformance to Condition 25 should be reviewed and determined at the time of final plat.

31. **At time of final plat, a scenic easement shall be established adjacent to Mill Branch Road as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:**

“Mill Branch Road is a county designated Historic Road. The scenic easement described on this plat is an area where the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.”

The scenic easement adjacent to Mill Branch Road is not within the limit of this special exception. Conformance to Condition 31 should be reviewed and determined at the time of final plat.

Historic Preservation

The Planning Board determined that a Phase III recovery is appropriate for a historic site (Site 18PR857) contained within the special exception area. However, the applicant will be required to return some of the artifacts recovered for display and interpretation back to this site. Prior to the approval of the DSP, the applicant should submit a Phase III mitigation and data recovery plan for review and approval by the Historic Preservation staff and the Historic Preservation Commission. The applicant should provide a final report detailing the Phase III investigations and ensure that all artifacts are curated and some of them then brought back to the site for interpretative exhibits to be determined by the Planning Board at the time of review of the DSP.

As stated in PGCPB Resolution No. 09-85, "to ensure that an appropriate context is established, and to provide for the greatest benefit for an accurate interpretation of the site, the applicant should submit a proposal for the interpretation of the artifacts recovered which includes detailing the location and type of appropriate displays. The Planning Board will expect a creative and innovative approach to reach a wide audience and be easily accessible, all while ensuring that an appropriate context is established for the artifacts. The locations of the display and interpretation may include a structure(s), a park like setting or may be located in one of the buildings proposed on the site (i.e. the hotel). It is the desire of the Planning Board that the applicant presents a proposal that is inspiring and one which recognizes the importance of this site and the cultural significance it has to the County."

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

A Phase III mitigation and data recovery plan was submitted to Historic Preservation staff on September 12, 2009. The Historic Preservation Commission reviewed and approved the Phase III mitigation and data recovery plan at its September 15, 2009 meeting. Phase III mitigation and data recovery cannot precede until the U.S. Army Corps of Engineers and the Maryland Historical Trust (MHT) completes their Section 106 review of potential impacts to Site 18PR857.

- 9. The applicant shall provide interpretive signage detailing the results of the archeological investigations at site 18PR857. The location, wording and timing for its installation shall be reviewed at the time of detailed site plan and be reviewed by the staff archeologist.**

The Phase III archeological investigation has not been completed and, therefore, Condition 9 above cannot be addressed at this time. In addition, the US Army Corps of Engineers and the Maryland Historical Trust have not completed their Section 106 review of potential impacts to Archeological Site 18PR857.

- 10. If Archeological Site 18PR859, located in the northern portion of the property, will be impacted by the proposed development, the applicant shall provide a plan for:**
 - a. Evaluating the resource at the Phase II level, or**
 - b. Avoiding and preserving the resource in place.**

Archeological Site 18PR859 will not be impacted by this proposal.

- 11. If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland**

Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of final plat.

The subject application clearly illustrates that the proposed commercial development would result in the destruction of Site 18PR857. In a letter dated June 4, 2013 (Beth Cole, Administrator, Project Review and Compliance, Maryland Historical Trust to Kathy Anderson, Chief, Maryland Section Southern, Regulatory Branch, Baltimore District, U.S. Army Corps of Engineers), MHT acknowledged the receipt of updated site plans for the Mill Branch Crossing project dated March 2013. MHT noted that the redesigned commercial development will still result in the complete destruction of Site 18PR857 and will still constitute an adverse effect on the eighteenth century site.

The letter states: "If site 18PR857 is located within the Corps' area of jurisdiction, the Corps and Mill Branch Crossing LLC will need to continue to coordinate with MHT on specific construction plans and on ways to reduce and/or mitigate the adverse effect on the historic property. If it is determined that site avoidance is not feasible, then Mill Branch Crossing LLC must provide MHT and the Corps with documentation detailing the constraints and providing justification as to why site 18PR857 cannot be avoided during construction. (Please note that both the Corps and MHT were provided with documentation on September 30, 2010 detailing why site avoidance would not be feasible in the case of the originally proposed development. As the proposed site development plans have been significantly altered, the possibility of site avoidance and/or the reduction of impacts must be revisited). If site avoidance is not possible, Phase III data recovery investigations will be warranted to mitigate the undertaking's adverse effects on the archeological resource."

Transportation

- 14. Total development within the subject property shall be limited to a mix of commercial/retail development or equivalent development which generates no more than 606 AM peak-hour trips and 1,017 PM peak-hour (weekdays) vehicle trips, and 1,431 peak trips on Saturdays. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

Based on trip generation rates obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual 9th Edition, 2012, the proposed Walmart Supercenter is expected to generate 282 AM net peak-hour vehicle trips and 582 net PM peak-hour (weekdays) vehicle trips, and 860 net peak trips on Saturdays. This is within the cap set by this condition.

- 15. At the time of final plat approval, the applicant and the applicant's heirs, successors or assignees shall either:**
- a. Dedicate of right-of-way along Mill Branch Road to facilitate the construction of the master plan interchange and associated improvements on Mill Branch Road as shown on the approved preliminary plan OR**
 - b. Dedicate the amount of land on Mill Branch Road to be determined by SHA redesign of the interchange and associated improvements on Mill Branch Road.**

6. At the time of final plat approval, the applicant and the applicant's heirs, successors or assignees, shall dedicate right-of-way along US 301 (including the right-in right-out) as shown on the approved preliminary plan and shall show dedication within MD 197 master plan alignment necessary for the right-in right-out.

17. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation "Consolidated Transportation Program (CTP)" or the Prince George's County "Capital Improvement Program (CIP);" (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. US 301 at Governors Bridge Road-Harbor Way
 - Modify eastbound Harbor Way from a two lane approach to a three lane approach that would include an eastbound double left turn lane, and a combined left, through and right-turn lane

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

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

- d. **US 301 at Heritage Boulevard**
 - **Re-stripe the southbound right-turn lane along US 301 to a shared through/right lane**

- e. **Mill Branch Road at Site Access**
 - **Provide a double left-turn and a separate through lane on the eastbound approach**
 - **Provide two receiving lanes on the site access leg**
 - **On the site access approach leg, provide a channelized free right-turn lane and a separate left-turn lane**
 - **Install a traffic signal**

- f. **US 301 at Site Access**

Provide a right-in right-out access point on US 301 at the northernmost point of the site, subject to SHA's approval. This access point shall be designed so that left turns from this access point to MD 197 are prohibited.

The applicant recognizes and acknowledges their responsibility to provide these dedications and improvements.

- H. **Parks and Recreation Concerns:** The Department of Parks and Recreation (DPR) has reviewed the above referenced special exception application submitted jointly by the owner of the property, Mill Branch Crossing LLC, and Wal-Mart Real Estate Business Trust for conformance with the requirements and recommendations of approved Preliminary Plan 4-08052, the existing Joint Access Easement Agreement (Liber 28018, at Folio 685), current zoning, and Subdivision Regulations, as well as the impact of this special exception on adjacent parkland.

DPR staff believes that it should be noted that the access drive from Mill Branch Road shown on the special exception plan will serve both Walmart and Green Branch Park from Mill Branch Road, but this access drive was not included in the special exception application. During the Subdivision and Development Review Committee meeting held on August 2, 2013, DPR staff made a request to revise the boundaries of SE-4734 to include the access drive as part of the special exception because the drive will provide an important vehicular access to Wal-Mart from Mill Branch Road and because it is needed to facilitate the development of the public park. The September 23, 2013 resubmission of SE-4734 does not include the access drive as part of the special exception.

The applicant has shown a "proposed 62-foot easement to M-NCPPC" in the submitted plans, but has not included the easement within the boundaries of the special exception, or requested that the existing 50-foot easement be relocated to the proposed 62-foot easement area. We are assuming that the applicant intends to request relocation of the existing 50-foot-wide easement, which is currently located along the southeastern property line. While DPR has no objection to the applicant's proposed commercial development on this property, the owner of the property has not addressed the need to relocate the existing 50-foot easement that was executed to provide joint access to the adjacent parkland from Mill Branch Road.

Existing Joint Access Easement

As previously noted, the subject property is encumbered by an existing 50-foot-wide joint access easement (Liber 28018, Folio 685) along the southeastern property line. The submitted landscape plan shows a 30-foot landscape buffer within the same area. The access easement was conveyed to M-NCPPC on April 21, 2007 for the installation, construction, reconstruction, maintenance, repair, and operation of a two-lane drive (access drive) for vehicular and pedestrian ingress/egress from Mill Branch Road to the planned Green Branch Athletic Complex.

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

In 2009, DPR retained a consultant to prepare plans for the construction of the access drive within the existing easement area as part of the first phase of the Green Branch Athletic Complex development plan. The access drive was designed within the easement area with minimal alteration to existing topography and with minimal impact to the applicant's property. During the review and approval of Preliminary Plan 4-08052, the owner of the property requested that DPR relocate the planned access drive 45 feet from the southeastern property line in order to accommodate the required 40-foot-wide landscaping buffer between the subject property and adjacent property to the southeast, which is located in the Rural Tier. DPR staff agreed to relocate the access drive 45 feet from the property line.

The easement agreement also states that the design of the access drive shall be such that it can readily be assimilated into the ultimate four-lane entrance drive design. After approval of Preliminary Plan 4-08052, the owner also requested that DPR build the access drive at the elevation suitable for the ultimate four-lane drive. The owner of the property provided proposed elevations for the ultimate four-lane entrance drive to DPR. DPR redesigned the access drive at the elevations proposed by the applicant and agreed to build a 22-foot-wide asphalt cross section ("half-section" of the ultimate four-lane drive) as requested by the applicant. The relocation of the access drive from the existing easement area to a new location, and construction of the access drive at the elevation suitable for the ultimate four-lane access drive, created additional costs associated with design, engineering, and construction. DPR staff has concerns that this special exception for the portion of the property, including a new layout of the site, may result in the need for redesign of the ultimate four-lane access drive. This would result in additional costs for engineering and construction of the half-section of access drive to be constructed by DPR.

Joint Access Drive Construction Status

DPR has county-issued permits for construction of the access drive which will serve as "half-section" of the future four-lane drive through this property (at the location suggested by the Applicant) and construction of the phase-one recreational facilities in the Green Branch Athletic Complex. The construction drawings for the access drive include: grading, stormwater management, soil erosion and sediment control, tree conservation plans, construction details, and horizontal and vertical alignments of the access drive. Since there is no other suitable public access to the Green Branch Athletic Complex available at this time, the development of the access drive through this property is needed to facilitate construction of the first phase of the Green Branch Athletic Complex and provide public access to the new park. Construction of this project cannot begin until a new joint access easement agreement is executed.

I. **Specific Special Exception Requirements for a Department or Variety Stores Combined with Food and Beverage Stores:** A department or variety store over 125,000 square feet is permitted in the C-S-C Zone by a special exception. Section 27-348.02 of the Zoning Ordinance sets forth the specific special exception requirements for this use:

(a) **Department or Variety Stores and Department or Variety Stores combined with Food and Beverage Stores permitted in the use tables by Special Exception (SE) in the I-3, C-S-C and C-M zones shall be subject to the following requirements:**

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

As presently configured, the subject property does not have frontage on or access to an arterial roadway. The site plan shows frontage on an entrance drive off of Crain Highway (US 301) which is proposed to be dedicated to the Maryland State Highway Administration. If this dedication were to transpire, this would satisfy this requirement. The secondary access is to a driveway from Mill Branch Road within an area proposed as an easement to M-NCPPC for shared access to the park property to the east. This section of Mill Branch Road is classified as a local collector, not a primary or secondary street.

(2) **The applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic.**

The subject property is part of a larger site which has an approved preliminary plan. At the time of the preliminary plan, the Planning Board found the surrounding roads to be adequate for development of a mix of commercial uses and a hotel on the site, so long as certain improvements were made to the surrounding road network. The preliminary plan established a trip cap based on a mixture of uses which generates no more than 606 AM peak-hour vehicle trips and 1,017 PM peak-hour (weekdays) vehicle trips, and 1,431 peak trips on Saturdays. The proposed Walmart Supercenter is well within the established trip cap.

(3) **The site shall contain pedestrian walkways within the parking lot to promote safety.**

The site plan shows several pedestrian walkways within the parking lot, corresponding to the multiple entrances to the building. Clearly marked pedestrian crosswalks are shown.

(4) **The design of the parking and loading facilities shall ensure that commercial and customer traffic will be sufficiently separated and shall provide a separate customer loading area at the front of the store.**

The submitted plan indicates five loading spaces being provided at the rear of the building in the southeastern corner of the site. The loading spaces are shown to have a separate driveway cut from the shared driveway for the shopping center and regional park. The location of these loading spaces, separated from the customer parking lot, and the provision of a special "Customer Loading Area" in the front of the building on the submitted plan demonstrate conformance to this requirement.

(5) **All buildings, structures, off-street parking compounds, and loading areas shall be located at least:**

(A) **One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan; and**

The site plan shows conformance with this requirement.

(B) **Fifty (50) feet from all other adjoining property lines and street lines.**

The site plan shows conformance with this requirement.

(6) **All perimeter areas of the site shall be buffered or screened, as required by the Landscape Manual; however, the Council may require additional buffering and screening if deemed necessary to protect surrounding properties.**

The proposal meets the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual); however, the appropriateness of the interface between the overall site and the Rural Tier remains to be analyzed as part of the required DSP for the site. See the Landscape Manual Requirements finding below for a full discussion of the project's compliance and the Urban Design Section's suggestions regarding buffering and screening.

(7) **The building entrance and nearby sidewalks shall be enhanced with a combination of special paving, landscaping, raised planters, benches and special light fixtures.**

The site plan shows each of these design elements in a manner acceptable to staff.

(8) **The application shall include a comprehensive sign package and a comprehensive exterior lighting plan.**

The applicant has submitted both of these, and is proposing high-quality signage and lighting which meet the requirements of the Zoning Ordinance.

(9) **The applicant shall use exterior architectural features to enhance the site's architectural compatibility with surrounding commercial and residential areas.**

Given the location of the site, there is not much in the way of surrounding architecture to enhance. However, if approved, the proposal has the effect of setting the tone for the development that follows. With that in mind, in a memo dated November 21, 2013 (Grover to Lockard), the Urban Design Section evaluated the architectural details submitted and made the following comments:

a. The proposed architecture utilizes a multiplicity of materials and design components that fail to present an aesthetically-pleasing unified whole. The

Urban Design Section would suggest that the applicant redesign the building taking into consideration the following:

- Though the revisions to the architecture comprise a slight improvement in design relationships in design efforts, concentrated on the front façade, the overall design of the project remains unimaginative, with quality materials lacking, and the overall shape of the building monolithic, and the roofline predominantly flat and visually uninteresting.
- The revisions to the architecture are not sufficiently substantial to afford each segment of the building an individual identity, nor do the segments have a comprehensible design relationship with one another in architectural form, detailing, and use of architectural materials so as to create an aesthetically pleasing whole.
- The four architectural façades of this building do not all receive equal treatment as was recommended and the façades that will be visible from the access to the adjacent park do not present an aesthetically pleasing aspect as was recommended.
- Quality architectural materials, including brick, have not been utilized. Concrete masonry units (CMU) and exterior insulation finishing system (EIFS) predominate.
- Visual interest has not been ensured by attention to the form and massing of the building, the use of contrasting materials, colors, and/or various regular patterns of the application of architectural detail.
- The pattern of the black ornamental fence above a brick knee wall that was previously provided on the far right of the front elevation of the building, instead of being augmented as recommended, appears to have been removed.

The proposed architecture for the subject project, rather than enhancing compatibility with existing commercial and residential in the vicinity of the subject project, sets the bar dangerously low for acceptable architecture and provides an undesirable design precedent for future development in the area. More particularly, the architectural features of concern include the following: materials, form, massing and roof articulation, and use of architectural detail and ornament, or lack thereof. Each is discussed individually below in greater detail:

- Materials for the proposed building include almost exclusively EIFS and CMU, both known in the industry as inexpensive and inferior quality materials. A small amount of metal coping and ornamental fence is utilized in the design; however, on a building this large, its quantity does not create a design element of significance. The addition of brick or cementitious siding (both higher quality more durable materials) would add a sense of quality and permanence to the development and the addition of a standing seam metal roof, or other significant contrasting quality architectural material, would provide more visual interest to the architectural composition.

- All of the façades of the building should receive at least the same level of architectural treatment as the front façade as they will be highly visible from the approach road to and the adjacent parkland itself. The proposed rear and left elevation façades, though offering some variation in color of both the CMU and EIFS, otherwise provide little architectural variation that would create visual interest and an aesthetically pleasing aspect. The regular application of architectural detail, noticeably absent from the overall architectural composition, would greatly enhance the design.
- The overall form and massing of the proposed building is unimaginative and monolithic with little articulation of the building. A previous design suggestion to articulate the various segments of the building (market, home and pharmacy, outdoor living, and automotive center) appears to be reflected in only token signage rather than architectural expression in terms of form and massing. The overall monolithic nature is accentuated by a primarily flat roof which, like the form and massing, offers no visual interest. Imaginative form and massing and an articulated roofline would result in more appropriate architecture.

Staff finds the proposed architecture to be insufficient to set the tone for the type of quality development envisioned by the master plan. Staff is particularly concerned that the architecture of the southern and eastern walls facing the Rural Tier and the park property, respectively, do not show an imaginative or aesthetically-pleasing treatment.

(10) Not less than thirty percent (30%) of the site shall be devoted to green area.

The amended landscape plan submitted by the applicant shows a total of 30 percent green area.

- J. **Parking Regulations:** The site plan correctly notes that a total of 748 parking spaces are required and provided for the proposed use if it is developed as part of an integrated shopping center. As a single retail use, the Walmart Supercenter by itself does not meet the definition of an “integrated shopping center” which Section 27-108.01(208) of the Zoning Ordinance defines as “a group of (three (3) or more) retail stores planned and developed under a uniform development scheme and served by common and immediate off street parking and loading facilities.” If the applicant comes in for permits with a mixture of uses which does not meet the definition of an integrated shopping center, they run the risk of having to park the use at a general retail rate, which is substantially higher. If the use comes in with a mix that does show it to be an integrated shopping center, the applicant’s parking calculations are correct.
- K. **Landscape Manual Requirements:** The proposed project is subject to the requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). More particularly, the project is subject to the requirements of Sections 4.2, Requirements for Landscape Strips along Streets, as the project involves the creation of new gross floor area; Section 4.3, Parking Lot Interior Planting Requirements, as the project involves the creation of parking areas; Section 4.4, Screening Requirements, as is all development; Section 4.7, Buffering Incompatible Uses, as the proposed project has adjacent uses deemed incompatible by the Landscape Manual; and Section 4.9, Sustainable Landscaping Requirements, as the Landscape Manual requires the installation of plant materials on-site.

- a. **Section 4.2, Requirements for Landscaped Strips along Streets**—Section 4.2 specifies that, for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets. Landscape strips will be required along the overall site frontage on Crain Highway (US 301) and Mill Branch Road. The required landscape strips are outside of the special exception area, and are not shown on the submitted special exception. This is acceptable.
- b. **Section 4.3, Parking Lot Requirements**—Section 4.3 specifies that proposed parking lots larger than 7,000 square feet will be subject to Section 4.3. Section 4.3 requires that parking lots provide planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, the heat island effect created by large expanses of pavement may be minimized. The special exception area includes two parking lots greater than 7,000 square feet. The submitted landscape plan indicates conformance with this requirement.
- c. **Section 4.4, Screening Requirements**—Section 4.4 requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. The loading appears to be provided at the rear of the site and no dumpster areas are indicated on the plan. The transformer planned as a standalone structure along the eastern side of the rear of the building, however, should be screened from the adjoining land pursuant to the requirements of this section as it is in the R-A Zone.
- d. **Section 4.7, Buffering Incompatible Uses** —The site is subject to Section 4.7. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses. Notes indicating the site's conformance to this section have been provided.
- e. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires a percentage of plants within each plant type, including shade trees, ornamental trees, evergreen trees, and shrubs, to be native species or the cultivars of native species. The subject application indicates conformance with the requirements of Section 4.9.

Tree Canopy Coverage Ordinance

As the application proposes more than 1,500 square feet of land disturbance, it is subject to the requirements of the Tree Canopy Coverage Ordinance contained in Section 25-128 of the County Code. As the subject property is zoned C-S-C, a minimum of ten percent tree canopy coverage of the gross tract area is ordinarily required. However, one of the conditions of approval for the preliminary plan required a total of 20 percent coverage. The landscape plan shows conformance with this requirement.

- L. **Zone Standards:** The proposed use meets all of the bulk and height standards for the C-S-C Zone. The proposal also meets all setback requirements.
- M. **Sign Regulations:** The site plan indicates one freestanding 95-square-foot monument sign located at the southwest corner of Parcel A. The sign location is in conformance with Zoning Ordinance regulations.

N. **Required Findings:**

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

The 15 purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety and welfare of the present and future inhabitants of the county. Two of the purposes that staff considers particularly critical to this proposal are:

(2) To implement the General Plan, Area Master Plans, and Functional Master Plans;

The proposed use and site plan do not serve the purpose of implementing the policies, guidelines, and strategies of the 2006 Bowie Master Plan and SMA. In fact, they directly contradict almost every one of the site-specific design guidelines contained in the plan. Staff cannot find the use to be the level of quality specified by the Planning Board and District Council, nor do we find the architecture to be a level sufficient to set the tone for future development to follow.

(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;

The District Council, through the 2002 General Plan, made sometimes difficult decisions as to where the line between the Rural Tier and Developing Tier was to be located. This property was one of those instances. The District Council decided that the subject property was appropriate for development. The 2006 master plan recommended commercial zoning for the site, and the subsequent sectional map amendment placed the site in the C-S-C Zone. If this was a question of another strip-commercial center along a major roadway in Prince George's County, staff would have concerns over impacts. But this particular use, located adjoining the Rural Tier and a planned regional park facility was correctly singled out for more intensive scrutiny, both through the master plan design guidelines, as well as the 36 conditions of approval imposed by the Planning Board in their approval of the preliminary plan. The setbacks and buffering shown on the site plan may meet the strict application of the code. However, the willingness to believe that an automotive center, loading docks, compactors, and recycling areas backed by imaginative façades are the most beneficial portions of the use to present to the landowners in the Rural Tier, and the users of the park is more than staff's credulity can bear. Even if staff could accept that the use itself were appropriate, the proposed layout of the building, its constituent parts, and the perceived less than sufficient construction materials does not help raise the level of appropriateness to the point that we can find it to protect against adverse impacts.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

Staff does not believe the applicant has shown evidence that the level of architecture proposed meets the requirement of Section 27-348.02(9) of the Zoning Ordinance. We concur with the comments of the Urban Design staff that the proposed architecture sets the bar dangerously low

and provides an undesirable design precedent for future development on and around the site. Staff must also repeat our concern that, while the parking shown is sufficient for a retail use as part of an integrated shopping center, this single retail use does not meet that definition. If the remainder of the site were to develop with uses other than retail (the proposed hotel, restaurants, offices etc.), it is unlikely to ever be considered an integrated shopping center for permitting purposes.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

As explained in the previous sections of this report, staff has serious misgivings about the applicant's proposal and its impact on the integrity of the 2006 master plan. The proposed big-box discount store of 186,933 square feet is the antithesis of the vision adopted by the Planning Board and District Council for this site. While it is certainly true that the proposed use conforms to the retail commercial recommendation, this finding is not one of conformance with the master plan. Whether or not the use conforms to the master plan's land use map recommendation is not dispositive of the question, nor does staff accept the argument that the use, now permitted by the District Council as a special exception in the C-S-C Zone, has somehow been legislatively deemed to not impair the master plan. Staff would point out that either permitted by-right uses or special exception uses, in the wrong location, can substantially impair the integrity of the master plan. We strongly believe that to be the case here.

Staff has difficulty in assessing the true impacts to the environmental guidelines of the master plan, since the special exception area is only a portion of the overall site, which is subject to the requirement for a DSP. An attempt has been made, although some of the guidelines are either not applicable or only partly applicable to the subject property.

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

Strategies:

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

No portion of the current application falls within the *Approved Countywide Green Infrastructure Plan*, but the special exception boundaries abut evaluation area located on the adjacent parkland to the northeast.

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

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

priority, and will be addressed through stormwater management associated with the current application. The current application does not directly impact regulated environmental features of the site.

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

This site is located in the vicinity of the Patuxent River Special Conservation Area. Connections and corridors to the Patuxent SCA will be evaluated during the review of the DSP related to this site, but do not fall within the limits of the special exception.

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

Strategies:

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

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

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

The special exception site plan and subsequent DSP should demonstrate the use of low-impact development stormwater management techniques such as bioretention, French drains, depressed parking lot islands, and the use of native plants, to the fullest extent possible subject to approval by the City of Bowie Department of Public Works during technical stormwater management review. Approval of the stormwater management concept plan by the City of Bowie is still pending.

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

The Green Branch Tributary, which crosses this site along its northern boundary and receives stormwater discharge from this site, has been evaluated for existing water quality and stream stability, and the impact of the proposed development on stream stability and water quality, specifically related to the proposed stormwater discharge, was analyzed.

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

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

The landscape plan submitted with the current application should demonstrate the use of native plant materials and conservation landscaping techniques that reduce water consumption to the fullest extent possible, as determined by the Urban Design Section.

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

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

A large parking lot with expansive areas of impervious areas is proposed for this commercial development, and within the area of the special exception. The design does allow for the micromanagement of stormwater through bioretention and demonstrates the application of tree canopy coverage requirements to reduce the heat island effect directly adjacent to the Patuxent River primary corridor. Staff recommends that the special exception site plan be further revised to the extent possible to break up the areas of impervious surfaces and provide larger islands of shade.

During the review of the DSP, the plan application should include a justification for any parking spaces above the minimum parking requirements, and alternative paving surfaces should be considered for all parking spaces above the minimum requirements. The application of alternative parking materials such as grass block, or reinforced turf, combined with low-impact development techniques, such as bioretention areas, should be used to the greatest extent possible.

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

Strategies

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

This is a new commercial development, located adjacent to the Rural Tier, on a largely open site that has been in agricultural use up to the present time. The use of trees and landscaping materials to provide a transition between the Developing and the Rural Tiers is desirable, and will result in an increase in overall tree canopy cover where it is currently lacking. In accordance with the requirements of the Landscape Manual, a minimum of a Type "C" bufferyard (30-foot landscaped strip and 40-foot building

setback) is required to be provided. A wider bufferyard may be appropriate to create an appropriate transition between differing development patterns. In this case, the ability to determine the most appropriate transition is hampered by two factors; the area is outside of the special exception boundary, and is encumbered by the easement for the shared drive to serve the proposed park.

2. **Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.**
3. **Establish street trees in planting strips designed to promote long-term growth and increase tree cover.**
4. **Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

With the current application and at the time of DSP review, the landscape plan should be reviewed for conformance with these requirements and those of the Landscape Manual.

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

Strategies:

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

The use of green building and energy conservation techniques should be evaluated with the current application and at the time of DSP review by the Urban Design Section. The statement of justification points out some of Walmart's corporate green building techniques, which include an impressive array of efficiencies.

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

Strategies:

1. **Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations and car lots so that light intrusion on adjacent properties is minimized. Limit the total amount of light output from these uses.**
2. **Require the use of full cut-off optic light fixtures should be used for all proposed uses.**

3. Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.

The minimization of light intrusion from this site, located in the Developing Tier, onto adjacent properties in the Rural Tier is a special concern because the Patuxent River is an inter-continental migratory bird route and high light levels can severely impact these bird populations. With the current application and at time of DSP, the use of alternative lighting technologies and the limiting of total light output should be demonstrated.

The lighting plan submitted for review with the special exception and DSP addresses the use of lighting technologies which minimize light intrusion into the Rural Tier and environmentally sensitive areas. Full cut-off optic light fixtures are proposed throughout this site to reduce light intrusion outside of the Developing Tier. Additional details are needed to ensure more effective directed lighting, and address the best management practices for maintaining a dark sky.

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

Strategies:

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

Because of the proposed commercial uses on the site, noise impacts are not a major concern with this application. If a hotel, day care center, or similar residential-type uses are proposed on the site, the structural shell should be evaluated to ensure that interior noise standards are met, and that acceptable exterior noise levels are achieved in outdoor activity areas. Using the Environmental Planning Section's noise model, a soft surface range for the 65 dBA Ldn noise contour of approximately 470 feet from the centerline of US 301 was established, which has been shown on the proposed site plan.

From an environmental perspective, the proposed use will not impair the Green Infrastructure Plan or the 2009 *Approved Countywide Master Plan of Transportation* with regard to scenic and historic roads. As discussed previously, the problems presented by the dual-application process (special exception and DSP, of which the special exception site plan will control) make it difficult to distinguish exactly which environmental evaluations are applicable at this time. That is not the fault of the applicant; however, staff fears that development of the use without a full appreciation of environmental infrastructure guidelines will result in a strong possibility of further substantially impairing the integrity of the approved master plan.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

Nearby residents and workers, although they may be at times inconvenienced or visually impacted by the proposed use, are not likely to be harmed by it. The change in land use from pastoral agricultural fields to intensive commercial development may be upsetting to residents, but it is unlikely to be injurious to their welfare.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The question of the relationship between the Developing and Rural Tiers is a concern. Each side of the boundary has the potential for negatively impacting the other. We most often think of the impact of the new development, without regard to the impact of the existing use on the other side of the property line. The impact of the applicant's proposal is largely visual and upsetting to its neighbors because of a perceived loss of the long-standing rural character of the area and Mill Branch Road. We do not accept the building architecture, materials, or layout. The possibility of additional trash and detritus blowing off the parking lot and onto adjoining properties seems likely, although this is to be expected.

On the other hand, agricultural fields, even those employing best management practices, have impacts on adjoining properties of their own. Tilling and cultivation of dry earth produces dust. Modern sprayers for pesticides/insecticides/fungicides/herbicides, while improvements over their previous incarnations, still have the potential for drift. Runoff from fertilizer application remains a problem, not to mention the malodorous aroma of freshly applied manure. Staff is not convinced that adequate justification has been made that the best relationship is being created between the subject property and the surrounding neighborhood.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The proposed site plan can be found in conformance with an approvable Type 2 tree conservation plan (TCP2) if the TCP is revised to address the technical concerns and required revisions previously discussed.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

There are no regulated environmental features on the subject property that would require preservation and/or restoration.

CONCLUSION

A special exception use is considered compatible with uses permitted by-right within the zone, as long as specific criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, **at the particular location proposed, would have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the zone.**

Much of staff's difficulty with the applicant's proposal relates to the aspirations for this site as envisioned in the recommendations and the site-specific design guidelines of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment*. Staff understands the arguments that the plan is "merely a guide" and that the use of the permissive "should" rather than the mandatory "shall" in the

guidelines leaves greater latitude in reviewing the impact of the use. We are also cognizant of the argument that the District Council has chosen to deal with the plan's design guidelines by creating this special exception, giving the District Council the ability to judge the merits of each "big-box" retail use separately. Staff does not find this argument persuasive. The District Council made an effort in the master plan to steer a quality department store to the site not simply through encouraging such uses, but through actively discouraging big-box discount stores. Staff must presume that at least some of the reason for this was because of the site's location on the edge of the Rural Tier adjoining a proposed park and not just its proximity to the Bowie Regional Center.

While the applicant bears the burden of showing conformance to each and every required finding in order for the special exception to be approved, a single negative finding is sufficient to deny the application. Staff has identified several instances where we feel the applicant's case is deficient. Even if each one by itself were not adequate, certainly the cumulative impact of our identified concerns could justify the lack of support for this proposal.

Based on the preceding analysis, staff must conclude that the applicant has not met their burden of proof in this instance. Therefore, staff is compelled to recommend DISAPPROVAL of Special Exception Application No. SE-4734.

ITEM:

CASE: SE-4734



MILL BRANCH CROSSING

THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT












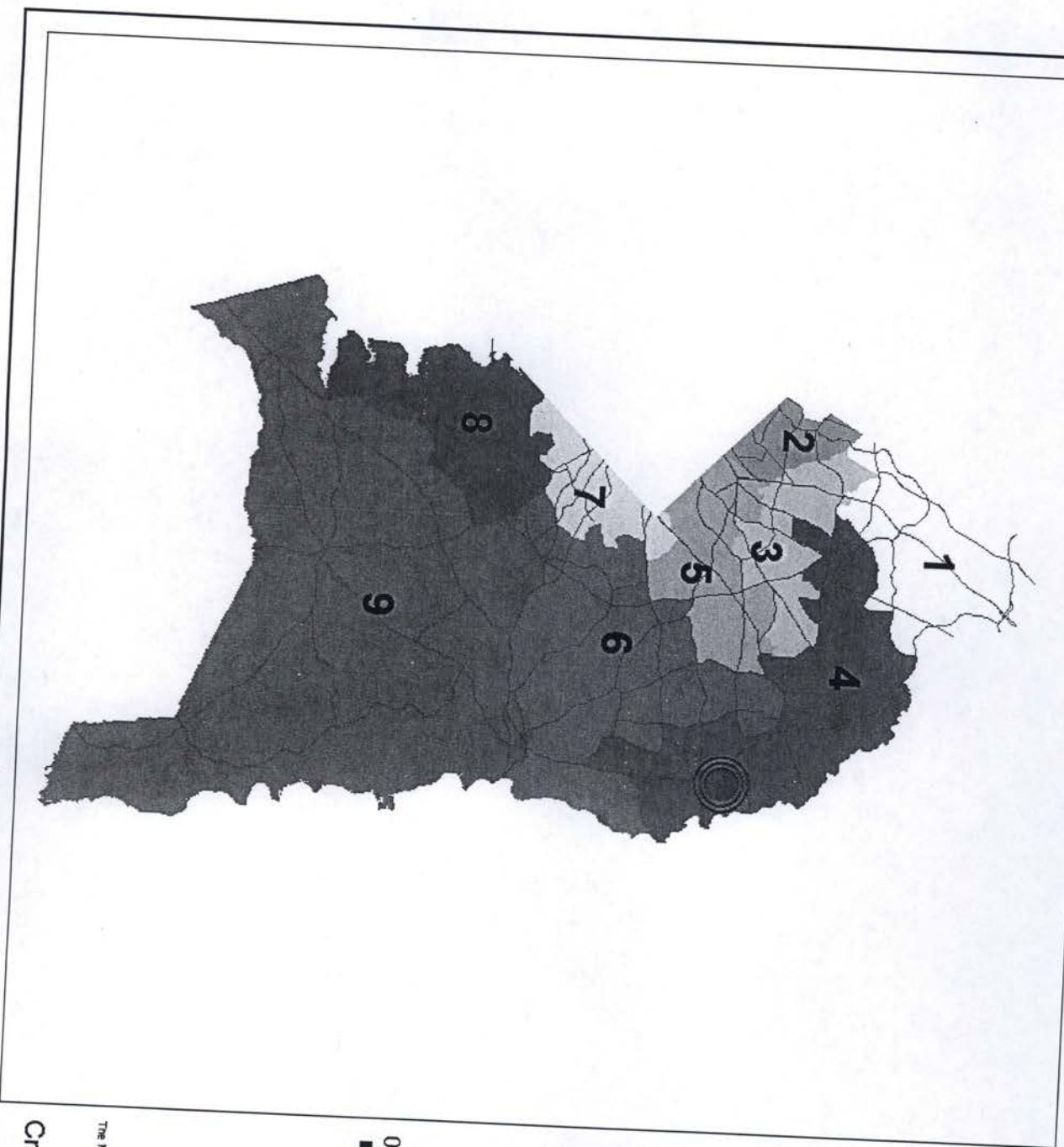
GENERAL LOCATION MAP

Legend

-  Site Location
-  Major Roads

Councilmanic Districts

	1		6
	2		7
	3		8
	4		9
	5		



1 inch = 30,000 feet

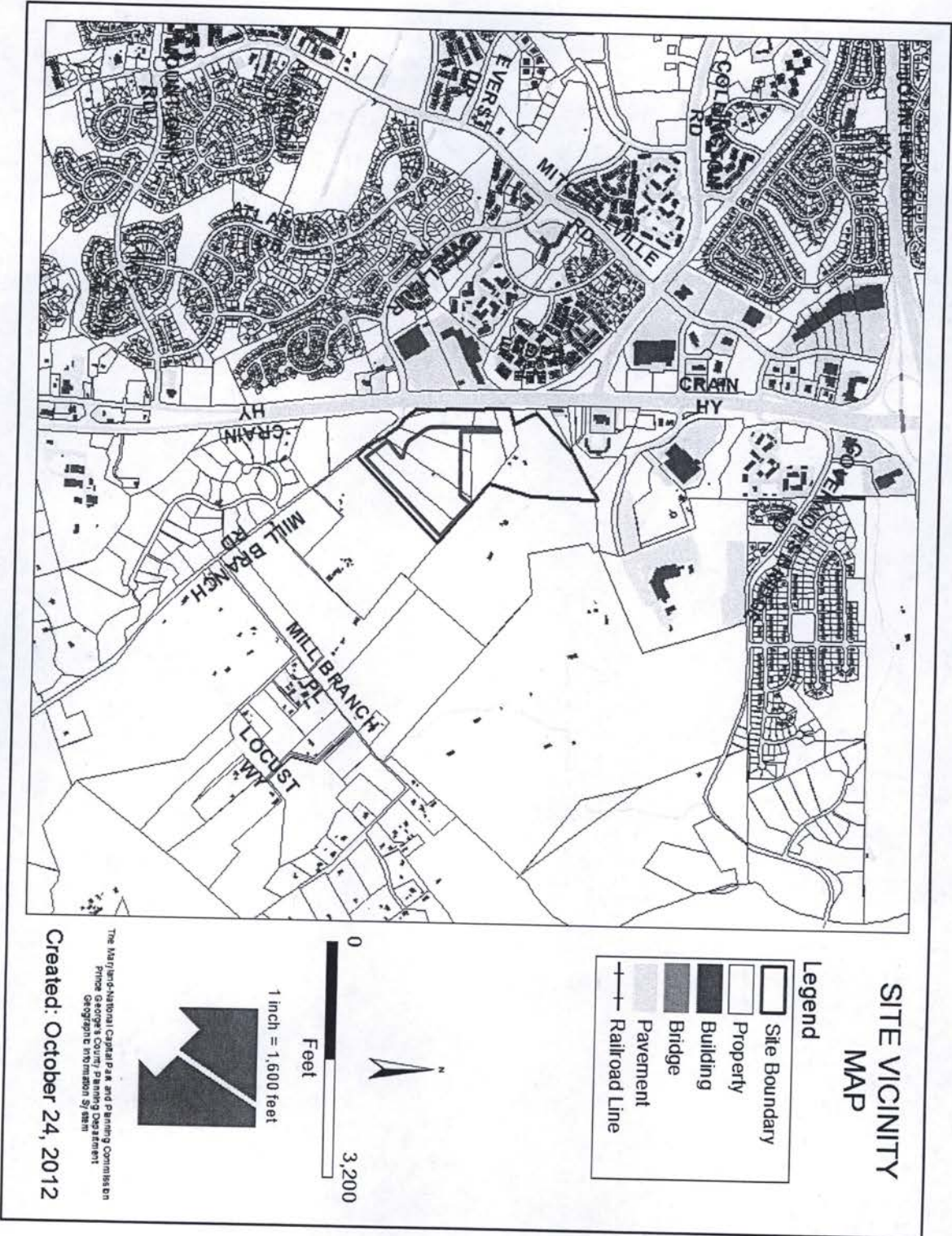


The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Geographic Information System

Created: October 24, 2012

SITE VICINITY

Case # SE-4734



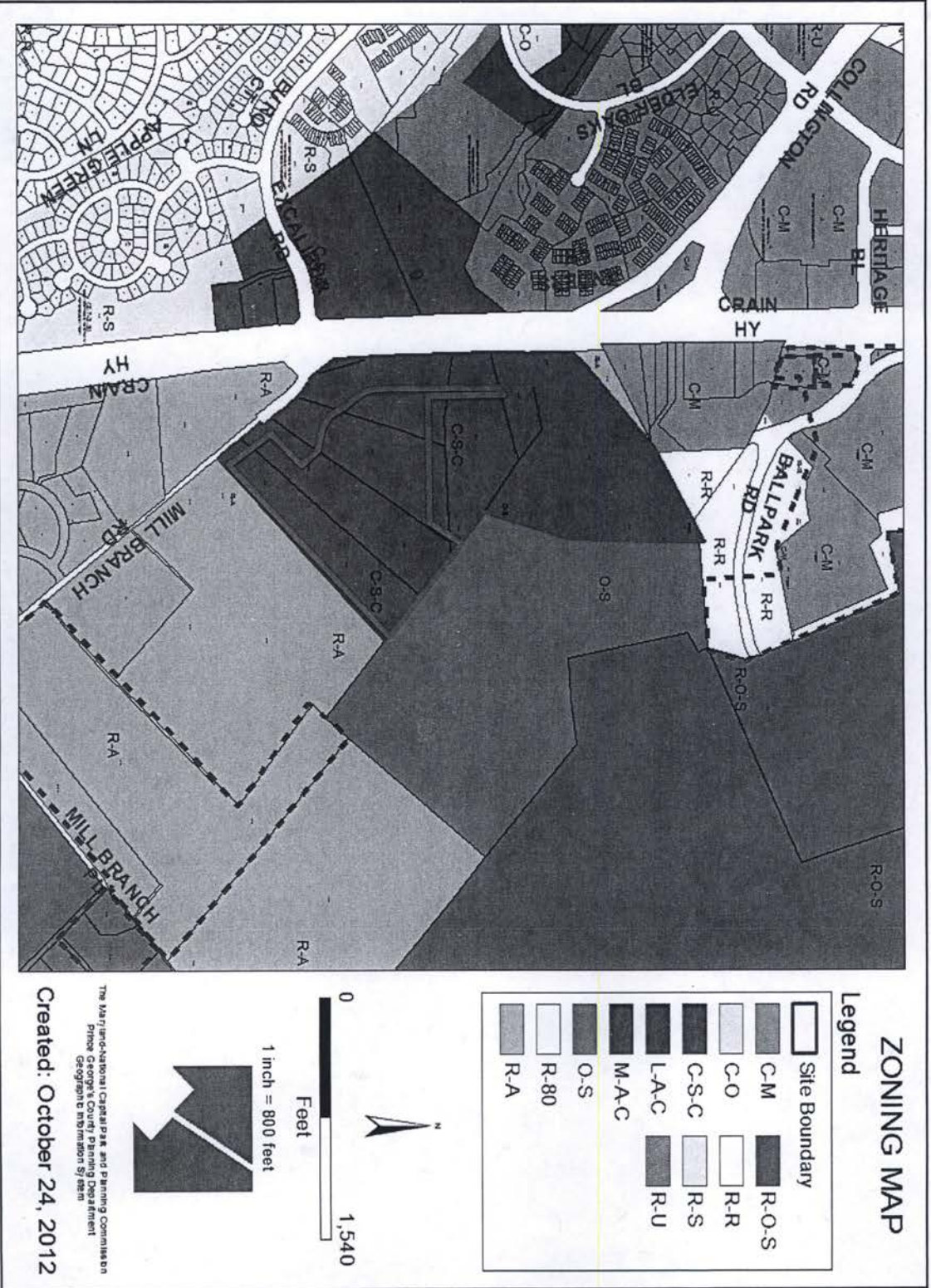
Slide 3 of 12

12/12/2013



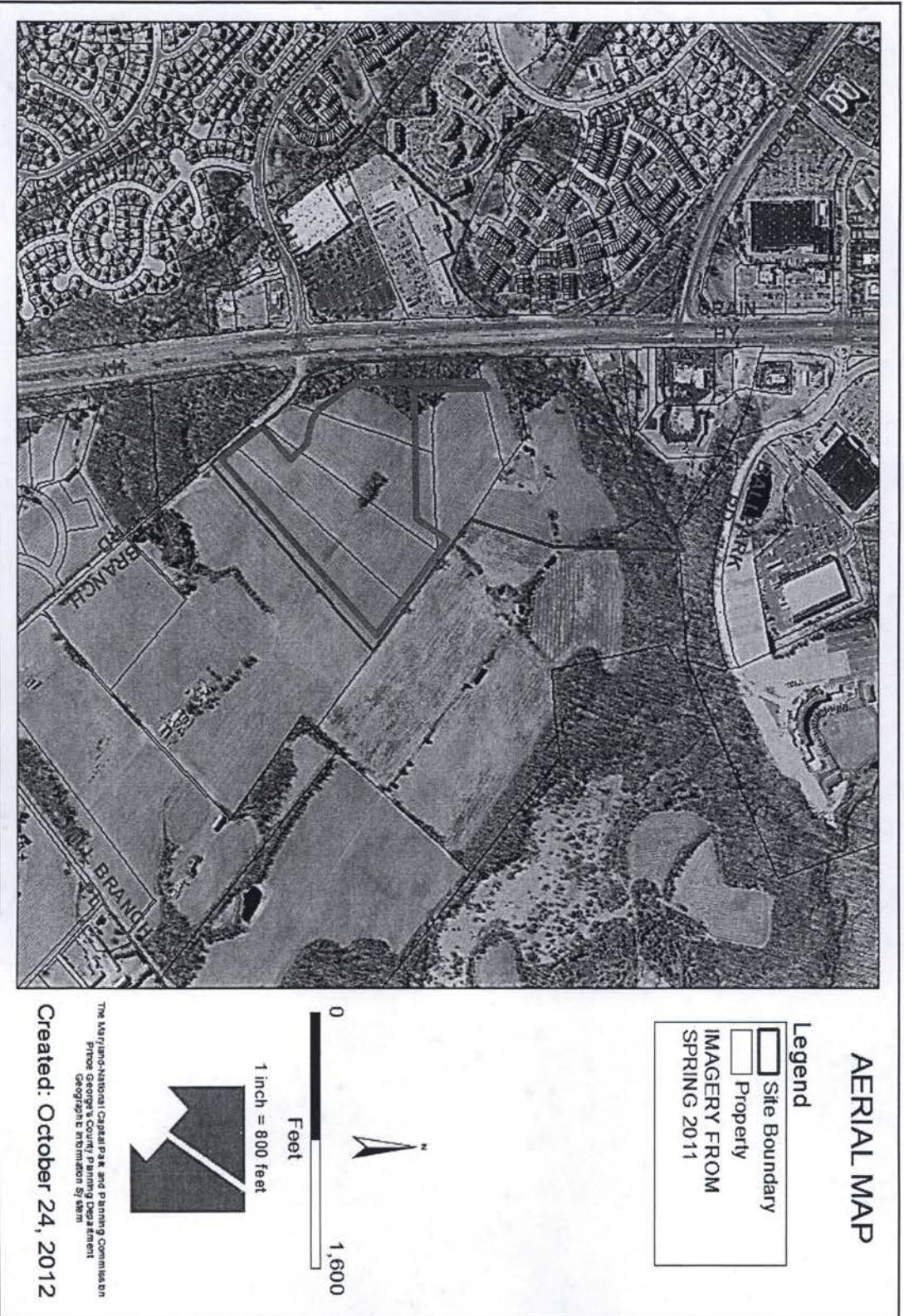
ZONING MAP

Case # SE-4734

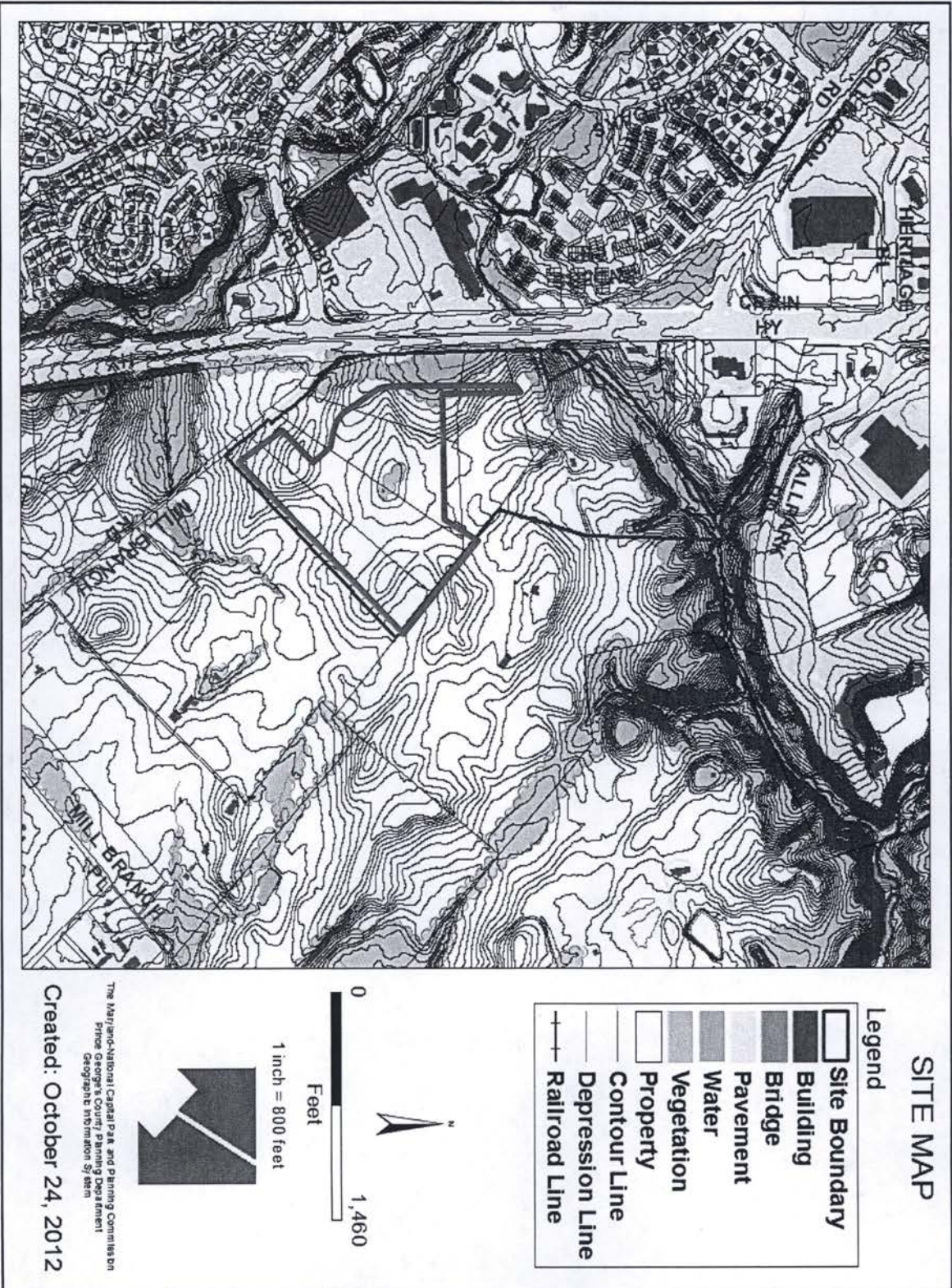


AERIAL MAP

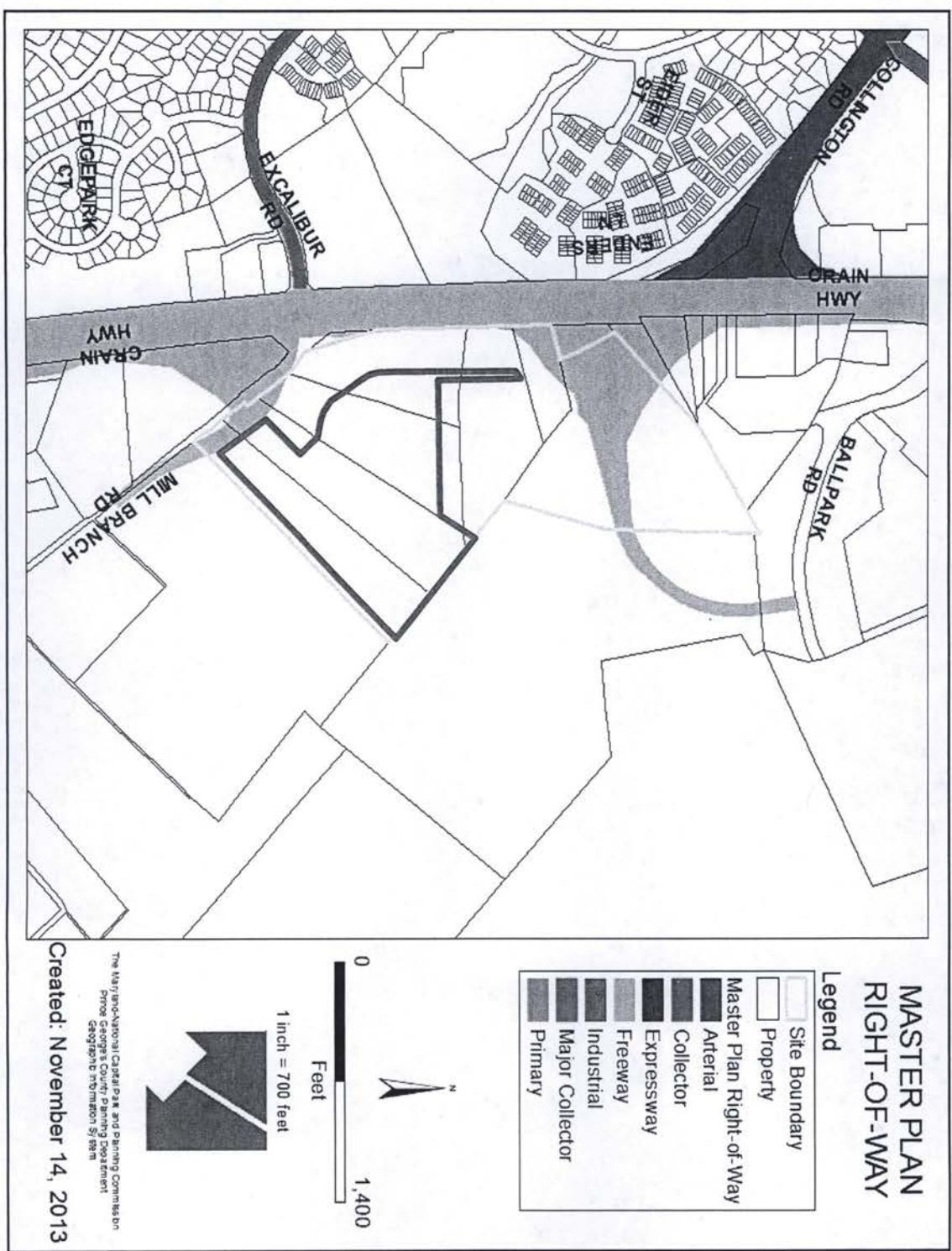
Case # SE-4734



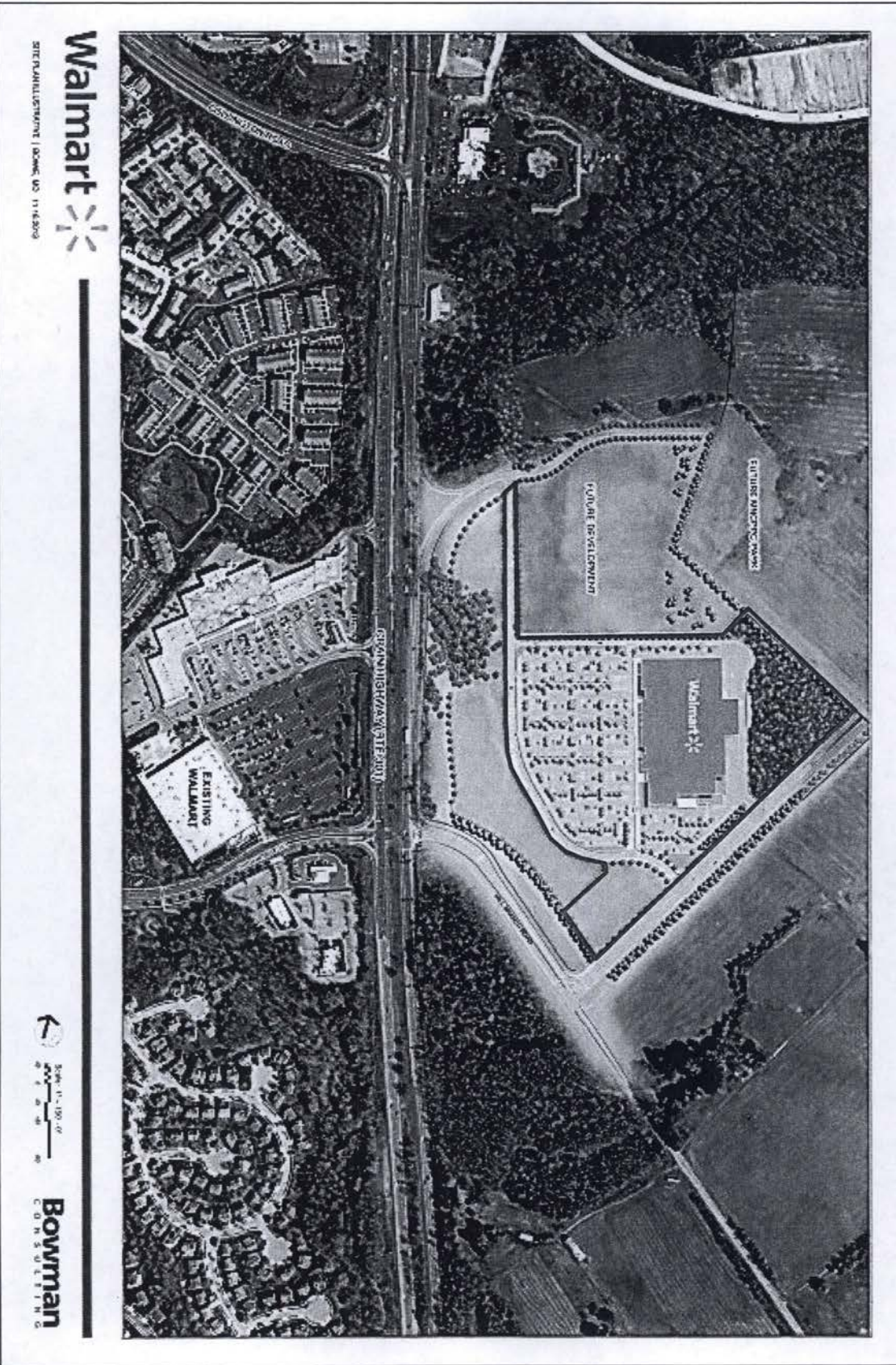
SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



OVERALL SITE PLAN



Walmart

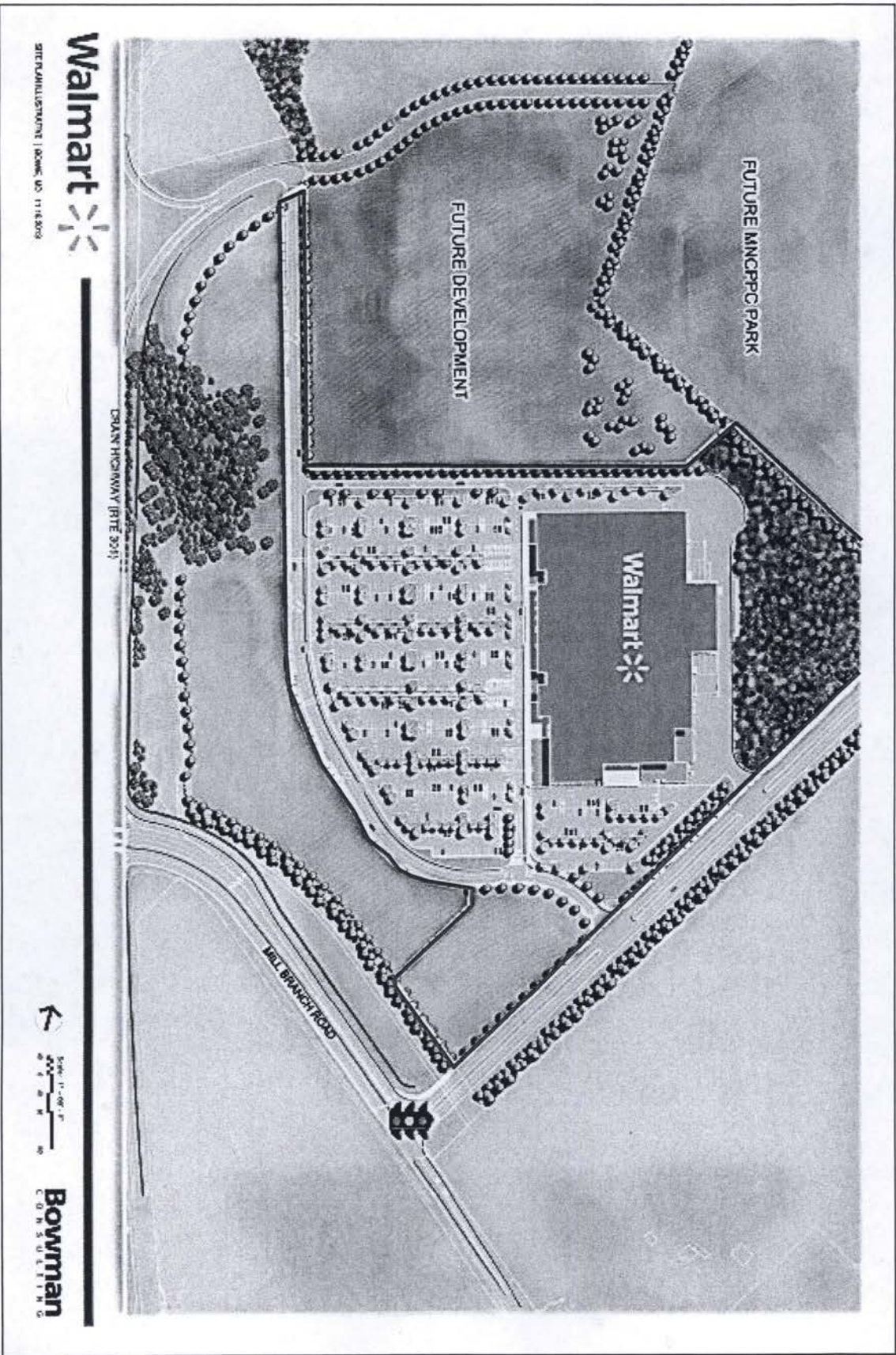
SITE PLAN/ILLUSTRATION | DRAWING NO. 1116303

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Bowman
CONSULTING



SITE PLAN



Walmart

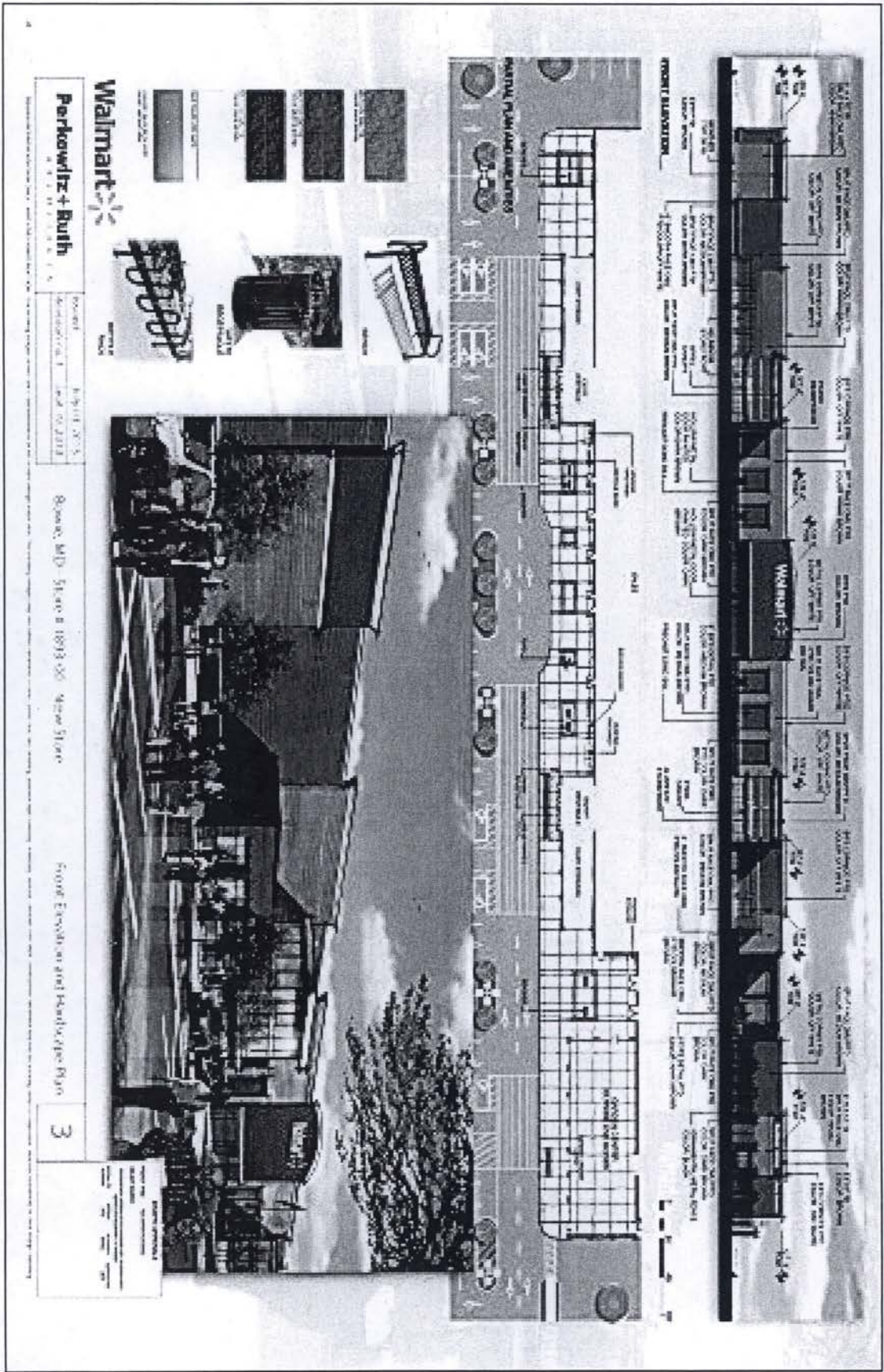
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Bowman
CONSULTING



ELEVATIONS

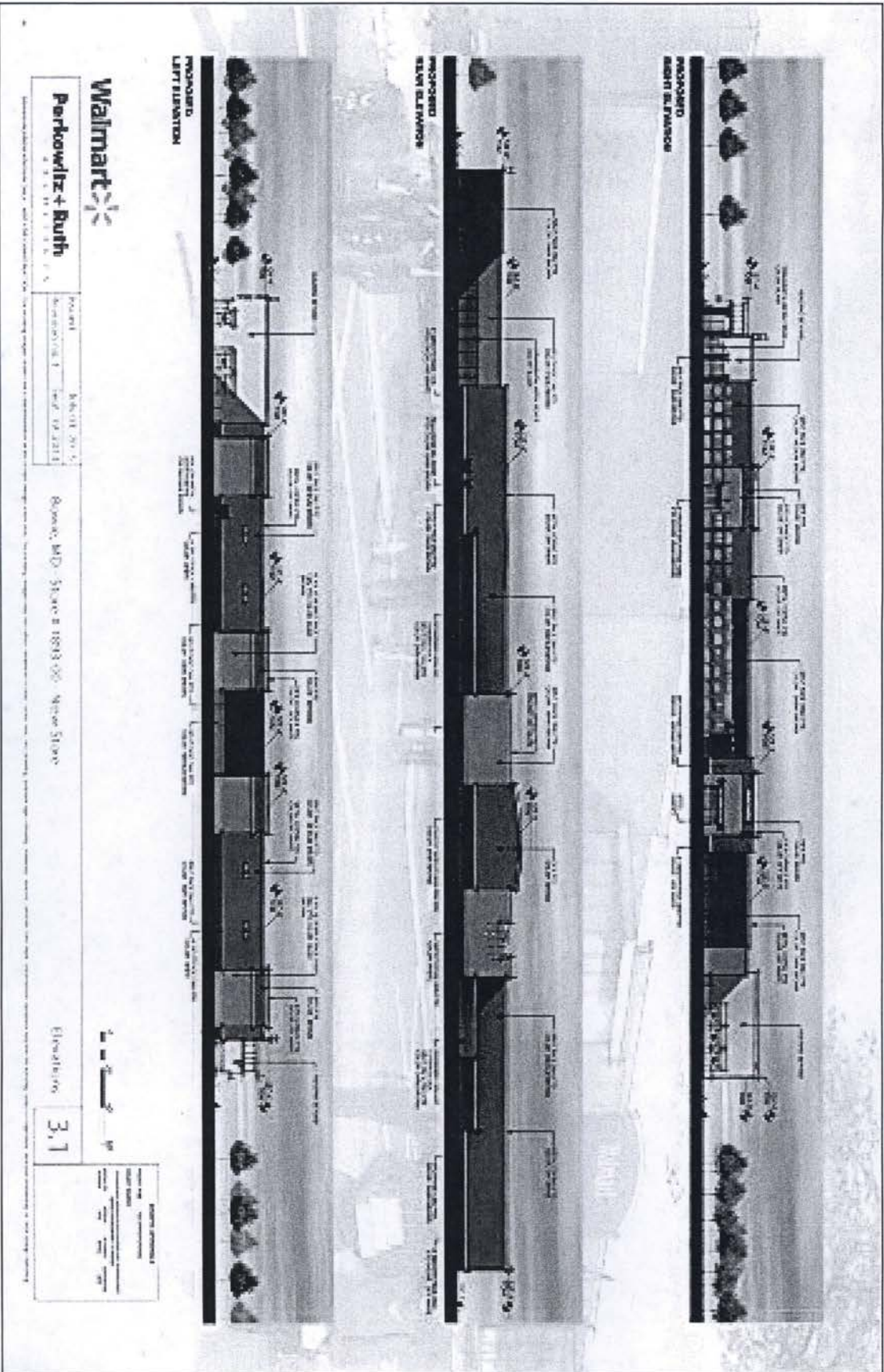


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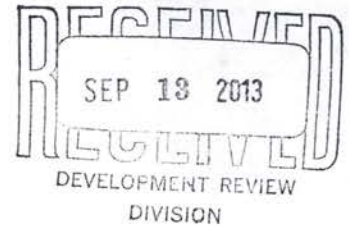


ELEVATIONS



AMENDED

**Statement of Justification
Mill Branch Crossing
SE-4734**



Owner

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Tarrytown, NY 10591
914-631-6200

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Planning Consultant

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Queenstown, MD 21658
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AMENDED

SE-4734

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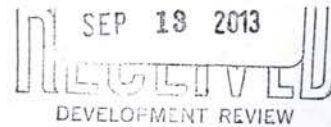
DEVELOPMENT REVIEW
DIVISION

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INTRODUCTION

SE-4734



This Statement of Justification is in support of Special Exception application (SE-4734) for Mill Branch Crossing. The application is for the construction of a Department/Variety Store over 125,000 square feet, with a Food and Beverage Component above 10% of gross floor area. The project property is in part of a Commercial Shopping Center Zone (C-S-C) which has a purpose to provide an integrated shopping center with retail and other uses.

PROPERTY INFORMATION

The subject property ("Property") is located south of John Hanson Highway (US 50) on the East side of Crain Highway (US 301) at the intersection of Mill Branch Road. The Property consists of Parcels 20, 27*, 28, 52, 57*, 58, 59, and 71 shown on Tax Map 55, Grids E-3 and E-4 (* properties 27 and 57 are not located within the limits of Special Exception). The Property is in the C-S-C Zone. On the south side of the Property, along Mill Branch Road and the proposed M-NCPPC access easement and right of way dedication the site is boarded by properties in the R-A (Residential Agricultural) Zone. To the east the Property is adjacent to land that is zoned O-S (Open Space , owned by the M-NCPPC and proposed to be recreation area with baseball and soccer fields. To the north is property that is zoned R-R (Rural Residential) and C-M (Commercial Miscellaneous), and includes a sliver of land that is zoned R-A. Adjacent to the Property on the western property line is US 301 and directly across from that is property that is zoned C-S-C and R-U (Residential Urban). A zoning map for the project site and surrounding properties is attached in Appendix A.

The Property limits of special exception, which is approximately 24.90 acres, is part of a larger 74± -acre site that was rezoned from the R-A Zone to the C-S-C Zone through the 2006 *Bowie and Vicinity Sectional Map Amendment*. The concept of this rezoning was to expand the existing commercial presence on the east of US 301. Preliminary Plan 4-08052 was approved on May 28, 2009. Consistent with the recommendations of the 2009 *Bowie and Vicinity Master Plan and Sectional Map Amendment*, the approved Preliminary Plan included up to 619,000 square feet of retail commercial and 150 hotel rooms on the 74± -acre site, with right-in/right-out access to US 301 and access to Mill Branch Road.

SURROUNDING USES AND CHARACTER OF THE NEIGHBORHOOD

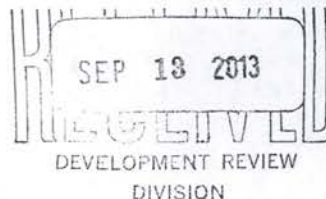
The Neighborhood is defined as:

- NORTH: Governor's Bridge Road
- EAST: Patuxent River Stream Valley Park
- SOUTHEAST: Mill Branch Place

AMENDED

SOUTHWEST: Mill Branch Road

WEST: US 301



AMENDED
SE-4734

Surrounding land uses are:

NORTH: Undeveloped land in the C-S-C Zone.

EAST: Public Lands (Patuxent River Stream Valley Park) in the O-S Zone.

SOUTH: Farmland and woodland in the R-A Zone.

WEST: Across US 301, a shopping center, including the existing Walmart, in the C-S-C Zone.

A large portion of the neighborhood is undeveloped. The large Patuxent River Stream Valley Park takes up most of the eastern half of the neighborhood. A large farm is to the south; two residences on this farmland are approximately 630 and 100 feet from the subject Property. To the North of the Property is the remaining portion of undeveloped C-S-C zoned land. North of that are various commercial uses, including two gas stations, fast food and sit down restaurants, a motel, a hardware store, and the Bowie Baysox Baseball Stadium. North of Governor's Bridge Road, beyond these commercial uses and outside the defined neighborhood, is the Longleaf Subdivision of single family detached homes in the R-R Zone.

SPECIAL EXCEPTION REQUIREMENTS AND JUSTIFICATION

§27-461

A Department of Variety store that exceeds 125,000 square feet with a food and beverage component is allowed in the C-S-C Zone by Special Exception in accordance with Section 27-461 of the Zoning Ordinance.

§27-348.02

§27-348.02 Department or Variety Stores Combined With Food and Beverage Stores.

- (a) Department or Variety Stores and Department or Variety Stores combined with Food and Beverage Stores permitted in the use tables by Special Exception (SE) in the I-3, C-S-C and C-M zones shall be subject to the following requirements:

RESPONSE: The proposed store is located in the C-S-C zone, with approximately 186,933 square foot and a grocery component larger than 10% of the gross floor area.

AMENDED

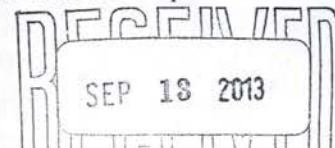
- (1) **The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.**

RESPONSE: As approved by Preliminary Plan 4-08052, access to the commercially-zoned Property is directly from an existing arterial roadway, Crain Highway (US 301). The first point of access to the Property is through a proposed right-in/right-out access along Crain Highway. Although the Approved Bowie and Vicinity Master Plan ("Master Plan") proposes US 301 for upgrading to Highway Status, it continues to exist as an Arterial classification (divided highway with intersections at grade) as expressed by the Master Plan. The right-in/right-out will be located within the proposed Right-of-Way shown on the approved Preliminary Plan # 4-08052. The mandated sequence of development approvals will require approval of the proposed Special Exception, Detailed Site Plan for the residue commercial development and then Final Plat so as to provide for the proposed dedication of Right-of-Way that will provide the access noted herein.

The second point of access to the Property is off of a new 4-lane access road that intersects with Mill Branch Road. The Zoning Ordinance considers all streets serving commercial uses to have 70-foot rights-of-way for determining setbacks. (Section 27-462(b)(1), Footnote 1.) Mill Branch Road is one such road, and is not designated as either a primary or secondary street along the southeastern portion of the Property. A 50-foot wide access easement has been previously recorded (Liber 28018 Folio 685) for the construction of the road, to allow for access to the M-NCPPC owned future park land located directly adjacent to the site. An additional 50-foot easement will be recorded with the Record Plat so that the entire easement is 100 feet wide.

- (2) **The applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic.**

RESPONSE: Per the attached Traffic Study dated May 31, 2012 (included in the submission package) there are a series of road improvements that are proposed as a result of the construction of the shopping center. The items listed include the related traffic lanes, signal upgrades, and signage associated with the improvements.



AMENDED

1. US 301 and Mill Branch Road
 - a. Construct a double Southbound left turn lane along US 301 at Mill Branch Road
 - b. Widen Mill Branch Road to a four lane Westbound approach for 2 left turn lanes, 1 thru lane, and one free right turn lane.
 - c. Add a third Northbound lane along US 301 beginning 1,000 feet South of Mill Branch Road and extend Northerly to MD 197 Collington Road (3500 feet total).

2. US 301 and Heritage Boulevard – Remark the Southbound right turn lane along US 3013 to a shared thru/right lane.

- (3) The site shall contain pedestrian walkways within the parking lot to promote safety.**

RESPONSE: The proposed site layout has multiple pedestrian walkways throughout the shopping center and the retail store parking lot for pedestrian access and safety.

- (4) The design of the parking and loading facilities shall ensure that commercial and customer traffic will be sufficiently separated and shall provide a separate customer loading area at the front of the store.**

RESPONSE: For the retail store, the loading facilities are located at the rear of the store, accessed by the new four lane access road from Mill Branch Road. The plan accommodates a truck turnaround area also in the rear near the loading areas to allow the exit of the trucks to be the same as the entrance, both of which are located separately from the customer vehicle and pedestrian access points.

The parking facilities for the retail store are located at the front and side of the building. A customer loading area has been provided along the main drive aisle in between the two vestibule entrances.

- (5) All buildings, structures, off-street parking compounds, and loading areas shall be located at least:**
- (A) One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan; and**

RESPONSE: The retail building and all parking and loading areas are more than 100 feet from the adjacent R-A residential agricultural property, R-R residential rural property, and O-S Residential Open Space.

(B) Fifty (50) feet from all other adjoining property lines and street lines.

RESPONSE: The four lane access road is located within a 100' wide easement, therefore the retail store and parking area are greater than 50' from all other adjoining property lines and street lines.

(6) All perimeter areas of the site shall be buffered or screened, as required by the Landscape Manual; however, the Council may require additional buffering and screening if deemed necessary to protect surrounding properties.

RESPONSE: The site conforms to all buffer and screening requirements of the Prince George's County Landscape Manual as shown on the submitted plans. The landscape provided is in accordance with the approved Tree Conservation Plan TCP1-022-07.

(7) The building entrance and nearby sidewalks shall be enhanced with a combination of special paving, landscaping, raised planters, benches and special light fixtures.

RESPONSE: The special exception package includes site plans and architectural sheets showing the special paving, landscaping, raised planters, benches and special light fixtures that are proposed.

(8) The application shall include a comprehensive sign package and a comprehensive exterior lighting plan.

RESPONSE: A comprehensive sign package and plans indicating the exterior lighting have been included with this Special Exception application.

(9) The applicant shall use exterior architectural features to enhance the site's architectural compatibility with surrounding commercial and residential areas.

RESPONSE: The special exception package includes exterior architectural features such as canopies, glazing, pilasters, and exterior decorative light fixtures. Each façade

incorporates brick, EIFS, and integrally colored split faced masonry to achieve color variations, texture and offset changes incorporated to enhance the compatibility with the surrounding areas.

AMENDED

- (10) **Not less than thirty percent (30%) of the site shall be devoted to green area.**
(CB-2-2002; CB-13-2012)

RESPONSE: As shown on the site plan, the Property totals 24.90 Acres, with a total of 7.47 Acres of open spaces required. With a 3.3 Acre wooded preservation/afforestation area to the rear of the Property and large planted landscape strips and buffers throughout the area, there are over 7.72 Acres of green space. By providing 31% greenspace, the Property exceeds the 30% requirement.

§27-317

§27-317. Required Findings

- (a) **A Special Exception may be approved if:**

- (1) **The proposed use and site plan are in harmony with the purpose of this Subtitle;**

RESPONSE: The proposal is in harmony with the Purposes of the Zoning Ordinance and the C-S-C Zone. See the sections below in this Statement of Justification devoted to these Purposes.

- (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

RESPONSE: The special exception site plan demonstrates conformance with all applicable requirements of the Zoning Ordinance, including Lot Coverage, Setbacks, Parking and Loading Schedules, Drive Aisle width, Landscaping, including Interior Parking Landscaping and Bufferyard Requirements. Parking and Loading are provided in accordance with the number and location requirements of Part 11 and Section 27-348.02 of the Zoning Ordinance.

- (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

RESPONSE: The 2006 *Bowie and Vicinity Master Plan* ("Master Plan") recommended commercial shopping center use for the Property. The attendant *Bowie*

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SE-4734

and Vicinity Sectional Map Amendment ("SMA") rezoned the Property to the C-S-C Zone from the R-A Zone. This zoning change is identified as "Change No. 6" and includes the following discussion:

AMENDED

"The rezoning from the R-A Zone to the C-S-C Zone is consistent with plan goals, policies, and strategies for commercial development on the east side of US 301 between Mill Branch Road and the existing commercial development to the north."

The intent was to create an intense commercial center east of US 301, north of Mill Branch Road, consistent with land use policies set forth in the Master Plan.

The Property is in the Developing Tier as defined by the 2002 Prince George's County General Plan. 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." (p. 36) The 2006 Master Plan lays out a more precise vision for the Developing Tier in Bowie and its vicinity:

"The portion of the master plan area that lies within the Developing Tier is a viable, residential community that provides low- to moderate-density, suburban, and diverse residential development, renovated mixed-use activity centers, multimodal transportation, and a Regional Center connected to a major transit hub supported by the required public facilities." (p. 9)

One of the stated Master Plan Goals is to "Encourage contiguous expansion of development where public facilities and services can be more efficiently provided." (p. 9)

Policy 6, Strategy 1.b, provides recommendations for this Property. We have included replies to the various recommendations.

"This property, given its proximity to the Bowie Regional Center, should be developed with high-quality commercial retail uses, including a hotel."

The proposed special exception provides the high quality retail development envisioned in the Master Plan by bringing a nationally recognized retailer and its lessees to the site. Preliminary Plan 4-08052 (the "Preliminary Plan") found that a development of 619,000 square feet of commercial space and a 150 room hotel, was in conformance with the Master Plan. One of the issues identified in the Master Plan, is the "Achievement of high quality development." (p. 9) The illustrative rendering, submitted with the special exception, shows an updated design, with architectural articulation in excess of that seen in typical large scale retail operations. The proposed architecture, with its use of glass, substantial masonry materials, building articulation, pedestrian pathways and spaces, landscaping and plaza features, represents a high

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quality design. Finally, although this special exception involves the development of one phase of the property, the overall plan still envisions the inclusion of a hotel as part of the development the larger site.

AMENDED

“Future development should promote the optimum use of the transportation system and public infrastructure...”

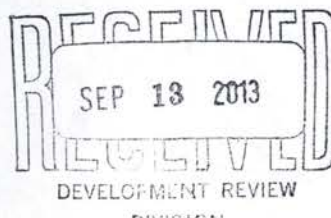
The Master Plan “concept for the future growth pattern steers most of the additional development toward the Bowie Regional Center and the mixed-use activity centers identified in this plan.” (p. 9) The goal was to concentrate the “transit-friendly, transit-oriented” commercial development toward the Bowie Regional Center. The Sectional Map Amendment placed the Property in the C-S-C Zone as an extension of that center, though the Property is just outside the core area of the Regional Center. However, the initial entitlement phase of this property included obtaining approval for a Preliminary Plan. The Preliminary Plan clearly promotes the optimum use of the transportation system and public infrastructure, as access to this Property directly off of Route 301 was directly coordinated with Maryland State Highway Administration, so that it aligns in location and grade elevation with a planned future fly-over to MD 197. Additionally, the existing Mill Branch Road alignment is being significantly improved and enhanced, and the existing traffic signal at Mill Branch and 301 will be upgraded.

“[P]reserve environmentally sensitive areas...”

This special exception application only involves the first phase of the development of a much larger parcel that has obtained Preliminary Plan approval. Preservation of environmentally sensitive areas was addressed as part of the Preliminary Plan review process and this phase will be developed consistent with that Plan.

“[A]nd provide for the needs of workers and residents in the area.”

This initial phase of development of the project will involve the creation of additional employment opportunities for workers and residents in the area, and long term opportunities for the construction trades, in addition to providing additional services and retail options for workers and residents.



SE-4734

“The property should be rezoned to a suitable zone, such as the C-S-C (Commercial Shopping Center) Zone, to permit development of elements such as an upscale hotel, etc.” (p. 16)

AMENDED

The property has been rezoned to the C-S-C shopping center zoning classification, and the proposed use is a retail use that is expressly permitted subject to the issuance of a special exception.

Specific to this Property also, the Master Plan recommends that the narrow easement to the MNCPPC Parkland from Mill Branch Road through the Property be replaced with a larger, more efficient access. This is accomplished on the special exception site plan by a 50-foot wide access, outside the landscaped strip, and a separate access through the center of the Property.

Furthermore, the Master Plan recommends that the development include a pedestrian/hiker/biker system that is comprehensively designed. The proposed plans show an integrated pedestrian access system, that permits pedestrians to move throughout the site from the proposed retail use, to future outparcels, and future phases of development. The sidewalks also will run along the proposed access road connecting the commercial development with the Park property to the East.

There is language in the Master Plan providing some limited recommendations for design guidelines suggesting that an “individual retail use” (other than a food or beverage store) should be limited to 125,000 square feet in size. The Master Plan language seems to favor development of “quality department stores” such as the proposed Walmart and is aimed at discouraging “discount of big-box” activities. However, the plan provides no limitation on the overall amount of commercial square footage that should be included within the overall development, or what in fact would distinguish a food or beverage store from another retail user in terms of appearance or land use impact. Furthermore, the proposed building, which is approximately 186,933 square feet, is not a typical individual retail use, and does not impair this Master Plan suggestion. The proposed building and department store contains a number of retail uses. The store has three main entrances: one for the general retail merchandise, one for the grocery component, and one for the outdoor garden center. In addition, interior space is provided for tenants. Walmart stores of this size typically include tenant space for additional uses such as restaurants, banks, florists, beauty and health related operators. These uses often occupy their own leased spaced in the building and generally operate separately with separate checkout facilities. The proposed building

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will include such space, and is therefore, not an individual retail use. Moreover, a significant component of this use is a grocery component.

Importantly, subsequent to the adoption of the master plan, in addition to the approval of the change of zoning to C-S-C, the City of Bowie actually annexed the property into the City limits. The annexation agreement of December 2, 2011, expressly states that the City supports the development of the Property with up to 800,000 square feet of "retail, office and hotel uses..." The annexation agreement does not place any design or use restrictions on the development of the site.

AMENDED

The Master Plan clearly recognized the need for additional commercial uses east of US 301 by recommending the property be placed in the C-S-C Zone. This use at this location, on a major roadway, simply makes good economic and planning sense. Having satisfied all the specific criteria for approval, and being in accord with the Master Plan's goals to increase quality commercial development east of US 301, this proposed special exception does not impair the integrity of the Master Plan and General Plan. Lastly, the District Council has enacted two items of legislation in the past 18 months specifically providing a process and safeguards for the approval of Department Stores of varying sizes, inclusive of the Special Exception process for a store as proposed by this application.

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

RESPONSE: The existing store, across US 301, has existed for nearly 20 years, constructed in 1993. The current proposal is to relocate the store from its existing location to the subject Property. There is no evidence that the existing store has had any adverse impact on health safety or welfare issues. The nearest homes are more than 600 feet away from the new proposed location, and adequate landscaping and lighting controls are proposed to shield adjoining properties from activities onsite. The site plan demonstrates adequate landscaping and buffering, in accordance with the requirements of the Landscape Manual. Road improvements and onsite circulation are designed to promote safety and access both onto and throughout the site. In addition, access will be provided from the site to the parkland to the East creating ease of access to this proposed outdoor recreation area. Health, safety and welfare of the residents and workers in the area will be enhanced by the proposed use and layout.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

RESPONSE: As a special exception use, the Zoning Ordinance recognizes that Department or Variety stores of this size are appropriately placed in the C-S-C Zone. As already noted, the neighborhood is developed to the North with similar commercial

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uses, including a Home Depot and a BJ's bulk retail store. The proposed use fits nicely into this arena and is located fronting on a freeway, precisely the correct location for a department or variety store. When the County Council placed this Property in the C-S-C Zone, it envisioned a retail shopping center on this Property. There is nothing either inherent in the department or variety store or specific to this use at this location that would render it a detriment to the use and development of adjoining properties. The site is designed so that impacts to adjacent residential uses and land are minimized. All required setbacks and landscaping are provided. Lighting is designed so as to not shine on adjacent properties. This retail use will have no impact different than other large retail uses. The proposed building is nearest to park land and farmland, but additional setbacks are provided than would be required for other types of retail uses permitted by right in the zone, such as large shopping centers, which, as permitted by right, would only need to satisfy "D" Landscape buffers and not the 100-foot setback required for this use. This use, in many ways, exceeds the buffering and requirements that would be required of other uses permitted by right on this Property.

Finally, the Property was placed in the C-S-C Zone so as to expand the existing commercial area, taking advantage of existing water and sewer facilities. The approved Stormwater Management Concept Plan, 14712-2007-00, ensures that there will be little to no drainage impacts to adjoining properties.

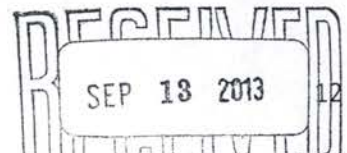
- (6) **The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

RESPONSE: A Type II Tree Conservation Plan has been included with this submission, based on the approved Type I Tree Conservation Plan (TCP I-22-07). The Special Exception site plan is in conformance with the TCP I and TCP II.

- (7) **The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).**

RESPONSE: The special exception site plan includes impacts to regulated features. While the impacts are located outside the limits of Special Exception, they are related to the right-in right-out roadwork at US 301. Variations to the Subdivision Regulations were approved at the time of Preliminary Plan approval. (See PGCPB 09-85.) A separate document, prepared by at Klebasco Environmental, is submitted regarding the impacts and restoration efforts.

- (b) **In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**



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- (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or
- (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.

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RESPONSE: The Property is not in a Chesapeake Bay Critical area Overlay Zone.

§27-102

Sec. 27-102. Purposes.



(a) The purposes of the Zoning Ordinance are:

- (1) To protect and promote the health, safety, morals comfort, convenience, and welfare of the present and future inhabitants of the County;

RESPONSE: The proposed special exception is a relocation of an existing store directly across US 301. Proof that the existing store conveniently serves the present inhabitants of the county is demonstrated by its need to expand. The existing location across US 301 is not of sufficient size to accommodate customer demand for in-stock products and expanded product lines as well as residential growth within the market area. The store will have easy access to US 301 and road improvements required by the traffic study will ensure safety at the site access points. The site has been designed to maximize setbacks from residential uses, protecting health, safety and welfare of inhabitants of the county. As previously noted, no residential uses exist within 600 feet of the Property – the site is in a commercially zoned area, much of which is developed with similar uses. There is no evidence that the proposed use in its proposed location will have any negative impact heath, safety or welfare in the area. Moreover, stormwater controls, lighting design, setbacks and landscaping all ensure the use is compatibly developed into the area.

- (2) To implement the General Plan, Area Master Plans, and Functional Master Plans;

RESPONSE: As noted in the Discussion of the Required Findings for all Special Exceptions, the Section 27-317 the proposed special exception implements the General Plan and the 2006 Bowie and Vicinity Master Plan. For a complete discussion of Master Plan and General Plan conformance, see Finding 27-317(a)(3) above.

- (3) **To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**

RESPONSE: The adequacy of public facilities was examined during the Preliminary Plan stage. Preliminary Plan 4-08052 was approved with several conditions, including those aimed at ensuring adequacy of public facilities. Condition 3 requires conformance with a stormwater management concept plan (14712-2007-00), ensuring water quality and quantity controls. Condition 14 limits trips to 606 AM peak hour trips, 1,017 PM peak hour trips, and 1,431 Saturday trips. The traffic study submitted with this application demonstrates that the proposed use falls within these limits. The Property is served by public water and sewer. Adequate public facilities and services were ensured through the Preliminary Plan process and the proposed Special Exception use and site plan will conform to these requirements of the approved Preliminary Plan of Subdivision.

- (4) **To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

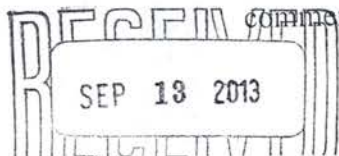
RESPONSE: This purpose is aimed more directly at the initial or comprehensive rezoning of property done by the county. The Property is a former farm. However, the Council placed the Property in the C-S-C Zone, recognizing that the Property would not be needed for farming forever. The proposed special exception recognizes the need for additional retail and provides it in an area not planned for other uses, such as agriculture, housing or industry. Locating this large scale retail use along a major arterial is the orderly growth envisioned by the Master Plan and Sectional Map Amendment.

- (5) **To provide adequate light, air, and privacy;**

RESPONSE: The proposed Special Exception provides adequate light, air and privacy. The store is setback from US 301 approximately 884 feet. The parking lot overlooks no residents in the area; no privacy issues arise. Lastly, the use incorporates significant setbacks from adjoining properties, 31 feet maximum height of the building (only slightly taller than most two-story homes), which collectively ensures that shadows thrown from the building will not affect adjacent properties.

- (6) **To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

RESPONSE: This neighborhood consists primarily of commercial uses. The 2006 *Bowie and Vicinity Master Plan* specifically called out this Property as one ripe for commercial development and rezoned it from residential to commercial with the intent



of expanding the existing commercial are to the North. Ostensibly, farmland to the South and parkland to the East will be affected by this use, but no more so than other uses permitted by right in the C-S-C Zone. Notably, the specific nature of the use results in more significant setbacks and landscaping than otherwise required for other permitted uses, enhancing the development's relationship with adjoining properties.

(7) To protect the County from fire, flood, panic, and other dangers;

RESPONSE: The proposed development must conform to all applicable fire and stormwater management regulations. These issues will be addressed at the time of permit.

(8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;

RESPONSE: This finding is applicable to housing rather than commercial applications. However, the Special Exception provides a commercial use on commercially-zoned land. It promotes a healthy living environment by providing significant setbacks and adequate landscaping. Lighting is designed so as to not shine or reflect onto adjacent properties.

(9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;

RESPONSE: The relocation and enlargement of the existing commercial use on the West side of US 301 increases the contribution to the county's tax base and provides additional employment opportunities for workers at a variety of skill levels.

(10) To prevent the overcrowding of land;

RESPONSE: The Property is 24.90 acres in size; the proposed building will be approximately 186,933 square feet. The building footprint will occupy 17.2± percent of the property, and 5.8± percent of the land area for the overall shopping center to be developed at this location. Inasmuch as the land area was zoned for retail uses, no increased intensity results from the use provided the use is parked at levels required by the Zoning Ordinance and hence no overcrowding, but rather the efficient use of land noted by other purposes of the zoning ordinance.

(11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;

RESPONSE: The traffic study recommends several road improvements at the US 301 intersection and along both roads, required as a result of the proposed commercial

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construction. With these improvements, no adverse impacts to the transportation system, either in terms of safety or congestion, were found to be problematic by the traffic study.

(12) To insure the social and economic stability of all parts of the County;

RESPONSE: This relocation and expansion of an existing retail store has no negative impact on the social and economic stability of the County. The existing department store has been part of a well-used shopping center for years, but it has simply outgrown its site. Relocating it nearby will allow the Applicant to continue to contribute to the social and economic stability in this section of the County. As owner of the existing location, the Applicant will actively participate in the appropriate re-tenanting of that location.

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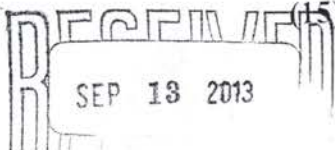
(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;

RESPONSE: There are no stream valleys, lands of natural beauty, dense forest, scenic vistas, or other similar features on the Special Exception Property. These occur on adjacent properties, however, so it is important that adequate landscaping and buffering, as well as directed lighting be incorporated into the site plan. There are steep slopes on the Property, but those naturally occurring are proposed to remain intact. The site plan incorporates such features, while still allowing for access to the proposed active parkland. Some steep slopes created by previous road construction will be disturbed again through the development process. However, these have no particular quality or need for preservation. They are man-made, temporary and will be disturbed for necessary infrastructure only. Disturbing these slopes will have no negative impact on the surrounding area or environment.

(14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and

RESPONSE: The Property abuts parkland to the East. However, the areas directly East of the site are proposed for active recreation. The scenic qualities of the stream valley park associated with the Patuxent River are farther East, well out of sight from the proposed building. Adequate landscaping and lighting will ensure that the scenic qualities of this area are protected. Again, landscaping is provided in accordance with the Landscape Manual and all lighting is proposed to be as non reflective as possible and directed onto the site. As noted in Finding 27-348.02(a)(10), 31% of the Property is devoted to green space.

(15) To protect and conserve the agricultural industry and natural resources.



RESPONSE: This purpose is more appropriate to original or comprehensive zoning. This site was once farmed, but the County decided, thorough the 2006 Master Plan and Sectional Map Amendment, that this Property was best used for commercial purposes. The special exception will have no impacts on adjacent farmland.

§27-454

Sec. 27-454. C-S-C Zone (Commercial Shopping Center).



(a) Purposes.

(1) The purposes of the C-S-C Zone are:

(A) To provide locations for predominantly retail commercial shopping facilities;

RESPONSE: By placing this Property in the C-S-C Zone, the County, through the Bowie and Vicinity Sectional Map Amendment, has determined that this Property should be used predominantly for retail commercial shopping facilities. The proposed use, a department or variety store combined with a food and beverage store, is in harmony with this purpose.

(B) To provide locations for compatible institutional, recreational, and service uses;

RESPONSE: This purpose is aimed at the larger C-S-C Zone and not at specific properties. The site is ideal for commercial uses. It is adjacent to an intensely developed commercial shopping area, and the County envisions this Property as an expansion of that major retail area. Compatibility with adjoining parkland is ensured through adequate landscaping.

(C) To exclude uses incompatible with general retail shopping centers and institutions; and

RESPONSE: This applies more appropriately to the County's Use Tables. The Department or Variety Store proposed is permitted by special exception in the C-S-C Zone and is, therefore, considered compatible with general retail shopping. As outlined in this statement of justification, the proposed Department or variety Store conforms to the requirements of Section 27-348.02 and to all other applicable requirements of the Zoning Ordinance and all other applicable code requirements.

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(D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.

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RESPONSE: This purpose is not applicable to this proposal; it is a purpose satisfied when the C-S-C Zone replaced the other commercial zones listed.

TREE CANOPY COVERAGE REQUIREMENTS

Per Section 25-128 of the Prince George's County Code, a minimum of 2.49 acres (10%) of Tree Canopy Coverage is required for this 24.90± Acre site. Per condition 20a of the Preliminary Plan 4-08052 Planning Board Resolution, PGCPB 09-85, a minimum of 4.98 Acres (20%) of Tree Canopy Coverage is required for this 24.90± Acre site. The proposed plan provides 5.07± acres (20.36%), exceeding the minimum requirement.

WOODLAND CONSERVATION REQUIREMENTS

The proposal is in conformance with the approved Type I Tree Conservation Plan, TCP I-022-07. A Type II Tree Conservation Plan has been submitted with the Special Exception. The TCPII, which shows the entire 73.98 Acre parcel, requires 16.73 Acres of woodland conservation. The TCPII shows a total of 18.17 Acres provided, including 6.77 Acres of preservation, 5.07 Acres of reforestation, and 6.33 Acres of onsite landscaping. Within the Special Exception 24.90 Acre parcel, 3.74 Acres are required and 5.07 Acres have been provided (3.31 Acres onsite reforestation, 1.76 Acres onsite landscaping). The TCPII shows that the requirements for woodland conservation are being exceeded.

CONCLUSION

Based on the above reasons and the submittal package the applicant respectfully requests approval of Special Exception 4734 for Mill Branch Crossing.

BOWMAN CONSULTING

Katie Oosterbeek

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9813 Godwin Drive
Manassas, Virginia 20110
703-530-8093
Engineers for the Applicant



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Joseph DelBalzo

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DEVELOPMENT REVIEW
DIVISION

SE-4734

September 12, 2013

Thomas Lockard, Planner Coordinator
Development Review Division
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive – 4th Floor
Upper Marlboro, MD 20772

**Re: Mill Branch Crossing
Special Exception 4734
Addendum to Statement of Justification**

Preliminary Plan 4-08052 was approved on May 28, 2009. The Planning Board Resolution, PGCPB 09-85 was adopted on June 18, 2009. The resolution contained 36 conditions, many of which were to be applied at the time of Detailed Site Plan. The Special Exception findings do not require conformance with Preliminary Plan conditions, and none of the Preliminary Plan conditions specifically apply to a special exception. However, these will be addressed here because the Special Exception site plan will be the governing site plan on this portion of the property. The conditions, and the Applicant's responses to their requirements, are outlined below.

- Condition 1:** Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
- a. Delineate the ten-foot public utility easement along Mill Branch Road and US 301/MD 197 dedication
 - b. Reflect the right-of-way dedication approved by the Planning Board, and remove reservation language as appropriate.
 - c. Provide bearings and distances on the 50-foot access easement (Liber 28018 Folio 685).
 - d. Indicate that all existing structures are to be razed.
 - e. Provide the acreage of 18PR857, and label the LOD
 - f. Label the proposed entrance drive
 - g. Reflect all master plan rights-of way.

Response: These items were completed and the preliminary plan was signed on February 18, 2010.

Condition 2: In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved.

Response: A Type II Tree Conservation Plan has been submitted for approval with the Special Exception.

Condition 3: Development of this site shall be in conformance with the Stormwater Management Concept Plan 14712-2007-00 and any subsequent revisions.

Response: A revision to the Concept Plan, 14712-2007-01, has been filed and is pending approval.

Condition 4: At the time of final plat, the applicant shall dedicate a ten-foot public utility easement along the public rights-of-way as delineated on the approved preliminary plan of subdivision.

Response: This condition is applicable at the final plat stage. Approval of the Special Exception will not impede the fulfillment of this condition.

Condition 5: At the time of final plat, the applicant shall dedicate right-of-way along the property's street frontage consistent with the approved preliminary plan of subdivision, and subsequent detailed site plan if modified by SHA along the frontage of Mill Branch Road.

Response: This condition is applicable at the final plat stage. Approval of the Special Exception will not impede the fulfillment of this condition.

Condition 6: Prior to the approval of final plats, a detailed site plan shall be approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance. The detailed site plan shall include, but not be limited to the following:

- a. A final determination shall be made by SHA for the ultimate right-of-way dedication along the southern property line at Mill Branch Road

Response: The Special Exception site plan shows the ultimate right-of-way along the southern property line at Mill Branch Road, according to the Applicant's understanding of the SHA right-of-way requirements. The SHA will provide comment on this right-of-way.

- b. Conformance to the Prince George's County Landscape Manual

Response: The Landscape Plan demonstrated conformance with all requirements of the Prince George's County Landscape Manual. No Alternative Compliance or Departure from Design Standards is requested.

- c. Establishing an appropriate relationship between the Developing and Rural Tiers while taking into account the impact of the proposed commercial development on the rural character of the area and the regional park facility currently under construction to the east

Response: The Rural Tier lies to the south and west of the proposed development. The Landscape Plan shows a significant buffer between the building and the Rural Tier to the south. The landscaped strip south of the building is 45 feet wide. The proposed building is 213 feet from the property line abutting the Rural Tier to the south. Included in this 213-foot setback is a 50-foot wide landscaped buffer, a 62-foot wide access road leading from Mill Branch Road to the Green Branch Regional Park and an additional 45-foot wide landscaped buffer. A large area of woodland reforestation is proposed between the proposed development and the Rural tier (the Green Branch Regional Park) to the west. The building, parking and loading facilities are all setback in accordance with Zoning Ordinance requirements;

full cutoff, LED, non-reflective lights are proposed in the parking lot. The proposed development will have minimal impact on the Rural Tier and no greater impact than other allowed uses in the C-S-C Zone.

The Preliminary Plan resolution finding regarding this condition is found on Page 43, in Finding 19.

'This property is located at a highly visible location along the US 301 Corridor, on a designated Historic Road (Mill Branch Road), and at the boundary of the Rural Tier. The 2006 Approved Bowie & Vicinity Master Plan makes specific recommendation for the development of this property which should be considered in the review of the detailed site plan.

"The transition between the Developing and Rural Tiers should be considered with the review of the detailed site plan as well as the impact on the rural character and regional park facility currently under construction to the east. The *Prince George's County Landscape Manual* may require a D Bufferyard along the south west property line. However, the Landscape Manual does not take into account the importance of the tier boundary. The transition between the tiers should be a consideration with the review of the detailed site plan in addition to Landscape Manual conformance. The placement and orientation of buildings, landscaping, and driveways, the architectural elevations, massing and scale of the improvements, should also be included in the review of the detailed site plan to evaluate and carefully plan how the development of this property relates to the surrounding uses and view sheds.

"As indicated, an existing access easement serving the Green Branch Regional Park is abutting the southwest property line. It is expected that the access driveway serving the Green Branch Regional Park will be constructed prior to the filing of the detailed site plan. The constriction of the driveway will not necessitate a detailed site plan and is not subject to the Landscape Manual, however, the access location could complicate the applicant's ability to conform to the Landscape Manual along the eastern property line. The applicant negotiated the location of the easement, and if the applicant and the DPR choose to relocate or expand the access, it could impact their ability to comply with conditions of the detailed site plan relating to a transition between the Developing and Rural Tiers and bufferyard placement."

The finding assumes that the requirements of the Landscape Manual are inadequate to provide the proper transition between the Rural and Developing Tier. The Landscape Manual deals with incompatible uses. Whether they are in the Rural, Developing or Developed Tier, uses are either compatible or not. However, to address this condition, the Special Exception site plan includes significantly larger setbacks and wider landscaping than required. A "D" bufferyard, with its 40-foot side landscaped strip and 50-foot wide building setback, would be required between the proposed commercial use and the residentially zoned land to the south. The site plan indicates a 213-foot setback and more than 90 feet of

landscaped width surrounding a park access drive. This is an appropriate transition from the Developing Tier to the Rural Tier.

- d. The placement and orientation of buildings, landscaping and driveways

Response: The building faces US 301, as is appropriate for a retail operation. The concern here was the relationship between the building and the planned Green Branch Park to the east. The rear of the building, which comes closest to the park to the east, is buffered from the park by a 3.3± acre woodland reforestation area. There will be no negative impacts on the parkland from the proposed building on the special exception Property. Flipping the building to orient toward the park would face the building's rear toward either the rural tier to the south or US 301, neither of which is acceptable. The proposed orientation, and its associated woodland reforestation and landscaping more than adequately protect the surrounding existing and planned uses. Driveways are internal to the site. The loading access will be 100 feet from the park land at its closest point, and buffered, satisfying the requirements of the Zoning Ordinance.

- e. The architectural elevations, massing and scale of the improvements

Response: As discussed with Ruth Grover, Planner Coordinator, Urban Design Section, you and Joseph Serruya, Associate Principal at Perkowitz and Ruth Architects on August 29, 2013, the applicant will work with staff to revise the proposed elevations to improve the architectural massing and scale that will complement each other and create a better design relationship to one another.

- f. Evaluate appropriate pedestrian connections and circulation including a connection to the Green Branch Regional Park

Response: The access road leading from Mill Branch Road to the park is not on the Special Exception Property. The Applicant is providing a sidewalk along this road for pedestrian access to the park along the southern part of the larger Mill Branch site. Additional access from the north is off the Special Exception Property.

- g. The use of LID and green building techniques

Response: The approved stormwater management concept plan and pending revisions utilize a combination of micro-bioretenion facilities throughout the shopping center. These facilities treat the surface flow throughout the parking lot by filtering the water through the landscaped biofilters, prior to collecting the filtered water in an underground storage facility. The underground facility will detain the large volume of water and release it at a slower rate, similar to the predevelopment conditions.

h. Conformance to the master plan guidelines

Response: There is no requirement that Special Exceptions conform to master plan guidelines. Rather, Special Exceptions must not substantially impair the integrity of the master plan. However, because these apply to Detailed Site Plans through this condition, an analysis of the master plan guidelines is found at the end of this document in a separate section.

i. Viewshed analysis from US 301 corridor

Response: With this special exception, the building is setback from US 301 approximately 750 feet. The remainder of the property, including land between the proposed parking lot and US 301 will be the subject of an upcoming Detailed Site Plan application. While the property is mostly old farmland, the property between the special exception boundary and US 301 is densely wooded. Until that other property is developed, most of the viewshed will be woods, though which very little of the proposed building would be seen. The ultimate viewshed from US 301 will not be the viewshed created by this approval. The viewshed analysis is more appropriately reviewed with the Detailed Site Plan for the entire site.

Condition 7: An automatic fire suppression shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

Response: This condition will be imposed at the time of building permits.

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

Response: This report, prepared by James G. Gibb, Archaeological Consultant, in accordance with this condition and dated September 12, 2009, is included in with the submitted materials.

Condition 9: The applicant shall provide interpretive signage detailing the results of the archeological investigations at site 18PR857. The location, wording and timing for its installation shall be reviewed at the time of detailed site plan and be reviewed by the staff archeologist.

Response: The report referenced above discusses the use of interpretive signage. The Preliminary Plan indicated the interpretive sign should be placed in the hotel on the larger Mill Branch site, and the artifacts are best displayed there as well. These will be explored at the Detailed Site Plan for remainder of the site.

- Condition 10:** If Archeological Site 18PR859, located in the northern portion of the property, will be impacted by the proposed development, the applicant shall provide a plan for:
- a. Evaluating the resource at the Phase II level, or
 - b. Avoiding and preserving the resource in place.

Response: **The Special Exception does not impact the Site 18PR859 or the northern portion of the property.**

- Condition 11:** If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological site. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of final plat.

Response: **No state or federal monies or federal permits are required development within the Special Exception boundaries.**

- Condition 12:** Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the DPW&T for the placement of a bikeway sign(s) along Mill Branch Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.

Response: **This condition will be imposed at building permits.**

- Condition 13:** The applicant and the applicant's heirs, successors and/or assignees shall provide, unless modified by the DPW&T and the SHA:

- a. Multiuse sidepath for pedestrians and bicyclists on Mill Branch Road connecting to the intersection of US 301 and Excalibur Road.
- b. Provide a wide crosswalk with pedestrian islands on US 301 to create a safe road crossing and accommodate both pedestrians and bicyclists using the recommended sidepath
- c. Raised crosswalks on roads approaching Mill Branch Road to create safe road crossings for pedestrians and bicyclists
- d. Install "bikeway narrows" signage on the approach to Mill Branch and the site entrance.

Response: **These are not included on the Special exception property, but will be installed, if required, by DPW&T or SHA as applicable.**

- Condition 14:** Total development within the subject property shall be limited to a mix of commercial/retail development or equivalent development which generates no more than 606 AM peak-hour trips and 1,017 PM peak-hour (weekdays) vehicle trips, and 1,431 peak trips on Saturdays. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary

plan of subdivision with a new determination of the adequacy of transportation facilities.

Response: According to the traffic memorandum prepared by The Traffic Group (Cook to Burton, April 2, 2013), the proposed use will generate 282 weekday AM trips, 582 weekday PM trips, and 860 Saturday trips, within the range allowed by this conditions. Therefore, no new preliminary plan is required.

Condition 15: At the time of final plat approval, the applicant and the applicant's heirs successors or assignees shall either:

- a. Dedicate of right-of-way along Mill Branch Road to facilitate the construction of the master plan interchange or associated improvements on the approved preliminary plan OR
- b. Dedicate the amount of land on Mill Branch Road to be determined by SHA redesign of the interchange and associated improvements on Mill Branch Road

Response: This condition is applicable at the final plat stage. Approval of the Special Exception will not impede the fulfillment of this condition.

Condition 16: At the time of final plat approval, the applicant and the applicant's heirs, successors or assignees, shall dedicate right-of-way along US 301 (including the right-in right-out) as shown on the approved preliminary plan and shall show dedication within MD 197 master plan alignment necessary for the right-in right-out

Response: This condition is applicable at the final plat stage. Approval of the Special Exception will not impede the fulfillment of this condition.

Condition 17: Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurance through either private money or full funding in the Maryland Department of Transportation "Consolidated Transportation Program (CTP)" or the Prince George's County "Capital Improvement Program (CIP)" (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

- a. US 301 at Governors Bridge Road-Harbor Way
 - Modify eastbound Harbor Way from a two lane approach to a three lane approach that would include an eastbound double left turn lane, and a combined left, through a right-turn lane.
- b. US 301 at MD 197-Rip's Restaurant Access
 - Modify the westbound exit from the Rips restaurant to a three (3) lane exit to provide an exclusive lane, a through lane and a right-turn lane
 - Provide an additional left turn lane along the northbound approach to provide a total of three left turn lanes.
 - Provide three receiving lanes on the western leg (MD 197) of the intersection subject to SHA requirement
- c. US 301 at Mill Branch Road-Excalibur Road

- Construct a double southbound left turn along US 301 at Mill Branch Road
 - Widen Mill Branch Road to a four lane westbound approach providing two left-turn lanes, one through lane and a free right-turn lane.
 - Provide two receiving lanes on the eastern leg of the intersection (Mill Branch Road) subject to the requirements of SHA and DPW&T
 - Provide a third northbound through lane along US 301 beginning at a point south of Mill Branch Road, and ending at a point north of Mill Branch Road. The beginning and end point of this third lane shall be determined by SHA.
- d. US 301 at Heritage Boulevard
- Re-stripe the southbound right-turn lane along US 301 to a shared through/right lane
- e. Mill Branch Road at Site Access
- Provide a double left-turn and a separate through lane on the eastbound approach
 - Provide two receiving lanes on the site access leg
 - On the site access approach leg, provide a channelized free right-turn lane and a separate left-turn lane
 - Install a traffic signal
- f. US 301 at Site Access
- Provide a right-in right-out access point on US 301 at the northernmost point of the site, subject to SHA's approval. This access point shall be designed so that left turns from this access point to MD 197 are prohibited.

Response: This condition is applicable at the building permits. Approval of the Special Exception will not impede the fulfillment of this condition.

Condition 18: The detailed site plan shall show the use of low-impact development stormwater management techniques such as bioretention, French drains, depressed parking lot islands and the use of native plant throughout the site. Low-impact development techniques shall be applied on this site to the greatest extent possible.

Response: As shown on the stormwater management concept plan, the proposed parking area has microbioretention facilities throughout the parking lot. The microbioretention areas will be landscaped with native plants, and are located throughout the parking area to provide coverage to the entire parking lot. These microbioretention facilities will accept all of the surface flow area within the parking lot before the water is collected in the underground stormwater management facility.

Condition 19: At time of detailed site plan review, the applicant shall demonstrate the use of alternative parking methods and paving materials to reduce the area of impervious surfaces to the greatest extent possible; insert additional green areas and tree canopy cover to break up the areas of impervious surfaces, provide large islands of shade; and demonstrate the use of low impact development techniques.

Response: The finding in the Preliminary Plan resolution associated most closely with this condition is found under Master Plan Conformance in Finding 4, Environmental, Page 12. Under Master Plan Environmental Policy 2, Strategy 8, the finding reads:

“The desired parking lot should be designed to break up the areas of impervious surfaces and provide substantial shading. During the review of the detailed site plan, the plans should include a justification for any parking spaces above the minimum requirements and alternative paving surfaces should be considered for all parking spaces above the minimum requirements. Application of alternative parking materials such as grass block or reinforced turf combined with low impact development techniques, such as bioretention areas, should be used to the greatest extent possible”

Part of the intent was to ensure that parking surface was kept to the minimum possible, with alternative paving surfaces on all parking spaces above the minimum. The special exception site plan provides only the minimum required parking. Large expanses of impervious surfaces are broken up by landscaping in accordance with the Landscape Manual requirements, with substantial shade trees provided throughout the interior parking lot area.

In addition, per Condition 20 below, the Special Exception site plan demonstrates 20 percent tree canopy coverage—twice the required 10 percent—significantly reducing the heat island effect of the parking lot.

Long landscape islands and interior planting islands on average every 10 parking spaces are provided, breaking the parking lot into smaller sections. Two pedestrian walkways are provided through the site with shade trees on either side of the walkway. The total number of provided parking spaces has been reduced so that the spaces provided do not exceed the allowable requirement. Low impact development has been provided through the use of microbioretention facilities throughout the parking lot.

Condition 20: The landscape plan submitted at time of detailed site plan shall demonstrate the following:

- a. A minimum of twenty percent tree canopy coverage, after ten years of growth, to provide shading and reduce the heat-island effect within the parking lot area

Response: Twenty percent tree canopy coverage is provided, which is double the requirement of 10 percent.

- b. Planting strips designed to promote long-term growth of trees and increase tree canopy coverage. These strips should be considered for bioretention.

Response: Planting strips provided in the landscape plan range from 6 – 18' width. Microbioretention facilities have been located inside the green islands.

- c. Distribution of tree planting throughout the site to provide shade to the maximum amount of impervious area.

Response: The trees have been distributed throughout the site to provide maximum shade as possible throughout the parking lot.

- d. The use of conservation landscaping techniques that reduce water consumption to the greatest extent possible.

Response: The design and grading of the parking lot allows for much of the surface water to flow to a landscaped microbioretention area, reducing the need for independent watering of those trees. The species of trees and plants will be finalized with a goal of reducing water consumption to the greatest extent possible.

- e. Incorporate environmentally sensitive stormwater management techniques throughout

Response: The use of microbioretention facilities is provided throughout the parking lot on the site.

- f. Provide a bufferyard along Parcel 29 to create a transition between the developing tier and the rural tier.

Response: A 45-foot wide landscape planting buffer is provided along Parcel 29.

Condition 21: The detailed site plan shall identify the green building techniques and energy conservation methodologies to be implemented on the site. At least 50 percent of the proposed buildings shall include green building techniques such as green roofs, reuse of stormwater, and/or the use of green building materials.

Response: The applicant is taking advantage of natural daylight by spreading skylights across the roof area, in addition to the use of white roofing membrane materials with high reflectivity to reduce the heat island effect. Occupancy sensors are used in most non-sales areas, LED lights are provided throughout the grocery section. The store utilizes energy management systems to monitor and control the HVAC, refrigeration and lighting systems to help reduce energy consumption. Fly ash and slag are incorporated in the concrete mixes to help offset the greenhouse gases emitted in the cement manufacturing process. High efficiency restroom fixtures are used throughout that reduce water usage in the restrooms by up to 87 percent.

Condition 22: At time of detailed site plan, a lighting plan shall be submitted for review which addresses the use of alternative lighting technologies which minimize sky glow and light intrusion into the Rural Tier and nearby environmentally sensitive areas. Full cut-off optic light fixtures shall be used throughout this site to reduce light intrusion outside of the Developing Tier, provide more effective lighting, and address best management practices for reducing sky glow.

Response: **The lighting plan shown on the Special Exception site plan includes full cut-LED, non-reflective lights located and designed so as not to shine into the Rural Tier or the adjacent park property.**

Condition 23: Prior to signature approval of the preliminary plan, a revised NRI shall be approved and the TCPI shall be revised to address the correct delineation of the PMA.

Response: **These items were completed and the preliminary plan was signed on February 18, 2010.**

Condition 24: Prior to signature approval of the preliminary plan, the reduced woodland conservation afforestation threshold of 10.68 acres on-site to the greatest extent possible through the retention of existing woodlands, expansion of woodland areas through afforestation, provision of expanded stream buffers to protect environmental corridors, planting of bioretention areas, planting in the scenic easement, and planting of a bufferyard to provide a transition between the Rural Tier and the Developing Tier.

Response: **These items were completed and the preliminary plan was signed on February 18, 2010.**

Condition 25: The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/022/07), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of any 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.”

Response: **This condition is applicable at the final plat stage. Approval of the Special Exception will not impede the fulfillment of this condition.**

Condition 26: Prior to submittal of the detailed site plan, a conceptual design for the environmentally sensitive restoration of the problem areas identified in the Stream Corridor Assessment Report shall be prepared and submitted for approval as part of the application. The restoration plan shall include a “Coastal Plain Outfall” type system, or its equivalent, to slow velocity of the stormwater running through the stream bed, and stabilize the stream banks to prevent

sedimentation into the Patuxent River. The final design shall show integration of the stormwater management and stream restoration.

Response: **The problem areas identified in the Stream Corridor Assessment Report are not impacted by the Special Exception property and are more appropriately addressed when a Detailed Site Plan is filed on remainder of the property.**

Condition 27: At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area and shall be reviewed by the Environmental Planning Section (EPS) prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easement 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.”

Response: **This condition is applicable at the final plat stage. Approval of the Special Exception will not impede the fulfillment of this condition.**

Condition 28: Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the US, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Response: **This condition is applicable at the permit stage. Approval of the Special Exception will not impede the fulfillment of this condition.**

Condition 29: Prior to signature approval of the preliminary plan, the TCPI shall be revised to reflect all transportation related design considerations.

Response: **These items were completed and the preliminary plan was signed on February 18, 2010.**

Condition 30: Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to show a 40-foot-wide scenic easement, free of parallel public utility easements, adjacent to the ultimate right-of-way of Mill Branch Road.

Response: **These items were completed and the preliminary plan was signed on February 18, 2010.**

Condition 31: At time of final plat, a scenic easement shall be established adjacent to Mill Branch Road as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:

“Mill Branch Road is a county designated Historic Road. The scenic easement described on this plat is an area where the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent

from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.”

Response: **This condition is applicable at the final plat stage. Approval of the Special Exception will not impede the fulfillment of this condition.**

Condition 32: The detailed site plan shall address: protection of significant visual features; preservation of existing woodlands; planting of the scenic easement; limiting of access points; supplemental landscaping appropriate to conserve and enhance the viewshed of the historic road; and the relationship between the Developing Tier and Rural Tier.

Response: **The proposed Special Exception building is setback approximately 550 feet from Mill Branch Road right of way and 200 feet from the Rural Tier to the south. Significant landscaping, addressed throughout this document and on the landscape plan, is provided to enhance and protect the views from the historic road and the Rural Tier. Woodland reforestation protects the park to the east from the proposed development. Access is limited to US 301 and the access road. No direct access to Mill Branch Road is proposed in the Special Exception. Full cutoff lighting will be used to further protect views from the Rural Tier, Green Branch Park and Mill Branch Road.**

Condition 33: Detailed site plans which include a hotel or residential-type uses, shall be evaluated for interior noise levels and may result in a condition at the time of building permits that a certification, to be submitted to M-NCPPC, be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

Response: **This Special Exception does not include a hotel or residential-type uses.**

Condition 34: Signage shall be installed by the applicant along Mill Branch Road indicating that eastbound travel along Mill Branch Road is for “Local Traffic Only,” subject to the approval of the Department of Public Works and Transportation.

Response: **This will be done in the right-of-way, subject to DPW&T requirements and not part of the Special Exception review.**

Condition 35: The applicant shall explore with the M-NCPPC a second point access from US 301 to the County regional park at the time of detailed site plan review.

Response: **Secondary access is not proposed on the Special Exception site, but will be addressed at the time of Detailed Site Plan review for the rest of the Mill Branch Crossing property.**

Condition 36: The applicant shall maximize the use of public transit to the subject site to reduce vehicle trips to and from the property, which shall be evaluated at the time of detailed site plan review.

Response: The only mention of this in the Preliminary Plan Findings is found on Page 21 of the resolution, Finding 5, Community Planning. "One of the visions for the Developing Tier is to maintain a pattern of distinct commercial centers, and employment areas that are increasingly transit serviceable." There is no metro bus stop proximate to the proposed Special Exception area as of this application consideration. Ultimately, the development of this commercial center and the adjacent M-NCPPC park—and the collective employment base—will help create the need to bring transit investment to fruition. Vehicle trips generated by the proposed use fall well within the maximum allowed by the adequacy findings made at the time of preliminary plan of Subdivision. No additional evaluation is necessary at this stage.

ENVIRONMENTAL MASTER PLAN GUIDELINES

Preliminary Plan condition 6.h required an examination of master plan guidelines at the time of Detailed Site Plan. The discussion is found in the Environmental finding. The following are the Environmental Policies and Strategies and the Applicant's responses. The Policies and Strategies are found in the 2009 Adopted and Approved Bowie and Vicinity Master Plan beginning on page 36. As a Special Exception, the proposal must demonstrate that it "will not substantially impair the integrity" of the master plan [Section 27-317(a)(3)]; it does not have to conform to all master plan recommendations. However, the Applicant avers that the proposal does conform to these master plan policies and strategies. Policies and Strategies are in bold and responses are regular type.

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

Strategies:

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

Response: The green infrastructure network impacts a small part of the eastern portion of the Property; this area is shown on the site plan as woodland reforestation.

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

Response: The Preliminary Plan resolution noted that the Property "abuts a regional park site, which provides a large contiguous block of woodlands connecting eastward to the Patuxent River, a plan designated primary corridor." The proposed site plan—which involves only the southern part of the larger Mill Branch site that was the subject of the Preliminary Plan—shows a 3.3 acre extension of that woodland reforestation onto the Property. A series of on-site microbioretention

areas will provide low impact stormwater management on the site, further protecting the adjoining parkland.

3. Carefully evaluate land development proposals in the vicinity identified SCAs (the Beltsville Agriculture Research Center to the north, along the Patuxent Research Refuge; Belt Woods in the western portion of the master plan area; and the Patuxent River) to ensure that the SCAs are not impacted and connections are either maintained or restored.

Response: The Property is located adjacent to the Patuxent River. The site plan has been designed to reduce impacts on Patuxent River by incorporating low impact microbioretention stormwater management area, locating woodland reforestation between the development and the park abutting the river, and doubling the amount of required tree canopy coverage. Lighting is designed so as not to shine on adjoining properties.

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

Strategies:

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

Response: The Preliminary Plan resolution noted that this site is not located in the Western Branch Watershed Restoration Action Strategy area.

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

Response: The Special Exception site plan uses low impact development techniques. A series of microbioretention areas serve as both water quality and quantity controls. In addition, the large expanse of pavement in the parking lot is broken up by a number of long landscape islands.

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

Response: Green Branch crosses the larger Mill Branch site along its northern boundary, but does not impact the Special Exception Property. The Stream restoration, if required, is more appropriately attached to the development of the northern portion of the larger site.

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

Response: All landscaping will be native, low water consuming materials. See landscape plan for details.

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

Response: The site plan provides only the minimum parking required by the Zoning Ordinance.

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

Response: See response to Preliminary Plan Condition 19.

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

Strategies

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

Response: The Tree Canopy Coverage requirement in the C-S-C Zone is 10 percent; the site plan shows twice that amount, which includes a 3.3 acre woodland reforestation area abutting the parkland to the east.

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

Response: As has been noted, the site plan shows 20 percent tree canopy coverage on the site, as a combination of woodland conservation, reforestation and landscape trees.

3. Establish street trees in planting strips designed to promote long-term growth and increase tree cover.

Response: Long planting strips run through the parking lot and along the Property's perimeter. These strips are planted with shade trees designed to increase canopy coverage in the long term.

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

Response: The landscape plan provides a minimum of 20 percent tree canopy coverage, long planting strips, and well distributed shade trees throughout the Property, in accordance with the Preliminary Plan finding on this master plan strategy.

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

Strategies:

1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.

Response: The proposed design incorporates multiple energy consumption reduction strategies. The Architects have provided the following:

Energy Efficiency:

1. Central Energy Management System:

- Walmart employs a centralized energy management system (EMS) to monitor and control the heating, air conditioning, refrigeration and site and interior lighting system for all stores from Wal-Mart's corporate headquarters in Bentonville, Arkansas. The EMS enables Walmart to constantly monitor and control the expanded store's energy usage, analyze refrigeration temperatures, observe HVAC and lighting performances, and adjust system levels from a central location 24 hours per day, seven days per week. Energy usage for the entire store will be monitored and controlled in this manner.

2. Heating, Ventilation and Air Conditioning (HVAC):

- The store will employ one of the industry's most efficient heating, ventilating and air-conditioning (HVAC) units available. The Energy Efficient Ratings (EER) per ARI 210 and 240 range from 12.1 up to 14.3 which exceed the industry standard.

3. Dehumidification:

- The building will include a dehumidifying system that allows Walmart to operate the store at a higher temperature, use less energy, and allow the refrigeration system to operate more efficiently.

4. White Roofs:

- The store will utilize a “cool roof” consisting of a white membrane roof instead of a typical darker colored roof materials employed in commercial construction. The white membrane roof’s higher reflectivity helps reduce building energy consumption and reduces the heat island effect, as compared to buildings utilizing darker roofing colors.

5. Refrigeration:

- The store uses the non-ozone depleting refrigerants R407 a refrigeration equipment and a R410a for air conditioning.
- The store will utilize a secondary-loop refrigeration system to increase efficiency, prevent leakage, and cut greenhouse gas emissions by as much as 95 percent.

6. Heat Reclamation:

- The Walmart store will reclaim waste heat from onsite refrigeration equipment to supply 70% of the hot water needs for the store.

7. Store Lighting:

- The store will include a daylight harvesting system, which takes full advantage of natural daylight by incorporating more efficient lighting, electronics continuous dimming ballasts, skylights and computer controlled daylight sensors that monitor the amount of natural light available. During periods of higher natural daylight, the system dims or turns off the store lights if they are not needed, thereby reducing energy usage. This program will help the store to save 75 percent of the electric lighting energy during daylight hours. Dimming and turning off building lights also helps eliminate unnecessary heat in the building.
- The store will include occupancy sensors in most non-sales areas, including restrooms, break rooms, and offices. The sensors automatically turn the lights off when the space is unoccupied.
- Most lighting in the store will consist of T-8 fluorescent lamps and electronic ballasts, resulting in up to a 15-20 percent reduction in energy load.
- All exterior building signage and many refrigerated food cases will be illuminated with light emitting diodes (LED’s). in refrigerated cases, LED’s perform well in the cold and produce less heat than fluorescent bulbs – heat which must be compensated for by the refrigerant equipment. LEDs also contain no mercury or lead. LED technology is up to 52 percent more efficient than fluorescent lights. Total eliminated energy savings for LED lighting in the store’s grocery section is approximately 59,000 kWh per year, enough energy to power five single family homes.

2. Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.

Response: According to information provided by the Applicant, Walmart's corporate strategy has been focused on aggressive energy demand reduction. The Applicant has explored the benefits of using alternative energy sources for this project. The Applicant has concluded that for this project the benefits of focusing our efforts on demand reduction far outweigh any benefits to be achieved by incorporating alternative energy strategies. In addition to reducing energy demand, the Applicant has also incorporated multiple sustainable design and construction strategies into this project, including water use reduction, heat reclamation, use of recycled materials, and other strategies.

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

Strategies:

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

Response: Light intrusion onto adjoining properties has been reduced to the fullest extent possible by the use of LED, full cutoff, non-reflective lights in the parking lot and around the building.

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

Strategies:

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

Response: The Preliminary Plan resolution noted that the commercial uses on the site, and therefore, noise impacts are not a major concern. It did note that if a hotel, day care center or similar type use were proposed, noise attenuation measures should be explored at the time of Detailed Site Plan. No such uses are proposed in the Special Exception Property.

Policy 7: Protect wellhead areas of public wells.

Strategies:

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

Response: The Preliminary plan noted that this site is not located within a wellhead protection area.

Conformance with the Green Infrastructure Plan

The Preliminary Plan of Subdivision identified the following policies of the *Approved Countywide Green Infrastructure Plan*. The Green Infrastructure Plan impacts a small portion of the Special Exception Property.

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

Response: The Preliminary Plan resolution noted in this finding that the Property is in the C-S-C Zone and that allows commercial retail uses on this site. The Preliminary Plan finding also noted that "In order to find conformance with the Green Infrastructure Plan, the proposed development may need to be scaled-down to protect all the resources on-site and adjacent to the site." We note here that this proposal is for only portion of the overall site and that most of the green infrastructure is on the northern part of the site identified in this finding. There is some green infrastructure overlay, including an "evaluation zone" and "network gap" to the southwest, but it is considered on the site plan as woodland reforestation. The only incursion into the green infrastructure area is the access to the parkland. The green infrastructure network on this Property is preserved and protected.

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

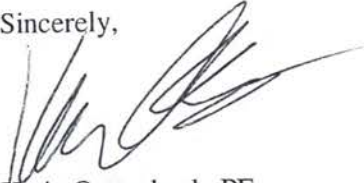
Response: As many as 26 bioretention areas are dispersed throughout the special exception site. They are found in the parking lot and along its edges. As approved by Stormwater Concept Plan 14712-2007-00, these bioretention areas will serve as both water quality and quantity controls, protecting the ground water in the area. The surface water associated with the stream is well to the north of the Special Exception area and will be examined during the Detailed Site Plan stage for that portion of the larger Mill Branch property.

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

Response: The Tree Conservation Plan shows that woodland conservation thresholds are met onsite. The woodland conservation requirement is 3.74 Acres for the 24.90 Acre parcel. Woodland Conservation has been provided via a 3.31 Acre onsite reforestation area and a 1.76 Acre onsite landscaping area, for a total of 5.07 Acres.

If you have any questions or comments, please feel free to contact me at (703) 530-8093.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Oosterbeek', written in a cursive style.

Katie Oosterbeek, PE
Team Leader

SE-4734
SE 4734 – Mill Branch Crossing
Environmental Features Impact Summary



Project Description

SE-4734 is a special exception application for a retail store with grocery component over 125,000 SF at Mill Branch Crossing. The retail store will be located in a planned commercial shopping center zoned C-S-C along Crain Highway (US 301) at the intersection of Mill Branch Road. In accordance with the previously approved Preliminary Plan PP 4-08052 the center will require upgrades to the adjacent roadways, including Crain Highway (301) and Mill Branch Road.

Summary of Impacts

The proposed right-in right-out lane into the shopping center as well as the right turn out from Mill Branch onto 301 requires roadway widening along 301. The existing conditions onsite include a local low point at a drainage culvert, where wetlands and wetlands buffers exist. With the proposed road widening and associated grading and utility installations, there is a total anticipated impact of 29,000 Square Feet of wetlands buffer and 7,500 SF of wetlands impact. A retaining wall has been proposed around the remainder of the wetlands buffer area to prevent any further impacts.

Process for Environmental Impact Determination per Appendix C of Environmental Technical Manual

1. Avoidance

- a. Can the impacts be avoided by another design?
The location of the right-in right-out has been determined by the Maryland State Highway Administration (MDSHA) to meet minimum entrance separation distance requirements. This location also coincides with a future elevated on ramp to 197 from 301. The width of the road is per the minimum necessary by MDSHA, and all associated grading is designed for maximum slopes allowed by MDSHA.
- b. Are the road crossings shown necessary for reasonable development of the property?
Per the approved preliminary plan and traffic impact analysis, the existing 301 road is below the desired level of service. Installation of the right-in right-out is necessary to avoid additional increased traffic on Mill Branch Road.
- c. Is it necessary to place the utilities within the boundaries of the regulated environmental features?
The only utility located within the environmental features is an extension of the existing storm drain system under 301. No other utilities are proposed in this area.

2. Minimization

- a. Have the impacts been minimized?
By designing to the minimum requirements of additional pavement, and maximum grading slopes, the width of the impact area was kept to a minimum.

SE-4734



- b. Are road crossings placed at the point of least impact?
The road impacts are located where directed by MDSHA, with a minimal impact, as described above.
- c. Are the utilities placed in locations where they can be paired or grouped to reduce the number of different locations of impacts?
No additional utilities are being proposed in the impact area. The extension of stormwater pipe is being extended to the minimum extent necessary.
- d. Are there alternative designs that could reduce the proposed impacts?
Based on the MDSHA future plans for MD197 on ramp, there is no alternate location for the right-in right-out. The road extension must match the existing road grades, so there is no further changes to grading that can be completed.

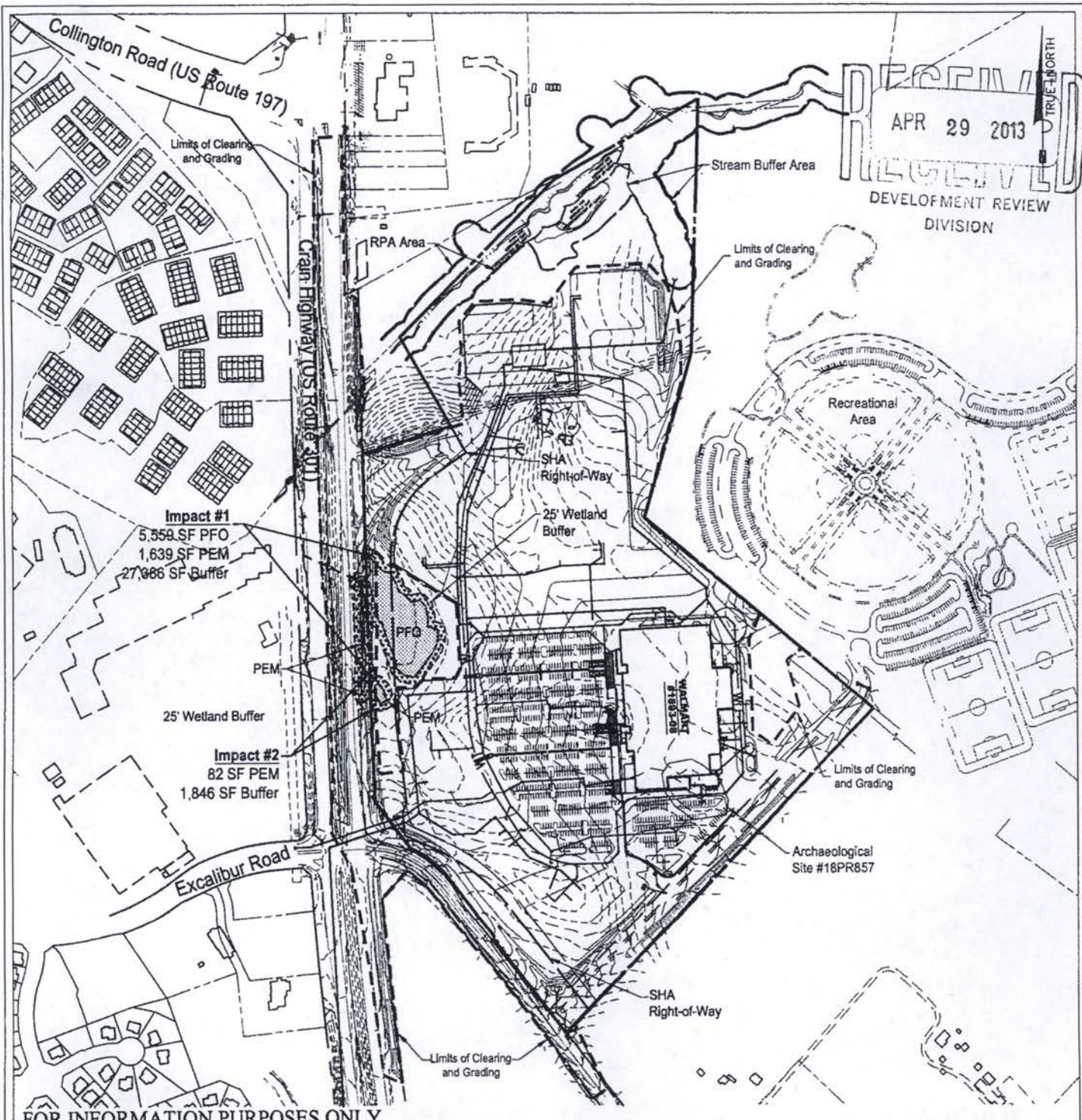
3. Mitigation

Proposed impacts to waters of the U.S. are greater than 5,000 SF (approximately 7,400 SF of nontidal wetlands and 29,000 SF of nontidal wetlands buffer); therefore, mitigation is required. Coordination with Prince Georges's County, Maryland Department of the Environment and US Army Corps of Engineers for mitigation of the impacts associated with the road widening is currently ongoing. The proposed mitigation will meet all State, USACE, and County requirements.

Conclusion

The impacts proposed are in accordance with the approved Preliminary Plan. The impacts have been designed to be as minimal as possible; mitigation for the proposed nontidal wetlands is currently pending. This project has followed the avoidance, minimization and mitigation process outlined in the Prince George's County Technical Manual.

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 DEVELOPMENT REVIEW
 DIVISION



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Date: March 2013

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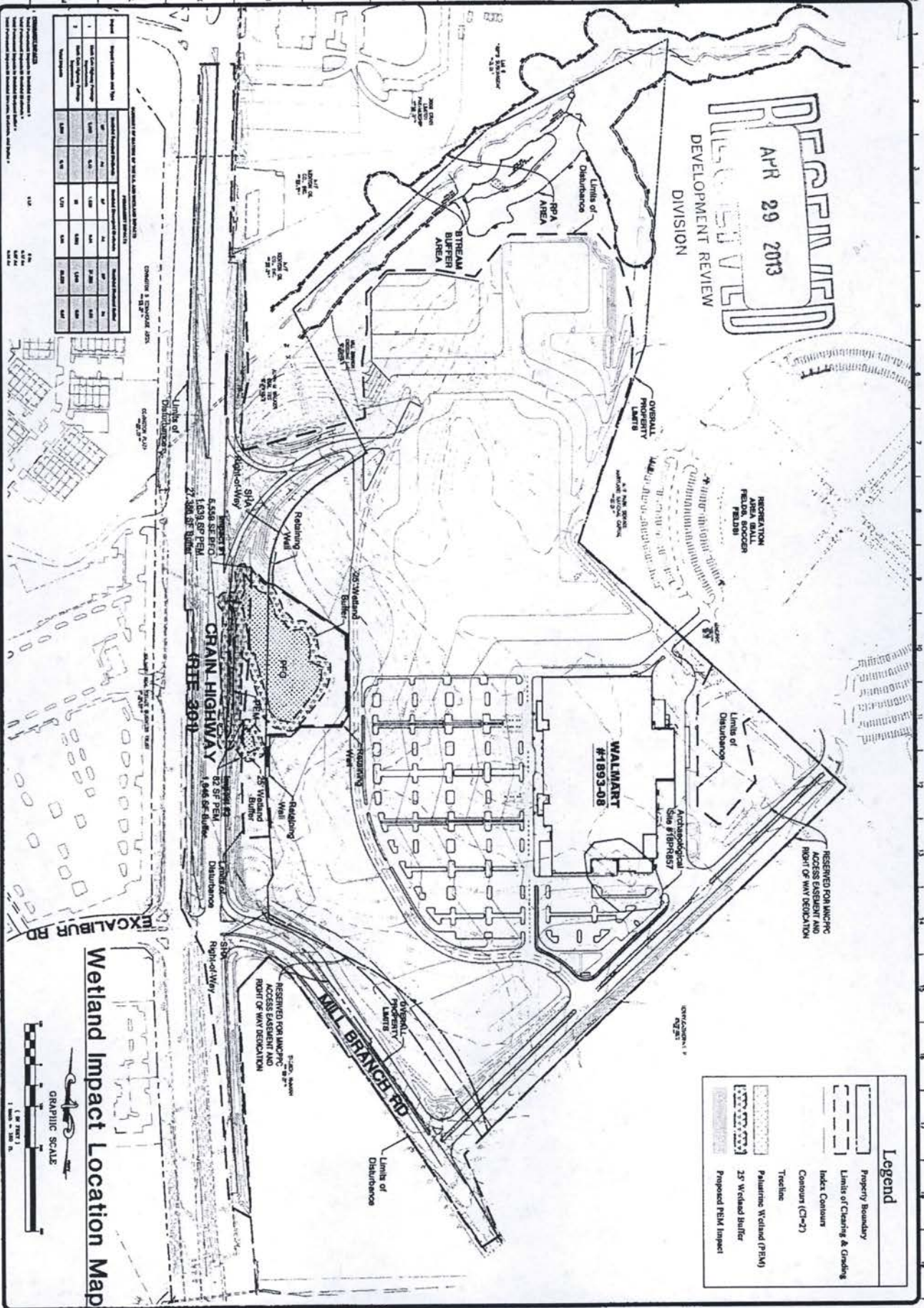
Overall Plan View
Bowie Walmart #1893-08
 38°56'11"N, 75°49'17"W Bowie USGS Quad Map
 Patuxent Watershed (02131104)
 Prince George's County, Maryland

Bowman Consulting Group, Ltd. Phone: (703) 464-1000
 14020 Thunderbolt Place Suite 300 Fax: (703) 481-9720
 Chantilly, Virginia 20151 www.bowmanconsulting.com

Prepared for:
 Wal-Mart Real Estate Business Trust
 2001 SE 10th Street
 Bentonville, Arkansas 72716-0550

SE-4734

PREPARED
 APR 29 2013
 DEVELOPMENT REVIEW
 DIVISION



Area	Area (Acres)	Area (Acres)	Area (Acres)	Area (Acres)	Area (Acres)
1	1.00	1.00	1.00	1.00	1.00
2	1.00	1.00	1.00	1.00	1.00
3	1.00	1.00	1.00	1.00	1.00
4	1.00	1.00	1.00	1.00	1.00
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99	1.00	1.00	1.00	1.00	1.00
100	1.00	1.00	1.00	1.00	1.00

Legend

- Property Boundary
- Limits of Clearing & Grading
- Index Contours
- Contours (1'-2')
- Topline
- Palustrine Wetland (P1M)
- 25' Wetland Buffer
- Proposed FEMA Inmap

Wetland Impact Location Map

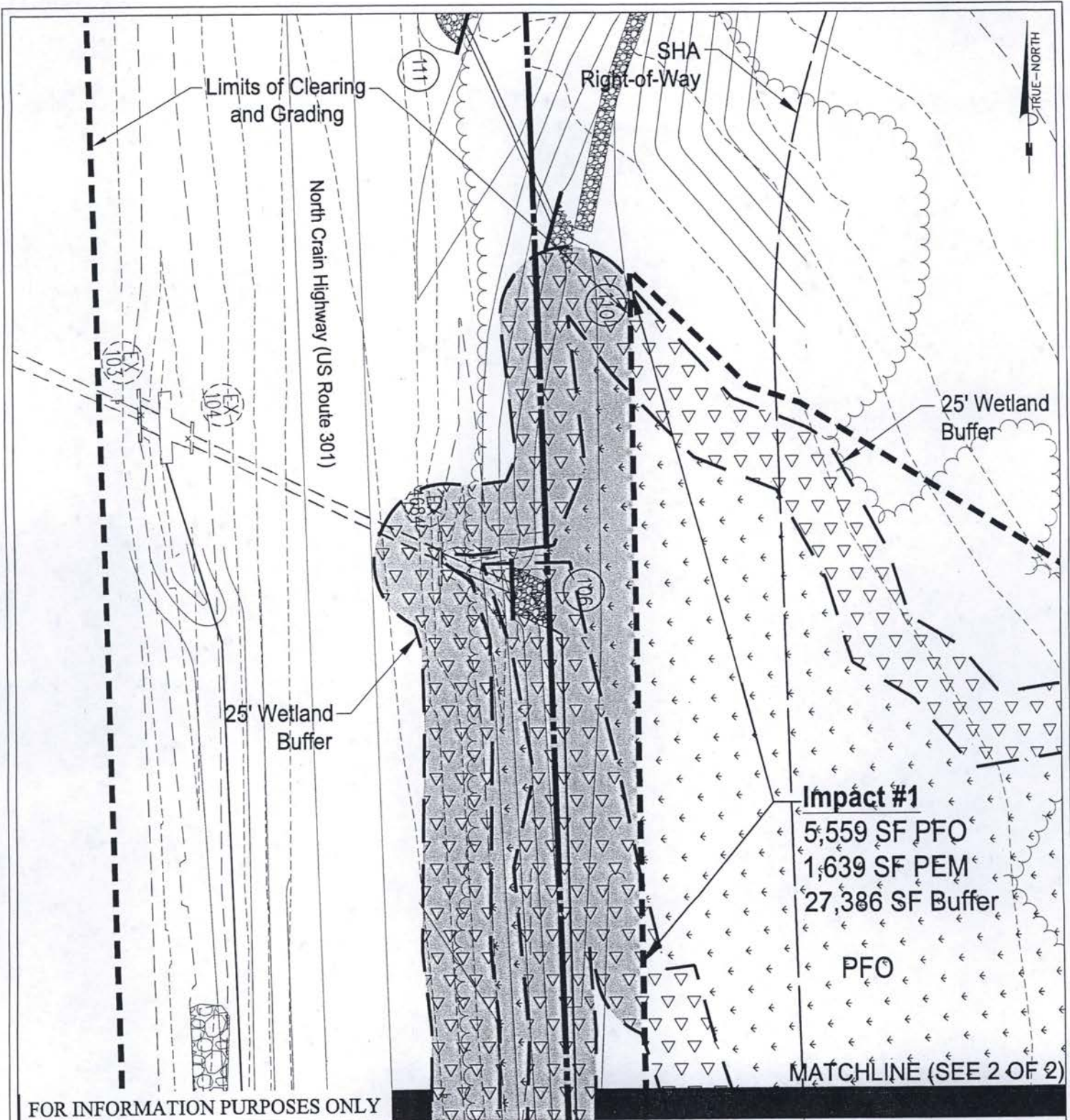


DESIGN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 OF 1 SHEETS

Walmart
 WAL-MART STORES, INC.
 2001 SE 10TH STREET
 BENTONVILLE, AR 72718

WALMART #1893-08
 ROWE, MARYLAND
 WAL-MART STORES, INC.
 2001 SE 10TH STREET
 BENTONVILLE, AR 72718

Bowman CONSULTING
 Bowman Consulting Group, Inc.
 1000 Westwood Blvd.
 Suite 200
 Bentonville, AR 72718
 Telephone: (479) 484-9228
 Fax: (479) 484-9229
 www.bowmanconsulting.com
 Created: 4/24/13 10:51



Impact #1
 5,559 SF PFO
 1,639 SF PEM
 27,386 SF Buffer

PFO

MATCHLINE (SEE 2 OF 2)

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SCALE: 1"=50'

Date: July 2013

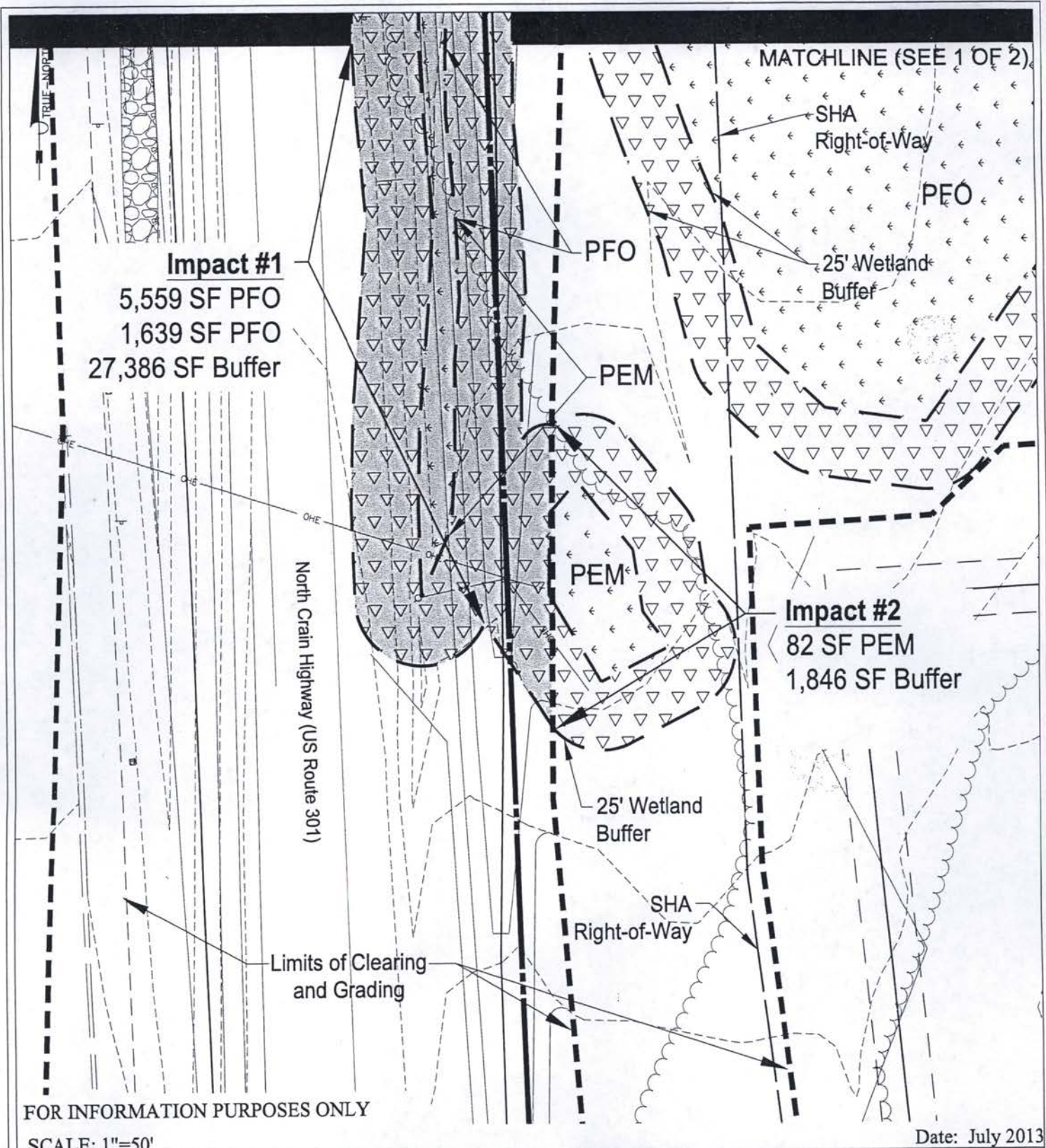
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Impact #1 - Plan View 1 of 2
Bowie Walmart #1893-08
 38°56'11"N, 75°49'17"W Bowie USGS Quad Map
 Patuxent Watershed (02131104)
 Prince George's County, Maryland

Bowman Consulting Group, Ltd. Phone: (703) 464-1000
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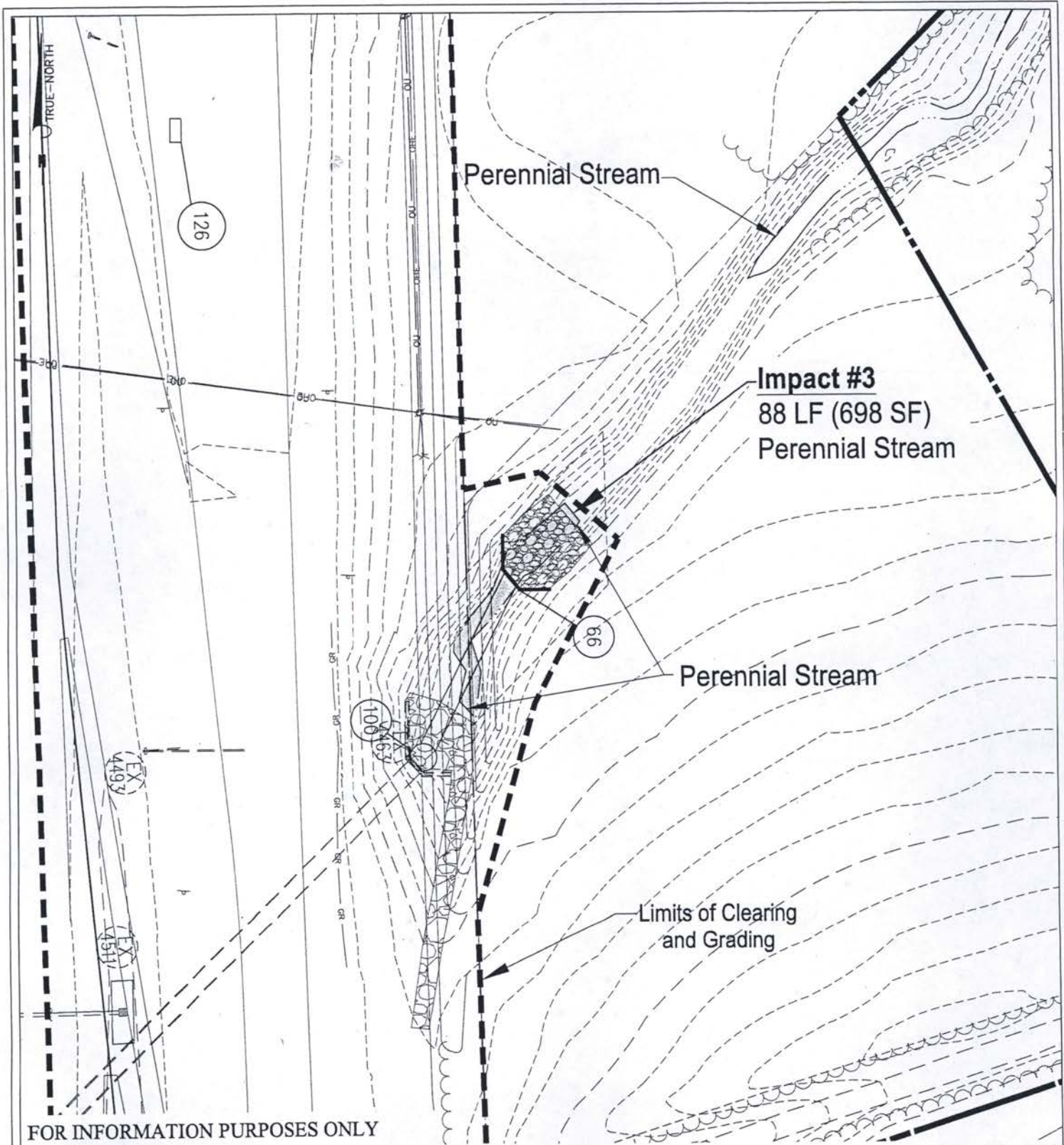
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Impacts #1 & #2 - Plan View 2 of 2
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 38°56'11"N, 75°49'17"W Bowie USGS Quad Map
 Patuxent Watershed (02131104)
 Prince George's County, Maryland

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SCALE: 1"=50'

Date: July 2013

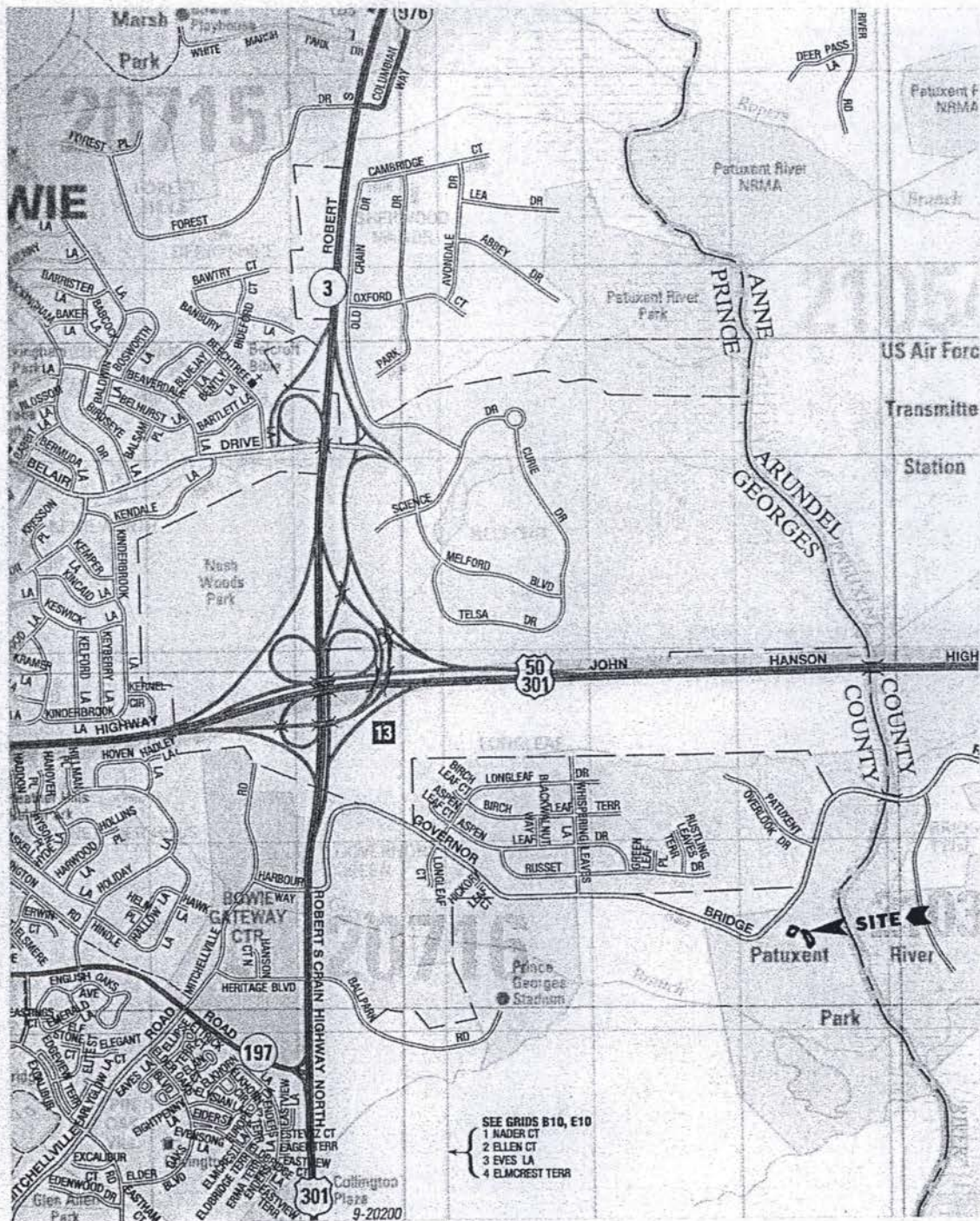
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Impacts #3
Bowie Walmart #1893-08
38°56'11"N, 75°49'17"W Bowie USGS Quad Map
Patuxent Watershed (02131104)
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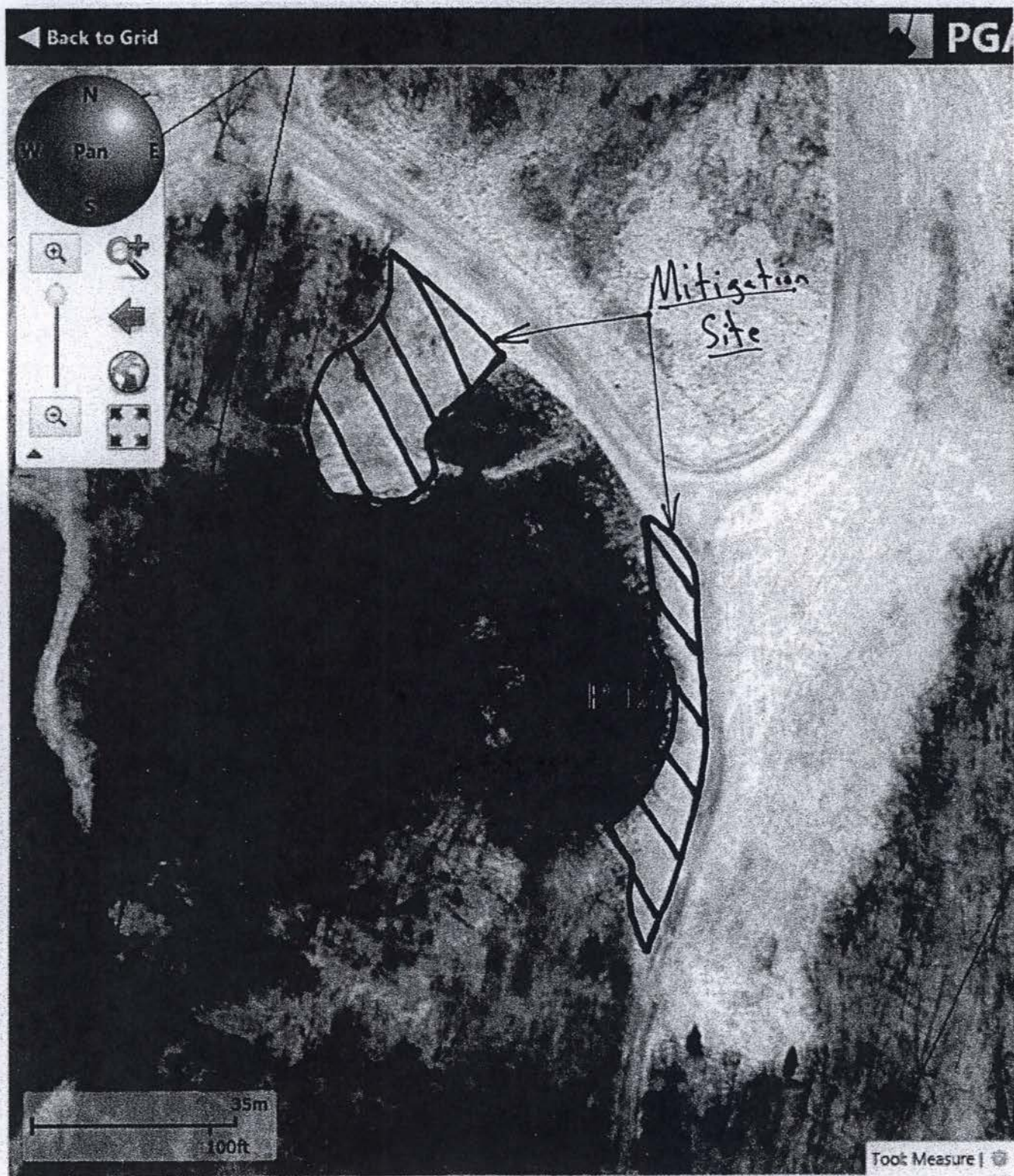



Kiebasko Environmental, LLC
 8373 Piney Orchard Parkway, #207
 Odenton, Maryland 21113
 (410) 672-5990 (office)
 (410) 672-5993 (fax)

**Mill Branch Wetland
 Mitigation Site**
 Prince George's County, MD

FIGURE 1 - Vicinity Map
 (Credit: Copyright ADC, The Map People,
 By Permission PON #21005228)

 Scale: 1" = 2,000'



Site © 2012 Northrop Grumman | Maps are



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section

(301) 952-3680
www.mncppc.org

November 26, 2013

MEMORANDUM

TO: Tom Lockard, Development Review Division
FROM: Fred Shaffer, Transportation Planning Section, Countywide Planning Division
SUBJECT: Special Exception Review for Master Plan Trail Compliance

The following Special Exception was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and/or the appropriate area Master Plan in order to provide the Master Plan Trails.

Special Exception Number: SE-4734

Name: Mill Branch Crossing

Type of Master Plan Bikeway or Trail

Municipal R.O.W.*	<u> </u>	Public Use Trail Easement	<u> </u>
PG Co. R.O.W.*	<u> X </u>	Nature Trails	<u> </u>
SHA R.O.W.*	<u> X </u>	M-NCPPC – Parks	<u> </u>
HOA	<u> </u>	Bicycle Parking	<u> </u>
Sidewalks	<u> </u>	ADA Access	<u> </u>

*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the special exception application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. Staff recommendations based on current or proposed conditions are also included in this memo.

The subject application is located in the northeast quadrant of the US 301 and Mill Branch Road intersection. The site includes 73.98 acres in the C-S-C zone. The application is covered by the *Approved Countywide Master Plan of Transportation* (CMPOT) and the *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment* (area master plan). The site is also subject to the previously approved Preliminary Plan 4-08052 (PGCPB No. 09-85).

Review Comments (Master Plan Compliance and Prior Approvals)

The *Approved Countywide Master Plan of Transportation* (CMPOT) and the *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment* include one master plan trail/bikeway

recommendations that impact the subject site. Mill Branch Road is designated as a master plan bicycle corridor on the plan maps for both the MPOT and the area master plan.

Previously approved Preliminary Plan 4-08052 (PGCPB No. 09-85) addressed this master plan facility and other internal pedestrian access issues with the following conditions of approval:

12. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the DPW&T for the placement of a bikeway sign(s) along Mill Branch Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.
13. The applicant and the applicant's heirs, successors and/or assignees shall provide, unless modified by the DPW&T and the SHA:
 - a. Multiuse sidepath for pedestrians and bicyclists on Mill Branch Road connecting to the intersection of US 301 and Excalibur Road
 - b. Provide a wide crosswalk with pedestrian islands on US 301 to create a safe road crossing and accommodate both pedestrians and bicyclists using the recommended sidepath
 - c. Raised crosswalks on roads approaching Mill Branch Road to create safe road crossings for pedestrians and bicyclists
 - d. Install "bikeway narrows" signage on the approach to Mill Branch Road and the site entrance

These conditions of approval are still in effect. Subsequent to the approval of the Preliminary Plan, the *Approved Countywide Master Plan of Transportation* (MPOT) was adopted in 2009 and includes a complete streets element and several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. These policies are intended to ensure that all new road construction and frontage improvements are designed to accommodate all modes of transportation, including walking, bicycling, and transit. The MPOT policies regarding sidewalk construction and the accommodation of pedestrians and bicycles include:

Policy 1:

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

Policy 2:

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

Policy 5:

Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

Policy 9:

Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

Two pedestrian walkways are included linking the large area of surface parking with the building entrance and pedestrian zones are designated at the building entrance. Sidewalks are not reflected along most of the length of the access road leading to the adjacent M-NCPPC parkland (to the north and east of the proposed Walmart) or along the access road on the subject site (to the south of the Walmart). The access road leading to the parkland has a standard sidewalk along the frontage of the subject site, but only between the two ingress/egress points for the Walmart. In keeping with the complete streets policy of providing bicycle and pedestrian access to the Walmart site and the adjacent parkland, the provision of an eight-foot wide sidepath (or wide sidewalk) along the subject property's entire frontage of the access road to the park is recommended. This sidepath will connect the parkland with the previously approved sidepath along Mill Branch Road.

A sidewalk is also appropriate along the access road into the Walmart site. As currently configured, this road not only provides access around the proposed parking lot, but also to the adjacent portion of the previously approved preliminary plan. No sidewalks are currently reflected along the road, although crosswalks are indicated at the location of the two pedestrian walkways through the parking lot. The provision of a standard sidewalk along the south side of the subject site's entire frontage of the access road is recommended. The need for an additional trail or sidewalk connection to the adjacent park property will be evaluated at the time of DSP for the remainder of the site.

Conclusion

The Transportation Planning Section finds that with the following conditions, the proposal meets the requirements of Subtitle 27 for the approval of a Special Exception from the standpoint of non-vehicular circulation and transportation:

1. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the DPW&T for the placement of a bikeway sign(s) along Mill Branch Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.
2. The applicant and the applicant's heirs, successors and/or assignees shall provide, unless modified by the DPW&T and the SHA:
 - a. Multiuse sidepath for pedestrians and bicyclists on Mill Branch Road connecting to the intersection of US 301 and Excalibur Road
 - b. A multiuse sidepath or wide sidewalk along the subject site's entire frontage of the access road connection Mill Branch Road to the existing M-NCPPC parkland
 - c. A sidewalk along the subject site's entire portion of the main access road entering the subject site.
 - d. Provide a wide crosswalk with pedestrian islands on US 301 to create a safe road crossing and accommodate both pedestrians and bicyclists using the recommended sidepath
 - e. Raised crosswalks on roads approaching Mill Branch Road to create safe road crossings for pedestrians and bicyclists

- f. Install “bikeway narrows” signage on the approach to Mill Branch Road and the site entrance
- g. Provide a bicycle rack(s) accommodating a minimum of twenty bicycle parking spaces at a location convenient to the building entrance.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Historic Preservation Section

(301) 952-3680
www.mncppc.org

July 25, 2013

MEMORANDUM

TO: Tom Lockard, Planner Coordinator
Zoning Section
Development Review Division

VIA: Howard Berger, Supervisor
Historic Preservation Section
Countywide Planning Division

FROM: Jennifer Stabler, Archeology Planner Coordinator
Historic Preservation Section
Countywide Planning Division

SUBJECT: **SE-4734 Mill Branch Crossing**

Background

The subject property comprises 73.98 acres located at the northeast intersection of Mill Branch Road and US 301 in Bowie, Maryland. The property is bounded on the east by US Route 301, on the south by Mill Branch Road, on the north by a tributary of Mill Branch and on the east by the Terry Property. The property is zoned C-S-C (Commercial Shopping Center). The subject property was previously reviewed as Preliminary Plan of Subdivision 4-08052, which was approved on May 28, 2009, subject to conditions contained in PGCPB Resolution No. 09-85. This detailed site plan is to provide an entrance road to the Mill Branch Shopping Center.

Findings

1. A Phase I archeological survey was completed on the subject property prior to submission of this preliminary plan. A total of four archeological sites were identified. The Mill Branch Crossing Ridge Site (18PR856) is located in the southern portion of the property and consists of a light scatter of eighteenth century artifacts. The Mill Branch Crossing Field Site (18PR857) is located in the southeastern portion of the property and consists of a large scatter of eighteenth century artifacts. The Mill Branch Crossing Homestead Site (18PR858) is located in the north central part of the property and consists of a twentieth century homestead and associated tobacco barn. The Mill Branch Crossing Mill Site (18PR959) is a possible early twentieth century mill complex that includes a concrete dam across a tributary of Green Branch, a pond with artificially constructed berms, and an artificial channel or mill race. Due to the paucity of materials recovered from the Mill Branch Crossing Ridge Site (18PR856), no further archeological investigation was recommended on this site. No further work was recommended for the Mill Branch Crossing Homestead Site (18PR858) due to the relatively late twentieth century date of the materials and the disturbed subsurface context from which many of the artifacts were recovered. At the time the Phase I survey was conducted, the area where site 18PR859 is located was designated as open space and no further work was recommended on this site. However, the archeological report

noted that if new development plans will impact this area, subsequent archaeological investigation may be necessary.

The Mill Branch Crossing Field Site (18PR857) contained a large concentration of artifacts dating to the mid-eighteenth century and it appeared likely that there are intact deposits below the plow zone. Therefore, Phase II investigations were recommended on this site. Historic Preservation staff received a draft copy of the Phase I report in December 2006. In a review letter dated January 24, 2007, staff concurred that no further work was necessary on sites 18PR856 and 18PR858. Staff also concurred that if site 18PR859 remains in an area that will not be impacted by construction, then no further work is necessary on this site. Staff additionally concurred that Phase II investigations should be conducted on site 18PR857 to determine the extent of the site, its date, and the presence of intact features. The final Phase I archeological report was accepted by Historic Preservation staff on February 27, 2007.

2. A Phase II work plan for site 18PR857 was submitted to Historic Preservation staff in December 2006. Staff approved the work plan and Phase II investigations were conducted in May and June 2007. A large number of intact features, including post holes, a possible chimney foundation, and several pits, were identified in excavation units placed across the site. Artifacts recovered from the excavations indicate the site was occupied from the early-to late-1700s and was abandoned by about 1800. A draft Phase II report was submitted to Historic Preservation staff on April 15, 2008. Four copies of the final Phase II report have not yet been submitted.

Historical documents indicate that site 18PR857 was located on the Ample Grange survey that was patented to James Neale in 1670. John Boyd, a tavern owner in the small town of Queen Anne in the early eighteenth century, obtained title to Ample Grange in 1697. John Boyd died around 1704 and his will stipulated that his Ample Grange land be divided among his six children. The land allotted to each child was never described by metes and bounds. One daughter, Mary Bateman, was married at that time (1704) to Ishmael Bateman. Later deeds indicate that Ishmael and Mary Bateman resided at site 18PR857 in the late seventeenth or early eighteenth century. Ishmael Bateman appears to have died before 1721, as he is not mentioned in the will of Mary Boyd, the wife of John Boyd and the mother of Mary Bateman. Mary Boyd Bateman remarried to William Goe in 1725 and they probably continued to reside at site 18PR857. It was not until March 1762 that the heirs of John and Mary Boyd agreed on a partition of the Ample Grange survey. William Goe was allotted a 100-acre tract in the southwestern portion of Ample Grange – the site of 18PR857. William Goe died in 1762 and he left a will through which he allotted 200 acres to his son, William Goe, Jr. William Goe, Jr. may have also lived at site 18PR857 until about 1772, when he sold the property to Thomas Belt. One year later, Thomas Belt conveyed the land on which site 18PR857 is located to Thomas Boyd, who was a relative of William Goe, Jr., and a great-grandson of John and Mary Boyd. Thomas Boyd married Charity Duckett, a sister of Baruch and Isaac Duckett, in 1757. Thomas and Charity Boyd may have lived at site 18PR857 after acquiring the property in 1773. By 1792, Thomas Boyd had accumulated numerous debts against his plantation on the Ample Grange survey and conveyed his interest in the property to his brother-in-law, Baruch Duckett. Baruch Duckett may have allowed Thomas and Charity Boyd to continue to live at site 18PR857. Thomas Boyd died about 1797 and an inventory was taken of his estate at that time. The abandonment of site 18PR857 would fit well with the death of Thomas Boyd.

Phase II investigations determined that site 18PR857 is eligible for listing in the National Register of Historic Places under criterion D. Site 18PR857 was occupied possibly from the late seventeenth century to about 1800. Phase II archeological investigations of site 18PR857

identified eleven intact features below the plow zone that represent the remains of a large plantation complex spanning the eighteenth century.

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

3. At the May 28, 2009 hearing for Preliminary Plan 4-08052, the Planning Board determined that a Phase III recovery is appropriate for 18PR857 in this case. However, the applicant will be required to return some of the artifacts recovered for display and interpretation back to this site. Prior to the approval of the detailed site plan, the applicant should submit a Phase III mitigation and data recovery plan for review and approval by the Historic Preservation staff and the Historic Preservation Commission. The applicant should provide a final report detailing the Phase III investigations and ensure that all artifacts are curated and some of them then brought back to the site for interpretative exhibits to be determined by the Planning Board at the time of review of the Detailed Site Plan.

As stated in PGCPB Resolution No. 09-85, "to ensure that an appropriate context is established, and to provide for the greatest benefit for an accurate interpretation of the site, the applicant should submit a proposal for the interpretation of the artifacts recovered which includes detailing the location and type of appropriate displays. The Planning Board will expect a creative and innovative approach to reach a wide audience and be easily accessible, all while ensuring that an appropriate context is established for the artifacts. The locations of the display and interpretation may include a structure(s), a park like setting or may be located in one of the buildings proposed on the site (i.e. the hotel). It is the desire of the Planning Board that the applicant present a proposal that is inspiring and one which recognizes the importance of this site and the cultural significance it has to the County."

As a part of the review of the DSP, interpretative signage detailing the results of the archeological investigations should be approved. This could include the location and specific wording of the signage.

Review of Previously Approved Conditions:

Preliminary Plan of Subdivision, 4-08052 (PGCPB Resolution No. 09-85)

8. **Prior to the approval of the detailed site plan, the applicant shall submit a Phase III mitigation and data recovery plan for review and approval by the Historic Preservation**

staff and the Historic Preservation Commission for 18PR857. The applicant shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manor (sic) and brought back to the site for interpretative exhibits to be determined by the Planning Board at the time of review of the Detailed Site Plan.

Comment: A Phase III mitigation and data recovery plan was submitted to Historic Preservation staff on September 12, 2009. The Historic Preservation Commission reviewed and approved the Phase III mitigation and data recovery plan at its September 15, 2009 meeting. Phase III mitigation and data recovery cannot proceed until the US Army Corps of Engineers and the Maryland Historical Trust completes their Section 106 review of potential impacts to archeological site 18PR857.

9. **The applicant shall provide interpretive signage detailing the results of the archeological investigations at site 18PR857. The location, wording and timing for its installation shall be reviewed at the time of detailed site plan and be reviewed by the staff archeologist.**

Comment: The Phase III archeological investigation has not been completed and, therefore, condition 9 above cannot be addressed at this time. In addition, the US Army Corps of Engineers and the Maryland Historical Trust have not completed their Section 106 review of potential impacts to archeological site 18PR857.

10. **If Archeological Site 18PR859, located in the northern portion of the property, will be impacted by the proposed development, the applicant shall provide a plan for:**

- a. **Evaluating the resource at the Phase II level, or**
- b. **Avoiding and preserving the resource in place.**

Comment: Archeological site 18PR859 will not be impacted by this proposal.

11. **If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of final plat.**

Comment: The subject application clearly illustrates that the proposed commercial development would result in the destruction of archeological site 18PR857. In a letter dated June 4, 2013 (Beth Cole, Administrator, Project Review and Compliance, Maryland Historical Trust to Kathy Anderson, Chief, Maryland Section Southern, Regulatory Branch, Baltimore District, U.S. Army Corps of Engineers), MHT acknowledged the receipt of updated site plans for the Mill Branch Crossing project dated March 2013. MHT noted that the redesigned commercial development will still result in the complete destruction of archeological site 18PR857 and will still constitute an adverse effect on the eighteenth century site.

The letter states: "If site 18PR857 is located within the Corps' area of jurisdiction, the Corps and Mill Branch Crossing LLC will need to continue to coordinate with MHT on specific construction plans and on ways to reduce and/or mitigate the adverse effect on the historic property. If it is

determined that site avoidance is not feasible, then Mill Branch Crossing LLC must provide MHT and the Corps with documentation detailing the constraints and providing justification as to why site 18PR857 cannot be avoided during construction. (Please note that both the Corps and MHT were provided with documentation on September 30, 2010 detailing why site avoidance would not be feasible in the case of the originally proposed development. As the proposed site development plans have been significantly altered, the possibility of site avoidance and/or the reduction of impacts must be revisited). If site avoidance is not possible, Phase III data recovery investigations will be warranted to mitigate the undertaking's adverse effects on the archeological resource."

Conclusions

1. Archeological site 18PR859 will not be impacted by the proposed construction. Therefore, no further work is recommended on site 18PR859 at this time. However, the applicant should submit a Phase II work plan or a plan for preservation-in-place for site 18PR859 at the time of submission of the detailed site plan for the commercial shopping center.
2. Section 106 review of the impacts to archeological site 18PR857 by the US Army Corps of Engineers and the Maryland Historical Trust are not complete. Therefore, site 18PR857 will remain in place until that determination is made.
3. Conditions 8, 9 and 11 of PGCPB Resolution No. 09-85 should be carried forward and included as part of all subsequent applications.

Recommendation

Historic Preservation staff recommends approval of SE-4734 Mill Branch Crossing with the following conditions:

1. Prior to the approval of the detailed site plan, the applicant shall submit a Phase III mitigation and data recovery plan for review and approval by the Historic Preservation staff and the Historic Preservation Commission for 18PR857. The applicant shall provide a final report detailing the Phase III investigations and ensure that all artifacts are curated in a proper manner and brought back to the site for interpretative exhibits to be determined by the Planning Board at the time of review of the Detailed Site Plan.
2. The applicant shall provide interpretive signage detailing the results of the archeological investigations at site 18PR857. The location, wording and timing for its installation shall be reviewed at the time of detailed site plan and be reviewed by the staff archeologist.
3. If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of final plat.

MEMO



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Department of Parks and Recreation, Prince George's County**

Phone: (301) 699-2547
TTY : (301) 699-2544
FAX: (301) 277-9041

Date November 1, 2013

TO: Tom Lockard
Zoning Section
Development Review Division

VIA: Lawrence E. Quarrick, Chief
Park Planning and Development Division
Department of Parks and Recreation *11/1/13*

Raymond B. Palfrey, Jr., Land Acquisition Supervisor *Ray*
Park Planning and Development Division
Department of Parks and Recreation

FROM: Helen Asan, Planner Coordinator *HA*
Park Planning and Development Division
Department of Parks and Recreation

SUBJECT: SE-4734, Mill Branch Crossing

The staff of the Department of Parks and Recreation (DPR) has reviewed the above referenced Special Exception application submitted jointly by the owner of the property, Mill Branch Crossing LLC ("the Owner"), and Wal-Mart Real Estate Business Trust ("the Applicant") for conformance with the requirements and recommendations of the approved Preliminary Plan 4-08052, existing Joint Access Easement Agreement (Liber 28018, at Folio 685), current zoning and subdivision regulations as well as the impact of this Special Exception on adjacent parkland.

FINDINGS

DPR staff believes that it should be noted that the access road from Mill Branch Road shown on the Special Exception Plan will serve both Walmart and Green Branch Park from Mill Branch Road, but this access road was not included in the Special Exception application. During the Subdivision Review Committee meeting held on August 2, 2013, DPR staff made a request to revise the boundaries of SE-4734 to include the access road as part of the Special Exception because the road will provide an important vehicular access to Wal-Mart from Mill Branch Road and because it is needed to facilitate the development of the public park. The September 23, 2013 resubmission of SE-4734 does not include the access road as part of the Special Exception.

The applicant has shown a" proposed 62-foot easement to M-NCPPC" in the submitted plans but has not included the easement within the boundaries of Special Exception, or requested that the existing 50 feet easement be relocated to the proposed 62 feet easement area. We are assuming that the applicant intends to request relocation of the existing 50-foot-wide easement which is currently located along the southeast property line. While DPR has no objection to the Applicant's proposed commercial development on this property, the Owner of the Property has not addressed the need to relocate the existing 50-foot easement that was executed to provide joint access to the adjacent parkland from Mill Branch Road.

EXISTING JOINT ACCESS EASEMENT

As previously noted, the subject property is encumbered by an existing 50-foot-wide joint access easement (Liber 28018, Folio 685) along the southeast property line. The submitted landscape plan shows a 30-foot landscape buffer within the same area. The access easement was conveyed to M-NCPPC on April 21, 2007, for the installation, construction, reconstruction, maintenance, repair and operation of a two-lane road ("Access Road") for vehicular and pedestrian ingress and egress from Mill Branch Road to the planned Green Branch Athletic Complex.

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

In 2009, the DPR retained a consultant to prepare plans for the construction of the Access Road within the existing easement area as part of the first phase of the Green Branch Athletic Complex development plan. The Access Road was designed within the easement area with minimal alteration to existing topography and with minimal impact to the applicant's property. During review and approval of Preliminary Plan 4-08052, the Owner of the Property requested that DPR relocate the planned Access Road 45 feet from the southeast property line in order to accommodate the required 40-foot-wide landscaping buffer between the subject property and adjacent property to the southeast, which is located in the Rural Tier. DPR staff agreed to relocate the Access Road 45 feet from the property line.

The easement agreement also states that the design of the Access Road shall be such that it can readily be assimilated into the ultimate four-lane entrance road design. After approval of Preliminary Plan 4-08052, the Owner also requested that DPR build the Access Road at the elevation suitable for the ultimate four-lane road. The Owner of the Property provided proposed elevations for the ultimate four-lane entrance road to DPR staff. DPR redesigned the Access Road at the elevations proposed by the applicant and agreed to build a 22-foot-wide asphalt cross section ("half-section" of the ultimate four-lane road) as requested by the Applicant. The relocation of the Access Road from the existing easement area to a new location and construction of the Access Road at the elevation suitable for the ultimate four-line access road created additional costs associated with design, engineering and construction. DPR staff has concern that this Special Exception for the portion of the property including a new layout of the site may result in the need for redesign of the ultimate four-lane access road. This would result in additional costs for engineering and construction of the half-section of Access Road to be constructed by DPR.

JOINT ACCESS ROAD CONSTRUCTION STATUS

DPR has County issued permits for the construction of the Access Road which will serve as “half-section” of the future four-lane road through this property (at the location suggested by the Applicant) and construction of the phase-one recreational facilities in the Green Branch Athletic Complex. The construction drawings for the Access Road include: grading, storm water management, soil erosion and sediment control, tree conservation plans, construction details, and horizontal and vertical alignments of the access road. Since there is no other suitable public access to the Green Branch Athletic Complex available at this time, the development of the Access Road through this property is needed to facilitate construction of the first phase of the Green Branch Athletic Complex and provide public access to the new park. Construction of this project cannot begin until a new joint access easement agreement is executed.

CONSIDERATIONS

DPR staff believes that approval of be subject Special Exception SE-4734 should be subject to the following considerations:

1. Prior to submission of the Detailed Site Plan, the applicant should determine the limits of a bufferyard along the eastern property which is needed to create a transition between the developing and rural tiers. In order to facilitate the development of the bufferyard, prior to submission of the Detailed Site Plan, the applicant should enter into a revised easement agreement with the Department of Parks and Recreation which will facilitate creation of the landscape buffer and relocation of the existing access easement.
2. At the time of detailed site plan review for the entire property, the applicant should explore the provision of a second point of access from US 301 to the Green Branch Athletic Complex with the Department of Parks and Recreation.
3. At the time of the Detailed Site Plan review for the property, the applicant should meet with the Department of Parks and Recreation and determine whether landscaping, berming or fencing should be provided along the park property line to buffer incompatible uses or whether any additional vehicular and pedestrian connections should be provided from this project area to the Green Branch Athletic Complex.



Prince George's County Planning Department
Community Planning Division

301-952-4225
www.mncppc.org

August 6, 2013

MEMORANDUM

TO: Tom Lockard, Planning Coordinator, Zoning Section, Development Review Division
VIA: Cynthia Fenton, Acting Planning Supervisor, Community Planning Division *af*
FROM: Judy D'Ambrosi, Senior Planner, Community Planning Division *JD*
SUBJECT: SE-4734, Mill Branch Crossing

DETERMINATION

General Plan: This application is consistent with the 2002 *General Plan* development pattern policies for the Developing Tier.

Master Plan: The application conforms with the commercial development land use recommendations of the 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment*. However, the application does not conform to the Master Plan policies, strategies and guidelines pertaining to the type of commercial building and uses which specifically excludes "big-box" commercial uses.

BACKGROUND

Location: Located on the east side of US 301 at the intersection with Mill Branch Road.
Size: 18.87 ± acres
Existing Uses: Undeveloped
Proposal: The development of a 185,898 square foot Walmart store. A special exception is required to construct a department or variety store exceeding 125,000 square feet in the C-S-C Zone.

GENERAL PLAN, MASTER PLAN AND SMA

2002 General Plan: This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to moderate density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

Master Plan: The 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment*

4-11011 Mill Branch Crossing

August 6, 2013

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Planning Area/ Community	74B/Bowie and Vicinity
Land Use:	Commercial
Environmental:	Refer to the Environmental Planning Section referral for comments on the environmental chapter of the 2006 <i>Approved Bowie and Vicinity Master Plan</i> and the 2005 <i>Countywide Green Infrastructure Plan</i> .
Historic Resources:	None identified
Transportation:	Access is provided by Mill Branch Road, a scenic and historic road which connects to US 301, a freeway (F-10).
Public Facilities:	None identified
Parks & Trails:	Green Branch Regional Park adjoins this development to the southeast. The plan recommends a shared-use roadway trail along Mill Branch Road.
Aviation:	The subject site is not within an aviation policy area or the Interim Land Use Control area.
SMA/Zoning:	The 2006 Bowie and Vicinity Sectional Map Amendment rezoned the property from the R-A Zone to the C-S-C Zone.

PLANNING COMMENTS

General Plan

There are no General Plan issues raised by this application. This application is in conformance with the Developing Tier vision for commercial development.

Master Plan Land Use and Zoning

While this property is recommended for commercial land use in the 2006 *Approved Bowie and Vicinity Master Plan and Sectional Map Amendment* it does not conform to the Master Plan policies, strategies and guidelines pertaining to the type of commercial building and uses which specifically excludes "big-box" commercial uses. The master plan recommends the following on page 16:

b. Property located at the northeast quadrant of the US301/Mill Branch Road intersection:

This property, given its proximity to the Bowie Regional Center, should be developed with high-quality commercial retail uses, including a hotel. Future development should promote the optimum use of the transportation system and public infrastructure, preserve environmentally sensitive areas, and provide for the needs of workers and residents in the area. The property should be rezoned to a suitable zone, such as the C-S-C (Commercial Shopping Center) Zone, to permit development of elements such as an upscale hotel, etc. This development should incorporate the following design guidelines:

- (1) The development should include quality department stores but should not include discount or "big-box" commercial activities. No individual retail use, other than food or beverage stores (grocery store) shall exceed 125,000 square feet in size. Retail sales of alcoholic beverages in a food or beverage store are limited to 5,000 square feet or less.

4-11011 Mill Branch Crossing

August 6, 2013

Page 3

The master plan recommends development that consists of "individual retail uses" not exceeding 125,000 square feet. The applicant is proposing a building that exceeds the square footage recommendation by 60,898 square feet. The applicant states "The proposed building which is 185,898 square feet is not a typical retail use, and does not impair this Master Plan. The proposed building and department store contains a number of retail uses. The store has three main entrances: one for general merchandise, one for grocery component, and one for the outdoor garden center. Walmart stores of this size typically include tenant space for additional uses such as fast food, banks florists, beauty and health related operators."

Staff finds this retailer is still proposing a "big-box" development irrespective of the multiple entrances and other retail uses proposed within the Walmart building footprint rather than within separate tenant space. The proposed development substantially impairs the Master Plan intent for the type of development envisioned for this specific property. The guideline recommends "department stores" and "individual retail uses" as well a hotel on the site. The applicant's proposal for a big-box development is in direct conflict with the master plan recommendation and would in fact preclude the recommended development, resulting in a substantial impairment to the master plan.

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

This application as submitted does not incorporate pedestrian and hiker/biker connectivity between the proposed shopping center and the adjacent Green Branch Regional Park.

Mill Branch Road, a designated scenic and historic road, is adjacent to the Rural Tier. Should this application be approved considerable attention should therefore be given to design features, materials, colors, signage, and appropriate building materials. A transition between the Developing and Rural Tiers should be promoted so the design of the site and the building do not detract from the character of the Rural Tier.

C: Ivy Lewis, Chief, Community Planning Division
Long-range Agenda Notebook

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


Prince George's County Planning Department
Countywide Planning Division, Transportation Planning Section

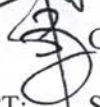
(301) 952-3680
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August 15, 2013

MEMORANDUM

TO: Tom Lockard, Zoning Section, Development Review Division

FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division

FROM:  Glen Burton, Transportation Planning Section, Countywide Planning Division

SUBJECT: SE-4734, Mill Branch Crossing

The Transportation Planning Section has reviewed the special exception application referenced above. The subject property consists of 73.98 acres of land in the C-S-C zone. The property is located at the northeast corner of the intersection of US 301 (Crain Highway) and Mill Branch Road. While the site consists of over 73 acres, the pending application covers approximately 18.8 acres of the total site area. Specifically, the applicant is proposing a Department/Variety/Food and Beverage store (Wal-Mart) with a gross floor area (GFA) of approximately 186,000 square feet.

Review Comments

This application represents a special exception for a property which has been the subject of a preliminary plan approval. On May 28, 2009, the Prince George's County Planning Board heard testimony, received evidence and subsequently approved Preliminary Plan of Subdivision 4-08052 for the Mill Branch Crossing, Parcel A. Pursuant to PGCPB No. 09-85, the preliminary plan was approved a number of conditions, many of which related to pedestrian safety as well as physical improvements that will promote auto safety and minimize vehicular congestion. Those salient conditions are listed as follows:

13. *The applicant and the applicant's heirs, successors and/or assignees shall provide, unless modified by the DPW&T and the SHA:*
 - a. *Multiuse side path for pedestrians and bicyclists on Mill Branch Road connecting to the intersection of US 301 and Excalibur Road*
 - b. *Provide a wide crosswalk with pedestrian islands on US 301 to create a safe road crossing and accommodate both pedestrians and bicyclists using the recommended side path*
 - c. *Raised crosswalks on roads approaching Mill Branch Road to create safe road crossings for pedestrians and bicyclists*
 - d. *Install "bikeway narrows" signage on the approach to Mill Branch Road and the site entrance*

14. *Total development within the subject property shall be limited to a mix of commercial/retail development or equivalent development which generates no more than 606 AM peak-hour trips and 1,017 PM peak-hour (weekdays) vehicle trips, and 1,431 peak trips on Saturdays. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.*
15. *At the time of final plat approval, the applicant and the applicant's heirs, successors or assignees shall either:*
 - a. *Dedicate of right-of-way along Mill Branch Road to facilitate the construction of the master plan interchange and associated improvements on Mill Branch Road as shown on the approved preliminary plan OR*
 - b. *Dedicate the amount of land on Mill Branch Road to be determined by SHA redesign of the interchange and associated improvements on Mill Branch Road.*
16. *At the time of final plat approval, the applicant and the applicant's heirs, successors or assignees, shall dedicate right-of-way along US 301 (including the right-in right-out) as shown on the approved preliminary plan and shall show dedication within MD 197 master plan alignment necessary for the right-in right-out.*
17. *Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation "Consolidated Transportation Program (CTP)" or the Prince George's County "Capital Improvement Program (CIP);" (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:*
 - a. *US 301 at Governors Bridge Road-Harbor Way*
 - *Modify eastbound Harbor Way from a two lane approach to a three lane approach that would include an eastbound double left turn lane, and a combined left, through and right-turn lane*
 - b. *US 301 at MD 197-Rip's Restaurant Access*
 - *Modify the westbound exit from the Rips restaurant to a three (3) lane exit to provide an exclusive left lane, a through lane and a right-turn lane*
 - *Provide an additional left turn lane along the northbound approach to provide a total of three left-turn lanes*

- *Provide three receiving lanes on the western leg (MD 197) of the intersection subject to SHA requirement*

c. *US 301 at Mill Branch Road-Excalibur Road*

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

d. *US 301 at Heritage Boulevard*

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

e. *Mill Branch Road at Site Access*

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

f. *US 301 at Site Access*

Provide a right-in right-out access point on US 301 at the northernmost point of the site, subject to SHA's approval. This access point shall be designed so that left turns from this access point to MD 197 are prohibited.

The recommendations from the 2006 *Approved Master Plan for Bowie and Vicinity* as well as the *Approved Countywide Master Plan of Transportation* govern the area where the subject property is located. The property fronts on US 301, a planned freeway (F-10) as well as Mill Branch Road. There is also a planned upgrade of the nearby intersection of MD 197 and US 301 to an interchange. The total dedication that is needed to support these planned improvements appears to be consistent to what is being shown on the subject application. While the area of this special exception application represents roughly 19 acres of the total 74-acre site, none of the required dedication would be negatively affected by the approval of the proposed site plan for the subject application.

As stated previously, the subject property in its entirety was previously approved as a preliminary plan of subdivision. Part of that approval process was an evaluation of the traffic impact on the adjacent transportation infrastructure. While those analyses affected the whole property, the following table indicates the traffic impact of the special exception:

Comparison of Estimated Trip Generation, SE-4734			
Zoning or Use	Units or Square Feet 73.98 AC. @ 0.4 F.A.R.	AM Peak- Hour Trips	PM Peak- Hour Trips
By-Right Use C-S-C	1,289,027 sq. feet	3674	4898
Trip Cap for Approved Preliminary Plan 4-08052	91,000 sq. feet – Office 405,000 sq. feet – Retail 150 Room Hotel	606	1017
Proposed Use Wal-mart	185,989 sq. feet	344	809
<i>Less pass-by trips</i>	<i>AM-18%, PM-28%</i>	<i>-62</i>	<i>-227</i>
Total		282	582

The results from the table above show that the traffic impact from the proposed special exception will fall below the trip cap thresholds established by the preliminary plan, and considerably well below the By-Right Use development potential. Staff has therefore concluded that additional traffic studies to support this special exception are not warranted. Given the fact that all of the conditions regarding the approved preliminary plan must be met before this special exception can proceed, staff is satisfied that the required finding of health, safety, and welfare can be met.

The use will be served by proposed driveways and other access features that are consistent with the approved preliminary plan. Consequently, staff finds the access and circulation to be acceptable.

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

August 1, 2013

Mr. Tom Lockard,
Planning Coordinator
Zoning Section
Maryland-National Capital Park &
Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RE: Prince George's County
US 301 (Crain Highway)
Mill Branch Road
Mill Branch Crossing
SHA Tracking No: 10APPG004XX
M-NCPPC Tracking No. SE-4734
Mile Post: 3.93

Dear Mr. Lockard:

The State Highway Administration (SHA) would like to thank you for the opportunity to review special exception plan and supporting documents proposing improvements associated with the Mill Branch Crossing project, located in Prince George's County. SHA complete its review and offer the following comments:

1. We are in general agreement with the proposed site plan depicting the proposed right-of-way shown as dedicated to Maryland State Highway Administration.
2. The proposed site plan showing roadway geometry lacks sufficient detail for a full plan review. The designer needs to address this in the next submission.
3. The developer's traffic consultant determined that the proposed development would negatively impact the US 301 at MD 197/Rip's Restaurant Access, and US 301 at Excalibur Road/Mill Branch Road intersections for Phase I development. Therefore, the traffic report proposed the following improvements to mitigate the Phase I site traffic impact:
 - US 301 at MD 197/Rip's Restaurant Access – Widen westbound Rip's Restaurant Access approach from the existing 1 left/through/right lane to 1 left turn lane and 1 through lane and 1 right turn lane. Widen northbound US 301 approach to provide a third exclusive left turn lane.
 - US 301 at Excalibur Road/Mill Branch Road – Widen northbound US 301 approach to provide a third exclusive through lane. Widen the southbound US 301 approach to provide 2 exclusive left turn lanes. Widen westbound Mill Branch Road approach from the existing 1 left/through/right lane –to- 2 left turn lanes, 1 through lane, and 1 free-flow right turn lane.
4. An access permit shall be required for all work within the SHA right of way. Roadway improvement plans and traffic signal modification plans should be submitted to SHA for review and comment during the pre-permit engineering plan phase. Traffic queuing analyses must be prepared with the roadway improvement plans to provide justification for the storage lane areas provided with all improvements. In addition, pedestrian and bicycle accommodation must be for all improvements within the SHA right of way. This shall include all updated traffic signals along US 301 associated with the recommended Phase I roadway improvements.

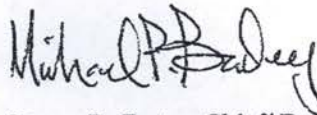
My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mr. John J. Smith
Page 2

In summation: We recommend that M-NCPPC require the above noted as a condition of approval for Mill Branch Crossing SE 4734.

Unless specifically indicated in SHA's response, the comments contained herewith do not supersede previous comments made on this project. If there are any questions on any issue requiring a permit from SHA, please contact Mr. Michael Bailey at 410-545-5593 or by e-mail at m Bailey@sha.state.md.us. If you have any questions or comments regarding the attached traffic report comments, please contact Mr. Nick Driban at 410-545-0398 or by emailing CDriban@sha.state.md.us.

Sincerely,



for Steven D. Foster, Chief/ Development Manager
Access Management Division

SDF/JWR/ MB

Attachment

cc: Mr. Jonathan Bondi, engineer, Bowman Consulting (jbondi@bowmancg.com)
Mr. Glen Burton, Transportation Planner, M-NCPPC (Glen.Burton@ppd.mncppc.org)
Mr. Pranoy Choudhury, Access Management Division, SHA
Mr. Nick Driban, Access Management Division, SHA
Mr. Eric Foster, Transportation Planning Section, M-NCPPC (eric.foster@ppd.mncppc.org)
Mr. Andre Gingles, attorney, Gingles, LLC (andre@ginglesllc.com)
Mr. Victor Grafton, District 3 Utility Engineer, SHA
Mr. Vaughn Lewis, Regional Planner, Regional Intermodal Planning Division, SHA
Mr. Tom Masog, Transportation Planner, M-NCPPC (Tom.Masog@ppd.mncppc.org)
Mr. Venue Nemani, ADE-Traffic, District 3 Traffic Engineering, SHA
Ms. Katie Oosterbeek, engineer, Bowman Consulting (koosterbeek@bowmancg.com)
Mr. Dan Wechsler, owner, Mill Branch Crossing, LLC (dan@gilbraltar@mmt.com)



State Highway Administration

Maryland Department of Transportation

Martin O'Malley, Governor | Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary | Melinda B. Peters, Administrator

May 18, 2012

Re: Prince George's County US 301 Mill Branch Crossing SHA Tracking No. 10APPG004 Traffic Impact Study US 301 (Mile Point 22.65)

Mr. Glen Burton Transportation & Facilities Planning M-NCPPC 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772

Dear Mr. Burton:

Thank you for the opportunity to review the Revised Traffic Impact Study Report prepared by The Traffic Group, Inc., dated March 29, 2012 (received by the AMD on April 17, 2012) that was prepared for the proposed Mill Branch Crossing commercial development in Prince George's County. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the development that includes 405,000 square feet of Retail Development, 91,000 square feet of General Office Development, and a 150-room Hotel for Phase I development is proposed from one (1) right-in/right-out site access driveway on Northbound US 301 and one (1) full movement site access driveway on Mill Branch Road. Phase II development includes an additional 181,500 square feet of Retail Development and assumes a new grade-separated interchange on US 301 that will replace the US 301 at MD 197/Rip's Restaurant Access and US 301 at Excalibur Road/Mill Branch Road at-grade intersections. However, the submitted traffic report indicated that Phase II development will not be moving forward unless SHA constructs interchanges on MD 197.
• The developer's traffic consultant determined that the proposed development would negatively impact the US 301 at MD 197/Rip's Restaurant Access, and US 301 at Excalibur Road/Mill Branch Road intersections for Phase I development. Therefore, the traffic report proposed the following improvements to mitigate the Phase I site traffic impact:
- US 301 at MD 197/Rip's Restaurant Access -- Widen westbound Rip's Restaurant Access approach from the existing 1 left/through/right lane --to- 1 left turn lane and 1 through lane and 1 right turn lane. Widen northbound US 301 approach to provide third exclusive left turn lane.
- US 301 at Excalibur Road/Mill Branch Road -- Widen northbound US 301 approach to provide third exclusive through lane. Widen the southbound US 301 approach to provide 2

My telephone number/toll-free number is Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

exclusive left turn lanes. Widen westbound Mill Branch Road approach from the existing 1 left/through/right lane to 2 left turn lanes, 1 through lane, and 1 free-flow right turn lane.

Based upon SHA's review of this updated report, SHA has the following comments and/or recommendations:

- 1) This updated report did not include a growth rate to the design year of Phase I development. According to recent trends examined by the Travel Forecasting Division, a 3% annual growth rate to the build-out year of the development should be assumed.
- 2) It appears that Background Development #11 (Public Elementary School) was not included in the future traffic projections. The future traffic estimates should be updated to include this development.
- 3) As previously indicated in SHA's May 8, 2009 letter, SHA recommends that a signalized Mill Branch Road/Site Access Driveway intersection be explored with 2 eastbound Mill Branch Road left turn lanes. This traffic signal, if approved by Prince George's County, must be interconnected with the traffic signal at the US 301 intersection with Mill Branch Road to minimize disruptions with US 301 operations. A Traffic Signal Warrant Study should also be prepared and include a discussion about the benefits of a signalized Mill Branch Road intersection with the Site Access Drive with respect to potential negative implications on the US 301 corridor without a traffic signal at the intersection. In order to provide the maximum amount of storage area and to minimize required merging, SHA recommends that eastbound Mill Branch Road be designed with 3 lanes from US 301 to the Site Access Driveway to provide 2 lanes for the left turning traffic and 1 lane for the through traffic at the Mill Branch Road/Site Access Driveway intersection.

Pending the requested updated analysis to include an ambient growth rate to the design year of Phase I development and the inclusion of Background Development #11, SHA concurs with the other proposed roadway improvement mitigation measures to address Phase I development. Therefore, SHA recommends that the M-NCPPC condition the applicant to:

- a) design and construct the roadway improvements as identified above
- b) dedicate the right-of-way as shown on the revised Preliminary Plan 4-08052 along the US 301 property frontage
- c) development Phase II with the dedication of the right-of-way as shown on the revised preliminary plans "future right-of-way" for the construction of the US 301 interchange at MD 197, and
- d) the development shall not place any permanent structures as part of Phase I development within the future right of way.

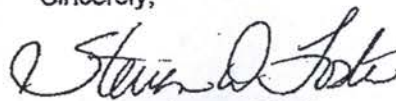
An access permit shall be required for all work within the SHA right of way. Roadway improvement plans and traffic signal modification plans should be submitted to SHA for review and comment during the pre-permit engineering plan phase. Traffic queuing analyses must be prepared with the roadway improvement plans to provide justification for the storage lane areas provided with all improvements. In addition, pedestrian and bicycle accommodation must be for all improvements within the SHA right of way. This shall include all updated traffic signals along US 301 associated with the recommended Phase I roadway improvements.

Mr. Glen Burton
Page 3

At this time, SHA has no design or construction funding for a new interchange on US 301. Therefore, the interchange design and construction costs will be the responsibility of the applicant if the applicant desires development beyond Phase I development. The SHA recommends that the future right of way be held in reservation.

Unless specifically indicated in SHA's response, the comments contained herewith do not supersede previous comments made on this project. If there are any questions on any issue requiring a permit from SHA, please contact Mr. Steve Autry at 410-545-5596 or by e-mail at sautry@sha.state.md.us. If you have any questions or comments regarding the enclosed traffic report comments, please contact Mr. Larry Green at 410-995-0090 extension 20.

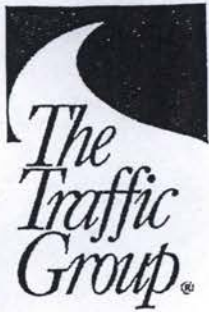
Sincerely,



Steven D. Foster, Chief
Access Management Division

SDF/lg

cc: Mr. Steve Autry, SHA AMD
Mr. Glenn Cook, The Traffic Group, Inc.
Ms. Mary Deitz, SHA RIPD
Mr. Robert French, SHA CPD
Mr. Larry Green, Daniel Consultants, Inc.
Ms. Kelly Kosino, SHA AMD
Mr. Vaughn Lewis, SHA RIPD
Ms. L'Kiesha Mathews, SHA RIPD
Mr. David Rodgers, SHA RIPD
Mr. Tom Masog, M-NCPPC
Ms. Felicia Murphy, SHA District 3 Traffic Engineering
Mr. Johnson Owusu-Amoako, SHA CPD
Mr. Errol Stoute, SHA TDSD
Mr. Morteza Tadayon, SHA TFAD



April 2, 2013

Mr. Glen Burton
M-NCPPC
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

SE-4734

CORPORATE OFFICE

Baltimore, MD
Suite H
9900 Franklin Square Drive
Baltimore, Maryland 21236
410.931.6600
fax: 410.931.6601
1.800.583.8411

RE: Mill Branch Crossing
Special Exception SE-4734
Prince George's County, Maryland
Our Job No: 2005-1206

FIELD OFFICE LOCATIONS

Arkansas
Maryland
New York
Texas
Virginia

Dear Mr. Burton:

Enclosed for your review is a copy of the Transportation Pre-Submittal Checklist for Development Applications associated with Special Exception Case SE-4734. This Special Exception Case is being filed to accompany the proposed development of a 185,989 sq. ft. Walmart Store to be located on the Mill Branch Crossing Property located in the northeast quadrant of US 301 and Mill Branch Road/Excalibur Road intersection.

The subject area of this Special Exception request was previously approved under Preliminary Plan 4-08052. At that time, a maximum trip cap was placed on this property consisting of 606 morning peak hour trips, 1,117 evening peak hour trips, and 1,431 Saturday peak hour trips.

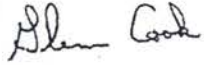
As previously mentioned, this Special Exception request is for the development of an 185,989 sq. ft. discount super store with groceries. Additional uses will be shown on a future detail Site Plan submission but are not subject to the Special Exception process. We have prepared a Transportation Pre-Submittal Checklist for the Development Applications which is attached to this letter. Also attached to this letter, is a trip comparison which shows the previously approved trip cap under the Preliminary Plan versus the proposed plan for the Special Exception use. This exhibit illustrates that the subject property, with the Special Exception use, can be developed as proposed and stay within the trip cap previously approved for this site.

Based on the above information, it would not appear that a new Traffic Study will be necessary for this Special Exception request and the conditions placed on this property under Preliminary Plan 4-08052 would still applicable.

SE-4734

If you have any questions concerning this letter or the attached information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Glenn Cook".

Glenn Cook
Vice President

GEC/clg
(F:\2005\2005-1206\Wp\Burton.docx)

SE-4734

New Trip Comparison for Mill Branch

AM	PM	SAT
----	----	-----

Approved Trip Cap for Mill Branch

91 ksf Office, 405 ksf Retail and 150 Room Hotel

606 1017 1431

Proposed Land Use

185,989 sq.ft Wal-Mart (ITE-813 Free Standing Discount Superstore)
 Less Pass-by Trips (AM-18%, PM-28%, Sat-18%)

344 809 1049
 -62 -227 -189

Net Wal-Mart Trips

282 582 860

Note: Trip generation rates obtain from ITE Trip Generation Manual 9th Edition, 2012.



EXHIBIT
 TRIPS COMPARISON FOR
 MILL BRANCH

Katie Oosterbeek

From: Masog, Tom <Tom.Masog@ppd.mncppc.org>
Sent: Tuesday, April 02, 2013 4:02 PM
To: Katie Oosterbeek
Subject: RE: SE4734 - Mill Branch Crossing

SE-4734

Mr. Cook's traffic statement is sufficient. The special exception is exempt from the checklist.

From: Katie Oosterbeek [<mailto:koosterbeek@bowmanconsulting.com>]
Sent: Tuesday, April 02, 2013 3:01 PM
To: Masog, Tom
Subject: SE4734 - Mill Branch Crossing




Tom,


Per our discussion this afternoon I am sending a copy of the transportation checklist for Special Exception application # 4734 at Mill Branch Crossing. Please confirm that this is needed for the Walmart. If not, then I will indicate on my pre-submittal package that this is not needed. If it is needed, kindly please respond with the checklist signed for inclusion in my pre-submission package.

Let me know if you have any questions.

Thanks

Katie Oosterbeek, P.E., LEED AP | Team Leader
Bowman Consulting

9813 Godwin Drive, Manassas VA 20110
main: 703.530.8093x1744 | fax: 703.530.8475 | mobile: 703.867.5991
koosterbeek@bowmanca.com | bowmanconsulting.com |   

 - Go Green! Please consider the environment before printing this email.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Transportation Planning Section

(301) 952-3680
www.mncppc.org

Transportation Pre-Submittal Checklist for Development Applications

Project Name: Mill Branch Crossing Applicant's Name: Wal-Mart Real Estate Business Trust
Application Type: Special Exception Case Number (if available): SE-4734
Contact/Agent: Katie Oosterbeek Phone/Fax: 703-530-8093
E-mail Address: koosterbeek@bowmancg.com Associated/Prev Case Numbers: PP 4-08052, PP 4-11011 (withdrawn)

Please provide a conceptual plan on letter-sized paper. The conceptual plan must show a general layout of the proposed uses, proposed points of access, and sufficient detail of nearby public streets, properties, and/or environmental features to allow the property to be located and assessed by staff.

The Checklist is solely for the purpose of determining whether a traffic study or counts will be needed in support of an application. This Checklist is required for the following types of applications ONLY:

- Subdivisions involving more than six (6) single family detached residential lots
Subdivisions involving uses that are not single family detached residential
Rezoning requests for a comprehensive design or a mixed-use zone
All Comprehensive Design Plans
Detailed Site Plans within the College Park US 1 Corridor Sector Plan or within the M-X-T zone
Specific Design Plans EXCEPT those limited to architecture, homeowners amendments, setbacks, and design elements
Special Exceptions involving the following uses:
- Amusement Park
- Concrete Mixing Plant
- Sand & Gravel Wet Processing Plant
- Asphalt Mixing Plant
- Concrete Batching Plant
- Surface Mining

In lieu of this Checklist, a signed Scoping Agreement or the actual traffic counts or traffic study may be provided to the Development Review Division.

Please describe the current development proposal in terms of size:

Residential:

Single family residences (number) Townhouse residences (number)
Apartment or Condominium residences (number)
Number of residences that will be age-restricted (limited to elderly persons or families)

Non-Residential:

Square feet office (describe)
185,989 Square feet retail (describe) Department store with Grocery
Square feet industrial (describe)

Other Uses:

This includes places of worship, day care facilities, private schools, hotels, and other types of proposals. Please describe the size of the proposal using square footage, number of units or students, or any other appropriate measure.

DO NOT COMPLETE – For Staff Use Only

Estimated Trip Generation	AM:	PM:	Other:
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Data Need	Yes	No	Requirement for this Application
Traffic Study			IF YES, have a traffic consultant scope the study using the attached Scoping Agreement. Send scopes to trafficinfo@ppd.mncppc.org . The traffic study should be submitted with the application.
Traffic Count			If Yes, counts in lieu of a full study are required at the intersection(s) identified on the comment line below. Counts must be taken in accordance with the procedures outlined on the attached sheet, and submitted with the application.
Other Transportation Study			If Yes, please see comment line below.
Transportation Adequacy Finding Not Required by Application or De Minimus			None, unless other information is requested by comments above.
Insufficient information to make determination			If Yes, please see comment line below and resubmit with sufficient information.

Comments: _____

 Transportation Staffperson Signature Date

 Transportation Staffperson's Name (printed)

 Transportation Staffperson's Phone and E-mail

This is an initial assessment of the data required to complete review of the application is provided. However, if the development proposal changes or if new information is determined during a detailed review of the application after its formal acceptance, the transportation staff shall reserve the right to request additional information in accordance with the findings required for the application.

For assistance with general questions regarding transportation submittal requirements, contact the Transportation Planning Section at 301-952-3084. Please identify the area in which your development is located, or ask for the appropriate transportation planner.

**N
O
T
E** Please submit this information to the Transportation Planning Section for review. Note: Both sides of this page, with the required conceptual plan, must be submitted. If submitted by e-mail, please send to trafficinfo@ppd.mncppc.org. If submitted by fax, please send to (301) 952-3799, with attention to the Transportation Planning Section. Hardcopies may be mailed or brought to our office.

The rear side of this page shall be completed by the Transportation Planning Section and returned to the applicant within five (5) working days.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

November 21, 2013

MEMORANDUM

TO: Tom Lockard, Zoning Section
VIA: Whitney Chellis, Subdivision Section *WJC*
FROM: Quynn Nguyen, Subdivision Section *QN*
SUBJECT: Referral for Mill Branch Crossing, SE-4734

The subject site is located on Tax Map 55 in Grid E-5, is within the C-S-C Zone, and is 73.98 acres. The site is currently undeveloped. The applicant has submitted a special exception for the construction of a department variety store of more than 125,000 square feet of gross floor area with a food and beverage component. The application proposes to develop a 185,989-square-foot Wal-Mart on 18.87 acres of the overall 73.98 acre site.

The property is the subject of Preliminary Plan of Subdivision (PPS) 4-08052 which was for the approval of one parcel, Parcel A (79.98 acres). The resolution of approval was adopted by the Planning Board on June 18, 2009 (PGCPB Resolution No. 09-85). The preliminary plan is valid until December 31, 2013. On November 19, 2013 the County Council approved CB-70-2013 which, in part, legislatively extended the validity period of PPS for two years or until 2015. A final plat for the entire area of the subject property (73.98 acres) must be accepted by M-NCPPC before the preliminary plan expires or a new preliminary plan is required.

The resolution of approval for PPS 4-08052 (PGCPB Resolution No. 09-85) contains 34 conditions. The following conditions in bold relate to the review of this application:

- 1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:**

The preliminary plan of subdivision was signature approved on February 18, 2010.

- 2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved.**

A detailed site plan has not been submitted.

- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 14712-2007-00 and any subsequent revisions.**

General Note 12 on the SE indicates that Stormwater Management Concept Plan, #12844-2010-01. The approval date of the stormwater management concept plan should be added to General Note 12.

4. **At the time of final plat, the applicant shall dedicate a ten-foot public utility easement along the public rights-of-way as delineated on the approved preliminary plan of subdivision.**

The area under review with this SE contains frontage on an area to be dedicated as condition of the PPS and reflects the 10-foot-wide PUE.

5. **At the time of final plat, the applicant shall dedicate rights-of-way along the property's street frontage consistent with the approved preliminary plan of subdivision, and subsequent detailed site plan if modified by SHA along the frontage of Mill Branch Road.**

The SE delineates the right-of-way dedication along the frontage of Mill Branch Road And US 301 as reflected on the approved PPS. The property frontage along Mill Branch Road is not within the limit of this SE. However prior to building permits dedication should be required for master plan and PPS conformance, to ensure adequate access.

6. **Prior to the approval of final plats, a detailed site plan shall be approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance. The detailed site plan shall include, but not be limited to the following:**

- a. **A final determination shall be made by SHA for the ultimate right-of-way dedication along the southern property line at Mill Branch Road,**
- b. **Conformance to the *Prince George's County Landscape Manual*,**
- c. **Establishing an appropriate relationship between the Developing and Rural Tiers while taking into account the impact of the proposed commercial development on the rural character of the area and the regional park facility currently under construction to the east,**
- d. **The placement and orientation of buildings, landscaping, and driveways,**
- e. **The architectural elevations, massing and scale of the improvements,**
- f. **Evaluate appropriate pedestrian connections and circulation including a connection to the Green Branch Regional Park,**
- g. **The use of LID and green building techniques,**
- h. **Conformance to the master plan guidelines,**
- i. **Viewshed analysis from US 301 corridor.**

A detailed site plan is required for the site prior to approval of the final plats. A detailed site plan has not been submitted. The SE is for the development of an 185,989-square-foot Wal-Mart store. The current proposed layout, placement, and orientation of the store with the rear of building closest to Rural Tiers and regional park do not clearly address the issues raised by the

Planning Board in the conditions and findings of the PPS, which required an analysis of the relationship of the buildings on this site as it relates to the rural tier boundary to the east. In addition the SE does not propose any pedestrian connection to the regional park or any green building techniques, and does not propose any mixed use on the site, which may not be consistent with master plan guidelines. The SE should be revised to address Condition 6, which was a result of the master plan and general plan tier designations and the relationship and impact on abutting properties.

7. **An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

Condition 7 should be added to a general note on the SE.

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

Conformance of Conditions 8 thru 11 should be reviewed and determined by Historic Preservation Section.

12. **Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the DPW&T for the placement of a bikeway sign(s) along Mill Branch Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If DPW&T declines the signage, this condition shall be void.**

Conformance to Condition 12 will be determined at the time of building permits.

13. **The applicant and the applicant's heirs, successors and/or assignees shall provide, unless modified by the DPW&T and the SHA:**
- a. **Multiuse sidepath for pedestrians and bicyclists on Mill Branch Road connecting to the intersection of US 301 and Excalibur Road**
 - b. **Provide a wide crosswalk with pedestrian islands on US 301 to create a safe road crossing and accommodate both pedestrians and bicyclists using the recommended sidepath**
 - c. **Raised crosswalks on roads approaching Mill Branch Road to create safe road crossings for pedestrians and bicyclists**
 - d. **Install "bikeway narrows" signage on the approach to Mill Branch Road and the site entrance**

The site frontage along US 301 and Mill Branch Road are not within the limit of this SE. Conformance to Condition 13 will be reviewed and determined at the time of the building permits. In fact the SE boundary does not front on any public ROW. Prior to building permits adequate dedication will be required in accordance with the approved PPS.

14. **Total development within the subject property shall be limited to a mix of commercial/retail development or equivalent development which generates no more than 606 AM peak-hour trips and 1,017 PM peak-hour (weekdays) vehicle trips, and 1,431 peak trips on Saturdays. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**
15. **At the time of final plat approval, the applicant and the applicant's heirs, successors or assignees shall either:**
- a. **Dedicate of right-of-way along Mill Branch Road to facilitate the construction of the master plan interchange and associated improvements on Mill Branch Road as shown on the approved preliminary plan OR**
 - b. **Dedicate the amount of land on Mill Branch Road to be determined by SHA redesign of the interchange and associated improvements on Mill Branch Road.**
16. **At the time of final plat approval, the applicant and the applicant's heirs, successors or assignees, shall dedicate right-of-way along US 301 (including the right-in right-out) as shown on the approved preliminary plan and shall show dedication within MD 197 master plan alignment necessary for the right-in right-out.**
17. **Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation "Consolidated Transportation Program (CTP)" or the Prince George's County "Capital Improvement Program (CIP);" (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:**

- a. **US 301 at Governors Bridge Road-Harbor Way**
 - **Modify eastbound Harbor Way from a two lane approach to a three lane approach that would include an eastbound double left turn lane, and a combined left, through and right-turn lane**

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

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

- d. **US 301 at Heritage Boulevard**
 - **Re-stripe the southbound right-turn lane along US 301 to a shared through/right lane**

- e. **Mill Branch Road at Site Access**
 - **Provide a double left-turn and a separate through lane on the eastbound approach**
 - **Provide two receiving lanes on the site access leg**
 - **On the site access approach leg, provide a channelized free right-turn lane and a separate left-turn lane**
 - **Install a traffic signal**

f. US 301 at Site Access

Provide a right-in right-out access point on US 301 at the northernmost point of the site, subject to SHA's approval. This access point shall be designed so that left turns from this access point to MD 197 are prohibited.

Conformance to Conditions 14 thru 18 should be reviewed and determined by Transportation Planning Section.

18. **The detailed site plan shall show the use of low-impact development stormwater management techniques such as bioretention, french drains, depressed parking lot islands and the use of native plants throughout the site. Low-impact development techniques shall be applied on this site to the greatest extent possible.**
19. **At time of detailed site plan review, the applicant shall demonstrate the use of alternative parking methods and paving materials to reduce the area of impervious surfaces to the greatest extent possible; insert additional green areas and tree canopy cover to break up the areas of impervious surfaces; provide large islands of shade; and demonstrate the use of low impact development techniques.**
20. **The landscape plan submitted at time of detailed site plan shall demonstrate the following:**
 - a. **A minimum of twenty percent tree canopy coverage, after ten years of growth, to provide shading and reduce the heat-island effect within the parking lot area.**
 - b. **Planting strips designed to promote long-term growth of trees and increase tree canopy coverage. These strips should be considered for bioretention.**
 - c. **Distribution of tree planting throughout the site to provide shade to the maximum amount of impervious area.**
 - d. **The use of conservation landscaping techniques that reduce water consumption to the greatest extent possible.**
 - e. **Incorporate environmentally sensitive stormwater management techniques throughout.**
 - f. **Provide a bufferyard along Parcel 29 to create a transition between the Developing Tier and the Rural Tier.**
21. **The detailed site plan shall identify the green building techniques and energy conservation methodologies to be implemented on the site. At least 50 percent of the proposed buildings shall include green building techniques such as green roofs, reuse of stormwater, and/or the use of green building materials.**
22. **At time of detailed site plan, a lighting plan shall be submitted for review which addresses the use of alternative lighting technologies which minimize sky glow and light intrusion into the Rural Tier and nearby environmentally sensitive areas. Full cut-off optic light fixtures shall be used throughout this site to reduce light intrusion outside of the Developing Tier, provide more effective lighting, and address best management practices for reducing sky glow.**

The SE does not propose any low-impact development stormwater management techniques, green building techniques, landscape plan and lighting plan for the Wal-Mart Store. Conformance to Conditions 18 thru 22 should be reviewed and determined by Environmental Planning and Urban Design Sections.

23. **Prior to signature approval of the preliminary plan, a revised NRI shall be approved and the TCPI shall be revised to address the correct delineation of the PMA.**

The preliminary plan of subdivision was signature approved on February 18, 2010.

24. **Prior to signature approval of the preliminary plan, the TCPI shall be revised to meet the reduced woodland conservation afforestation threshold of 10.68 acres on-site to the greatest extent possible through the retention of existing woodlands, expansion of woodland areas through afforestation, provision of expanded stream buffers to protect environmental corridors, planting of bioretention areas, planting in the scenic easement, and planting of a bufferyard to provide a transition between the Rural Tier and the Developing Tier.**

The preliminary plan of subdivision was signature approved on February 18, 2010.

25. **The following note shall be placed on the Final Plat of Subdivision:**

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/022/07), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”

Conformance to Condition 25 should be reviewed and determined at the time of final plat.

26. **Prior to submittal of the detailed site plan, a conceptual design for the environmentally sensitive restoration of the problem areas identified in the Stream Corridor Assessment Report shall be prepared and submitted for approval as part of that application. The restoration plan shall include a “Coastal Plain Outfall” type system, or its equivalent, to slow the velocity of the stormwater running through the stream bed, and stabilize the stream banks to prevent sedimentation into the Patuxent River. The final design shall show integration of the stormwater management and stream restoration.**

Conformance to Condition 26 should be reviewed and determined by Environmental Planning Section.

27. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area and shall be reviewed by the Environmental Planning Section (EPS) 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.”

The conservation easement is not within the limit of this SE. Conformance to Condition 27 should be reviewed and determined at the time of final plat.

- 28. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

Conformance to Condition 28 should be reviewed at the time of building permits.

- 29. Prior to signature approval of the preliminary plan, the TCPI shall be revised to reflect all transportation related design considerations.**

The preliminary plan of subdivision was signature approved on February 18, 2010.

- 30. Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to show a 40-foot-wide scenic easement, free of parallel public utility easements, adjacent to the ultimate right-of-way of Mill Branch Road.**

The preliminary plan of subdivision was signature approved on February 18, 2010.

- 31. At time of final plat, a scenic easement shall be established adjacent to Mill Branch Road as delineated on the preliminary plan, and a note shall be placed on the final plat as follows:**

“Mill Branch Road is a county designated Historic Road. The scenic easement described on this plat is an area where the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.”

The scenic easement adjacent to Mill Branch Road is not within the limit of this SE. Conformance to Condition 31 should be reviewed and determined at the time of final plat.

- 32. The detailed site plan shall address: protection of significant visual features; preservation of existing woodlands; planting of the scenic easement; limiting of access points; supplemental landscaping appropriate to conserve and enhance the viewshed of the historic road; and the relationship between the Developing Tier and Rural Tier.**

The SE delineates a 40-foot-wide scenic easement along Mill Branch Road. The scenic easement is not within the limit of the SE. Conformance to Condition 32 should be reviewed and determined at the time of the detailed site plan.

- 33. Detailed site plans which include a hotel or residential-type uses, shall be evaluated for interior noise levels and may result in a condition at the time of building permits that a certification, to be submitted to M-NCPPC, be prepared by a professional engineer with**

competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

The SE is for the development of an 185,989-square-foot Wal-Mart store. No residential or hotel is being proposed with this SE.

- 34. Signage shall be installed by the applicant along Mill Branch Road indicating that eastbound travel along Mill Branch Road is for "Local Traffic Only," subject to the approval of the Department of Public Works and Transportation.**

Conformance to Condition 34 should be reviewed and determined at the time of building permits.

- 35. The applicant shall explore with the M-NCPPC a second point access from US 301 to the County regional park at the time of detailed site plan review.**

- 36. The applicant shall maximize the use of public transit to the subject site to reduce vehicle trips to and from the property, which shall be evaluated at the time of detailed site plan review.**

Conditions 35 and 36 are not within the limited of this SE and they should be reviewed and determined at the time of detailed site plan.

The SE-4734 is not in substantial conformance with the approved Preliminary Plan 4-08052 and has not addressed all the issues set forth by the Planning Board in their resolution of approval (PGCPB Resolution No. 09-85). The SE should be revised to address the above comments and the findings and conditions of the PPS for the development of this property. The gross floor area proposed by this applicant requires a PPS and final plat pursuant to Subtitle 24. The final plat must be in substantial conformance with the approved preliminary plan of subdivision. The approval of a special exception pursuant to Subtitle 27 does not supersede the Planning Boards action in the approval of the PPS pursuant to Subtitle 24, which in this case required the approval of a DSP to address specific issues as set forth in the PPS resolution of approval. If the applicant does not want to address fully the conditions of the approval of the existing PPS, the applicant has the option of filing in a new PPS for the development.

In part the Planning Board (PGCPB Resolution No. 09-85) found that:

- "16. Planning Board hearing-**The Planning Board has determined that a Phase III recovery is appropriate for 18PR857 in this case. However, the applicant will be required to return the artifacts recovered for display and interpretation back to this site. Prior to the approval of the detailed site plan, the applicant should submit a Phase III mitigation and data recovery plan for review and approval by the Historic Preservation staff and the Historic Preservation Commission. The applicant should provide a final report detailing the Phase III investigations and ensure that all artifacts are curated and then brought back to the site for interpretative exhibits to be determined by the Planning Board at the time of review of the Detailed Site Plan.

To ensure that an appropriate context is established, and to provide for the greatest benefit for an accurate interpretation of the site, the applicant should submit a proposal for the interpretation of the artifacts recovered which includes detailing the location and type of appropriate displays. The Planning Board will expect a creative and innovative approach to reach a wide audience and be easily accessible, all while ensuring that an appropriate context is established for the artifacts. The locations of the display and interpretation may include a structure(s), a park like setting or may be

located in one of the buildings proposed on the site (i.e. the hotel). It is the desire of the Planning Board that the applicant present a proposal that is inspiring and one which recognizes the importance of this site and the cultural significance it has to the County.

As a part of the review of the DSP, interpretative signage detailing the results of the archeological investigations should be approved. This could include the location and specific wording of the signage.”

- “19. **Detailed Site Plan (DSP)**—In accordance with Section 24-110 of the Subdivision Regulations, a detailed site plan is recommended in accordance with Part 3, Division 9, of the Zoning Ordinance for the development of Parcel A. Specifically, Section 24-110 provides the following:

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

This property is located at a highly visible location along the US 301 Corridor, on a designated Historic Road (Mill Branch Road), and at the boundary of the Rural Tier. The 2006 Approved Bowie & Vicinity Master Plan makes specific recommendation for the development of this property which should be considered in the review of the detailed site plan.

The transition between the Developing and Rural Tiers should be considered with the review of the detailed site plan as well as the impact on the rural character and regional park facility currently under construction to the east. The *Prince George's County Landscape Manual* may require a D Bufferyard along the south west property line. However, the Landscape Manual does not take into account the importance of the tier boundary. The transition between the tiers should be a consideration with the review of the detailed site plan in addition to Landscape Manual conformance. The placement and orientation of buildings, landscaping, and driveways, the architectural elevations, massing and scale of the improvements, should also be included in the review of the detailed site plan to evaluate and carefully plan how the development of this property relates to the surrounding uses and view sheds.

The on-site interpretation of artifacts recovered from 18PR857 is to be reviewed by the Planning Board at the time of detailed site plan.

As indicated, an existing access easement serving the Green Branch Regional Park is abutting the southwest property line. It is expected that the access driveway serving the Green Branch Regional Park will be constructed prior to the filing of the detailed site plan. The constriction of the driveway will not necessitate a detailed site plan and is not subject to the Landscape Manual, however, the access location could complicate the applicant's ability to conform to the Landscape Manual along the eastern property line. The applicant negotiated the location of the easement, and if the applicant and the DPR choose to relocate or expand the access, it could impact their ability to comply with conditions of the detailed site plan relating to a transition between the Developing and Rural Tiers and bufferyard placement.

The detailed site plan should evaluate the use of low-impact development (LID) techniques which should be used to the fullest extent possible. The applicant should use green building techniques

that reduce energy consumption and new building design should strive to incorporate the latest environmental technologies in building construction and site design as recommended in the master plan.”

There are no additional subdivision issues at this time. Additional comments may be generated if the above comments are addressed.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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October 21, 2013

MEMORANDUM

TO: Thomas Lockard, Planner Coordinator, Zoning Section

VIA: Katina Shoulars, Supervisor, Environmental Planning Section *KS*

FROM: Kim Finch, Planner Coordinator, Environmental Planning Section *KIF*

SUBJECT: **Mill Branch Crossing; Special Exception SE-4734 and TCPII-016-10**

The Environmental Planning Section has reviewed the revised Special Exception Site Plan and Type II Tree Conservation Plan stamped as received by the Environmental Planning Section on September 23, 2013.

The following information and comments are provided for your consideration. Recommended findings and conditions are found at the end of this memorandum.

Background

The subject property has been previously reviewed as a Natural Resources Inventory, NRI-029-07 and NRI-029-07-01, and Preliminary Plan 4-07043 and Type I Tree Conservation Plan TCPI-022-07 which were subsequently withdrawn.

A preliminary plan, 4-08052 and TCPI-022-07, were approved by the Planning Board on May 28, 2009 subject to conditions contained in PGCPB Resolution 09-85. This is the approved preliminary plan under which the current application will be reviewed.

A detailed site plan, DSP-10018, and Type II Tree Conservation Plan, TCPII-016-10, were previously submitted on June 8, 2010 and which continue to be pending.

Preliminary Plan 4-11011 and revised Type I Tree Conservation Plan TCPI-022-07-01 were previously submitted and withdrawn.

The current application is a special exception application for the construction of a department/variety store over 125,000 square feet, with a food and beverage component above 10 percent of the gross floor area. The project area is part of a proposed integrated commercial shopping center in the C-S-C zone with a gross tract area of 73.98 acres.

Grandfathering

The project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance, Divisions 2, effective September 1, 2010, because approval of the TCPI occurred prior to that date.

The special exception application is not subject to the zoning requirements of CB-28-2010, effective September 1, 2010 and CB-034-2011, effective February 1, 2011, because the preliminary plan grandfathers the site from buffer regulations.

Site Description

This is a 73.98-acre property in the C-S-C zone and is located in the northeast quadrant of the intersection of North Crain Highway (US 301) and Mill Branch Road. The subject property was annexed into the City of Bowie in 2012. There are streams, nontidal wetlands and a 100-year floodplain found on this property. The site is approximately fifteen percent wooded and contains areas of open agricultural fields on the other eighty-five percent. The soil series found on this property include Collington and Shrewsbury. Shrewsbury soils may experience limitations with respect to impeded drainage or seasonally high water. Collington soils pose few problems for development and have a K factor of 0.28. Based on available information, Marlboro clay is not found to occur within 500 horizontal feet of the site. According to the Sensitive Species Protection Review Area (SSPRA) GIS layer, obtained from the Maryland Department of Natural Resources Natural Heritage Program, no endangered species are found to occur in the vicinity. Mill Branch Road, which is classified as a local collector and fronts on the subject property, is a designated historic road. The site is adjacent to US 301, a master planned freeway. Because of the proposed use, resulting noise impacts are not expected to be a concern, although there are significant impacts to this site due to the master planned right-of-way for upgrades proposed under the US 301 study. The property is located in the Middle Patuxent River watershed of the Patuxent River basin. The property is located in the Developing Tier as reflected in the General Plan. According to the Countywide Green Infrastructure Plan, the site includes Regulated Areas, Evaluation Areas, and Network Gaps along the north and eastern boundaries of the property.

Review of Previously Approved Conditions

PGCPB Resolution 09-85. Preliminary Plan of Subdivision, 4-08052 and TCPI-022-07,

- 2. In conjunction with the detailed site plan, a Type II tree conservation plan shall be approved.**

Comment: A revised Type I tree conservation plan was originally submitted with the current application; however, a TCPII is required to be submitted with a special exception site plan. A TCPII was previously submitted with detailed site plan DSP-10018, but did not move forward to approval; however the same TCPII number is retained for the site and will be applied.

A TCPII has been submitted for review with the revised application, and will be addressed in later sections in this memorandum.

- 3. Development of this site shall be in conformance with the Stormwater Management Concept Plan 14712-2007-00 and any subsequent revisions.**

A Stormwater Management Concept Approval letter #12844-2010-01, valid until October 28, 2014, was submitted with the application. An unapproved Phase I Stormwater Management Concept Plan was submitted with the subject application, which shows stormwater management being handled in an underground storage facility as well as numerous small bioretention facilities scattered around the site. The stormwater management concept plan does not match the layout

within the area of the current special exception application. It is unclear whether all elements shown on the approved SWM concept plan are reflected on the TCPII. After the SWM concept approval plan is confirmed by the City of Bowie, all proposed SWM elements shall be added to the TCPII.

The subject property was annexed into the City of Bowie in 2012, which has local stormwater management authority. Subsequently, a revised SWM Concept Approval Letter #12844-2010-2 was issued by the Department of Permits, Inspection and Enforcement (DPIE) on September 13, 2013, but confirmation has not been received from the City of Bowie that they endorse the revised concept approval.

Recommended Condition: Prior to certification of the special exception site plan, confirmation shall be submitted from the City of Bowie that they have agreed to the revised, approved Stormwater Management Concept Letter and Plan issued by DPIE for this property on September 13, 2013 or a subsequent revision.

Recommended Condition: Prior to certification of the special exception site plan, the TCPII plan shall be revised to show all storm water management elements shown on the valid approved SWM concept plan for this site.

6. **Prior to the approval of final plats, a detailed site plan shall be approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance, The detailed site plan shall include, but not be limited to the following:**
 - a. A final determination shall be made by SHA for the ultimate right-of-way dedication along the southern property line at Mill Branch Road.
 - b. Conformance to the *Prince George's County Landscape Manual*,
 - c. Establishing an appropriate relationship between the Developing and Rural Tiers while taking into account the impact of the proposed commercial development on the rural character of the area and the regional park facility currently under construction to the east,
 - d. The placement and orientation of buildings, landscaping, and driveways,
 - e. The architectural elevations, massing and scale of the improvements,
 - f. Evaluate appropriate pedestrian connections and circulation including a connection to the Green Branch Regional Park,
 - g. The use of LID and green building techniques,
 - h. Conformance to the master plan guidelines,
 - i. Viewshed analysis from US 301 corridor.

The current application is a special exception, and the limits of the special exception do not coincide with the legal boundaries of the subject property. The TCPII submitted will be required to address the full legal boundaries of the site.

The special exception site plan for the portion of the commercial shopping center within the limits of the special exception is essentially the permit plan for that portion of the site. The conditions of approval of the associated preliminary plan were intended to apply to all permits plans for the site. Logically, the conditions related to detailed site plan approval should also be applied with the Special Exception site plan so that further revisions are not needed to the special exception once the detailed site plan moves forward. It is therefore recommended that the special exception site plan address these elements at this time, with the caveat that final plats cannot be recorded until a detailed site plan addressing the required elements of the detailed site plan is approved.

Because of the limits of the special exception, Item a. may be moot, but all other applicable items should be considered in the special exception site plan.

Item b. The Urban Design Review Section will review for applicability of the Landscape Manual within the limits of the special exception and for tree canopy coverage, per Subtitle 25, Division 3.

Item c. The Urban Design Review Section will review the application for the relationship between the rural and developing tier based on the currently proposed location of structures and all other site elements.

Items d, e., f, and g are also within the review purview of the Urban Design Review Section.

The Environmental Planning Section will address conformance with master plan guidance on the environment and the viewshed analysis later in this memorandum.

18. **The detailed site plan shall show the use of low-impact development stormwater management techniques such as bioretention, French drains, depressed parking lot islands and the use of native plants throughout the site. Low-impact development techniques shall be applied on this site to the greatest extent possible.**

Comment: This condition should be evaluated in conjunction with review of the special exception, because the special exception site plan will govern within the limits of the special exception. The stormwater management concept plans shows use of some of these techniques, but confirmation from the City of Bowie is necessary concerning the application of the approved concept plan going forward.

The Environmental Planning Section will be requesting a revision to the TCPII to show the location of all stormwater management features approved with the SWM concept approval, subject to confirmation by the City of Bowie, to assess any conflicts with woodland conservation or impacts to the PMA which are inconsistent with the impacts approved at time of preliminary plan or the TCPI. The TCPII plan currently shows numerous bioretention areas scattered throughout the site, which are currently obscured by graphic landscape elements which must be removed from the TCPII plan if they are not credited as woodland conservation.

19. **At time of detailed site plan review, the applicant shall demonstrate the use of alternative parking methods and paving materials to reduce the area of impervious surfaces to the**

greatest extent possible; insert additional green areas and tree canopy to cover to break up the areas of impervious surfaces; provide large islands of shade; and demonstrate the use of low-impact development techniques.

Comment: This condition should be addressed within the limits of the special exception with the current application. Paving materials, landscape materials, green space and tree canopy coverage area all elements which fall under the review authority of the Urban Design Review Section and should be shown on the Landscape Plan. Review for the use of low-impact development techniques lies with the City of Bowie Department of Public Works.

20. **The landscape plan submitted at time of detailed site plan shall demonstrate the following:**
- a. **A minimum of twenty percent tree canopy coverage, after ten years of growth, to provide shading and reduce the heat-island effect within the parking lot area.**
 - b. **Planting strips designed to promote long-term growth of trees and increase tree canopy coverage. These strips should be considered for bioretention.**
 - c. **Distribution of tree planting throughout the site to provide shade to the maximum amount of impervious area.**
 - d. **The use of conservation landscaping techniques that reduce water consumption to the greatest extent possible.**
 - e. **Incorporate environmentally sensitive stormwater management techniques throughout.**
 - f. **Provide bufferyard along Parcel 29 to create a transition between the Developing Tier and Rural Tier.**

Comment: These conditions for detailed site plan approval should be addressed within the limits of the special exception with the current application by the Urban Design Review Section. This will assure that the special exception site plan and the detailed site plan are consistent at time of final plat. These landscape elements should not be shown on the TCPII, unless they are proposed to be credited as woodland conservation and meet the woodland conservation methodology for on-site landscaping found Sec. 25-122(c)(K).

21. **The detailed site plan shall identify the green building techniques and energy conservation methodologies to be implemented on the site. At least 50 percent of the proposed buildings shall include green building techniques such as green roofs, reuse of stormwater, and/or the use of green building materials.**

Comment: This condition should be addressed within the limits of the special exception with the current application by the Urban Design Review Section.

22. **At time of detailed site plan, a lighting plan shall be submitted for review which addresses the use of alternative lighting technologies which minimize sky glow and light intrusion into the Rural Tier and nearby environmentally sensitive areas. Full cut-off optic light fixtures shall be used throughout this site to reduce light intrusion outside of the Developing Tier,**

provide more effective lighting, and address best management practices for reducing sky glow.

Comment: This condition should be addressed within the limits of the special exception with the current application. The landscape plan should address the use of full cut-off optic fixtures, and the photometric plan for the parking lot should demonstrate that light intrusion onto the adjacent agricultural property to the south which is located in the rural tier has been minimized to the fullest extent possible. Lighting falls under the review of the Urban Design Section.

26. **Prior to submittal of the detailed site plan, a conceptual design for the environmentally sensitive restoration of the problem areas identified in the Stream Corridor Assessment Report shall be prepared and submitted for approval as part of that application. The restoration plan shall include a "Coastal Plain Outfall" type system, or its equivalent, to slow the velocity of the stormwater running through the stream bed, and stabilize the stream banks to prevent sedimentation into the Patuxent River. The final design shall show integration of the stormwater management and stream restoration.**

Comment: This condition is not applicable to the current special exception application which includes no regulated streams, but will be applied with the DSP for the remainder of the site which includes regulated environmental features and areas requiring stream restoration.

28. **Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

Comment: The limits of the special exception, as currently delineated, do not include any wetlands or wetland buffer, and does not propose impacts to any wetland features regulated by state or federal agencies. This condition may be applicable with the future DSP application.

30. **Prior to signature approval of the preliminary plan, the preliminary plan and TCPI shall be revised to show a 40-foot-wide scenic easement, free of parallel public utility easements, adjacent to the ultimate right-of-way of Mill Branch Road.**

Comment: This condition was met prior to signature approval of the preliminary plan. It is not applicable within the currently delineated limits of the special exception application, and will be applied with the DSP for the remainder of the site.

32. **The detailed site plan shall address: protection of significant visual features; preservation of existing woodlands; planting of the scenic easement; limiting of access points; supplemental landscaping appropriate to conserve and enhance the viewshed of the historic road; and the relationship between the Developing Tier and Rural Tier.**

Comment: The above condition should be applied to the current application as applicable, specifically the relationship between the proposed special exception in the developing tier, and the adjacent rural tier. The Rural Tier is located 147 to 213 feet from the proposed structure, and 40 to 51 feet from proposed circulation elements. There are no woodlands to be retained within the area of interface between the tiers. The requirements of this condition will be addressed solely by the Urban Design Section, unless woodland conservation credits are requested.

33. Detailed site plans which include a hotel or residential-type uses, shall be evaluated for interior noise levels and may result in a condition at the time of building permits that a certification, to be submitted to M-NCPPC, be prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

Comment: This condition is not applicable to the current special exception application because the proposal is for a non-residential use which does not include a hotel.

35. The applicant shall explore with the M-NCPPC a second point access from US 301 to the County regional park at the time of detailed site plan.

Comment: The revised TCPII submitted with the current application showed an access point to the adjacent regional park within the limits of the special exception. At SDRC the applicant indicated that this was incorrect, and that a second access point will be explored with the Department of Parks and Recreation at another point within the overall site.

The revised TCPII submitted for the site now proposes a second access to the adjacent Green Branch Park as an extended the ramp onto the site from northbound US 301. This access point is subject to the review of the Department of Parks and Recreation with the future DSP, but does not affect development within the current limits of the special exception application.

MASTER PLAN CONFORMANCE

The Master Plan for this area is the Bowie and Vicinity Approved Master Plan & Sectional Map Amendment (February 2006). In the Approved Master Plan and Sectional Map Amendment, the Environmental Infrastructure section contains goals, policies and strategies. A discussion of master plan conformance is appropriate with the current application, because one of the required findings is:

- (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

The following guidelines have been determined to be applicable to the current application. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

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

Strategies:

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

Comment: No portion of the current application falls within the Green Infrastructure Plan, but the special exception boundaries abut Evaluation Area located on the adjacent parkland to the northeast.

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

Comment: This site abuts a major regional park site, which provides a large contiguous block of woodlands connecting eastward to the Patuxent River, a plan designated primary corridor. Protection of sensitive environmental areas related to this primary corridor is a priority, and will be addressed through stormwater management associated with the current application. The current application does not directly impact regulated environmental features of the site.

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

Comment: This site is located in the vicinity of the Patuxent River Special Conservation Area. Connections and corridors to the Patuxent SCA will be evaluated during review of the detailed site plan related to this site, but do not fall within the limits of the special exception.

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

Strategies:

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

Comment: This site is not located in the Western Branch Watershed Restoration Action Strategy area.

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

Comment: The special exception site plan and subsequent detailed site plan should demonstrate the use of low impact development stormwater management techniques such as bioretention; french drains, depressed parking lot islands and the use of native plants, to the fullest extent possible subject to approval by the City of Bowie Department of Public Works during technical stormwater management review. Approval of the stormwater management concept plan by the City of Bowie is still pending.

5. **During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with**

degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.

Comment: Greenbranch Tributary, which crosses this site along its northern boundary and receives stormwater discharge from this site, has been evaluated for existing water quality and stream stability, and the impact of the proposed development on stream stability and water quality, specifically related to the proposed stormwater discharge, was analyzed.

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

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

Comment: The landscape plan submitted with the current application should demonstrate the use of native plant materials and conservation landscaping techniques that reduce water consumption to the fullest extent possible, as determined by the Urban Design Section.

- 7. Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.**
- 8. Reduce the area of impervious surfaces during redevelopment projects.**

Comment: A large parking lot with expansive areas of impervious areas is proposed for this commercial development, and within the area of the special exception. The design does allow for the micromanagement of stormwater through bioretention and demonstrates the application of tree canopy coverage requirements to reduce the heat island effect directly adjacent to the Patuxent River primary corridor. Staff recommends that the special exception site plan be further revised to the extent possible to break up the areas of impervious surfaces and provide larger islands of shade.

During the review of the detailed site plan, the plan application should include a justification for any parking spaces above the minimum parking requirements, and alternative paving surfaces should be considered for all parking spaces above the minimum requirements. Application of alternative parking materials such as grass block or reinforced turf combined with low impact development techniques, such as bioretention areas, should be used to the greatest extent possible.

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

Strategies

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

Comment: This is a new commercial development, located adjacent to the Rural Tier, on a largely open site that has been in agricultural use up to the present time. The use of trees and landscaping materials to provide a transition between the Developing Tier and the Rural Tier is desirable, and will result in an increase in overall tree canopy cover where it is currently lacking.

Between the Developing Tier and the Rural Tier, a minimum of a "D" bufferyard is required to be provided. A wider bufferyard may be appropriate to create an appropriate transition between differing development patterns.

2. Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.
3. Establish street trees in planting strips designed to promote long-term growth and increase tree cover.
4. Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.

Comment: With the current application, and at the time of detailed site plan review, the landscape plan should be reviewed for conformance with these requirements and those of the Landscape Manual.

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

Strategies:

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

Comment: The use of green building techniques and energy conservation techniques should be evaluated with the current application and at time of detailed site plan review by the Urban Design Review Section.

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

Strategies:

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

Comment: The minimization of light intrusion from this site, located in the Developing Tier, onto adjacent properties in the Rural Tier is a special concern because the Patuxent River is an inter-continental migratory bird route and high light levels can severely impact these bird populations. With the current application, and at time of detailed site plan, the use of alternative lighting technologies and the limiting of total light output should be demonstrated.

The lighting plan submitted for review with the special exception and detailed site plan should address the use of lighting technologies which minimize light intrusion into the Rural Tier and environmentally sensitive areas. Full cut-off optic light fixtures shall be used throughout this site to reduce light intrusion outside of the Developing Tier, more effective directed lighting, and address best management practices for maintaining a dark sky.

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

Strategies:

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

Comment: Because of the proposed commercial uses on the site, noise impacts are not a major concern with this application. If a hotel, day care center or similar residential-type uses are proposed on the site, the structural shell should be evaluated to ensure that interior noise standards are met, and that acceptable exterior noise levels are achieved in outdoor activity areas. Using the EPS noise model, a soft surface range for the 65 dBA Ldn noise contour of approximately 470 feet from the centerline of US 301 was established, which has been shown on the proposed site plan.

The current application does not include any of these uses, so further evaluation is not necessary with the current review.

Policy 7: Protect wellhead areas of public wells.

Strategies:

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

Comment: The current application is not located within a wellhead protection area.

Environmental Review

Note: As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. The preliminary plan application has a revised and approved Natural Resources Inventory (NRI-029-0-01) that was included with the application package. The approved NRI indicated that there are 0.41 acres of nontidal wetlands found on the subject property, while the TCPII now indicates that there are 1.21 acres of nontidal wetlands. An amended wetland report with additional information supporting the increased amount of wetlands, as well as a revision to the NRI plan are

necessary to correctly delineate the wetlands on the current application and all future plans for this site.

Although the wetlands are not located within the special exception boundaries, the frontage and access point for the site proposed by applicant, and connecting internal circulation lanes are proposed within 50 feet of wetland buffer areas, so the correct location of the wetland features is important in evaluating potential impacts of development on site features located outside of the special exception limits.

Recommended Condition: Prior to certification of the special exception site plan:

- a. An amended wetland studies shall be submitted with regards to additional wetlands on the site, and the NRI shall be revised to reflect any additional information provided; and
 - b. The TCPII shall correctly reflect any change to environmental features shown on the revised NRI.
2. This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it is greater than 40,000 square feet in gross tract area, and there are more than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan (TCPI-022-07) was approved with the preliminary plan application. A revised Type I Tree Conservation Plan was initially submitted with the current application for review, which was not appropriate because a TCPII is required. A TCPII was later submitted for the legal boundaries of the property, including areas outside the limits of the special exception, which is appropriate and required with the current application.

The woodland conservation threshold for this site is 10.99 acres, because of the application of the 15 percent afforestation threshold minimum for the site. Because there are only 7.94 acres of existing woodlands on the Net Tract, which falls below the woodland conservation threshold, and below the afforestation threshold of 15 percent, the site must be afforested to a minimum of 15 percent of the net tract area (10.99 acres). The total amount of required woodland conservation is based on the afforestation threshold, and the amount of clearing currently proposed, is 16.73 acres.

The TCPII must be found to be in general conformance with the approved TCPI, including the methodologies for fulfilling the woodland conservation requirement. The woodland conservation threshold (10.99 acres) is proposed to be satisfied on-site, as a result, the TCPII can be found to be in general conformance with the TCPI and the policies of the General Plan and the Green Infrastructure Plan. The remaining woodland conservation requirement (5.74 acres) will be satisfied by off-site woodland conservation.

The TCPII requires technical changes to fulfill the requirements of the ordinance and Part A. of the Environmental Technical Manual. The necessary revisions are included in the following recommended condition:

Recommended Condition: Prior to certification of the special exception site plan, the TCPII plan shall be revised as follows:

- a. All landscaping shall be removed from the TCPII plan unless it is proposed to be credited as woodland conservation to meet the requirements of Sec. 25-122(c)(K). Any on-site landscaping proposed to be credited as woodland conservation shall be indicated in a differentiated graphic pattern on the plan and in the legend.

- b. All woodland conservation areas on-site shall be labeled by woodland conservation methodology and area.
- c. Any on-site landscaping proposed to be credited as woodland conservation shall include a detailed plant schedule showing the plant quantities, types and size which demonstrates that the landscape area is a minimum of 35 feet in width, 5,000 square foot in area, will be planted in native species, meets the stocking rate of 1000 seedling equivalents per acre, and no less than 50 percent of the plants in the landscape area shall be trees.
- d. The tree canopy coverage schedule shall be moved from the TCPII plan sheet to the landscape plan.
- e. The separate woodland conservation tabulations chart shall be removed.
- f. In the legend, specific areas quantification shall be removed from the labels identifying graphic elements shown on the plan. Specific area quantifications shall be limited to the woodland conservation worksheet.
- g. The TCPII number shall be added to all approval blocks.
- h. The limits of the special exception shall be added to the plan. The TCPII may use a phased worksheet, if the applicant proposes to phase the provision of woodland conservation requirements.
- i. Note 22 shall be removed from the plan
- j. A graphic shall be included on the plan and legend to identify the specimen trees proposed to be removed.
- k. The specimen trees proposed for removal shall be indicated on the plan using a graphic element included in the legend.
- l. The TCPII notes shall be revised as follows:
 - 1) Note 1 shall reference SE-4734.
 - 2) Note 2 shall reference the Department of Permits, Inspections and Enforcement (DPIE)
 - 3) Note 9 shall indicate that the site is grandfathered
 - 4) Note 21 shall indicate that the afforestation shall be completed in phase with development
 - 5) Note 29 shall be completed to read:

“The required site stocking rate is 1000 seedling equivalents per acre, as demonstrated by the plant size and quantities for designated afforestation/ reforestation areas shown in the plant schedule.”
 - 6) Natural regeneration notes shall be removed from the plan. No natural regeneration is appropriate on this site.
- l. A fence detail for split rail fence or an equivalent to act as a permanent tree protection device shall be added to the plan detail sheet.
- m. Permanent tree protection fencing shall be shown on the plan whenever a vulnerable planting edge is exposed.
- n. Permanent tree protection devices shall be graphically differentiated from temporary tree protection fencing on the plan and in the legend.
- o. The TCP is grandfathered and shall adhere to a stocking requirement of 1000 seedling equivalents per acre (see above).
- p. Remove the site stocking table and provide area specific plant schedules which demonstrate how the requirements of afforestation and on-site landscaping, if proposed, are fulfilled.
- q.. All afforestation/reforestation areas shall be set back a minimum of five feet from the back of curb to allow for a maintenance mow zone.
- r. Remove the Reforestation Calculations table from the plan sheet.

- s. Revise the woodland conservation worksheet to reflect all required revisions to the plan
 - t. Have the plans signed and dated by the qualified professional who prepared them.
3. This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations, but these features are not located within the limits of the current application and no impacts are currently proposed.

Comment: No additional information is needed to address conformance with Section 24-130(b)(5) at this time

4. The overall site contains streams and wetlands that are regulated by federal and state requirements. No impacts are proposed under the current application.

Comment: No additional information is needed regarding wetlands at this time.

5. The location and type of proposed stormwater management facilities was shown on a stormwater management concept plan submitted with a Stormwater Management Concept Approval Letter (12844-2010-01) approved on October 28, 2011. This Concept Approval was revised (12844-2010-02) and approved on September 13, 2013, but a copy has not been submitted with this application.

Comment: A copy the revised approved SWM concept letter and plans shall be submitted. A revised SWM plan may be required by City of Bowie DPW which shows the revised proposed layout that addresses all agencies comments with the location of all necessary SWM facilities.

6. Mill Branch Road was designated as a Historic Road in the Historic Sites and District Plan, and is subject to Guidelines for the Design of Scenic and Historic Roadways within Prince George's County. The functional classification is as a collector. Any improvements within the right-of-way of the road are subject to approval by the Department of Public Works and Transportation.

On this site, the existing viewshed is comprised of open, agricultural fields. An inventory of significant visual features for the frontage of the subject property was previously submitted.

To preserve the scenic viewshed along the historic road, a scenic easement, with a width of 40 feet located outside of the ultimate right-of-way and exclusive of public utility easements, has been delineated on the Preliminary Plan and the TCP1. Within the scenic easement, protection of significant visual elements, preservation of existing woodlands, afforestation of the scenic easement, limiting of access points, and supplemental landscaping may be appropriate to conserve and enhance the viewshed of the historic road and compliment the desired character. This scenic easement will also allow for a transition from the Developing Tier to the adjacent Rural Tier.

Comment: The location and landscaping of the scenic easement is not applicable to the current application. The scenic easement will be addressed again at detailed site plan for that portion of the site. If the applicant wishes the scenic buffer to be credited as woodland conservation, stocking and species requirements of the woodland conservation ordinance must be met.

7. Two access points have been shown accessing this site. The access and frontage for the current application is shown as the proposed right-of-way dedication for US 301. The Parks Department has requested that the special exception application be expanded to include the access road into the

site from Mill Branch Road, which will also handle the traffic for the Green Branch Athletic Complex.

Comment: If access to Mill Branch Road is included with the current application, it should be limited to the extent possible in order to protect the scenic and historic qualities of the road, and conservation of scenic-historic road qualities should be addressed.

Special Exception Requirements for Specific Uses

Sec. 27-348.02. Department or Variety Stores, Department or Variety Stores Combined With Food and Beverage Stores.

Department or Variety Stores and Department or Variety Stores combined with Food and Beverage Stores are permitted according to the use tables of Subtitle 27, subject to a Special Exception (SE) in the I-3, C-S-C and C-M zones and subject to the following requirements:

- (1) The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.
- (2) The applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic.
- (3) The site shall contain pedestrian walkways within the parking lot to promote safety.
- (4) The design of the parking and loading facilities shall ensure that commercial and customer traffic will be sufficiently separated and shall provide a separate customer loading area at the front of the store.
- (5) All buildings, structures, off-street parking compounds, and loading areas shall be located at least:
 - (A) One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan; and
 - (B) Fifty (50) feet from all other adjoining property lines and street lines.
- (6) All perimeter areas of the site shall be buffered or screened, as required by the Landscape Manual; however, the Council may require additional buffering and screening if deemed necessary to protect surrounding properties.
- (7) The building entrance and nearby sidewalks shall be enhanced with a combination of special paving, landscaping, raised planters, benches and special light fixtures.
- (8) The application shall include a comprehensive sign package and a comprehensive exterior lighting plan.
- (9) The applicant shall use exterior architectural features to enhance the site's architectural compatibility with surrounding commercial and residential areas.

Comment: The above requirements are not environmental in nature, and will be addressed by

the Development Review Division.

(10) Not less than thirty percent (30%) of the site shall be devoted to green area.

Comment: When evaluating whether the 30 percent green area requirement has been satisfied for this site, clarification is needed with regards to whether the "site" is the limits of the current application, or the entirety of the proposed development site. This may affect the limits of the special exception.

Required Findings of Sec. 27-317 for a Special Exception,

A Special Exception may be approved if the application is in conformance with required findings, which are evaluated below:

(1) The proposed use and site plan are in harmony with the purpose of this Subtitle (Section 27-102);

This section of the subtitle includes fifteen specific purposes for the Zoning Code, most of which are not environmental in nature. The applicable sections are as follow:

(1) To implement the General Plan, Area Master Plans, and Functional Master Plans;

Comment: There are no elements of the Green Infrastructure Plan located within the limits of the current application, but the subject property is associated with environmental infrastructure, and previous evaluation of those requirements indicates that conformance with the associated environmental goals and strategies of the Green Infrastructure Plan cannot be found with the current application.

The evaluation of the Area Master Plan found earlier in this memorandum has identified areas where the current proposal has not fully satisfied the guidance provided for environmental infrastructure, and as a result may impair the integrity of the master plan.

(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valley, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;

Comment: The application of stormwater management requirements will provide protection against water pollution. There are no stream valleys, steep slopes, dense forests or other similar features associated within the current application, although streams, floodplain, wetlands, and forests are located elsewhere on the development site. No direct impacts to these features are proposed with the current application, but an effect on downstream areas may result from site development.

(14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space;

These purposes are not applicable within the current limits of the current application, but the relationship of the proposed development to the adjacent rural tier is a concern for the

protection of scenic beauty which has not been fully addressed.

- (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

Comment: The site and landscape plan submitted with this application must demonstrate conformance with Subtitle 27 and the Landscape Manual as determined by the Development Review Division.

- (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

The proposed use will not impair the Green Infrastructure Plan or the Master Plan of Transportation with regard to scenic and historic roads, but development of the use without full application of environmental infrastructure guidelines has a strong possibility of impairing the integrity of the approved master plan.

- (4) **The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

The development of the proposed use without satisfying all applicable of environmental infrastructure guidelines has a possibility of adversely affecting the health, safety and/or welfare of residents and workers in the area.

- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

The development of the proposed use without satisfying all applicable environmental infrastructure guidelines has a strong possibility of detrimental effects on the use or development of adjacent properties and on the general neighborhood.

- (6) **The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

Comment: The proposed site plan can be found in conformation an approvable Type II Tree Conservation Plan if the plan is revised to address the technical concerns and required revisions previously discussed.

- (7) **The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).**

Comment: There are no regulated environmental features within the limits of the current application, and this finding can be made...

- (b) **In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**
(1) **where the existing lot coverage in the CBCA exceeds that allowed by this**

- Subtitle, or**
(2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.

Comment: The subject property is not located in the Chesapeake Bay Critical Area, so conformance with these required findings is not applicable.

Recommended Finding: The required findings of Section 25-317, specifically findings (3), (4), (5) and (6) have not been fully demonstrated.

RECOMMENDED CONDITIONS AND FINDINGS

The Environmental Planning Section provides the following for your consideration.

Recommended Findings:

1. The required findings of Section 25-317, specifically findings (3), (4), and (5) have not been fully demonstrated.
2. The required findings of Section 25-317, specifically finding (6) has not been fully demonstrated, but can be demonstrated by revision of the TCPII plan in accordance with conditions of approval listed below.

Recommended Conditions:

1. Prior to certification of the special exception site plan, confirmation shall be submitted from the City of Bowie that they have agreed to the revised, approved Stormwater Management Concept Letter and Plan issued by DPIE for this property on September 13, 2013 or a subsequent revision.
2. Prior to certification of the special exception site plan, the TCPII plan shall be revised to show all storm water management elements shown on the valid approved SWM concept plan for this site.
3. Prior to certification of the special exception site plan:
 - a. An amended wetland studies shall be submitted with regards to additional wetlands on the site, and the NRI shall be revised to reflect any additional information provided; and
 - b. The TCPII shall correctly reflect any change to environmental features shown on the revised NRI.
4. Prior to certification of the special exception site plan, the TCPII plan shall be revised as follows:
 - a. All landscaping shall be removed from the TCPII plan unless it is proposed to be credited as woodland conservation to meet the requirements of Sec. 25-122(c)(K). Any on-site landscaping proposed to be credited as woodland conservation shall be indicated in a differentiated graphic pattern on the plan and in the legend.
 - b. All woodland conservation areas on-site shall be labeled by woodland conservation methodology and area.
 - c. Any on-site landscaping proposed to be credited as woodland conservation shall include a detailed plant schedule showing the plant quantities, types and size which demonstrates that the landscape area is a minimum of 35 feet in width, 5,000 square foot in area, will be

- planted in native species, meets the stocking rate of 1000 seedling equivalents per acre, and no less than 50 percent of the plants in the landscape area shall be trees.
- d. The tree canopy coverage schedule shall be moved from the TCPII plan sheet to the landscape plan.
 - e. The separate woodland conservation tabulations chart shall be removed.
 - f. In the legend, specific areas quantification shall be removed from the labels identifying graphic elements shown on the plan. Specific area quantifications shall be limited to the woodland conservation worksheet.
 - g. The TCPII number shall be added to all approval blocks.
 - h. The limits of the special exception shall be added to the plan. The TCPII may use a phased worksheet, if the applicant proposes to phase the provision of woodland conservation requirements.
 - i. Note 22 shall be removed from the plan
 - j. A graphic shall be included on the plan and legend to identify the specimen trees proposed to be removed.
 - k. The specimen trees proposed for removal shall be indicated on the plan using a graphic element included in the legend.
 - l. The TCPII notes shall be revised as follows:
 - 1) Note 1 shall reference SE-4734.
 - 2) Note 2 shall reference the Department of Permits, Inspections and Enforcement (DPIE)
 - 3) Note 9 shall indicate that the site is grandfathered
 - 4) Note 21 shall indicate that the afforestation shall be completed in phase with development
 - 5) Note 29 shall be completed to read:

“The required site stocking rate is 1000 seedling equivalents per acre, as demonstrated by the plant size and quantities for designated afforestation/ reforestation areas shown in the plant schedule.”
 - 6) Natural regeneration notes shall be removed from the plan. No natural regeneration is appropriate on this site.
 - l. A fence detail for split rail fence or an equivalent to act as a permanent tree protection device shall be added to the plan detail sheet.
 - m. Permanent tree protection fencing shall be shown on the plan whenever a vulnerable planting edge is exposed.
 - n. Permanent tree protection devices shall be graphically differentiated from temporary tree protection fencing on the plan and in the legend.
 - o. The TCP is grandfathered and shall adhere to a stocking requirement of 1000 seedling equivalents per acre (see above).
 - p. Remove the site stocking table and provide area specific plant schedules which demonstrate how the requirements of afforestation and on-site landscaping, if proposed, are fulfilled.
 - q.. All afforestation/reforestation areas shall be set back a minimum of five feet from the back of curb to allow for a maintenance mow zone.
 - r. Remove the Reforestation Calculations table from the plan sheet.
 - s. Revise the woodland conservation worksheet to reflect all required revisions to the plan
 - t. Have the plans signed and dated by the qualified professional who prepared them

Mill Branch Crossing; SE-4734 and TCPII-016-08
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KIF: kif

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November 6, 2013



VIA REGULAR MAIL AND EMAIL: Thomas.Lockard@ppd.mncppc.org

Thomas Lockard
Planner Coordinator, Zoning Section
Development Review Division
The Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RE: Mill Branch Crossing, Special Exception SE-4734

Dear Mr. Lockard:

We represent the Patuxent Riverkeeper, Thomas A. Terry and Michael A. Terry, who oppose Wal-Mart Real Estate Business Trust's ("Applicant") application for a Special Exception (SE-4734) for the construction of a Department or Variety Store combined with a Food and Beverage Store ("Wal-Mart Supercenter") on land in the C-S-C zone at the northeast quadrant of the intersection of Mill Branch Road and Route 301 ("Subject Property"). Additionally, Michael Coriell, Richard Garrett, Renee Mrowczynski, Andrew Bottner, and David Lammers join in these comments.¹

The Patuxent Riverkeeper is a nonprofit watershed advocacy organization. Its sole purpose is to protect, restore, and advocate for clean water in the Patuxent River and its connected ecosystem.

Exhibit A to these comments is a map of the relevant property lines. Thomas and Michael Terry's farm ("Terry Farm") abuts the south-eastern border of the Subject Property. The farm has been in the Terry family since 1886. Thomas and Michael Terry grew up on the farm. The farm is now approximately 55 acres. The Terry Farm is on the Maryland Historical Trust's Inventory of Historic Properties. The Terrys lease the cropland on the farm to Richard Garrett, a local farmer. Thomas Terry now resides in Olympia, Washington. Michael Terry resides in Delaware. However, Thomas and Michael Terry both actively manage the farm and reside there during periods of the year.

¹ We refer to our clients and interested citizens as "Citizen-Protestants."

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Richard Garrett and Renee Mrowczynski reside on four acres at 17510 Queen Anne Bridge Road, Bowie, MD 20716. Their property is located just to the west of the intersection of Queen Anne Bridge Road and Mill Branch Road. Richard Garrett, age 43, comes from a family of farmers. His property is a portion of his family's former family farm. His grandfather originally owned a farm in the vicinity. His step-father then took over the farm from his grandfather. As a boy, Richard Garrett assisted his step-father and grandfather. Approximately five years ago, the stepfather turned over the farming operation to Richard. Since then, he has been farming full time.

Richard Garrett farms the Terry Farm, as well as approximately 34 acres owned by Potter, and approximately 30 acres owned by Stewart. The Potter and Stewart land are to the east of the Terry Farm. Richard Garrett keeps his farm equipment at 17510 Queen Anne Bridge Road. Garrett drives his farm equipment on Mill Branch Road and Queen Anne Bridge Road.

Andrew Bottner owns approximately 69 acres to the southeast of the Terry Farm. Mr. Bottner farms his own land and the land of his relative Joseph Bottner. Joseph Bottner's land is between Andrew Bottner's land and the Patuxent River.

Michael Coriell is a member of the Stewart family and lives on the Stewart Farm, which is northeast of the Terry Farm and adjoins the MNCPPC property.

David Lammers' farm is to the south of Andrew Bottner's farm. David Lammers owns approximately 66 acres and farms approximately 45-50 acres.

Citizen-Protestants urge staff to recommend disapproval of Applicant's application for a Special Exception.

I. Summary of Applicable Law

Two county statutes and relevant court decisions control the analysis of the application for special exception. Prince George's County Code section 27-317 sets forth the general criteria for a special exception. It provides, in part:

- (a) A Special Exception may be approved if:
 - (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
 - (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

(6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

* * *

Section 27-348.02 sets forth additional criteria for "Department or Variety Stores, Department or Variety Stores Combined With Food and Beverage Stores." It provides, in part:

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

(2) The applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic.

* * *

(5) All buildings, structures, off-street parking compounds, and loading areas shall be located at least:

(A) One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan; and

(B) Fifty (50) feet from all other adjoining property lines and street lines.

(6) All perimeter areas of the site shall be buffered or screened, as required by the Landscape Manual; however, the Council may require additional buffering and screening if deemed necessary to protect surrounding properties.

* * *

(9) The applicant shall use exterior architectural features to enhance the site's architectural compatibility with surrounding commercial and residential uses.

(10) Not less than thirty percent (30%) of the site shall be devoted to green area.

Id.

Schultz v. Pritts, 291 Md. 1 (1981) and *People's Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54 (2008) inform the analysis of the application for special exception. The *Schultz* test is well known:

We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

Schultz, 291 Md. at 22–23. *Loyola* explained that the *Schultz* test is an “analytical overlay,” not a separate test. *Id.*, 406 Md. at 102. *Loyola* explained further:

Schultz speaks pointedly to an individual case analysis focused on the particular locality involved around the proposed site. *See Schultz*, 291 Md. at 15 (“These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in *an adverse effect upon adjoining and surrounding properties* unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone.”); *Schultz*, 291 Md. at 11 (“The duties given the Board are to judge whether *the neighboring properties in the general neighborhood would be adversely affected* and whether the use in the particular case is in harmony with the general purpose and intent of the plan.”); *id.* (“If [the applicant] shows to the satisfaction of the Board that the proposed use would be conducted *without real detriment to the neighborhood* and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or

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disturbance to the neighboring area and uses is, of course, material.”); *Schultz*, 291 Md. at 12 (“These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied.”).

Id., 406 Md. at 102-03 (emphasis in original).

Judge Murphy’s concurring opinion clarified the holding:

It may be helpful to restate the rules of engagement in special exception litigation, and review how those rules were applied in the case at bar. Although it is of no real consequence whether we say that an applicant “is entitled to a special exception, *provided that*,” or that an applicant “is *not* entitled to a special exception, *unless*,” the applicant for a special exception bears both the burden of production and the burden of persuasion on the issue of whether the special exception should be granted. If the zoning authority is presented with evidence that generates a genuine question of fact as to whether the grant of a special exception would violate the applicable legislation and/or the requirements of *Schultz*, the applicant must persuade the zoning authority by a preponderance of the evidence that the special exception will conform to all applicable requirements.

Id., 406 Md. at 109 (emphasis in original).

In essence, the inquiry is whether the proposed use will have adverse effects on properties in the neighborhood that are “unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone.” That inquiry first requires an understanding of the subject property’s neighborhood. Then, it requires a cataloging of the neighborhood’s unique characteristics which could be adversely affected “above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.”

II. The Subject Property's Neighborhood

The neighborhood in this case is the area bounded by Route 301 on the west, Central Avenue on the south, the Patuxent River on the east, and the southern edge of the commercial development at the intersection of Route 301 and Route 50, and Route 50 on the north. The Applicant's definition of the neighborhood is narrower: Route 301 is the western boundary; The Patuxent River Stream Valley Park is the eastern boundary; Mill Branch Place is the southeastern boundary; Mill Branch Road is the southwestern boundary; and Governor Bridge Road is the northern boundary. The aerial photograph below depicts the neighborhood:



The parties agree that Mill Branch Road, the Terry Farm, and the Patuxent River are in the neighborhood of the Subject Property. Citizen-Protestants assert that Queen Anne Bridge Road is also within the neighborhood.

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There are several unique characteristics to the neighborhood. First, the neighborhood is a rural and scenic agricultural area in the Rural Tier. The Bowie Master Plan expressly asserts that a big-box development should not be built on the Subject Property.

Second, commercial farmers actively farm land that abuts the Subject Property.

Third, Mill Branch Road and Queen Anne Bridge Road are narrow country roads with no shoulders. Prince George's County's *Historic Sites and Districts Plan, June 2010*, identifies them as two of the County's early roads that still exist. *Id.* at 20 n.1. The following pictures depict Mill Branch Road and Queen Anne Bridge Road:



(Mill Branch Road, just south of Mill Branch Place Road)

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(Mill Branch Road, looking north near intersection with Queen Anne Bridge Road)



(approximately 16700 Queen Anne Bridge Road)

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Drivers routinely use these roads as a cut-through to Central Avenue. Mr. Garrett drives his farm equipment, including a combine, on these roads and there is insufficient room for both his equipment and a car to pass each other on the roads. The following is a picture from November 3, 2013, of farm equipment on Mill Branch Road:



(Mill Branch Road)

Fourth, commercial farming is incompatible with the proposed big-box store. Mr. Garrett farms the Terry Farm, which abuts the proposed Wal-Mart Supercenter. He sprays liquid fertilizer, pesticide and Round-Up, and uses large farm equipment on land immediately adjacent to the proposed Wal-Mart. Wind will carry the chemicals and dust generated by the large equipment onto the Subject Property.

III. The Proposed Wal-mart Supercenter Does Not Satisfy the Statutory Requirements for Approval of a Special Exception.

Planning Staff should recommend disapproval of Applicant's Special Exception application because it fails to satisfy the general and specific special exception criteria set forth in the Prince George's County Code for approval of a big-box retail store.

A. General Special Exception Criteria- Prince George's County Code Section 27-317

§ 27-317(3) - The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan.

The 2006 Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B ("Bowie Master Plan") specifically address the Subject Property and states, "[t]he development should include quality department stores but should not include discount or 'big-box' commercial activities." *Id.* at 16. In direct conflict to the Bowie Master Plan, the Applicant proposed a Wal-Mart Supercenter "big-box," containing 186,933 square feet. (Statement of Justification, p.4). This fact by itself requires staff to recommend disapproval. Wal-Mart's suggestion in its Statement of Justification that the zoning ordinance should not require a special exception for the big-box Wal-Mart because the ordinance allows it to develop as of right retail stores which together exceed 125,000 square feet misses the point. The law requires a special exception for the proposed use. It does not require a special exception for a development with separate stores.

In a letter dated September 9, 2013, the Applicant responded to the SDRC review comments in which the Community Planning division commented that the application is for a "big-box." The Applicant's response that "the term 'big-box' does not exist as a use in the Zoning Ordinance" and suggestion that this fact allows it to sidestep a glaring conflict with the applicable Master Plan lacks merit. (Applicant's Sep. 9, 2013 letter to Lockard ("Sep. 9 Letter"), p.6). The proposed Wal-Mart Supercenter is indisputably a big-box store. The Court of Special Appeals recently clarified that where the term "big-box" is undefined in the Montgomery County Code or the Maryland Code, a Wegmans grocery store (smaller than the Wal-Mart Supercenter proposed in this case) is a big-box store. *Pringle v. Montgomery County Planning Board M-NCPPC*, 212 Md. App. 478, 481 n.4 (2013). The Court wrote:

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The terms “big-box retailer” or “big-box store” are not defined in the Montgomery County Code or the Maryland Code. Big-box stores are, generally speaking, “predominantly one-room, single-story building of at least 35,000 square feet that housed a single retailer or grocer and that is surrounded by a large parking lot.” Sarah Schindler, *The Future of Abandoned Big Box Stores*, 83 U. Colo. L.Rev. 471, 474 n. 5 (2012). “Examples that meet this definition include Wal-Mart, Target, Costco, Best Buy, Home Depot, Lowe's, Babies ‘R’ Us, Kmart, Kroger, and Safeway.” *Id.* There is no dispute that Wegman's, the proposed retailer in this case, is a big-box retailer.

Id. Similarly, the fact that the Prince George’s County Zoning Ordinance does not define the term “big-box” does not preclude a finding that the proposed Wal-Mart Supercenter is a big-box store that directly conflicts with the Bowie Master Plan language that states, “the development should include quality department stores but should not include discount or ‘big-box’ commercial activities.” Bowie Master Plan, p.16.

Macy’s, Nordstrom, and Neiman Marcus are examples of a “quality department store.” In contrast, the proposed Wal-Mart Supercenter will not be a “quality department store.” Wal-Mart sells inexpensive goods, not high-end items as envisioned by the Master Plan.

Planning Staff should recommend disapproval of Applicant’s Special Exception application because it contradicts the Bowie Master Plan’s requirement regarding the Subject Property that, “[t]he development should include quality department stores but should not include discount or ‘big-box’ commercial activities.”

§27-317 (4) - The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

§27-317 (5) - The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The proposed 186,933 square feet Wal-Mart Supercenter will adversely affect the welfare of residents and workers in the area and will be detrimental to the use and development of properties in the neighborhood. The Wal-Mart Supercenter, if approved, will destroy the scenic viewshed of Mill Branch Road, which is an important gateway to the Rural Tier. The Applicant proposes to “[w]iden Mill Branch Road to a four lane Westbound approach for 2 left turn lanes, 1 thru lane, and one free right turn lane.”

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(Statement of Justification, p.5). Wal-Mart's Statement of Justification also describes "a new 4-lane access road that intersects with Mill Branch Road." *Id.* at 4.

The presence of a Wal-Mart Supercenter and the changes to the roads will fundamentally alter the character of the rural neighborhood. Those changes will also depreciate the value of nearby property whether that land is used for agricultural purposes or residential development.

The Wal-Mart Supercenter, if built, will also be incompatible with the farming activity on the nearby farms. The buffer between the Terry Farm and the proposed Wal-Mart is inadequate. It will not provide an adequate buffer to the proposed Wal-Mart from proper agricultural activities on the Terry Farm, including pesticide and herbicide spraying, anhydrous ammonia injection, and the generation of dust by tilling and combining operations. The impacts from these agricultural activities are likely to cause issues with Wal-Mart's proposed customers. It will not provide an adequate buffer to the Terry Farm from the proposed Wal-Mart. Discarded plastic bags from the proposed Wal-Mart Supercenter will blow into the Terry Farm and will damage sowing and combining equipment. Although the existing Wal-Mart store in Bowie is separated from the Terry property by Route 301 and the undeveloped Subject Property, Wal-Mart bags blow onto the Terry property. Below is a photograph of plastic bags from Wal-Mart along Mill Branch Road:



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Staff should recommend disapproval of the Special Exception because the proposed Wal-Mart Supercenter will adversely affect the health, safety, or welfare of residents or workers in the area and will be detrimental to the use or development of adjacent properties or the general neighborhood.

§27-317(7) - The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

The Applicant's proposal fails to demonstrate in sufficient detail adequate storm water management components², including, but not limited to, bio-retention and underground storage components.

Sheet 15 of the stormwater management plan shows a 30-inch RCP pipe coming out of the development and discharging into a small rip-rapped depression on the east side of the Mill Branch Road swale. The size of this pipe indicates that the Applicant estimates considerable stormwater effluent flow being discharged from the development site at this location (i.e., 22 to 95 cfs depending on the storm intensity). This water discharge flows down to the small creek coming out of the Terry Farm, through the culvert under Mill Branch Road, then down that stream to outfall number two.

There is already gully erosion taking place on the east side of Mill Branch Road. The photograph on the following page, taken by Thomas Terry in April 2012, depicts the east side of the Mill Branch Road shoulder and swale looking north from the Terry Farm side of Mill Branch Road:

² Condition 3 of the approved preliminary plan, PGCPB No. 09-85, also requires compliance with certain stormwater management criteria: "[d]evelopment of this site shall be in conformance with the Stormwater Management Concept Plan 14712-2007-00 and any subsequent revisions."

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Existing stormwater flow has also eroded the west side of the creek bank just downstream of the culvert under Mill Branch Road. In 2011, the erosion caused both shoulders of the road to fail. The County effected a short term repair. According to the Applicant's stormwater management plan, additional stormwater to the Green Branch is estimated at 285 to 1143 cfs. Green Branch already has serious stream bank erosion issues and this added water will add to the problems.

Planning Staff should recommend disapproval of the Special Exception because the Applicant has failed to show that the stormwater from the proposed development will not preserve or restore the regulated environmental features in a natural state to the fullest extent possible.

**B. Specific Special Exception Criteria- Prince George's County Code
Section 27-348.02**

§27-348.02(1) - The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.

The Applicant does not have the required access to an arterial roadway. Although the Applicant states that “[t]he first point of access to the Property is through a proposed right-in/right-out access along Crain Highway,” the State Highway Administration has not granted an access permit to use U.S. 301 for direct vehicular access. (Statement of Justification, p.4). Nor has MDE granted a nontidal wetlands permit allowing for impacts to wetlands associated with access to the site from U.S. 301.

The only definitive access to the Subject Property outlined in the Applicant's application is via Mill Branch Road, which is not an arterial road. The *2009 Prince George's County Transportation Master Plan* (“Transportation Master Plan”) recognizes Mill Branch Road's rural characteristics and identifies it as a historic and scenic road. *Id.* at 63. The Transportation Master Plan places Mill Branch Road in the “Local” functional class.³ *Id.* Until the Applicant actually has approval to access U.S. 301 from the Subject Property, it cannot comply with Section 27-348.02(1) of the Prince George's County Code. Furthermore, this statutory requirement cannot be relegated to a mere condition of approval. The word “shall” in the language of the statute means that the Applicant must demonstrate that it has direct vehicular access to an arterial road, not that it expects to have access at a later time.

The Applicant's argument that it has access to an “access road,” not Mill Branch Road, lacks merit for three reasons. (Addendum to Statement of Justification, p.13). First, the “access road” is contained within the Subject Property. A proper analysis for conformance with section 27-348.02(1) must consider Mill Branch Road as the point of access to the Subject Property, not the “access road” as the point of access. Although Mill Branch Road is not designated as a primary or secondary street, it is a local scenic and historic rural road that falls within the intent of the prohibition against allowing access to a big-box store from small roads.

³ In the approved preliminary plan, Staff identified the functional classification of Mill Branch Road as a collector. See PGCPB No. 09-85, p.20. Table 5 in the Transportation Master Plan makes clear that the functional class of Mill Branch Road is “Local” and not “Collector” as other roads on the table are identified as either “Major Collector” or “Collector.” See Transportation Master Plan, p.63.

Second, the proposed 4-lane road intersecting Mill Branch Road and providing access to the Subject Property has a more intensive use than the current Mill Branch Road. Under the Transportation Master Plan, the proposed "access road" has the characteristics of a "Collector," which is defined as "[a] two- or four-lane roadway with minimal control of access providing movement between developed areas and the arterial system." *Id.*, at 43. Under Applicant's proposal, the "access road" intersecting Mill Branch Road would move traffic from a developed area to a local scenic and historic road, not between a developed area and the arterial system.

Third, although the Applicant states that one point of access to the proposed Wal-Mart Supercenter will be from the access road that will intersect Mill Branch Road, the limits of the Special Exception do not even include the "access road." In response to the Parks Department's issue that "Limits of Special Exception should include access road to MNCPPC park so that the road can be reviewed at this time", Applicant stated that the access road is related to the overall property and that the issue should be addressed during the detailed site plan process. (Sep. 9 Letter, p.5). Access via Mill Branch Road is the only direct vehicular access to the Subject Property at this time, and the access road intersecting Mill Branch Road must be included within the limits of the Special Exception.

Staff should recommend disapproval because the Applicant lacks access to an arterial roadway.

§27-348.02(2) - The applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic.

The Wal-Mart Supercenter, if approved, will add inappropriate amounts of traffic to Mill Branch Road and Queen Anne Bridge Road. Those roads are narrow and lack shoulders. Drivers now routinely use these roads as a cut-through to Central Avenue. The proposed Wal-Mart will exacerbate that problem.

Importantly, the local streets that surround the Subject Property, specifically Mill Branch Road and Queen Anne Bridge Road, are part of the Rural Tier and are used by farmers in conjunction with their farming activities. Even with existing traffic the roads are too narrow for both farm equipment and cars. The proposed Wal-Mart with its accompanying increase in traffic will make a bad situation worse.

The traffic studies for the proposed development have neither adequately accounted for the cut-through traffic across these rural roads nor adequately considered the impact of the increased traffic in conjunction with the active agricultural traffic that currently operates on these roads.

Staff should recommend disapproval of the Special Exception because the Applicant has not shown that the local rural roads in the Subject Property's neighborhood will be adequate to accommodate the increase in traffic from the proposed Wal-Mart Supercenter.

§27-348.02(6) - All perimeter areas of the site shall be buffered or screened, as required by the Landscape Manual; however, the Council may require additional buffering and screening if deemed necessary to protect surrounding properties.

The photograph below depicts the view from Terrys' property looking in a northwesterly direction towards the Subject Property. A portion of Mill Branch Road appears on the left side of the photograph. The two stands of trees in the background of the photograph are on the eastern edge of Route 301. The existing Wal-Mart is beyond the trees on a lower elevation. The proposed 186,933 square feet Wal-Mart Supercenter will be between the stands of trees and the soybeans in the foreground of the photograph.



The requirements of a buffer between incompatible uses are set forth in the *2010 Prince George's County Landscape Manual* ("Landscape Manual"):

* * *

(2) Form a visual and physical separation between uses of a significantly different scale, character, and/or intensity of development to mitigate undesirable impacts, such as noise, smell, storage facilities, dust, fumes, vibration, litter, vehicle exhaust, and lighting.

(3) Create a transition between moderately incompatible uses.

Id. at 74. Under the Landscape Manual, a Wal-Mart Supercenter is a "High-Impact Use," which is a use that "is expected to have a strong effect on adjacent properties." *Id.* at 76, 83. The Applicant's proposed buffer between the Subject property and the Terry Farm is inadequate and fails to achieve the buffer objectives set forth in the Landscape Manual. The Applicant has proposed a buffer of 45 feet, with only 30 feet of planting, between the Subject Property and the Terry Farm. (*See* Addendum to Statement of Justification, p.2).

First, the proposed buffer fails to meet the objectives of the Landscape Manual. The proposed 30 foot planting within the 45 foot buffer yard adjacent to the Terry Farm will not create a visual and physical separation between the proposed Wal-Mart Supercenter and the Terry's property to mitigate undesirable impacts. Indeed, the proposed 30 foot planting within the 45 foot buffer yard amounts to less than a single large tree-crown width. The agricultural activities at the Terry Farm include herbicide and pesticide spraying, anhydrous ammonia injection, and dust generated by farming operations. The proposed buffer is not substantial enough to mitigate these impacts.

Similarly, the proposed buffer will not mitigate the impacts of the proposed 186,933 square foot Wal-Mart Supercenter. The operation of the proposed Supercenter and the customers traveling to the proposed Supercenter will generate noise, light, and fumes. Also, plastic bags from the Wal-Mart will blow onto the Terry Farm and interfere with their agricultural operation. The proposed buffer does not adequately mitigate these impacts.

Second, the proposed buffer between the Subject Property and the Terry property fails to satisfy "Condition 6" of the approved preliminary plan, which requires the developer to "establish an appropriate relationship between the Developing and Rural Tiers while taking into account the impact of the proposed commercial development on the rural character of the area." (*See* PGCPB No. 09-85, p.2). The conditions of the

approved preliminary plan should be considered during the special exception review process. Indeed, the Environmental Planning Section of the MNCPPC, in its comments on the Applicant's proposal, wrote, "[t]he conditions related to detailed site plan approval should also be applied with the Special Exception site plan so that further revisions are not needed to the special exception once the detailed site plan moves forward." (Environmental Planning Comments, p.3).⁴ A sparse 30 foot planting between the Rural Tier and a proposed four-lane access road to the proposed 186,933 square foot Wal-Mart Supercenter is not an adequate transition between the Developing and Rural Tiers.

Staff should recommend disapproval of the Special Exception because there is an inadequate buffer between the proposed Wal-Mart and the nearby land in the Rural Tier.

§27-348.02(9) - The applicant shall use exterior architectural features to enhance the site's architectural compatibility with surrounding commercial and residential areas.

Applicant proposes to develop a Wal-Mart Supercenter on land that is surrounded to the south and east by the Rural Tier. The intent of section 27-348.02(9) is to ensure architectural compatibility with the surrounding area, not just compatibility with surrounding commercial and residential areas. The proposed Wal-Mart Supercenter will not be architecturally compatible with the nearby agricultural and rural area. That the statute does not specifically identify "rural" or "agricultural" areas in addition to commercial and residential areas when it requires compatibility with the surrounding area suggests that the drafters never intended for a big-box store to be located on land surrounded by rural land used for agriculture. No architectural element of Applicant's proposed Wal-Mart Supercenter is compatible with the Terry's soybean field or their historic farmhouse and farm outbuildings.

Staff should recommend disapproval of the Special Exception because the proposed Wal-Mart is architecturally incompatible with the surrounding area.

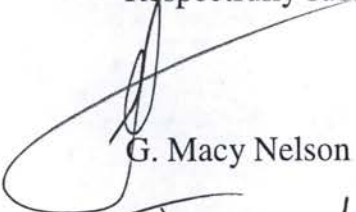
⁴ The Applicant, in its September 12, 2013 Addendum to Statement of Justification, acknowledged that the preliminary plan conditions should be addressed during the special exception process. It wrote, "[t]he Special Exception findings do not require conformance with Preliminary Plan conditions, and none of the Preliminary Plan conditions specifically apply to a Special Exception. However, these will be addressed here because the Special Exception site plan will be the governing site plan on this portion of the property." See Addendum to Statement of Justification, p.1.

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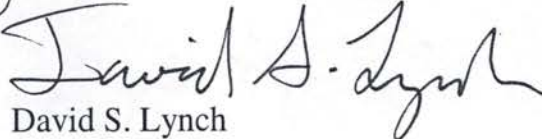
IV. Conclusion

For all of these reasons, Citizen-Protestants urge Planning Staff to recommend disapproval of the Special Exception.

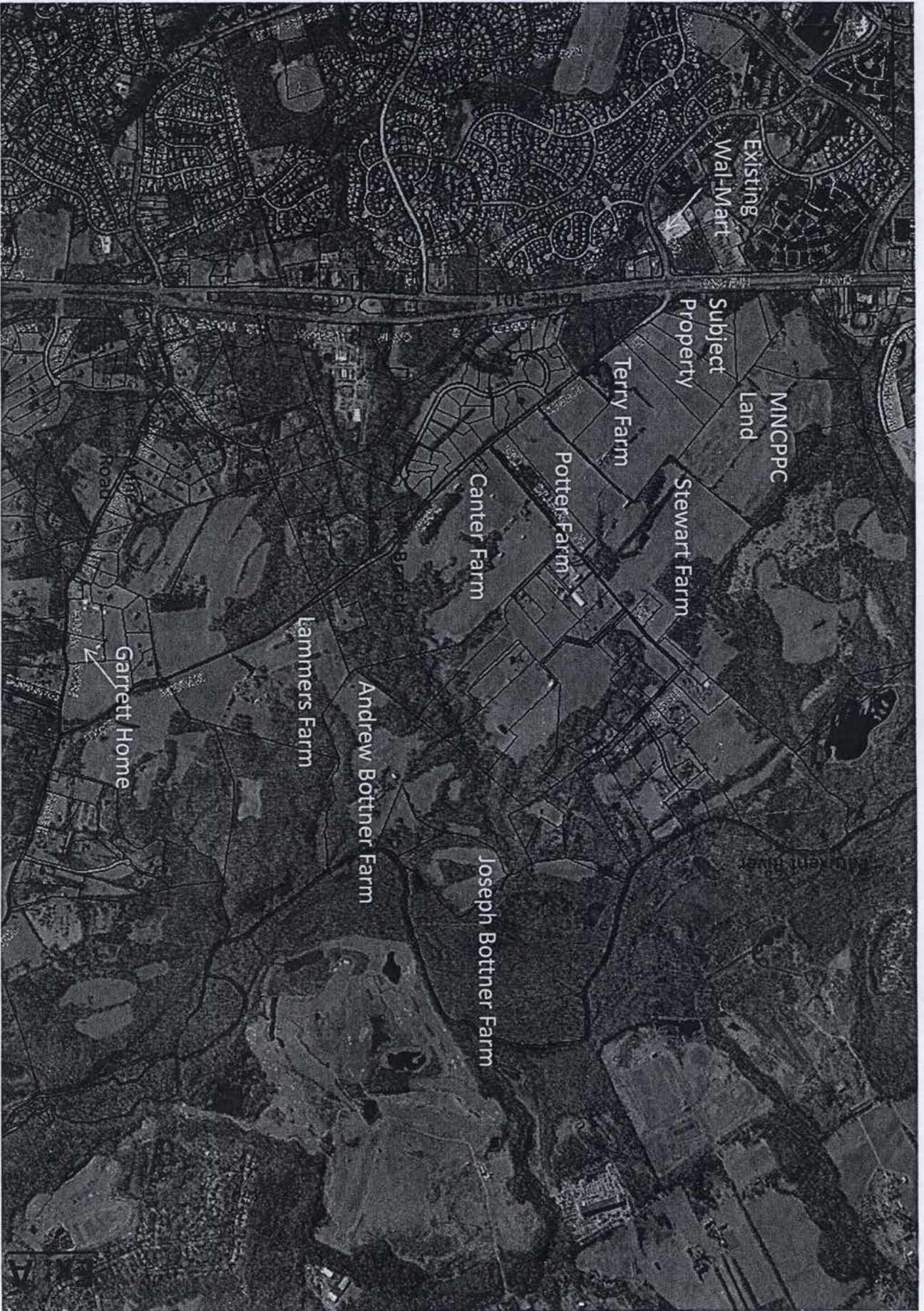
Respectfully submitted,



G. Macy Nelson



David S. Lynch



Property Information and 2011 Color Imagery from PGAtlas, last accessed Nov. 5, 2013