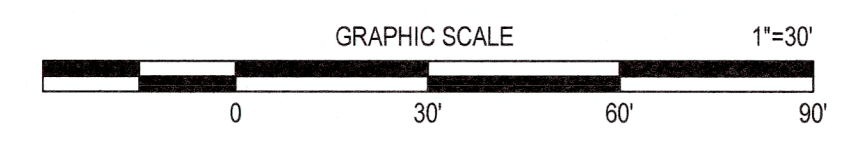


- GENERAL NOTES**
- Existing Parcels: Parcel 25, Parcel 214
 - Tax Map: 90, Grid: B3
 - 200-foot map reference (WSSC): 206 SE 07
 - Purpose of Subdivision: To develop a state of the art facility for the collection of recyclable materials & trash removal services.
 - Prior approvals: None
 - Site Area: Gross: 6.72 Ac, Net: 5.81 Ac
 - Acres in road dedication: 0.57 Ac
 - Acres of Environmental Regulated Features: 0.34 Ac (Area not included in road dedication)
 - Net developable area outside PMA: 5.24 Ac (Area not included in road dedication)
 - Acres of 100-year floodplain: 0.23 Ac (Area not included in road dedication)
 - Existing zoning: IE (Industrial, Employment)
 - Prior zoning: I-1 (Light Industrial)
 - Per sections 24-1900 and 27-1503(d) the applicant elects to have this application reviewed under the I-1 Subdivision Regulations and Zoning Ordinance prior to April 1, 2022.
 - Existing use: Industrial
 - Proposed Land Use: Parcel 1 - Collection of recyclable materials, Parcel 2 - Trash removal services
 - Breakdown of Proposed Dwelling Units: N/A
 - Density Calculation: N/A
 - Sustainable Growth Tier: 1
 - Andrews Interim Land Use Control: Yes
 - Center or Corridor location: No
 - Existing Gross Floor Area: 6,665 SF
 - Proposed Gross Floor Area: 55,000 SF Recycling & Trash Removal, 10,000 SF Service Bays with office, 7,500 SF Office, 72,500 SF Total GFA
 - Stormwater Management Concept number and approval date: 37177-2023 SDC, submitted for review on 2/28/2024.
 - Water/Sewer Category Designation Existing & Proposed: W-3/S-3
 - Aviation Policy Area: No
 - Mandatory Park Dedication Requirement: N/A
 - Cemeteries on or contiguous to the property: No
 - Historic Site on or in the vicinity of the property: No
 - Type One Conservation Plan: WCO-Exemption
 - Within Chesapeake Bay Critical Area: No
 - Wetlands: Yes
 - Streams: Yes
 - Soils by soil type and source of soil information: As indicated on NRI-030-2024, submitted for review on 2/27/2024
 - In or adjacent to an easement held by Maryland Environmental Trust, The Maryland Agricultural Land Preservation Foundation, or any land trust or organization: No

PPS-4-23043
PRELIMINARY PLAN OF SUBDIVISION
J.L.T. RECYCLING & TRUCKING

TAX MAP 90, PARCELS 25 & 214
SPAULDING DISTRICT No. 6
PRINCE GEORGE'S COUNTY, MARYLAND



OWNERS
Burton Lane Upper Marlboro MD LLC
12180 South 300 East
Draper, UT 84020

Shadow Real Estate LLC
2405 Turngate Court
Upper Marlboro, MD 20774

APPLICANT
Jerome L. Taylor Trucking Inc.
1421 Kenilworth Ave., NE Suite 201
Washington, DC 20016

| | | | |
|--|-------------|---|---------------|
| PROFESSIONAL CERTIFICATION | | STATE OF MARYLAND | |
| I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. | | MICHAEL A. NOVY, PE LICENSE NO. 17111 EXPIRATION DATE: 12/31/2025 | |
| DATE | DESCRIPTION | REVISIONS | BY |
| 3/1/2024 | PPS-4-23043 | | SAI |
| | | | GS |
| | | | MAN |
| | | | RECORDED NO. |
| | | | B23003244 |
| | | | DATE |
| | | | FEBRUARY 2024 |

LAW OFFICES
SHIPLEY & HORNE, P.A.

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Arthur J. Horne, Jr.*
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Bradley S. Farrar
L. Paul Jackson, II*
* Also admitted in the District of Columbia

February 29, 2024

VIA EMAIL DELIVERY

Ms. Sherri Conner
Prince George's County Planning Department
Development Review Division
1616 McCormick Drive
Largo, MD 20774

**RE: J.L.T. Recycling & Trucking – Preliminary Plan of Subdivision
(4-23043) & Certificate of Adequacy (ADQ-2023-074)
STATEMENT OF JUSTIFICATION**

Dear Ms. Conner:

On behalf of our client, Jerome L. Taylor Trucking, Inc. (the "Applicant"), Shipley and Horne, P.A., hereby submit this Statement of Justification in support of a proposed Preliminary Plan of Subdivision (the "PPS") 4-23043 & Certificate of Adequacy ADQ-2023-074 (the "ADQ") application. This PPS application is submitted in support of the proposed industrial uses which includes a facility for the collection of recyclable materials with accessory office space and a separate facility for the maintenance, dispatch, and storage of trash removal service vehicles (known as a "trash removal service use").

This PPS and ADQ represent an infill development project on land with improvements for industrial uses, including the storage of vehicles. All existing structures will be razed with this development proposal. The site contains two parcels and approximately 6.72 acres of land (the "Property"). The Property has an address of 8469 and 8485 Burton Lane, Upper Marlboro, MD 20772. It is generally located approximately 700 feet west of the intersection of Burton Lane and Old Marlboro Pike. This application is submitted according to the requirements Section 24-1903 of the Prince George's County Subdivision Regulations. This section allows the application to be reviewed pursuant to the prior Zoning Ordinance as described herein. As such, the Applicant is requesting the Planning Board's approval of a PPS to permit an approximate 55,000 square foot facility for the collection of recyclable materials with 7,500 square feet of accessory office space on one parcel and a trash removal service use with an approximate 10,000 square foot facility for the maintenance, dispatch, and storage of trash removal service vehicles on a second parcel. Both parcels will be able to operate independently of one another with separate entrances and parking for their respective uses.

I. Election to Utilize the Prior Zoning Ordinance (Section 24-1900)

On April 1, 2022, the approved Countywide Sectional Map Amendment ("CMA") and the updated Prince George's County Zoning Ordinance ("New Zoning Ordinance") became effective and rezoned the Property to the newly created IE (Industrial, Employment) and MIO (Military Installation

Overlay) Zones. Notwithstanding, the Applicant elects to utilize the provisions of the prior Zoning Ordinance pursuant to Section 24-1903 and Section 24-1904, which states in the pertinent part:

Section 24-1903. Applicability –

- (a) ***Development proposals or permit applications may utilize the prior Zoning Ordinance (with the exception of the LCD, LMXC, and LMUTC Zones) or Subdivision Regulations for development of the subject property.***

Response: The Applicant notes that the subject Property is not within the LCD, LMXC, or LMUTC zones. Therefore, the Applicant elects to develop the Property in accordance with the prior Subdivision Regulations as permitted.

- (b) ***Once approved, development applications that utilize the prior Subdivision Regulations shall be considered “grandfathered” and subject to the provisions set forth in Section 24-1704 of this Subtitle.***

Response: The Applicant acknowledges this statement.

Section 24-1904. Procedures –

- (b) ***The Applicant shall provide a statement of justification which shall explain why the applicant has elected not to develop a specific property pursuant to the provisions of the Subdivision Regulations.***

Response: The Applicant has elected not to develop the Property in accordance with the Subdivision Regulations given the time investment of preparing development plans, which demonstrate that the site is in conformance with the prior Subdivision Regulations and the provisions of the former I-1 (Light Industrial) and M-I-O (Military Installation Overlay) Zones. Moreover, the Applicant believes that development of the desired industrial uses can be most efficiently developed by utilizing the provisions of the prior Subdivision Regulations and Zoning Ordinance.

II. Property Description:

The Property, as more specifically identified in **Exhibit 1** below, is currently improved with industrial uses, which includes a contractor’s office with outdoor storage and an auto towing station. There are no streams, wetlands or significant forested areas on the Property. However, the northwest corner of the Property is within the 100-year floodplain, which reduces the net lot area of the site from 6.72 acres to 6.28 acres. An NRI (NRI-030-20234) and Woodland Conservation Exemption Letter are in review for the Property and are included herein. A conceptual stormwater management concept (SWM) plan has been submitted to the Prince George’s County Department of Permitting, Inspections, and Enforcement, DPIE (37177-20239SDC) for review and it is acknowledged that it

will need to be approved prior to approval of this PPS. There are no known historic, or land trust easements impacting the Property. The subject Property is not specifically identified for preservation within the boundaries of the *Approved Countywide Green Infrastructure Plan* and does not contain any regulated areas, evaluation areas, or network gaps. The *2010 Water and Sewer Plan* places this site in Water and Sewer Category 3 and within Tier 1 under the Sustainable Growth Act. The existing development on the Property is served by public water and sewer systems.



Exhibit 1 – Location of the subject Property (not to scale)

III. Location and Surrounding Land Uses:

The subject Property, whose zoning IE/MIO (Former I-1/M-I-O), is shown below in Exhibits 2 and 3 consists of two parcels that are approximately 6.72 acres. The Property is located approximately 700 feet west of the intersection of Burton Lane and Old Marlboro Pike. More specifically, the subject Property is known as 8469 & 8485 Burton Lane, Upper Marlboro, MD 20772, within Tax Map 90, Grid B-3.

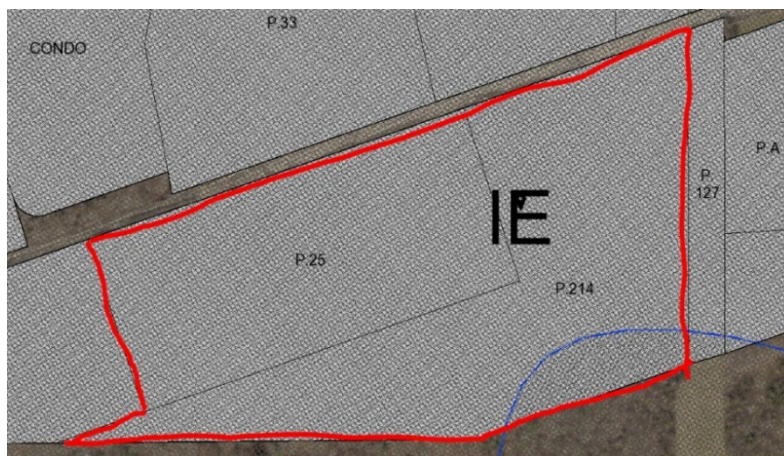


Exhibit 2 – Current Zoning of the subject Property (not to scale)

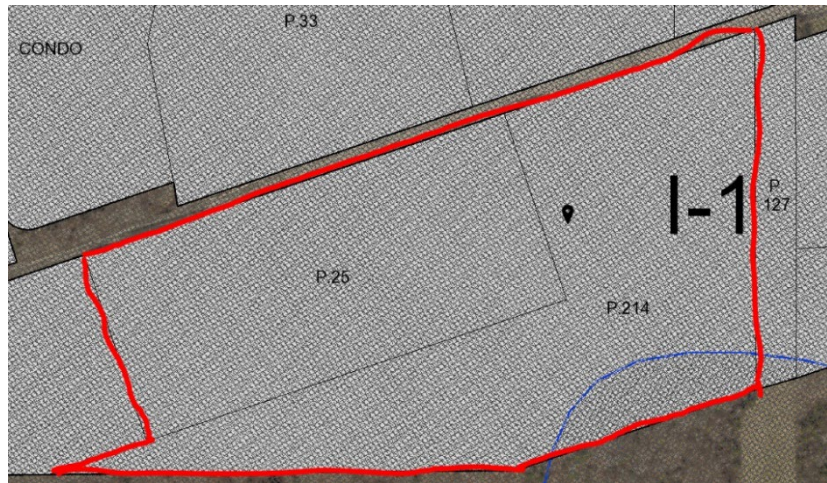


Exhibit 3 – Prior Zoning of the subject Property (not to scale)

North: North of the Property is Burton Lane, a public roadway and various industrial uses beyond in the current IE/MIO (former I-1 and M-I-O) Zones.

South South of the Property is US 337 (Suitland Parkway), a public freeway and Joint Base Andrews beyond in the current IE/MIO (former I-1 and M-I-O) Zones.

East: East of the Property is vacant land owned by the United States of America with industrial uses beyond in the current IE/MIO (former I-1 and M-I-O) Zones.

West: To the west is Property is industrial land in the current IE/MIO (former I-1 and M-I-O) Zones.

IV. Proposed Development & Approval History

The purpose of this PPS is to demonstrate that the subject Property can adequately serve the proposed development, which includes an approximate 55,000 square foot facility for the collection of recyclable materials with 7,500 square feet of accessory office space on one parcel and an approximate 10,000 square foot facility for the maintenance, dispatch, and storage of trash removal service vehicles on a second parcel. Access to the Property is provided from Burton Lane, via two proposed access points, one on each parcel. Burton Lane is conveniently located adjacent to several major freeways including US 337, MD 4, and Interstate I-95/I-495. The subject Property has no prior development application approval history. The existing contractor's office with outdoor storage at 8469 Burton Lane, was approved via permit 1905-1992-CGU-02 & Alternative Compliance AC-92042. The existing auto towing station at 8485 Burton Lane was approved via permit 27097-20023-U. Both permits were approved with no conditions. As mentioned previously, all existing structures will be razed with this development proposal. A summary of the proposed development is provided below.

A. Development Data Summary:

| | Existing | Proposed |
|----------------------------|--|--|
| Current Zone | IE/MIO | IE/MIO |
| Prior Zone | I-1/M-I-O | I-1/M-I-O |
| Use(s) | Contractor's Office with Outdoor Storage & Auto Towing Station | Facility for the Collection of Recyclable Materials with Accessory Office and Trash Removal Service (with a Facility for the Maintenance, Dispatch, and Storage of Trash Removal Service Vehicles) |
| Acreage (acres): | 6.72 | 6.72 |
| Floodplain (acres): | 0.44 | 0.44 |
| Net Lot (acres): | 6.28 | 6.28 |
| Parcel(s) | 2 | 2 |
| Gross Floor Area (sq. ft.) | 0 | 72,500 |

V. Relationship to County Plans and Policies:

Plan Prince George's 2035 (the "2035 General Plan") –

This PPS application requests the approval of industrial uses on two parcels. The parcels are currently zoned IE/MIO and formerly zoned I-1/M-I-O. According to the approved 2035 General plan, the subject Property is designated for employment/industrial future land uses and is within the "Established Communities" growth tier, as shown on the Growth Policy Map.

The proposed PPS application fulfills the goal of the "Established Communities" Growth tier as it provides context-sensitive infill nonresidential development. As previously noted, the subject Property is within an industrial zone and this application proposes two industrial land uses that are permitted in both the current and prior zoning. The provided development will also support the economic development of Burton Lane with infill industrial development that is consistent with the future land use of the site and surrounding properties. This economic development is further supported by Economic Prosperity Policy 6, which states that the 2035 General Plan aims to promote entrepreneurship, small business development, and innovation. Prior to the approval of the 2035 General Plan, the subject Property was classified within the "developing" growth tier within the 2002

General Plan.

2013 Subregion 6 Master Plan and Sectional Map Amendment (the “Master Plan”) –

On July 24, 2013, the Prince George’s County District Council adopted the Resolution of Approval for the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*. The Master Plan presents several engagement areas with policies and strategies to consider. These engagement areas consist of the following categories:

- | | |
|------------------------------------|--|
| - Development Pattern and Land Use | - Economic Development |
| - Environment | - Historic and Cultural Resources |
| - Transportation Systems | - Living Areas and Community Character |
| - Public Facilities | |

Development Pattern and Land Use

The Future Land Use Map designates the subject Property with an industrial future land use, which is consistent with the uses proposed with this PPS application. The subject Property is classified within the developing tier of the 2002 General Plan, when the Master Plan was approved. This proposed PPS application supports the two relevant listed policies on page 58 of the Master Plan as provided below, ***highlighted in italic bold***:

Developing Tier

Policy 1: Promote a development pattern that allocates appropriate amounts of land for residential, commercial, employment, industrial, and institutional land uses in accordance with county development goals by considering local and regional needs, the integration of land uses wherever possible, and the impact of development proposals on the economy, environment, equity, and efficiency.

Strategy 3: Appropriately expand and enhance employment areas by expanding industrial land use designation around JBA and designating mixed land use for appropriate areas in the Town of Upper Marlboro and at the gateway to the town on US 301.

Policy 2: Support redevelopment and infill development in existing and planned development areas rather than “green field” development that takes up natural resource lands.

RESPONSE: The proposed development is consistent and compatible with the aforementioned policies as it represents an opportunity to enhance the industrial employment areas around Joint Base Andrews (JBA). The proposed PPS supports the redevelopment of an infill industrial site, with architectural and landscape enhancements of the subject Property along Burton Lane. The Property will maintain its industrial use designation as envisioned by the Future Land Use Map and as an infill site, will be able to reduce environmental impacts on the surrounding area. The subject Property was zoned for industrial development in both the prior and current Zoning Ordinance, along with the surrounding adjacent properties. Therefore, this proposal keeps with the industrial nature of the neighborhood.

Environment

Within the Master Plan, the Environment section contains policies and strategies. Relevant master plan policies and strategies are provided below, *highlighted in italic bold*:

Green Infrastructure

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.

Strategies:

- 1. Protect priority areas that will meet multiple protection objectives such as those related to green infrastructure, the priority preservation area, and the Patuxent River Rural Legacy Program.***
 - Update and centralize geographic information from county, state, and other agencies to allow for an efficient, initial evaluation of potential protection measures as they relate to land development proposals and potential sites for acquisition with public funds for conservation easements or passive recreation.***
- 2. Protect primary corridors (Patuxent River, Charles Branch, Collington Branch, Piscataway Creek, Mattawoman Creek, and Swanson Creek) during the review of land development proposals 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, habitat, and important connections.***
- 3. Preserve and connect habitat areas to the fullest extent possible***

- during the land development process.*
4. *Preserve or restore regulated areas designated in the green infrastructure network through the development review process for new land development proposals.*
 5. *Protect portions of the green infrastructure network outside the primary and secondary corridors to restore and enhance environmental features, habitat, and important connections.*
 6. *Evaluate land development proposals in the vicinity of SCAs to ensure that SCAs are not negatively impacted and that green infrastructure connections are either maintained or restored.*
 7. *Preserve and enhance, where possible, grassland habitats that are of critical importance to native and migratory bird species.*

RESPONSE: The subject Property is located within the Henson Creek watershed, which is not designated as a primary or secondary corridor by the Master Plan. Henson Creek flows east to west towards the Potomac River. As a portion of Henson creek lies within the subject Property, the Applicant will pursue measures to ensure its protection. These include adequate on-site stormwater management facilities to protect the water quality of the creek and the preservation of tree canopy buffer around the bank. Development on-site will generally be contained in portions of the site that were previously graded and are being utilized for similar industrial uses. Compliance with the 2010 *Prince George's County Landscape Manual* (the "Landscape Manual") and Tree Canopy Coverage Ordinance will be demonstrated at the time of detailed site plan (the "DSP") or permit.

Water Quality and Stormwater Management

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

Strategies:

1. *Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams and wetlands.*
2. *Develop an interjurisdictional development and management plan with Charles County for the protection of the Mattawoman watershed.*
3. *Require retrofitting of locations without stormwater management, or with poorly performing facilities, as they are identified during the development review process.*

4. *Define and identify operations and activities that create stormwater management “hot spots” to adjust development and enforcement as necessary for pollution prevention.*
5. *Require private developers to perform stream corridor assessments, where one has not already been conducted, when development along stream corridors without completed assessment is proposed. Use the outcome of these assessments to guide restoration requirements upon which development approval will be contingent.*
6. *Complete stream corridor assessments for all watersheds in the subregion in support of the countywide watershed restoration efforts.*
7. *Require environmentally-sensitive site design which includes limiting impervious surfaces and implementing best practices in on-site stormwater management to reduce the impact of development on important water resources.*
8. *Update the county road code and parking standards to reduce impervious surface requirements, without compromising safety, in watersheds where development pressure is great and impervious surface coverage is, or is projected to reach, more than ten percent of the watershed (e.g. Western Branch, Mattawoman, etc.).*
9. *Evaluate current right-of-way requirements and opportunities for bioretention and on-site stormwater management in watersheds with ten percent or greater impervious surface.*

RESPONSE: As previously mentioned, the subject Property is within the Henson Creek watershed and a portion of the creek is on-site. To ensure the protection of the Henson Creek, the Applicant will seek to preserve the existing woodlands nearest the stream, maintain the riparian buffer and tree canopy coverage. The Applicant has also sought to avoid degradation of the stream through on-site stormwater management through a conceptual plan approved by DPIE. This stormwater management plan has been designed with best practices in mind and is environmentally sensitive to ensure the quality of the Henson Creek watershed is maintained and not degraded by the proposed development. Construction of the proposed on-site buildings has been designed to be located furthest from the stream, in portions of the Property previously graded via existing industrial uses. Tree canopy will be preserved along the existing bank of the stream and throughout the site where possible. Compliance with the Landscape Manual and Tree Canopy Coverage Ordinance will be demonstrated at DSP or permit.

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.

Strategies:

- 1. Promote agricultural and other resource industry practices which support environmental restoration such as conservation tillage, intercropping, and crop rotation, integrated pest management, etc., to contribute to healthier waterways and provide wildlife habitat.***
- 2. Centralize and disseminate information to landowners about best practices in land management, as well as financial and other program incentives available to do so.***
- 3. Educate homeowners about alternatives to conventional lawn care to reduce the runoff of nutrients to waterways, including the use of rain gardens to promote bioretention and provide backyard habitat.***
- 4. Require the application of conglomerate stream buffer, similar to the one that applies to the Patuxent PMA, in all areas of the subregion.***
- 5. Work with the Patuxent River Commission to implement the Patuxent River Policy Plan, a multi-agency effort to protect the river through land management and pollution control practices.***
- 6. Monitor the short- and long-term impact of climate change on the Patuxent River, including increased saltwater intrusion and potential impacts to aquifers and drinking water supplies.***
- 7. Require the use of low-nitrogen septic systems in the Rural Tier portion of the subregion within 1,000 feet of any stream or tributary.***
- 8. Investigate the status and number of monitoring wells in the county to determine if support for a greater number is required.***

RESPONSE: While the subject Property is not within the Rural Tier or a primary/secondary watershed corridor, the Applicant has designed the site to ensure that the water quality of Henson Creek is not degraded. As previously mentioned, the Applicant is preserving the existing woodlands nearest the stream, maintain the riparian buffer and tree canopy coverage. The Applicant has also sought to avoid degradation of the stream through on-site stormwater management through a conceptual plan approved by DPIE. This stormwater management plan has been designed with best

practices in mind and is environmentally sensitive to ensure the quality of the Henson Creek watershed is maintained and not degraded by the proposed development. Construction of the proposed on-site buildings has been designed to be located furthest from the stream, in portions of the Property previously graded via existing industrial uses.

Chesapeake Bay Critical Area

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

Strategies:

- 1. Ensure that the primary buffers and secondary buffers are protected and enforced to the fullest extent possible.***
- 2. Increase the enforcement activities as needed within the crucial area.***

RESPONSE: The Applicant notes that this policy does not apply to the subject Property as it is not within the Chesapeake Bay Critical Area. Nevertheless, the Applicant contends, as shown above, that the natural environmental features, demonstrated on the approved NRI, will be preserved with the proposed development.

Air Quality and Greenhouse Gas Emissions

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.

Strategies:

- 1. Design development and redevelopment projects to minimize the need for motor vehicle trips (see Development Pattern/Land Use and Living Area chapters).***
- 2. Provide pedestrian and bicycle facilities (see Transportation System chapter).***
- 3. Provide for extremely limited bus service to Marlton.***

RESPONSE: The Applicant notes that this policy does not apply to the subject Property as it is not located within an appropriate location or center to encourage compact, walkable development

patterns. However, adequate pedestrian facilities will be supplied as frontage improvements along Burton Lane if deemed necessary by the operating agency.

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.

Strategies:

- 1. Engage citizens, businesses, and public agencies through educational outreach efforts to raise awareness on how they can address air quality and climate change at the subregion level.***
 - Maximize reductions in energy use and GHG emissions from government and institutional operations in the subregion.***
- 2. Encourage the use of clean and renewable energy sources such as biomass and solar and wind power.***

RESPONSE: The Applicant is proposing an industrial use that will utilize electric vehicle charger stations, bicycle racks, and pervious paver elements where practical in the design of the subject Property, which will be demonstrated at the time of DSP or building permit.

Green Building/Energy Efficiency

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

Strategies:

- 1. Support this subregion plan's policy of redevelopment and infill development in existing and planned development areas rather than "green field" development (See Development Pattern/Land Use chapter).***
- 2. Initiate a project that meets the full standards of the LEED-ND in the subregion. Consider this for a development or redevelopment project near Upper Marlboro (see Living Areas chapter).***

RESPONSE: The Applicant is proposing green design elements, primarily with the proposed material of the building roofs, which will reduce the heat island effect on the supporting parking lot

and impervious surfaces. Pervious paver design elements will also be utilized when practical and these design elements will be demonstrated at the time of DSP or permit.

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

Strategies:

- 1. Encourage the use of alternative and energy-saving lighting technologies for athletic fields, shopping centers, gas station, and car lots so that light intrusion on adjacent properties is minimized. Limit the amount of light output from these uses.***
- 2. Require the use of full cut-off optic light fixtures for all proposed uses to reduce sky glow.***

RESPONSE: The Applicant will provide a lighting plan at the time of detailed site plan or building permit as required by the prior M-I-O Zone within 27-548.56(c). This lighting plan will demonstrate that all proposed lighting fixtures will be full cut-off appliances to reduce sky glow.

Noise Intrusion

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

Strategies:

- 1. Evaluate development and redevelopment proposals using Phase I noise studies and noise models where noise levels exceed 65 dBA.***
- 2. Provide for adequate setbacks for development exposed to existing and proposed noise generators and roadways of arterial classification or greater.***
- 3. Provide for the use of approved attenuation measures when noise issues are identified.***
- 4. Continue to work with JBA to promote compatible land development in areas subject to aircraft noise and accident potential.***
- 5. Require development within Ldn 65 dBA and greater noise exposure areas to be properly protected from the transmission of noise through the use of appropriate site designs, the use of barriers***

that affect sound propagation, and/or the use of sound-absorbing materials in construction.

6. *Work with the State Highway Administration to ensure that as state roads such as MD 4 and US 301 are upgraded, appropriate noise reduction measures are incorporated into the roadway design.*

RESPONSE: The Applicant has designed the subject Property to ensure that all County noise standards are met. There are no residential properties or residential zoned properties within 1,000 feet of the subject Property. The proposed industrial uses are permitted within the prior I-1 and M-I-O Zones and are compatible with the future land use of the Master Plan. Given the surrounding neighborhood of industrially zoned properties and uses, this proposed development is ideal for the subject Property, given the noise restrictions with its proximity to JBA.

Transportation Systems

The subject Property has frontage along Burton Lane, which is a public road, maintained by Prince George's County. Burton Lane is not listed within the Master Plan as having any designated improvements, nor subsequent goals or policies. Burton Lane also does not have any proposed master planned pedestrian or bicycle trails and is exempt from BPIS based on the subject Property's Zoning (IE) by Section 24-4506(b)(3) of the current Zoning Ordinance. Nevertheless, the Applicant will provide frontage improvements along Burton Lane as required by the operating agency. Furthermore, as demonstrated in the provided Traffic Impact Analysis (TIA), the Applicant will provide funding to the PFFIP for the MD 4 & Westphalia Road/Old Marlboro Pike Interchange as an off-site improvement.

Public Facilities

The subject Property has existing public facilities, including utilities as the site has been previously developed. These public facilities will be examined by Park and Planning staff in ADQ-2023-074 as part of the certificate of adequacy application. An analysis of the relevant public facilities and their adequacy is provided within Section VI of this statement of justification.

Economic Development

Within the Master Plan, the Economic Development section contains policies and strategies. The relevant employment master plan policies and strategies are provided below, *highlighted in italic bold*:

Employment

Policy 1: *Intensify and grow economic development at strategic locations zoned for industrial and commercial uses to increase employment opportunities, income, and the tax base within Prince George's County and the*

subregion.

Strategies:

1. *Ensure that adequate amounts of land are available for economic development while avoiding over-zoning land as commercial that encourages sprawl and inhibits revitalization efforts.*
2. *Capitalize on employment growth at Joint Base Andrews and the Town of Upper Marlboro government employment center to promote compatible infill development that will attract an improved mix of private employment.*
3. *Work with business and property owners to take advantage of county, state, and other incentives; financing programs, grants, etc., to spur redevelopment.*
4. *Support redevelopment and revitalization of existing employment areas rather than greenfield development.*
5. *Encourage the consolidation of properties to promote the development of planned employment parks to attract major employers.*
6. *Investigate the appropriateness of creating minimum-size standards in industrially zoned areas to discourage the development of small, fragmented employment areas, particularly the conversion of single-family homes to industrial uses.*
7. *Promote public/private partnerships to encourage private development near government facilities.*
8. *Create incentives, including the funding and construction of critical roads, to promote the intensification of employment growth in these centers.*
9. *Study further development opportunities and strategies for redeveloping the industrial areas.*
10. *Study the Melwood commercial area to develop recommendations for the revitalization and potential new development. Consider future improvements to Dower House Road and compatibility with Joint Base Andrews Naval Air Facility Washington.*

RESPONSE: The subject PPS is a fantastic example of a project that meets this policy as it proposes the growth of a business from Washington D.C into Prince George’s County. The proposed business, the collection of recyclable materials and maintenance, dispatch, and storage of trash removal service vehicles are permitted uses in the prior industrially zoned I-1/M-I-O land. Given the proximity to JBA, this land must remain industrial, and this proposal pursues infill development, replacing an outdated contractor’s office with outdoor storage and auto towing station. The proposed PPS will aid in the revitalization of the Burton Lane neighborhood, with attractive site design and architectural elements that will be demonstrated at either DSP or permit.

Policy 2: *Attract a diversity of new jobs and employers to the subregion, retaining and supporting existing employers so that residents have employment options near their homes.*

Strategies:

1. *Plan for the installation of modern communications infrastructure throughout the key employment and industry clusters in the subregion.*
2. *Continue to support the attraction and retention of federal government installations at Joint Base Andrews, especially those which spin off and support businesses in the private sector.*
3. *Use public and private resources and partnerships to attract, support, and train employees in all employment sectors, but especially those that support BRAC needs.*
4. *Encourage the development of business incubators that can support other employment or community revitalization goals.*
5. *Implement incentive programs to attract new businesses that employ high-wage earners in Subregion 6.*
6. *Expand the county’s minority-owned businesses as part of the development of employment uses.*
7. *Reduce energy demand from employment activities by co-locating enterprises that can convert waste to energy, attracting employers committed to reducing energy usage in their operations, using local suppliers whenever possible.*
8. *Investigate opportunities for promoting green industries.*

RESPONSE: The subject PPS proposes the growth of a Washington D.C, family-run and minority-owned/certified business into Prince George’s County. The location of the Property puts the business in an advantageous position to utilize the transportation network of MD 4, Old Marlboro Pike, and I-95/I-495 to conveniently serve the site’s industrial uses. The collection of recyclable materials is extremely important as these materials can be utilized to repurpose in a manner that saves energy in comparison to the creation of a new product. Given the proximity to JBA and the industrially zoned Property, the Applicant believes that this proposal represents a positive change to the landscape of Burton Lane and the surrounding neighborhood. Approval of this proposal would support the infill redevelopment of two parcels with industrial land uses that are permitted within the prior I-1/M-I-O zoning.

Historic and Cultural Resources

The Applicant notes that the subject Property does not contain and is not adjacent to any historic or cultural resources identified for preservation by the Master Plan.

Living Areas and Community Character

The subject Property is classified within the developing tier of the 2002 General Plan, when the Master Plan was approved. This proposed PPS application supports the following listed policy and strategies on page 180 of the Master Plan as provided below, ***highlighted in italic bold:***

Suburban/Developing Tier Communities

Policy: ***Plan for compatible land uses and development around JBA.***

Strategy 1: ***Implement the recommendations in the JBA Joint Land Use Study.***

Strategy 2: ***Consider the Department of Defense’s Readiness for Environmental Protection Initiative to protect/preserve land west of Sherwood Forest Community Park.***

RESPONSE: The JBA Joint Land Use Study notes that the subject Property proposes an industrial land use that is compatible with the existing Zoning. The Property will maintain its industrial use designation with this redevelopment as envisioned by the Future Land Use Map and as an infill site, will be able to reduce environmental impacts on the surrounding area. The subject Property was zoned for industrial development in both the prior and current Zoning Ordinance, along with the surrounding adjacent properties. Therefore, this proposal keeps with the industrial nature of the neighborhood.

Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan (May 2017) –

The 2017 Prince George's County Resource Conservation Plan combined three plans, including an update to the Green Infrastructure Plan, the Agriculture Conservation Plan, and the Rural Character Conservation Plan. (2017 Resource Conservation Plan). The Resource Conservation Plan "supports the general vision and goal of Plan 2035, and specifically the environmental goal which urges that growth be directed "to the designated Downtowns, Regional Transit Districts, the Innovation Corridor, and Local Centers by providing general direction on where development should not occur in order to protect the precious remaining resources. According to the Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan, most of the site falls within the evaluation areas, with a portion within the regulation areas.

The Applicant demonstrates the environmental features on-site within NRI-030-2024, which is in review with the Environmental Planning Section of the Prince George's County Planning Department. The stormwater management concept plan (37177-20239SDC), when approved and which is currently in review with DPIE, will protect these natural features through a combination of traditional systems and environmental site design techniques to more than adequately treat the quality and quantity of stormwater runoff generated from the proposed development. The Applicant has designed the subject Property to ensure that Henson Creek and the associated watershed are protected via stormwater management and environmental preservation, including the maintenance of adequate tree canopy coverage.

Woodland and Wildlife Habitat Conservation Ordinance –

The US Fish & Wildlife Service's National Wetland Inventory map shows no wetlands mapped within the study area. However, Henson Creek runs through the northwestern portion of the subject Property, which places a section of the site in the 100-year-floodplain. The environmental features of the site are shown on the submitted NRI, NRI-030-2024, that is currently in review with the Environmental Planning Section of the Prince George's County Planning Department. The Property is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance but has an exemption application in review as the site has less than 10,000 square feet of woodland and is not subject to a previously approved TCP.

County's Ten-Year Water and Sewerage Plan –

The 2010 Water Resources Functional Master Plan amends the 2002 General Plan and provides growth guidance expressed as goals, policies, and strategies to address water quality impacts associated with land use in the County. The Plan references the Ten-year Water and Sewer Plan and addresses specifically: Drinking Water Supply, Water Treatment, and Stormwater Management. The subject Property is within water and sewer categories W-3 and S-3, with active water and sewer lines on-site that can be utilized for this redevelopment.

2009 Master Plan of Transportation –

The Applicant notes that there are no identified improvements pursuant to recommendations contained in this plan or the Master Plan that impact the proposed PPS. However, the Applicant is proposing off-site improvements to the MD4 & Westphalia Road/ Old Marlboro Pike interchange as required by the provided TIA analysis.

VI. Relationship to Requirements of the Subdivision Ordinance:

Section 24-121 Planning and design requirements

As described below, the proposed project satisfies each of the requirements which govern the Planning Board's approval of Preliminary Plan applications listed in Sections 24-121:

- (a) *The Planning Board shall require that proposed subdivisions conform to the following:*
- (1) *All lots shall be designed to be located wholly within the County and platted in conformance with all requirements of the Zoning Ordinance applicable to the subject property.*

RESPONSE: The proposed parcels and lots are wholly within the County and will be platted in accordance with all applicable requirements. The PPS meets the requirements of the prior Prince George's County Subdivision Regulations (Subtitle 24), Woodland Conservation Ordinance (Subtitle 25) and prior Zoning Ordinance (Subtitle 27).

- (2) *In cases where the proposed subdivision is situated in a portion of the Regional District not planned to be served by public water and/or sewerage facilities, proposed lots shall be designed to meet the minimum lot size requirements for individual systems, as contained in Subtitle 22 of this Code and in the Comprehensive Ten Year Water and Sewerage Plan.*

RESPONSE: The Applicant notes that this standard is not applicable as the entire subject Property will be served by public water and sewer systems.

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

RESPONSE: This PPS complies with the above standard, as no individual parcels within the project plan will have direct access to a planned roadway of arterial or higher classification.

- (4) *Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.*

RESPONSE: The Applicant notes this standard is not applicable as the Property will not contain any residential lots.

- (5) *The preliminary plan and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant plan recommendations no longer appropriate or the District Council has not imposed the recommended zoning.*

RESPONSE: This PPS conforms to the relevant recommendations of the Master Plan as described in Section V of this statement of justification.

- (6) *When indicated by a master plan or the General Plan or when requested by a public agency, land may be placed in reservation, pursuant to Division 7 of this Subtitle.*

RESPONSE: Neither the applicable 2035 General Plan nor the Master Plan calls for the reservation of any land. Additionally, no public agency has requested the reservation of any land within the boundaries of this PPS. The Applicant will dedicate portions of Burton Lane within the boundaries of the Property, if necessary, at time of final plat.

- (7) *Provision shall be made for the eventual ownership of outlots or residue parcels by incorporating them into platted lots or into adjacent parcels or by other means deemed acceptable by the Planning Board.*

RESPONSE: The Applicant notes this standard is not applicable as this PPS does not incorporate outlots within its design.

- (8) *Corner lots shall be rounded with a radius of not less than twenty (20) feet or provided with an equivalent truncation.*

RESPONSE: The Applicant notes this standard is not applicable as this PPS does not incorporate corner lots within its design.

- (9) *Walkways, with rights-of-way not less than ten (10) feet wide, shall be provided through all blocks over seven hundred fifty (750) feet long, when deemed necessary by the Planning Board.*

RESPONSE: The Applicant proposes two parcels for the development of three buildings for the collection of recyclable materials with accessory office and a separate trash removal service use with a facility for the maintenance, dispatch, and storage of trash removal service vehicles. These buildings will total approximately 59,000 square feet of gross floor area. As such, there are no blocks proposed within the subject Property.

- (10) *Generally, subdivisions shall be designed to avoid unnecessary and costly roads, utility extensions, grading, and energy consumption.*

RESPONSE: This PPS is designed in compliance with the above standards. No new roadways are proposed with this subdivision; however, the two proposed entrances have been designed in an efficient and compact manner to avoid unnecessary road sections, utility extensions, grading and/or energy consumption.

- (11) *Significant natural features which are impossible or difficult to reproduce, such as waterways, streams, hills, wooded lands, and specimen trees, should be preserved to the degree practicable.*

RESPONSE: Significant natural features within the Property are preserved to the maximum degree practicable. The proposed development respects all applicable environmental buffers and setbacks as required by applicable County and State requirements.

- (12) *Lot size averaging may be permitted for preliminary plans accepted prior to July 1, 2006 in accordance with the Zoning Ordinance when the Planning Board finds that:*

- (A) *The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.*
- (B) *The subdivision design provides for an adequate transition between the proposed sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.*
- (C) *The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of adjacent parcels.*

RESPONSE: The Applicant notes that this PPS is not subject to the above standard as this PPS

application is being filed after July 1, 2006.

(13) *Generally, lots, except at corners, should have access to only one (1) street.*

RESPONSE: The PPS is designed in compliance with the above standard as both parcels will only have access to Burton Lane.

(14) *If an entrance feature or gateway sign is proposed in a residential subdivision, it shall be identified on the preliminary plan on a separate Homeowners' Association parcel, or easement located on a homeowner's lot, and be designed in accordance with the standards in Section 27-624 of the Zoning Ordinance. A Homeowners' Association or other entity or person designated in a maintenance arrangement approved by the Department of Permitting, Inspections and Enforcement, shall be responsible for the maintenance of the entrance feature or gateway sign.*

RESPONSE: The Applicant notes that this PPS standard is not applicable as the Property will not contain any residential uses.

(15) *The Planning Board shall not approve a preliminary plan of subdivision until evidence is submitted that a stormwater management concept plan has been approved by the Department of Permitting, Inspections and Enforcement or the municipality having approval authority, unless the Planning Board finds that such approval will not affect the subdivision.*

RESPONSE: A Site Development Concept Plan has been submitted to DPIE for review and it is acknowledged that it will need to be approved prior to PPS approval.

(16) *Except as indicated in Section 24-132, the subdivision shall be designed and platted in accordance with the provisions for woodland conservation and tree preservation contained in Subtitle 25.*

RESPONSE: A NRI and Woodland Conservation Exemption Letter have been included with this PPS application in conformance with the requirements of Subtitle 25.

(17) *Historic resources should be preserved.*

and

(18) *Significant archeological sites identified in accordance with the Planning Board Guidelines for Archeological Review should be preserved in place, to the extent practicable and should be interpreted as appropriate."*

RESPONSE: The Applicant notes there are no historic resources or significant archeological sites within the limits of this PPS application.

(19) *Condominium townhouse dwelling units approved after September 1, 2012 shall conform to the lot standards of this Subtitle and Subtitle 27 for possible future conversion to fee simple lots.*

RESPONSE: The Applicant notes this standard is not applicable as the Property will not contain any residential lots.

Section 24-122 - Public Facilities Requirements:

- (a)** *When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.*
- (b)** *Land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans shall be reserved, dedicated, or otherwise provided for.*
- (c)** *Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.*

RESPONSE: The PPS shows and provides for all utility easements, and there are no proposed master plan roadways located within the vicinity of the Property. A Stormwater management concept plan was submitted to DPIE and is currently pending. The approval of this plan will ensure the development of the Property will not result in on-site or downstream flooding to the Henson Creek watershed.

Sec. 24-122.01. - Adequacy of public facilities.

- (a)** *The Planning Board may not approve a preliminary plan of subdivision if it finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" and "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.*

RESPONSE: This PPS was reviewed for conformance with this section and Section 24-123 of the Subdivision Regulations, 2009 Approved Countywide Master Plan of Transportation (MPOT), and the appropriate area master plan to ensure the adequacy of transportation facilities, including the

provision of planned roads, trails, bikeways, and pedestrian improvements.

The Applicant has submitted a TIA from Lenhart Traffic Consultants showing that the proposed subdivision fully meets the requirements for transportation adequacy with proposed PFFIP funding for the off-site improvement of the intersection of MD4 & Westphalia Road/Old Marlboro Pike. It is believed by the Applicant that adequate police and fire response times exist to serve the Property. The District VIII Westphalia police station exists approximately half a mile to the east along Presidential Parkway. In the event that either police or fire response times are deemed inadequate, the Applicant will comply with any mitigation requirements set forth in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

(b) *Water and sewerage.*

- (1) *The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.***

RESPONSE: The subject Property is within Water and Sewer Category Area 3 per the County Executive and District Council's approval of Amendments to the County's Ten-Year Water and Sewer Plan.

(c) *Police facilities.*

- (1) *Before any preliminary plat may be approved, the Planning Board shall find that:***
- (A) *The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or***
- (B) *An adequate police facility available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines"; or***
- (C) *That improvements participated in or funded by the subdivider, including participation in a specific Public Facilities Financing and Implementation Program as defined in Section 27-107.01(186.1), will***

alleviate any inadequacy as determined under the "Guidelines."

RESPONSE: The subject Property is located in Police District VIII Westphalia. The following response times were derived from the Prince George's Planning Department, Special Projects Section, and reflect the twelve-month rolling average for Police District VIII, rounded in accordance with CR-078-2005. The following reported response times are effective beginning December 2023, and are the most current times available at the time of the writing of this statement:

Average Minutes – Police District VIII Westphalia

Priority – 8 Minutes, 17 seconds

Non-Priority – 9 Minutes, 57 seconds

RESPONSE: The proposed subdivision meets the emergency and non-emergency response times required by the Subdivision Regulations. In accordance with Section 24-122.01(c)(1)(A) of the Subdivision Regulations, the population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure".

(d) Fire and rescue facilities.

(1) Before any preliminary plat may be approved, the Planning Board shall find that:

- (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or**
- (B) An adequate police facility available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines"; or**
- (C) That improvements participated in or funded by the subdivider, including participation in a specific Public Facilities Financing and Implementation Program as defined in Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."**

- (2) *Before any preliminary plat may be approved, if the location of the property proposed for subdivision is outside the appropriate service area of the Ten Year Water and Sewerage Plan or is in the Rural Tier, the Planning Board shall require the subdivider to provide water storage tanks, the availability of water tanker trucks, or other appropriate source of water for fire extinguishing purposes.*

RESPONSE: In accordance with Section 24-122.01(e)(E) of the prior Subdivision Regulations, the following statement is required to be submitted by the Fire Chief:

- (E) *A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.*

RESPONSE: The Applicant believes there are adequate fire and rescue facilities available to accommodate the proposed development within the required seven (7) minute travel time. Notwithstanding, if the proposed subdivision does not pass the required response time test for fire and rescue activities, the Applicant shall (prior to building construction) contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility; install and maintain automated external defibrillators (AEDs) in accordance with Code of Maryland Regulations (COMAR); and install and maintain hemorrhage kits next to fire extinguishers. The project will also be served by public water and will have adequate on-site fire hydrant coverage in addition to buildings which are designed in accordance with the latest building codes with respect to fire suppression requirements.

DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

Section 24-123. General requirements.

- (a) *The Planning Board shall require that preliminary plan conform to the following:*
- (1) *The rights-of-way of all highways, streets, and transit facilities shown on the General Plan, functional master plans, and area master plans shall be shown on the preliminary plan and, when reserved or dedicated, shown on the final plat.*
- (2) *All proposed streets shall be continuous and in alignment with existing or platted streets in adjoining subdivisions so as to create a street network that is functional and easily understandable. Generally, streets should cross other streets at right angles.*
- (3) *All internal subdivision streets shall be wholly within the County and shall not be designed to directly connect to an adjacent county unless the*

applicant has obtained the prior written approval of the District Council and the appropriate land use authority of the adjacent County.

- (A) An applicant must file a written request for said approval. The request shall be filed with the Clerk of the District Council. The District Council must either approve or disapprove said request within forty-five (45) days from the date of filing. Failure of the District Council to act within said forty-five (45) day period shall constitute an approval of the request. For purposes of this provision an internal subdivision street shall be deemed to be a public roadway having a right-of-way width of eighty (80) feet or less.*
- (B) After public hearing before the District Council, the Council shall not allow the proposed bi-county subdivision unless it finds that delivery of public safety services, utility services, and tax collection will be timely and adequate for the lots in Prince George's County.(4)All streets proposed for dedication to public use shall be designed to the standards of the County road ordinance and street standards for width and minimum curve radii or to the standards of municipalities having jurisdiction. Variations from these standards may be granted by the Planning Board upon the recommendation of the Department of Permitting, Inspections, and Enforcement or upon the recommendation of the municipality or other governmental authority having jurisdiction.*
- (4) All streets proposed for dedication to public use shall be designed to the standards of the County road ordinance and street standards for width and minimum curve radii or to the standards of municipalities having jurisdiction. Variations from these standards may be granted by the Planning Board upon the recommendation of the Department of Permitting, Inspections, and Enforcement or upon the recommendation of the municipality or other governmental authority having jurisdiction.*
- (5) Arterial highways shall have a minimum right-of-way width of one hundred and twenty (120) feet; collector streets, a minimum right-of-way width of eighty (80) feet; and parkways, such right-of-way width as may be designated by the Planning Board. The width of secondary subdivision streets shall be not less than fifty (50) feet and the width of primary subdivision streets not less than sixty (60) feet.*
- (6) Land for bike trails and pedestrian circulation systems shall be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the County Trails Plan, or*

where the property abuts an existing or dedicated trail, unless the Board finds that previously proposed trails are no longer warranted.

RESPONSE: This Application meets all the above design requirements, as appropriate/applicable, with the PFFIP funding of an on-site improvement at the intersection of MD 4 & Westphalia Road/Old Marlboro Pike. The appropriate alignment of Burton Lane is reflected on the proposed PPS, and all associated rights-of-way for said road will be dedicated at the time of final plat by the Applicant, as necessary.

Section 24-124. Adequate roads required.

- (a) *Before any preliminary plan may be approved, the Planning Board shall find that:*
- (1) *There will be adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, and/or such roads are incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1);*
 - (2) *The traffic generated by the proposed subdivision will be accommodated on major intersections and major roadways within the established study area such that they will be functioning below the minimum peak-hour service levels adopted by the Planning Board in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as may be amended from time to time (hereinafter the "study area" refers to major intersections and major roadways as defined in the "Guidelines"); or*
 - (3) *Roadway improvements or trip reduction programs fully funded by the subdivider or his heirs, successors, and assigns will alleviate the inadequacy as defined in the "Guidelines;" or*
 - (4) *Roadway improvements fully funded by the subdivider and the County and/or the State government which will alleviate any inadequacy as defined in the "Guidelines," and which will provide surplus capacity, may be eligible for the establishment of a Surplus Capacity Reimbursement Procedure, as defined in the "Guidelines," provided:*
 - (A) *The transportation facility improvements are identified in the Adopted County Capital Improvement Program or current State Consolidated Transportation Program, with an amount greater than*

- zero percent (0%) but less than one hundred percent (100%) of the total cost to complete the improvements, and/or are incorporated in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1); and*
- (B)** *The total cost estimates to complete the improvements have been approved by the Planning Board upon acceptance by the appropriate public agency; and*
 - (C)** *The necessary permits for construction of the transportation facility improvements have been issued by the appropriate public agency; and*
 - (D)** *The subdivider agrees to fund the difference between the total cost to complete the improvements and the amount allocated for the improvements by the County or State government in the Adopted CIP or current CTP; or*
- (5)** *Roadway improvements participated in by the subdivider will alleviate any inadequacy as defined by the "Guidelines." Such participation shall be limited to improvements defined in paragraph (4), above, and with sufficient surplus capacity to adequately accommodate the subdivider's proposed traffic impact. The amount and timing of the subdivider's participation shall be determined by the Planning Board as defined in the "Guidelines;" or*
- (6)** *Consideration of certain mitigating actions is appropriate as defined in the approved "Guidelines for Mitigation Actions," and as provided below:*
- (A)** *Projected traffic service in the study area, which shall be based on existing traffic, traffic generated by other approved development, and growth in through traffic as defined in the "Guidelines," is calculated to be greater than the acceptable level of service; and*
 - (B)** *The provisions for adequate roads, as described in Subparagraph (a)(1), above, are not met.*

 - (i)** *Where projected traffic service is calculated to be greater than or equal to twenty-five percent (25%) above, the acceptable peak-hour service level threshold as defined in the "Guidelines," the Planning Board may require that any physical improvement or trip reduction programs participated in, or funded by, the subdivider or his heirs, successors, and assigns shall fully abate the impact of all traffic generated by the proposed subdivision in the study area. Following the*

development of the proposed subdivision and implementation of the approved mitigation action, the total traffic service will be reduced to no higher than twenty-five percent (25%) above the acceptable peak-hour service level threshold as defined in the "Guidelines" (total traffic service shall be based on projected traffic and traffic generated by the proposed development); or

- (ii) *Where projected traffic service is calculated to be greater than but less than twenty-five percent (25%) above the acceptable peak-hour service level threshold as defined in the "Guidelines," the Planning Board may require that any physical improvements or trip reduction programs fully funded by the subdivider or his heirs, successors, and assigns shall fully abate the impact of one hundred and fifty percent (150%) of all traffic generated by the proposed subdivision in the study area. Following the development of the proposed subdivision and implementation of the mitigation action, the total traffic service within the study area will be reduced to no lower than the acceptable peak-hour service level threshold defined in the "Guidelines"; or*
- (C) *Where existing traffic service in the service area is at the acceptable peak-hour service level threshold or better, as defined in the "Guidelines," and if the total traffic service in the study area is no greater than ten percent (10%) above the acceptable peak-hour service level threshold as defined in the "Guidelines" and the proposed subdivision generates less than twenty-five (25) A.M. or P.M. peak-hour trips, the Planning Board may require that the subdivider or his heirs, successors, and assigns shall be responsible for the pro rata cost of the physical improvements necessary to alleviate the inadequacy as defined in the "Guidelines."*
- (D) *Planning Board action on a mitigation action may be appealed to the District Council by the applicant or by any party of record. The appeal shall be filed with the Clerk of the Council within thirty (30) days following notice of action on the mitigation proposal by the Planning Board to all parties of record. The Planning Board shall give notice of its action by sending a copy to each party of record by first-class mail, postage prepaid. The appeal shall be based upon the record as made before the Planning Board and shall set forth the reasons for the appeal. In deciding an appeal of a mitigation action, the Council shall exercise original jurisdiction. For any such appeal, the Council*

may, based on the record, approve, approve with conditions, remand, or deny the mitigation action; or

- (7) There is a proposal for such roads on a plan being considered by the United States Department of Transportation and/or Federal Highway Administration, and which is funded for construction within the next ten years. The Planning Board may condition the approval of the subdivision on a construction schedule that minimizes any inadequacy; or*
- (8) Roadway improvements or trip reduction programs participated in or funded by the subdivider will alleviate any inadequacy as defined by the "Guidelines," provided that the property is located within an area for which a road club was established prior to November 16, 1993, to provide for the participation by multiple developers in the funding and construction of road improvements based on the identified impact of the developments.*
- (b) The Surplus Capacity Reimbursement Procedure shall be adopted by the Planning Board by resolution, at a regularly scheduled public meeting. Any transportation facility improvements that qualify for a Surplus Capacity Reimbursement Procedure are eligible for pro rata share contributions from all subsequent subdividers which the Planning Board determines will need the available surplus capacity to meet the requirements of this Section. The pro rata share contributions shall be indexed to account for changes in the estimated cost to complete the roadway improvements, using a cost index acceptable to the appropriate public agency. Within fifteen (15) calendar days after adoption of a Surplus Capacity Reimbursement Procedure, the Planning Board or its designee shall transmit to the County its adopted resolution and findings as to the portion of the total Surplus Capacity Reimbursement improvements cost which qualifies for prorated share contributions. Copies of the Planning Board resolution and the minutes of the Planning Board hearing shall be available for public inspection. Once the Planning Board determines that surplus capacity created by the Surplus Capacity Reimbursement improvements does not exist, the improvements no longer qualify for pro rata share contributions from subsequent subdividers. The Planning Board shall then transmit to the County a resolution closing the Surplus Capacity Reimbursement.*

RESPONSE: In light of the results of the submitted TIA, this project will satisfy the requirements of Section 24-124 of the County Code and the approved Guidelines for the Analysis of the Traffic Impact of Development Proposals.

VII. Relationship to Requirements of the Zoning Ordinance:

RESPONSE: The subject PPS meets all the applicable requirements of the prior Zoning Ordinance as follows:

Section 27-469. – I-1 Zone (Light Industrial)

(a) Purposes:

(1) *The purposes of the I-1 Zone are:*

- (A) *To attract a variety of labor-intensive light industrial uses;***
- (B) *To apply site development standards which will result in an attractive, conventional light industrial environment;***
- (C) *To create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones; and***
- (D) *To provide for a land use mix which is designed to sustain a light industrial character.***

RESPONSE: The Property meets the purposes of the I-1 Zone that are defined above. The proposed 55,000 square foot facility for the collection of recyclable materials with 7,500 square feet of accessory office space on one parcel and a trash remove service use with an approximate 10,000 square foot facility for the maintenance, dispatch, and storage of trash removal service vehicles on a second parcel are permitted uses in the I-1 Zone. However, the trash removal service use is subject to the approval of a detailed site plan by the Planning Board. As described herein, these uses comply with the policies and strategies of the 2035 General Plan and the Master Plan, which both recommend the subject Property for an industrial/employment land use. These proposed uses will conform with the neighboring light industrial warehouse uses and maintain the character of the neighborhood. The Applicant will then further demonstrate compliance with the regulations of the I-1 Zone that result in an attractive, convention light industrial environment at the time of DSP or permit.

(b) *Landscaping, screening, and buffering of development in the I-1 Zone shall be provided in accordance with the provisions of the Landscape Manual. In addition, the following applies:*

- (1) *At least ten percent (10%) of the net lot area shall be maintained as green area.***
- (2) *Any landscaped strip adjacent to a public right-of-way required pursuant to the provisions of the Landscape Manual shall not be considered part of the required green area.***
- (3) *A vehicle towing station permitted in the I-1 Zone shall be screened by a wall or fence at least six (6) feet high, or by an evergreen screen, unless the***

adjoining property is used for a vehicle towing station or vehicle salvage yard.

RESPONSE: A significant portion of the Property will be maintained as green area and meet the minimum ten percent (10%) requirement. Confirmation of the actual percentage of green area will be made at time of DSP or permit. The subject application has also been designed to meet all other applicable requirements of the Landscape Manual and Tree Canopy Coverage Ordinance.

(c) Outdoor Storage.

(1) Outdoor Storage shall not be visible from a street.

RESPONSE: The Applicant notes that a portion of the rear of the Property is proposed to be used for truck vehicle storage in designated parking spaces. These spaces will be screened by the proposed buildings, screen fencing, and/or perimeter landscaping so as not to be visible from Burton Lane. Confirmation of the required screening of any outdoor storage areas will be made at the time of DSP or permit.

(d) Uses.

(1) The uses allowed in the I-1 Zone are as provided for in the Table of Uses (Division 3 of this Part).

RESPONSE: The proposed collection of recyclable material and accessory office uses are permitted by right in the I-1 Zone. A trash removal service use is permitted in the I-1 Zone with the provision of a DSP that meets the criteria of Section 27-475.06 as defined in Section 27-473 of the prior Zoning Ordinance.

(e) Regulations

(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-1 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

RESPONSE: All proposed structures, parking/loading facilities, and signage will be designed in accordance with the above requirements. Conformance with these requirements will be determined at the time of DSP or permit.

Section 27-475.06. – Trash removal services.

(a) Trash removal services permitted in the Table of Uses in the I-1 Zone shall be

subject to the following:

(1) Requirements.

(A) *Trash collected by this business shall not be brought to or stored upon the property.*

RESPONSE: The Applicant acknowledges this requirement and has provided a note on the PPS stating that “trash collected by the business shall not be brought to or stored upon the property.”

(B) *The subject property shall be more than one thousand (1,000) feet from any land in a Residential Zone, or land that is used for residential purposes or proposed to be used for residential purposes on an approved Basic Plan, Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.*

RESPONSE: The Applicant acknowledges this requirement and notes that the subject Property is more than one thousand (1,000) feet from any land in a Residential Zone. Furthermore, the subject Property is more than one thousand (1,000) feet from land that is used for residential purposes or proposed to be used for residential purposes on an approved Basic Plan, Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.

(C) *The subject property shall not be adjacent to, or across an industrial right-of-way from, an office building consisting of at least ten thousand (10,000) square feet, and which is occupied by at least three (3) unrelated tenants.*

RESPONSE: The Applicant acknowledges this requirement and notes that the subject Property is not adjacent to, or across an industrial right-of-way from, an office building consisting of at least ten thousand (10,000) square feet, and which is occupied by at least three (3) unrelated tenants.

(2) Site Plan.

(A) *A Detailed Site Plan shall be approved for the use, in accordance with Part 3, Division 9, of this Subtitle, to insure compliance with the provisions of this Section.*

RESPONSE: The Applicant acknowledges this requirement and notes that a DSP shall be filed for approval of the trash removal service use, in accordance with Part 3, Division 9, of the prior Zoning Ordinance.

(B) *In addition to the requirements of Part 3, Division 9, the following requirements shall be complied with:*

- (i) *Driveways for ingress and egress shall be identified on the site plan, and shall be located so as not to endanger pedestrians or create traffic hazards;*

RESPONSE: The Applicant acknowledges this requirement and notes that the single driveway provided for ingress and egress shall be identified on the DSP. The location of this driveway will not endanger pedestrians or create traffic hazards.

- (ii) *The applicant shall identify measures that will be taken to control noxious and offensive odors;*

RESPONSE: The Applicant acknowledges this requirement and will provide notes on the DSP that identify the measures that will be taken to control noxious and offensive odors.

- (iii) *The Planning Board shall find that:*

- (aa) *The proposed hours of operation and anticipated traffic, odor, and noise levels will not be detrimental to the use of adjacent properties and in the general neighborhood; and*
- (bb) *The location of the proposed use is appropriate, given the nature of development and uses on adjoining properties and in the general neighborhood.*

RESPONSE: The Applicant acknowledges this requirement and will demonstrate to the Planning Board that the proposed findings are met at the time of DSP.

Part 10C. – Military Installation Overlay Zone.

Section 27-548.54. – Requirements for Height.

- (e) *The Planning Board shall verify certification of height using the formulae proscribed in this section as described below:*
 - (1) *Military Installation Overlay Zone height formulae are based upon the highest elevation of the subject property in relation to the elevation of the runways at Joint Base Andrews, which are 274 feet above sea level.*
 - (2) *The figures calculated through the measurements in this Section should add the difference in elevation between the runways at Joint Base Andrews and the highest elevation on the subject property; properties lower than 274 feet in elevation should add this difference in elevation; properties higher*

than 274 feet should subtract this difference in elevation to determine the maximum height:

(B) Surface B (Approach-Departure Clearance Surface): Structures shall not exceed a height (in feet) equivalent to the distance between Surface A and nearest boundary of the subject property, divided by 50.

RESPONSE: The Applicant acknowledges this height requirement based on the subject Property's location within Surface B of the prior M-I-O Zone. The engineer has demonstrated the height restriction as a note on the PPS. No building on-site exceeds the height restriction.

Section 27-548.56. – Requirements Part 10C.

(a) Prohibited Uses.

RESPONSE: The Applicant acknowledges the prohibited uses and notes that the proposed industrial uses are not listed within this section.

(b) Limited Permitted Uses.

RESPONSE: The Applicant acknowledges the limited permitted uses and notes that the proposed industrial uses are not listed within this section.

(c) Development applications within the Safety Zones shall include a lighting plan that demonstrates compliance with all of the following standards:

- (1) All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the site;*
- (2) All external lighting must be projected downward at an angle of no less than ten (10) degrees below horizontal;*
- (3) Buildings shall not use glass or other highly reflective materials on any surface angles above horizontal; and*
- (4) Structures three (3) stories or taller shall use non-reflective wall surfaces and windows.*

RESPONSE: The Applicant acknowledges this requirement and will provide a lighting plan at the time of detailing site plan or permit for the Subject Property.

VIII. Conclusion

This preliminary plan of subdivision application meets all requirements for approval set forth in the prior Subdivision Regulations as discussed herein. As such, the Applicant respectfully requests that the Planning Board approve preliminary plan 4-23043.

Thank you in advance for your consideration of this Application. If you have any questions or comments, please do not hesitate to contact the undersigned.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Robert J. Antonetti, Jr.", with a stylized flourish at the end.

Robert J. Antonetti, Jr.

Enclosures:

Cc: Mr. Jerome Taylor
Mr. Marc Shaener
Barry Caison, P.E.
Kevin Garvey, RLA
Michael Lenhart, P.E.

RJA/ats