

Amended Certificate of Adequacy

ADQ-2022-030-01

General Information

Project Name: Penzance Foxley Road
Case Number: ADQ-2022-030-01
Associated Preliminary Plan of Subdivision or Final Plat: 4-22043
Use Type: Industrial
Dwelling Unit Type and Number: N/A Gross Floor Area (nonresidential): 162,500 SF

Project Location

Project Location: The east side of Foxley Road, approximately 600 feet south of its intersection with Dower House Road.
Lot/Parcel: Existing Parcel 25 Tax Account: 0849513
Property Zone: IE Council District: 09
Planning Area: 77 Municipality: N/A
Election District: 09 Transportation Service Area: 2
Police District: V School Cluster Area: N/A

APPLICABILITY OF PUBLIC FACILITY ADEQUACY STANDARDS

Facility	Level of Service Required	Adequacy Met (Yes/No/NA)	Conditions of Adequacy Approval (Yes/No)
Transportation: Service Area 2	LOS "D" (Critical Lane Volume of 1301-1450)	Yes	Yes
Pedestrian and Bikeway	Public Facilities provided in accordance with Section 24-4506	N/A	No
Parks and Recreation (<i>Transit-Oriented/ Activity Center Zones and Employment Areas</i>)	2.5 acres per 1,000 residents	N/A	No
Parks and Recreation (<i>All Other Zones</i>)	15 acres per 1,000	N/A	No
Police—Residential Use	25 minutes for non-emergency calls; 10 minutes for emergency calls	N/A	No
Fire and Rescue—Residential Use	7 minutes travel time	N/A	No
Fire and Rescue—Non-Residential Use	5 minutes response time	Yes	Yes
Schools	<105% capacity or mitigation in accordance with Section 24-4510(c)	N/A	No

This Amended Certificate of Adequacy is issued in accordance with Section 24-4503 of the Subdivision Regulations of Prince George's County, Maryland and in accordance with the analysis contained in the following memorandums attached hereto:

- *Transportation Planning Section (Patrick to Gupta, August 10, 2023)*
- *Special Projects Section (Ray to Gupta, August 5, 2023)*
- *Department of Parks and Recreation (Quattrocchi, Thompson, Holley to Gupta, July 10, 2023)*

Based on the forgoing analysis, this Amended Certificate of Adequacy is:

☐ Approved ☒ Approved with the conditions (indicated here):

☐ Denied

1. Total development within the proposed Preliminary Plan of Subdivision shall be limited to uses that generate no more than 141 AM peak-hour trips and 195 PM peak-hour vehicle trips.
2. Prior to issuance of building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. The existing northbound through-right lane along Dower House Road at MD 4 shall be reconfigured as left-through-right lane, creating double left and left-through-right configuration for the northbound approach.
3. Prior to issuance of a use and occupancy permit for nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall provide:
 - a. The installation and maintenance of a sprinkler system that complies with the National Fire Protection Association (NFPA) 13 standards for the installation of Sprinkler Systems.
 - b. The installation and maintenance of automated external defibrillators (AEDs) in accordance with COMAR 30.06.01-05, with a sufficient number of AEDs to be installed so that no employee is more than 500 feet from an AED.

SIGNATURE

Suzann King

Digitally signed by Suzann King
Date: 2023.09.06 09:26:34 -04'00'

Planning Director

Date of Approval

This amended certificate of adequacy is valid for 12 years from the date of approval of the associated preliminary plan of subdivision, subject to the additional expiration provisions of Section 24-4503(c).



Countywide Planning Division
Transportation Planning Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
301-952-3680

August 10, 2023

MEMORANDUM

TO: Mridula Gupta, Subdivision Section, Development Review Division

FROM: *BAP* Benjamin Patrick, Transportation Planning Section, Countywide Planning Division

VIA: *CH* Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: **ADQ-2022-030-01, 6401 Foxley Road**

Proposal

The referenced Certificate of Adequacy (ADQ) application is being reviewed in conjunction with the Preliminary Plan of Subdivision (PPS) application, 4-22043, which proposes the subdivision of land for the development of up to 162,500 square feet of warehouse use located at 6401 Foxley Road in Upper Marlboro, MD. The transportation planning section's review of the subject ADQ application was evaluated under Section 24-4500 of the current Subdivision Regulations, specifically Section 24-4505 for motor vehicle adequacy.

Criteria for Establishing Transportation Adequacy

The proposed development is subject to the Transportation Service Area (TSA) 2 adequacy requirements for the analysis of vehicular traffic. The study area and critical intersections were scoped and approved by staff in September 2021.

Analysis of Traffic Impacts

The applicant has submitted a traffic impact analysis at the request of the staff. This study is used as the basis for a determination of adequacy.

The subject property is located within TSA 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized Intersections:

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

exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

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

Trip Generation

The current PPS application considers the subdivision of two parcels for the construction of 162,500 square feet of warehouse. The applicant has included two options for development, which are as follows:

Option 1: 162,500 sq. ft. Warehouse

Option 2: 162,500 sq. ft. High-Cube Fulfillment Center Warehouse

For the purposes of this application, the trip generation and traffic analysis for Option 2 were evaluated. The table below summarizes trip generation for each peak period that will be used in reviewing site traffic generated impacts and developing a trip cap for the site:

Trip Generation Summary								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
High-Cube Fulfillment Center Warehousing (ITE -155, ksf)	162,500	SF	115	26	141	76	119	195
Total Trip Cap Recommendation			141			195		

The traffic generated by the proposed PPS would impact the following intersections in the transportation system:

- MD 4 and Dower House Road (signalized)
- Dower House Road and Marlboro Pike (signalized)
- Dower House Road and Foxley Road (unsignalized)
- MD 223 and Dower House Road (signalized)
- Foxley Road and Site Access (unsignalized)

Existing Traffic:

The critical intersections identified above, when analyzed with existing traffic and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
MD 4 and Dower House Road	1547	1299	E	C
Dower House Road and Marlboro Pike	828	861	A	A
Dower House Road and Foxley Road	20.1 s*	21.5 s*	Pass	Pass

MD 223 and Dower House Road	1419	1233	D	C
Foxley Road and Site Access	N/A	N/A	N/A	N/A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.

Background Traffic:

The traffic study identified ten background developments whose impact would affect study intersections. Additionally, annual growths of 0.5% over six years were applied to traffic volumes along all the study roads. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
MD 4 and Dower House Road	1668	1420	F	D
Dower House Road and Marlboro Pike	906	952	A	A
Dower House Road and Foxley Road	21.9 s*	24.8 s*	Pass	Pass
MD 223 and Dower House Road	1266	1027	C	B
Foxley Road and Site Access	N/A	N/A	N/A	N/A

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.

Total Traffic

The study intersections, when analyzed with total developed future traffic, operate as follows:

TOTAL TRAFFIC CONDITIONS WITHOUT MITIGATION				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
MD 4 and Dower House Road	1674	1467	F	E
Dower House Road and Marlboro Pike	969	1060	A	B
Dower House Road and Foxley Road				
<u>Tier 1: HCS Delay Test</u>	<u>30.6 Sec.</u>	<u>70 Sec.</u>	<u>Pass</u>	<u>Fail</u>
<u>Tier 2: Minor Street Volume</u>	<u><100</u>	<u><100</u>	<u>-</u>	<u>-</u>
<u>Tier 3: CLV Test</u>	<u>787</u>	<u>934</u>	<u>A</u>	<u>A</u>
MD 223 and Dower House Road	1266	1027	C	B
Foxley Road and Site Access	9.7 s*	10.4 s*	Pass	Pass

*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.

Total Traffic with Mitigations

Because MD 4 at Dower House Road will operate at LOS "F" under total volume condition, the northbound through-right lane along Dower House Road at MD 4 is proposed to be reconfigured as a left-through-right lane as mitigation in accordance with the "2022 Transportation Review Guidelines Supplement". The study intersections, when analyzed with total developed future traffic with mitigations at MD 4 and Dower House Road, operate as follows:

TOTAL TRAFFIC CONDITIONS WITH MITIGATION				
Intersection	Critical Lane Volume (AM & PM)		LOS/Pass/Fail (AM & PM)	
MD 4 and Dower House Road	1611	1446	F	D
Dower House Road and Marlboro Pike	969	1060	A	A
Dower House Road and Foxley Road				
<u>Tier 1: HCS Delay Test</u>	<u>30.6 Sec.</u>	<u>70 Sec.</u>	<u>Pass</u>	<u>Fail</u>
<u>Tier 2: Minor Street Volume</u>	<u><100</u>	<u><100</u>	<u>=</u>	<u>=</u>
<u>Tier 3: CLV Test</u>	<u>787</u>	<u>934</u>	<u>A</u>	<u>A</u>
MD 223 and Dower House Road	1266	1027	C	C
Foxley Road and Site Access	9.7 s*	10.4 s*	Pass	Pass
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as severe inadequacy.				

Per the Guidelines, the applicant shall recommend improvements to a failing intersection that will eliminate at minimum 150 percent of the development-generated CLV impact or reduce the CLV to 1,450. In the AM peak hour, the mitigation improvement reduces the CLV by 950 percent of the site's impact, and in the PM peak hour, the mitigation improvement reduces the CLV to LOS D.

Analysis of Bicycle & Pedestrian Impacts

The subject property falls within the IE/M-I-O zoning district and a Bicycle and Pedestrian Impact Statement (BPIS) is not required based on the "2022 Transportation Review Guidelines Supplement".

Conclusion

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required in accordance with Subtitle 24, if the application is approved with the following conditions:

1. Total development within the subject property shall be limited to uses that would generate no more than 141 AM and 195 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision (PPS), with a new determination of the adequacy of transportation facilities.
2. The existing northbound through-right lane along Dower House Road at MD 4 shall be reconfigured as a left-through-right lane, creating a double left and left-through-right configuration for the northbound approach.



Countywide Planning Division
Special Projects Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
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August 2, 2023

MEMORANDUM

TO: Mridula Gupta, Planner IV, Subdivision Section, DRD

FROM: **BR** Bobby Ray, AICP, Supervisor, Special Projects Section, CWPDP

SUBJECT: **ADQ-2022-030-01, 6401 Foxley Road**

Project Summary:

This project proposes the subdivision of an approximately 11.49-acre site located at 6401 Foxley Road for the development of a 162,500-square foot industrial building. This preliminary plan of subdivision (PPS) application (4-22043) was accepted for processing by the Planning Department on October 21, 2022.

The subject preliminary plan was filed in accordance with the prior Subdivision Regulations in accordance with Section 24-1900, under which public facility adequacy is being reviewed per the findings of the current Subdivision Regulations Section 24-4503 as follows:

- (a)(2) Preliminary plans of subdivision (minor or major) proposed after April 1, 2022 shall receive approval of a certificate of adequacy or conditional certificate of adequacy for each public facility subject to this Section.

This application represents an amendment to the initial certificate of adequacy (ADQ-2022-030) requesting a change in use from warehouse storage to warehouse distribution triggering a trip cap increased to 141 morning peak hour trips and 195 evening peak hour trips. This amendment was accepted for processing on July 7, 2023.

ADQ-2022-030-01

Certificate of Adequacy ADQ-2022-030-01 is being reviewed as an amendment, per the requirements of the current Subdivision Regulations Section 24-4503(g), as follows:

(g) Amendment

(1) Requirement

- (A)** A change in use, an increase in dwelling units or nonresidential gross floor area, or a substantial change to the access and circulation design of a project that has received a certificate in accordance with this Section, requires an amendment to the certificate and an adequacy re-determination if the change of use, increase in development, or access and circulation change, increases the public facility capacity needed to accommodate the changed project based on the LOS standard established for the public facility, by more than five percent.

- (B) In re-evaluating the project in accordance with this Subsection, the project shall be credited with the capacity reserved under its original approval, unless the certificate has expired.

NON-RESIDENTIAL

Police Facilities:

Police Facility Adequacy:

Per Section 24-4508 of the current Subdivision Regulations, the Planning Board's test for police adequacy involves the following:

- (A) A statement reflecting adequate equipment pursuant to studies and regulations used by the County, or the *Public Safety Master Plan* for police stations in the vicinity of the area of the proposed subdivision; and
- (B) A statement by the Police Chief that the rolling 12-month average, adjusted monthly, for response times in the vicinity of the proposed subdivision is a maximum of 25 minutes total for non-emergency calls and a maximum of 10 minutes total for emergency calls for service. For the purposes of this Subsection, response time means the length of time from the call for service until the arrival of Police personnel on-scene or other police response, as appropriate.

The subject property is served by Police District V, Clinton located at 6707 Groveton Drive in Clinton. Consistent with the provisions of Section 24-4508.A correspondence was received from representatives of the Prince George's County Police Department dated June 7, 2023, that stated the Department "has an adequate amount of equipment for our current sworn officers".

Pursuant to Section 24-4508.B the subject police response times for the site meet the standard of 25 minutes for non-emergency calls and 10 minutes for emergency calls. The test is applied on the date the application is accepted or within the following three (3) monthly cycles. The times are based on a rolling average for the preceding 12 months. The amended application was accepted by the Planning Department on July 7, 2023.

Police Response Times (Section 24-4508.B) District V

Reporting Cycle	Date	Priority	Non-Priority
Acceptance Date	July 7, 2023	8:04 minutes	10:01 minutes

Fire and Rescue Adequacy:

Table 24-4502 ("Summary of Public Facility Adequacy Standards") of the current Subdivision Regulations requires a fire and rescue standard of five (5) minutes response time for any nonresidential uses. The Fire Department uses the metric of "travel time" in their evaluation. Response time adds one minute of 'turn-out' time which is assessed at the time the station receives notice and initiates a response. Therefore, the four-minute travel time is the same metric as the five-minute response time.

In the subject case the property is served by the Forestville Station, #823 located at 8321 Old Marlboro Pike, Upper Marlboro, MD 20772, as the first due station. Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email as of December 8, 2022 and reaffirmed on August 7, 2023) the project site fails the four-minute travel time test for non-

residential development from the first due Station #823. Therefore, the non-residential component of the project fails the five-minute response time and is subject to mitigation as outlined in the "conclusion" below.

Schools:

Per Section 24-4510 of the current Subdivision Regulations, this industrial project is exempt from a review for school impacts because it is a non-residential use.

CONCLUSION

At the writing of this referral the Special Projects Section find ADQ-2022-030-01, subject to the proposed recommendations (below), meets the requirements for public facility adequacy in accordance with Section 24-4500 of the Subdivision Regulations.

Prior to issuance of a use and occupancy permit for nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall provide:

- (i) The installation and maintenance of a sprinkler system that complies with NFPA 13 Standards for the Installation of Sprinkler Systems. The installation of sprinklers shall not be waived by any party; and
- (ii) The installation and maintenance of automated external defibrillators (AEDs) in accordance with COMAR 30.06.01-05, including a requirement for a sufficient number of AEDs to be installed so that no employee is more than 500 feet from an AED.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: July 10, 2023

TO: Mridula Gupta, Planner IV
Subdivision Section, Development Review Division, Planning Department

VIA: Sonja Ewing, Assistant Division Chief **SME**
Department of Parks and Recreation

FROM: Dominic Quattrocchi, Planning Supervisor **DAQ**
Ivy R. Thompson, AICP, Planner III **IRT**
Edward Holley, Planning Technician III **EDH**
Land Acquisition/Management & Development Review Section
Park Planning and Development Division, Department of Parks and Recreation

SUBJECT: **Certificate of Adequacy (ADQ) ADQ-2022-030-01 (6401 Foxley Road)**

This application is for the development of one parcel for 162,500 square feet of industrial warehouse space. The 11.49-acre subject property, zoned Industrial Employment, MIO (I-E, M-I-O), is located on the north side of Foxley Road approximately 611 feet southwest of its intersection with Dower House Road. The Department of Parks and Recreation (DPR) has reviewed and evaluated this Certificate of Adequacy (ADQ) application as it pertains to public parks and recreational facilities.

Parks & Recreation Adequacy [Section 24-4507]

Per 24-4507(b)(1)(B) of the Prince George's County Subdivision Regulations 15 acres of improved public parks per 1,000 residents is the adopted Level of Service standard for Parks and Recreation in Prince George's County. The 2022 Land Preservation, Parks, and Recreation Plan (LPPRP) shows that there are 35 acres of improved public parkland per 1,000 persons in the county. Therefore, Parks staff finds the LOS adequate.

Separate from the evaluation of Parks & Recreation Adequacy in accordance with the prior Subdivision Regulation of Section 24-134(a) of the Prince Georges County Subdivision Regulation, the subject subdivision is exempt from Mandatory Dedication of Parkland requirements because it consists of non-residential development.

cc: Alvin McNeal
Bridget Stesney

Daniel F. Lynch, Esquire
Admitted in Maryland

E-mail: DLynch@mhlawyers.com
Direct Dial: Extension 205

March 16, 2023

Via Electronic Delivery

Cheryl Summerlin
Supervisor, Applications
Development Review Division
M-NCPPC
County Administration Building
Upper Marlboro, MD 20772

Re: *ADQ-2022-030-01; 6401 Foxley Road*
Pre-Review Submission Cover Letter

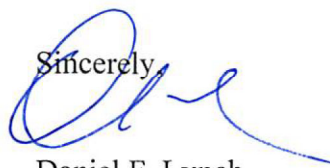
Dear Cheryl:

Transmitted herewith please find an application to amend ADQ-2022-030 for that property located at 6401 Foxley Road. Although the applicant will continue to develop the property with a 162,500 square foot warehouse, that warehouse will now be occupied by a last mile distribution center whereas the approved ADQ and the information upon which that ADQ was reviewed, was based upon the applicant's assertion that the building would be occupied by a standard warehouse use. Based upon the Traffic Impact Analysis being submitting in conjunction with this application, the applicant is requesting an amendment to the ADQ be approved and the trip cap be increased to 141 morning peak hour trips and 195 evening peak hour trips

In support of this amendment, the applicant is transmitting the following:

- Signed application form (may be same form as used for the associated preliminary plan of subdivision or final plat);
- Preliminary Plan of Subdivision or final plat must meet all drawing requirements as provided on the associated checklist; and
- Signed Transportation checklist package & required study or counts.

Thank you for your time and consideration to this request. Please do not hesitate to contact me should you have any questions.

Sincerely,

Daniel F. Lynch

Enclosures

Certificate of Adequacy

ADQ-2022-030

General Information

Project Name: Penzance Foxley Road
Case Number: ADQ-2022-030
Associated Preliminary Plan of Subdivision or Final Plat: 4-22043
Use Type: Industrial
Dwelling Unit Type and Number: N/A Gross Floor Area (nonresidential): 162,500 SF

Project Location

Project Location: The east side of Foxley Road, approximately 600 feet south of its intersection with Dower House Road.
Lot/Parcel: Existing Parcel 25 Tax Account: 0849513
Property Zone: IE Council District: 09
Planning Area: 77 Municipality: N/A
Election District: 09 Transportation Service Area:
Police District: V School Cluster Area: N/A

APPLICABILITY OF PUBLIC FACILITY ADEQUACY STANDARDS

Facility	Level of Service Required	Adequacy Met (Yes/No/N/A)	Conditions of Adequacy Approval (Yes/No)
Transportation: Service Area 2	LOS "D" (Critical Lane Volume of 1301-1450)	Yes	Yes
Pedestrian and Bikeway	Public Facilities provided in accordance with Section 24-4506	N/A	No
Parks and Recreation (<i>Transit-Oriented/ Activity Center Zones and Employment Areas</i>)	2.5 acres per 1,000 residents	N/A	No
Parks and Recreation (<i>All Other Zones</i>)	15 acres per 1,000	N/A	No
Police—Residential Use	25 minutes for non-emergency calls; 10 minutes for emergency calls	N/A	No
Fire and Rescue—Residential Use	7 minutes travel time	N/A	No
Fire and Rescue—Non-Residential Use	5 minutes response time	Yes	Yes
Schools	<105% capacity or mitigation in accordance with Section 24-4510(c)	N/A	No

This Certificate of Adequacy is issued in accordance with Section 24-4503 of the Subdivision Regulations of Prince George's County, Maryland and in accordance with the analysis contained in the following memorandums attached hereto:

- *Transportation Planning Section (Yang to Heath, December 5, 2022)*
- *Special Projects Section (Ray to Heath, December 13, 2022)*

Based on the forgoing analysis, this Certificate of Adequacy is:

☐ Approved ☒ Approved with the conditions (indicated here):

☐ Denied

1. Total development within the proposed Preliminary Plan of Subdivision shall be limited to uses that generate no more than 65 AM peak-hour trips and 65 PM peak-hour vehicle trips.
2. Prior to issuance of building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. The existing northbound through-right lane along Dower House Road at MD 4 shall be reconfigured as left-through-right lane, creating double left and left-through-right configuration for the northbound approach.
3. Prior to issuance of a use and occupancy permit for nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall provide:
 - a. The installation and maintenance of a sprinkler system that complies with the National Fire Protection Association (NFPA) 13 standards for the installation of Sprinkler Systems.
 - b. The installation and maintenance of automated external defibrillators (AEDs) in accordance with COMAR 30.06.01-05, with a sufficient number of AEDs to be installed so that no employee is more than 500 feet from an AED.

SIGNATURE

Checkley, Andree

Digitally signed by Checkley, Andree
Date: 2022.12.21 11:26:28 -05'00'

Planning Director

Date of Approval

This certificate of adequacy is valid for 12 years from the date of approval, subject to the additional expiration provisions of Section 24-4503(c).



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2023-02

File No. 4-22043

RESOLUTION

WHEREAS, Foxley Road LLC is the owner of a 11.49-acre parcel of land known as Parcel 25, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned Industrial, Employment (IE); and

WHEREAS, on October 21, 2022, Foxley Road LLC filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22043 for Penzance Foxley Road, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 5, 2023; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 of the Subdivision Regulations, subdivision applications submitted before April 1, 2024, may be reviewed and decided in accordance with the prior Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on January 5, 2023, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-020-2022, and further APPROVED Preliminary Plan of Subdivision 4-22043 for one parcel with the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised to remove the limit of disturbance.
2. Development of the site shall be in conformance with the approval of Stormwater Management Concept Plan 47299-2021-0, and any subsequent revisions.

3. Prior to approval, the final plat of subdivision shall include the dedication of 10-foot-wide public utility easements along the abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.
4. The site shall be served by sidewalks along the proposed building(s), with pedestrian connections to the parking facilities. The exact design and location of the on-site pedestrian facilities shall be shown at the time of building permit.
5. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Identify the TCP1 (TCP1-020-2022) with Line 6 of the woodland conservation worksheet.
 - b. Reduce the proposed off-site credits by 0.56 acre to meet the required 3.67 acres.
 - c. Identify TCP1-020-2022 in the approval block and plan title.
 - d. Have the plan and worksheet signed by the qualified professional preparing the plans.
6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-020-2022. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-020-2022, or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). 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.”
7. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
8. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

9. Prior to the issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
10. Prior to the issuance of the first permit, the final erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent between the plans.
11. Prior to signature approval of the preliminary plan of subdivision and Type 1 tree conservation plan (TCP1), the approved stormwater management (SWM) concept plan shall be submitted depicting the final location of SWM features and the limits of disturbance, and the TCP1 shall be reflective of the approved SWM concept plan.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located on the east side of Foxley Road, approximately 600 feet south of its intersection with Dower House Road and is 11.49 acres. The property is comprised of one parcel, recorded by deed in the Prince George’s County Land Records in Liber 1450 at folio 650 and known as Parcel 25. The property is within the Industrial, Employment (IE) Zone and was previously in the Light Industrial (I-1) Zone. This site is also located within the Military Installation Overlay (M-I-O) Zone under the current and prior zoning. This preliminary plan of subdivision (PPS) was reviewed, in accordance with the prior Prince George’s County Zoning Ordinance and prior Prince George’s County Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. In accordance with the requirements of Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to Certificate of Adequacy ADQ-2022-030. The site is also subject to the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (master plan), Subtitles 24 and 27 of the prior Prince George’s County Code, and other applicable plans, as outlined herein. This PPS includes one parcel for development of 162,500 square feet of industrial use. The site currently consists of a 4,000-square-foot industrial use, as well as accessory trailers that are proposed to be removed.
3. **Setting**—The property is located on Tax Maps 99 and 108 in Grids D4 and D1 and is within Planning Area 77. The properties to the north of the subject site consist of both industrial development and single-family dwellings within the IE and Planned Mobile Home Community

Zones. The properties to the east, beyond Foxley Road, consist of industrial uses and vacant land within the IE Zone. The properties to the south, beyond Foxley Road, consist of industrial uses and vacant land located within the IE and Industrial, Heavy (IH) Zones. The properties to the west consist of industrial uses within the IH Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	IE	IE
Use(s)	Industrial	Industrial
Acreage	11.49	11.49
Lots	0	0
Parcels	1	1
Dwelling Units	N/A	N/A
Gross Floor Area	4,000 sq. ft.	162,500 sq. ft.

Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on October 28, 2022.

5. **Previous Approvals**—There are no previous approvals associated with this site.
6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035), and conformance with the master plan are evaluated, as follows:

Plan 2035

Plan 2035 provides recommendations for future development within Prince George's County. This PPS is located within the Established Communities growth policy area. The vision for the Established Communities is to create the most appropriate context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met (page 20).

Master Plan Conformance

The master plan recommends industrial land use on the subject property. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, this PPS conforms to the master plan's recommended industrial land use.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM concept plan (47299-2021) was submitted with this PPS. The

SWM concept plan shows the use of underground storage, bypasses, and micro-bioretenention facilities. An approved SWM concept plan will be required at the time of building permit.

Development of the site, in conformance with the SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the prior Subdivision Regulations, the subject PPS is exempt from the mandatory dedication of parkland requirement because it consists of nonresidential development.
9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the master plan to provide the appropriate transportation facilities.

Master Plan Right of Way

The subject site is along Foxley Road, which is designated as an industrial roadway (I-601) with a right-of-way width of 70 feet per the MPOT, which is consistent with the PPS.

Master Plan Pedestrian and Bike Facilities

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling:

Policy 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to schools, pedestrian access to mass transit, and more walkable communities (page 10).

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities* (page 10).

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles (page 10).

The master plan provides policy regarding the accommodations of bicycle and pedestrian facilities:

Policy 8: Promote and encourage cycling and walking as an alternative to the car for commuting and recreational purposes (page 107).

The PPS adequately shows Foxley Road with its ultimate right-of-way configuration, per the master plan's recommendations and, therefore, no additional right-of-way needs to be dedicated, as part of the subject PPS. Furthermore, there are no MPOT or master plan pedestrian and bike facilities along the frontage of Foxley Road. The applicant shall develop the site with pedestrian

facilities to promote safe travel from the parking areas to the proposed building, in accordance with the MPOT recommended goals and policies. These facilities shall be shown at the time of building permit.

Transportation Planning Review

The PPS includes three vehicular access points from Foxley Road. The overall access, circulation, and proposed roadway configurations are acceptable.

Based on the preceding findings, the transportation facilities are in conformance with the MPOT, the master plan, and the Subdivision Regulations.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan contains a chapter dedicated to the provision of adequate public utilities (pages 119–144). Key issues and goals from the master plan, that apply to this PPS, are provided below:

Key Issues:

- **Assuring the adequacy of public utilities given the constrained availability of public resources (page 2).**

Goals:

1. **Provide residents of Subregion 6 needed public facilities in locations that serve existing future populations (page 119).**

The proposed development will not impede achievement of any of the above-referenced vision and policy statements. The master plan does not propose any police, fire and emergency medical service facilities, schools, parks, or libraries on the subject property. This PPS is further supported by an approved Certificate of Adequacy (ADQ-2022-030), which ensures adequate public facilities to support the proposed land use.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, none of which affect the subject site.

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

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site has frontage along the existing public right-of-way Foxley Road. The PPS depicts the 10-foot-wide PUE along the right-of-way.

12. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A Phase I archeology survey is not required. The subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. The master plan includes goals and policies related to historic preservation (pages 161-174). However, these are not specific to the subject site or applicable to the proposed development. This proposal will not impact any Prince George’s County historic sites, historic resources, or known archeological sites.
13. **Environmental**—PPS 4-20039 was accepted for review on October 21, 2022. Comments were provided in an SDRC meeting on October 28, 2022. Revised information was received on December 1, 2022. The following applications and associated plans have been reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-122-2022	N/A	Staff	Approved	8/2/2022	N/A
4-22043	TCP1-020-2022	Planning Board	Approved	1/5/2023	2023-02

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 because this application is for a new PPS.

Site Description

The site is bordered by a residential community to the west and similar industrial uses to the south and east. The property is partially wooded and contains an existing industrial use. A review of available information, and as shown on the approved natural resources inventory (NRI), indicates that floodplain, streams, and steep slopes are found to occur on the northeast portion of the property. The site does not contain any Wetlands of Special State Concern, as mapped by the Maryland Department of Natural Resources (DNR), and does not contain wetlands. The County’s Department of the Environment watershed map shows the entire site is within Piscataway Creek watershed of the Potomac River basin. The site features steep slopes along the property boundaries and an on-site stream system. The on-site stream drains to the southeast. The site is not identified by DNR as being within a stronghold watershed area. The on-site stream is not categorized as Tier II waters, and the site is not within a Tier II catchment area. According to available information from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, and endangered species are not found to occur on-site. The property does not abut any historic or scenic roads.

Plan 2035

The site is located within the Established Communities of the Growth Policy Map and within Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, both as designated by Plan 2035.

Master Plan Conformance

The Environmental Infrastructure Section of the master plan contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan, and the plain text provides comments on the plan conformance.

Policy 1: Protect, preserve, and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

The site contains evaluation and regulated areas within the green infrastructure network. The regulated area is present on the northeast portion of the site where the on-site steam system is present. The applicant is not proposing any impacts to this primary management area (PMA) area with this PPS.

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

Development is focused in the most developable area of the site, outside of the PMA. No impacts are proposed to the PMA area with this PPS.

Policy 3: Increase planning and informational data collection efforts at the watershed level, raising the profile and awareness about the importance of shared aquifers and other resources to water quality and supply.

This PPS proposes to connect to public water and sewer and is not proposing a well or individual septic system.

Policy 4: Protect, restore, and enhance the Chesapeake Bay Critical Area.

The site is not within the Chesapeake Bay Critical Area.

Policy 5: Promote compact, walkable development patterns in appropriate locations such as the Town of Upper Marlboro, Marlton, and rural centers and communities such as Baden, Aquasco, Eagle Harbor, Cedar Haven, and Croom.

The applicant proposes an industrial development on an industrially zoned site. Sidewalks are proposed to be provided along the frontage of the building.

Policy 6: Increase awareness regarding air quality and greenhouse gas (GHG) emissions and the unique role that the Developing and Rural Tiers in Subregion 6 have to play in this effort.

The subject property is proposed to be developed with industrial warehouse use, which is allowed in the zone. Air quality is a regional issue that is currently being addressed by the Council of Governments.

Policy 7: Encourage the use of green building techniques and community designs that reduce resource and energy consumption.

The development applications for the subject property, which require architectural approval, should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged to be implemented to the greatest extent possible.

Policy 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.

The review of a PPS does not include lighting details. However, the use of full cut-off light fixtures is encouraged.

Policy 9: Reduce adverse noise impacts to meet acceptable state noise standards.

Development of the site is proposed for a non-residential use, which is not regulated for noise impacts to the site, in accordance with the Subdivision Regulations. However, there is residential development abutting the subject property to the north. The applicant's Type 1 tree conservation plan (TCP1) depicts a 40-foot-wide buffer along the property boundary, between the proposed use and the abutting residential development, which contains 1.06-acres of afforestation area. This buffer conforms to Section 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Noise generated by a site is further reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement, in accordance with the Prince George's County Code requirements contained in Subtitle 19.

Green Infrastructure Plan Conformance

According to the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains evaluation areas. This area is comprised of a mostly wooded area with a portion of on-site stream system at the northern property edge that flows off-site to the north.

The following policies and strategies are applicable to the subject PPS. The text in **BOLD** is the text from the Green Infrastructure Plan, and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

- 1.1 **Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
 - a. **Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. **Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. **Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. **Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**
- 1.2 **Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
 - a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is within Piscataway Creek of the Potomac River basin, but is not within a Tier II catchment area. The site contains a stream system, which is within the regulated area of the green infrastructure network. The current plan proposes to retain the majority of the stream system and to buffer the stream with a portion of reforestation.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The PPS indicates that the regulated system on-site will not be impacted and is proposed to be protected by reforestation. A TCP1 was required with this review, which showed that 3.67 acres of the required woodland conservation requirement will be met as 1.06 acres of landscape credits, 0.35 acre of reforestation, and 2.82-acre of off-site credits. This established a total of 4.23 acres of woodland conservation, which is 0.56 acre above the requirement.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No fragmentation of regulated environmental features is proposed with this PPS. The environmentally sensitive areas on-site are being preserved to the greatest extent practicable.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No trail systems or proposed master-planned trails exist or are proposed with this PPS.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

On-site woodland conservation shall be placed in woodland and wildlife habitat conservation easements, prior to the certification of the Type 2 tree conservation plan (TCP2).

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The proposal has not received SWM concept approval. The submitted unapproved draft concept plan shows use of underground storage, bypasses, and micro-bioretenment to meet the current requirements of environmental site design to the maximum extent practicable. No SWM features are being placed within the PMA. No clearing within the floodplain is proposed, and the TCP1 shows 0.35 acre of reforestation being used to supplement the stream buffer.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Woodland exists on-site near the stream and along the southern site edge. The TCP1 proposes to meet the requirements with landscaping material and reforestation. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the Landscape Manual. Tree canopy coverage requirements will be evaluated at the time of TCP2 review.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodland is proposed with the subject PPS. Woodland conservation is designed to minimize fragmentation and reinforce new forest edges. This site does not contain potential forest interior dwelling species. Green space is encouraged to serve multiple eco-services.

POLICY 12: Provide adequate protection and screening from noise and vibration.

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

No dwellings are proposed with this PPS.

Environmental Review

Natural Resources Inventory

A signed natural resource inventory (NRI-122-2022) was submitted with this PPS. The site contains floodplain, streams, and associated buffers that comprise the PMA. The NRI indicates the presence of two forest stands, labeled as Stand A and Stand B, with no specimen trees identified on-site. The TCP1 and the PPS show all required information correctly in conformance with the NRI.

Woodland Conservation

This project is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application is for a new PPS and subject to the ETM. TCP1-020-2022 was submitted with the subject PPS and requires minor revisions, to be found in conformance with the WCO.

The woodland conservation threshold for this 11.49-acre property is 15 percent of the net tract area, or 1.63 acres. The total woodland conservation requirement, based on the amount of clearing proposed, is 3.67 acres. The woodland conservation requirement is proposed to be satisfied with 1.06 acres of on-site landscaping and 0.35 acre of reforestation, with 2.82 acres of off-site woodland conservation credits required. This results in an additional 0.56 acre of woodland conservation over the requirement. While the applicant proposes to meet the above requirements, the majority is being met off-site. A reduction of required off-site conservation from 2.82 to 2.26 acres would bring the value to the required 3.67 acres and reduce the burden on local tree banks and the applicant.

Technical revisions to the TCP1 are required, prior to signature approval of the PPS.

Specimen Trees

The approved NRI-122-2022 shows no specimen trees present on-site. No specimen tree removals are proposed with this PPS.

Regulated Environmental Features

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site regulated environmental features include streams, stream buffers, 100-year floodplain, and steep slopes. A letter of justification for impacts to the PMA was submitted with the acceptance of this PPS. In an email dated December 2, 2022, from the applicant's attorney, a formal statement was provided which rescinds the request for PMA impacts with this PPS.

Soils

According to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, soils present include Udorthents, reclaimed gravel pits, and Udorthents-Urban land complexes. Marlboro and Christiana clays are not found to occur on this property.

Erosion and Sediment Control

The County requires the approval of an erosion and sediment control plan. The TCP2 must reflect the ultimate limits of disturbance (LOD), not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures. A copy of the erosion and sediment control technical plan must be submitted with the TCP2 so that the ultimate LOD for the project can be verified and shown on the TCP2.

14. **Urban Design**—The subject PPS was evaluated for conformance with the applicable plans and requirements, as follows:

Conformance with the Zoning Ordinance

The applicant proposes one parcel for the development of up to 162,500 square feet of industrial warehouse and distribution space. The use is permitted on this property, and this development is exempt from filing a detailed site plan, in accordance with Section 27-281.01 of the prior Zoning Ordinance. This PPS is subject to the requirements of the I-1 Zone under the prior Zoning Ordinance. The proposed development will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, at the time of permitting including, but not limited to, the following;

- Section 27-469 requirements for the I-1 Zone, as applicable;
- Section 27-473(b) regarding uses permitted in the I-1 Zone;
- Section 27-474 regarding regulations in the I-1 Zone;
- Subregion 6 Master Plan and Sectional Map Amendment;
- Part 10C Military Installation Overlay Zone;
- Part 11 Off Street Parking and Loading; and
- Part 12 Signs, respectively.

Pursuant to Section 27-548.54(e)(2)(D), Maximum Height Requirement, of the prior Zoning Ordinance, for properties in the M-I-O Zone, the applicant must show and comply with the requirements for height for properties located in Inner Horizontal Surface (150 feet) D-Right Runway at the time of building permit.

Conformance with the 2010 Prince George's County Landscape Manual

This development, in the I-1 Zone, will be subject to the requirements of the Landscape Manual. Specifically, the site is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section; 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements. Conformance with the applicable landscaping requirements will be determined at the time of permit review.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties that are zoned IE are required to provide a minimum of 10 percent of the gross tract area, which equals to approximately 1.15 acres for this property, to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of permit review.

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

* * * * *

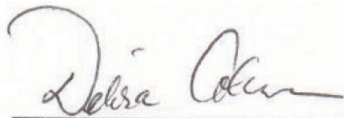
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, January 5, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of January 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AH:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel
Dated 1/23/23