

EXISTING PARCEL NUMBERS:	14-1666593 (DEED REFERENCE: 146688/00346)
	14-3081338 (DEED REFERENCE: 13741/00192)
2. TAX MAP & GRID:	36-B2
3. 200-FT MAP REFERENCE:	209ME10
4. PURPOSE OF SUBDIVISION:	COMBINE TWO PARCELS INTO ONE
5. PRIOR APPROVALS:	NRI-029-2022-01 (APPROVED 01/20/2023) SDCP-35607-2022 (APPROVED 03/23/2023)
6. TOTAL SITE ACREAGE:	3.34 AC (CS ZONE)
7. NET DEVELOPABLE AREA OUTSIDE OF PMA:	3.34 AC
8. ACREAGE OF ENVIRONMENTAL REGULATED FEATURES:	0.08 AC WOODLAND
9. ACREAGE OF 100-YEAR FLOODPLAIN:	0.00 AC
10. TOTAL AREA CALCULATION:	3.34 AC
11. ACREAGE OF ROAD DEDICATION:	0.00 AC
12. EXISTING ZONE:	CS (COMMERCIAL, SERVICE)
13. EXISTING USE:	VACANT, CELL TOWER
14. PROPOSED USE:	CONSOLIDATED STORAGE, CELL TOWER
15. MINIMUM LOT SIZE	
15.1. REQUIRED:	5,000 SF (0.11 AC)
15.2. PROPOSED:	145,490 SF (3.34 AC)
16. MINIMUM LOT WIDTH	
16.1. AT FRONT BUILDING LINE	
16.1.1. REQUIRED:	50 FT
16.1.2. PROPOSED:	445 FT
16.2. AT FRONT STREET:	
16.2.1. REQUIRED:	50 FT
16.2.2. PROPOSED:	460 FT
17. SUSTAINABLE GROWTH TIER:	1
18. MILITARY INSTALLATION ZONE:	NO
19. GROSS FLOOR AREA	
19.1. EXISTING:	0 SF
19.2. PROPOSED:	135,873 SF
20. STORMWATER MANAGEMENT CONCEPT	
20.1. SDCP NUMBER:	SDCP-35607-2022
20.2. APPROVAL DATE:	MARCH 23, 2023
21. WATER AND SEWER CATEGORY DESIGNATION:	
21.1. EXISTING:	W-3 AND S-3
21.2. PROPOSED:	W-3 AND S-3
22. METHOD OF SEWAGE DISPOSAL:	PUBLIC SEWER
23. AVIATION POLICY AREA:	THIS SITE IS NOT IN AN AVIATION POLICY AREA
24. MANDATORY PARK DEDICATION REQUIREMENT:	THIS SITE DOES NOT REQUIRE MANDATORY PARK DEDICATION
25. CEMETERIES ON OR CONTIGUOUS TO THE PROPERTY:	THERE ARE NO CEMETERIES ON THE PROPERTY
26. HISTORIC SITES ON PROPERTY:	THERE ARE NO HISTORIC SITES ON THE PROPERTY
27. TYPE ONE CONSERVATION PLAN:	YES, TCP1-016-96-04
28. WITHIN CHESAPEAKE BAY CRITICAL AREA:	THIS SITE IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA
29. WETLANDS:	THERE ARE NO WETLANDS ON SITE
30. STREAMS:	THERE ARE NO STREAMS ON SITE
31. SOILS:	RUSSETA-DOWNER-URBAN LAND COMPLEX (CdB) CHRISTEN-CHRISTIANA-URBAN LAND COMPLEX (RuB)
32. MARYLAND ENVIRONMENTAL TRUST EASEMENT:	NO
33. MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION EASEMENT:	NO
34. PRIOR APPROVALS:	DSP-95082-04 SPE-2022-002

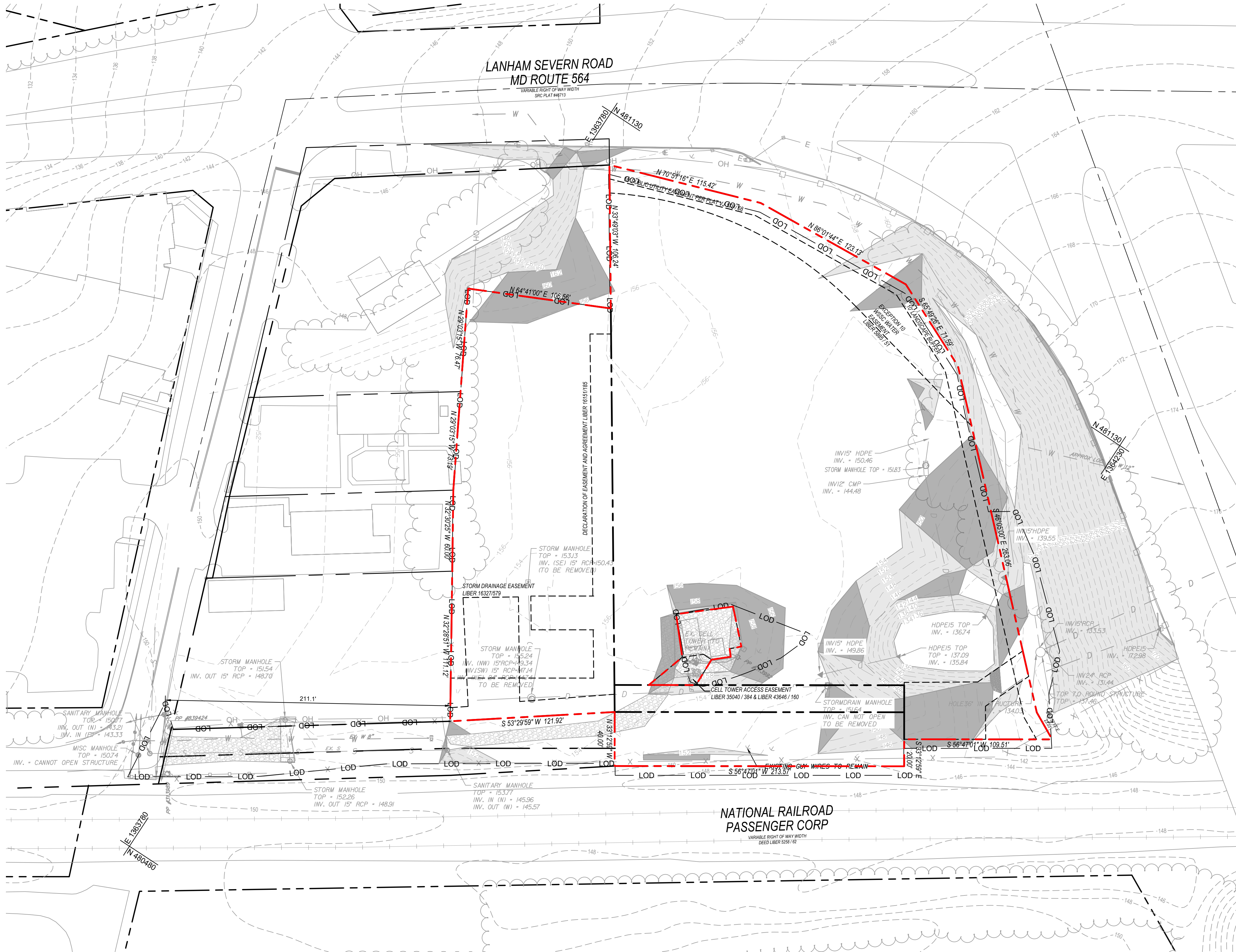
[illegible]

Plotted By: Scott, Derek. Sheet Set: Glenn Dale Self Storage. Layout: 2. EXISTING CONDITIONS PLAN. August 21, 2024. 02:44:49pm. K:\NEAL_OVA\114262000-glenn dale self storage\CAD\plansheets\WPPPCV2 - PPSV2 EXISTING CONDITIONS PLAN.dwg. This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

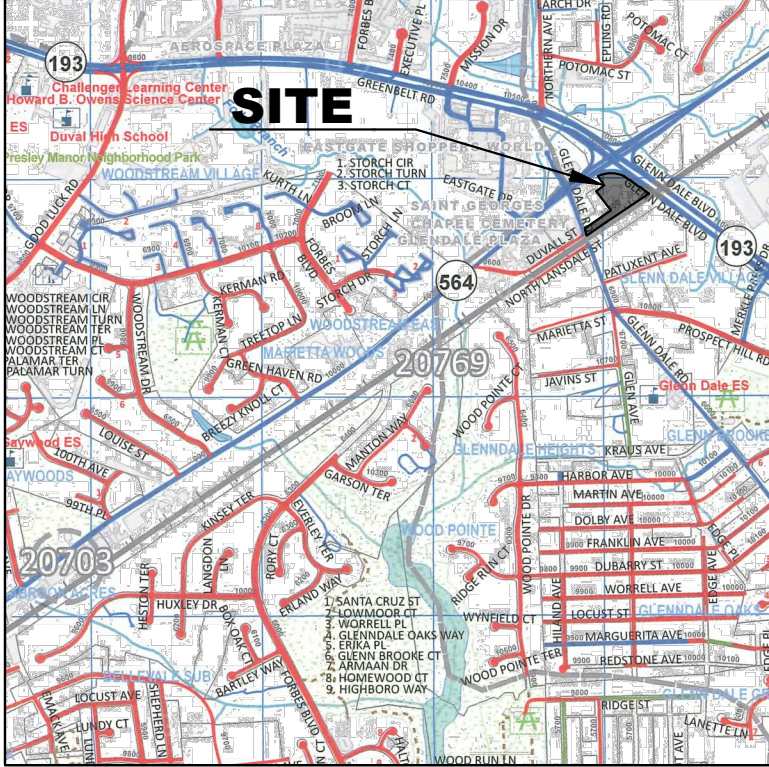
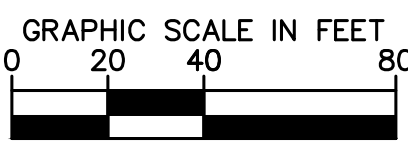
CALL 48 HOURS
BEFORE YOU DIG


IT'S THE LAW!
DIAL 811

Know what's
Call below.
before you dig.



EXISTING CONDITIONS PLAN
SCALE: 1" = 40'



VICINITY MAP
SCALE: 1" = 2000'

PRELIMINARY PLAN
OF SUBDIVISION


- | | |
|--|--------------------------------------|
| | PROPERTY LINE |
| | PRELIMINARY PLAN OF SUBDIVISION LINE |
| | ADJACENT PROPERTY LINE |
| | EASEMENT |
| | LIMITS OF DISTURBANCE |
| | FLOODPLAIN (FEMA - 2016) |
| | EX. MAJOR CONTOUR |
| | EX. MINOR CONTOUR |
| | EX. TREELINE |
| | SANITARY MANHOLE |
| | SANITARY SEWER PIPE |
| | STORM MANHOLE |
| | STORM PIPE |
| | WATER VALVE |
| | FIRE HYDRANT |
| | WATER PIPE |
| | GAS METER |
| | GAS LINE |
| | ELECTRIC LINE |
| | ELECTRIC POLE |
| | ELECTRIC METER |
| | ELECTRIC BOX |
| | GUY WIRE |
| | GUARDRAIL |
| | FENCE |
| | STEEP SLOPES (15%-25%) |
| | STEEP SLOPES (>25%) |

SURVEYORS CERTIFICATION


THIS IS TO CERTIFY THAT THIS PRELIMINARY PLAN OF SUBDIVISION AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MARYLAND MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS, ANNOTATED CODE OF MARYLAND (09.13.06.07) BOUNDARY SURVEYS. FIELD WORK WAS CONDUCTED ON MARCH 2, 2023.

I HEREBY CERTIFY THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS SURVEY.

KARINS AND ASSOCIATES

 08/21/2024

JOHN V. METTEE III DATE
PROFESSIONAL LAND SURVEYOR #10351
MY CURRENT LICENSE EXPIRES ON 04/04/2026



GLENN DALE SELF STORAGE PREPARED FOR ARCLAND	MARYLAND PRINCE GEORGES COUNTY	SHEET NUMBER 2	Kimley»Horn © 2024 KIMLEY-HORN AND ASSOCIATES, INC. 1801 PORTER ST, SUITE 401, BALTIMORE, MD 21230 PHONE: 443-743-3470 WWW.KIMLEY-HORN.COM	No.	REVISIONS	DATE	BY
PPS-2022-019 EXISTING CONDITIONS PLAN		KHA PROJECT 114262000	DATE 08/21/2024	SCALE AS SHOWN	DAS DESIGNED BY	DAS DRAWN BY	EAD CHECKED BY

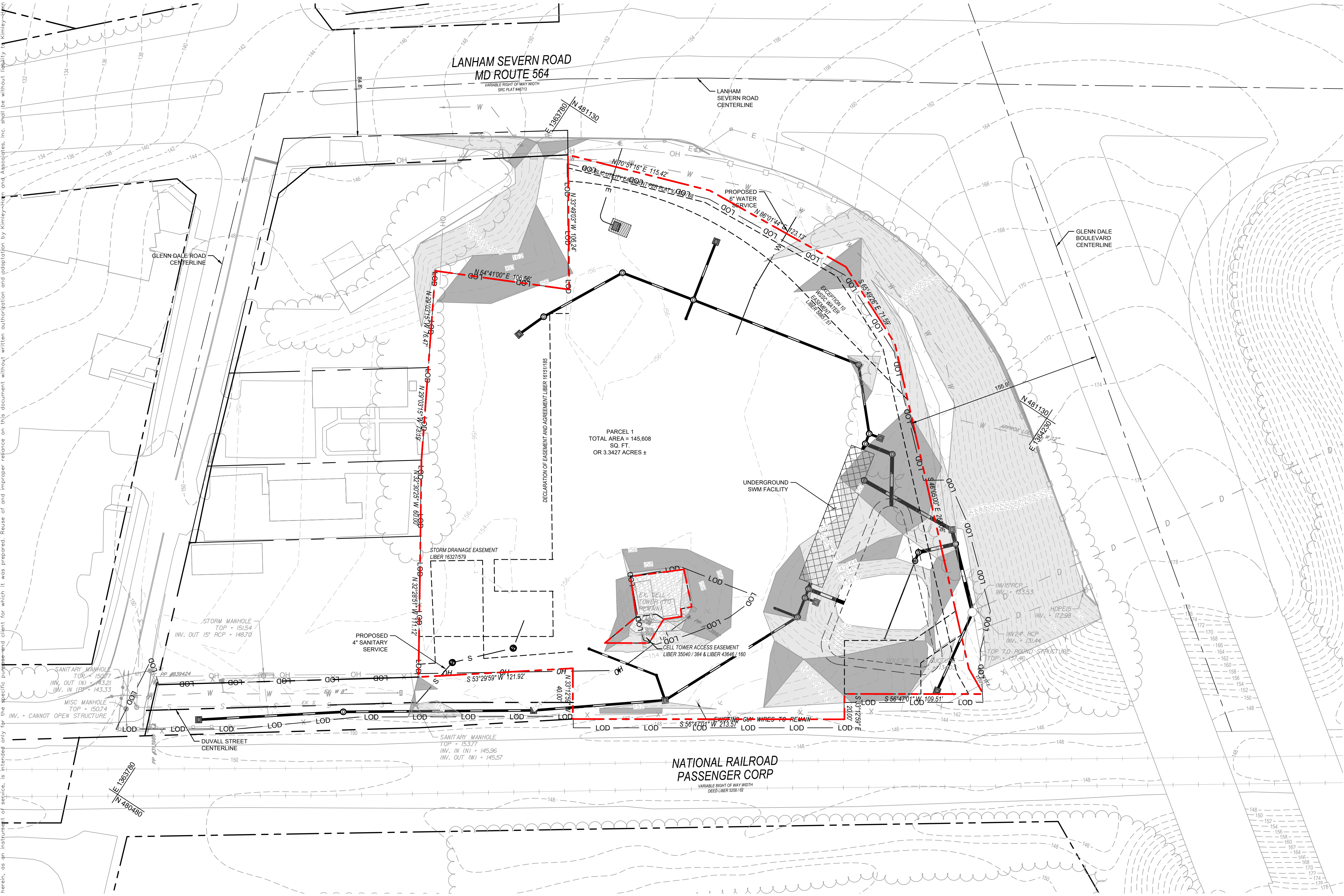
Plotted By: Scott, Derek. Sheet Set: Glenn Dale Self Storage. Layout: 3. PRELIMINARY PLAN OF SUBDIVISION. August 21, 2024. 02:45:04pm. K:\BAL_OVA\114262000-glenn dale self storage\CAD\plansheets\WPPPCV2 - PPSV2 PRELIMINARY PLAN OF SUBDIVISION.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on the document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

CALL 48 HOURS
BEFORE YOU DIG

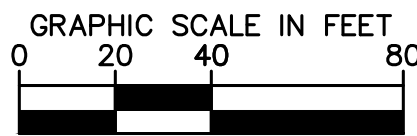
811

IT'S THE LAW!
DIAL 811

Know what's
below.
Call before you dig.



PRELIMINARY PLAN OF SUBDIVISION
SCALE: 1" = 40'



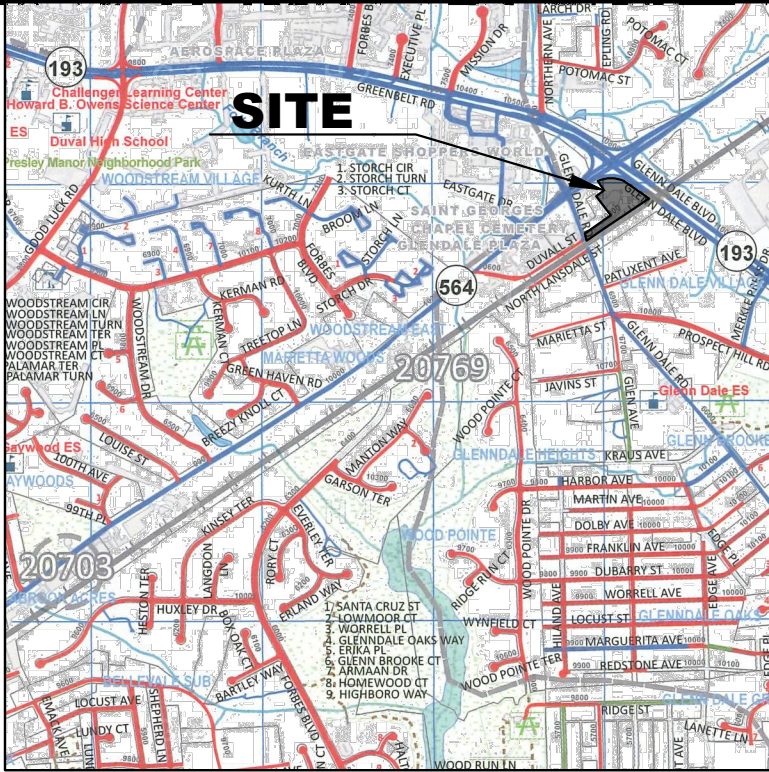
SURVEYORS CERTIFICATION

THIS IS TO CERTIFY THAT THIS PRELIMINARY PLAN OF SUBDIVISION AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MARYLAND MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS, ANNOTATED CODE OF MARYLAND (09.13.06.07) BOUNDARY SURVEYS. FIELD WORK WAS CONDUCTED ON MARCH 2, 2023.

I HEREBY CERTIFY THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS SURVEY.

KARINS AND ASSOCIATES

John V. Mettee III 08/21/2024
JOHN V. METTEE III DATE
PROFESSIONAL LAND SURVEYOR #10851
MY CURRENT LICENSE EXPIRES ON 04/04/2026



VICINITY MAP
SCALE: 1" = 2000'

**PRELIMINARY PLAN
OF SUBDIVISION**

- | | |
|-----|--------------------------------------|
| --- | PROPERTY LINE |
| --- | PRELIMINARY PLAN OF SUBDIVISION LINE |
| --- | ADJACENT PROPERTY LINE |
| --- | EASEMENT |
| --- | LIMITS OF DISTURBANCE |
| --- | FLOODPLAIN (FEMA - 2016) |
| --- | EX. MAJOR CONTOUR |
| --- | EX. MINOR CONTOUR |
| --- | EX. TREELINE |
| --- | SANITARY MANHOLE |
| --- | SANITARY SEWER PIPE |
| --- | STORM MANHOLE |
| --- | STORM PIPE |
| --- | WATER VALVE |
| --- | FIRE HYDRANT |
| --- | WATER PIPE |
| --- | GAS METER |
| --- | GAS LINE |
| --- | ELECTRIC LINE |
| --- | ELECTRIC POLE |
| --- | ELECTRIC METER |
| --- | ELECTRIC BOX |
| --- | GUY WIRE |
| --- | GUARDRAIL |
| --- | FENCE |
| --- | STEEP SLOPES (15%-25%) |
| --- | STEEP SLOPES (>25%) |

GLENN DALE SELF
STORAGE
PREPARED FOR
ARCLAND

PPS-2022-019
PRELIMINARY PLAN
OF SUBDIVISION

MARYLAND
PRINCE GEORGES COUNTY

KHA PROJECT
114262000
DATE
08/21/2024
SCALE AS SHOWN
DESIGNED BY DAS
DRAWN BY DAS
CHECKED BY EAD

Kimley»Horn

© 2024 KIMLEY-HORN AND ASSOCIATES, INC.
1801 PORTER ST, SUITE 401, BALTIMORE, MD 21230
PHONE: 443-743-3470
WWW.KIMLEY-HORN.COM

SHEET NUMBER
3

REVISIONS

DATE

BY

STATEMENT OF JUSTIFICATION

Glenn Dale Self Storage PPS-2022-019

APPLICANT: Arcland Property Company, LLC
1055 Thomas Jefferson Street, NW, Suite 250
Washington, District of Columbia 20007

OWNER: Dee Corporation
2191 Defense Highway, Suite 400
Crofton, Maryland 21114

William F. Chesley
2191 Defense Highway, Suite 400
Crofton, Maryland 21114

ATTORNEY/
CORRESPONDENT: McNamee Hosea, P.A.
Matthew C. Tedesco, Esq.
Dominique A. Lockhart, AICP
6404 Ivy Lane, Suite 820
Greenbelt, Maryland 20770
301-441-2420 (P)
301-982-9450 (F)
MTedesco@mhlawyers.com
DLockhart@mhlawyers.com

CIVIL ENGINEER: Kimley-Horn
Emily Dean, PE
3904 Boston Street, Suite 202
Baltimore, Maryland 21224
(443) 743-3470
Emily.Dean@kimley-horn.com

REQUEST: Pursuant to Section 24-3402(e) of the Subdivision Regulations, approval of a Preliminary Plan of Subdivision is requested to create one lot in order to accommodate the development of a 135,873 square foot consolidated storage facility in accordance with the CS Zone.

=====

I. DESCRIPTION OF PROPERTY

1. Address –10810 and 10812 Duvall Street, Glenn Dale, Maryland 20769.
2. Located in the south side of Glenn Dale Boulevard at its intersection with Lanham Severn Road.
3. Use – Consolidated Storage.
4. Incorporated Area – N/A.
5. Councilmanic District – 4.
6. Parcel – Parcel D, Part of Lot 2, portion of Duvall Street right-of-way.
7. Total Area – 3.34 Acres.
8. Tax Map – 36, Grid B2.
9. Zoned – CS Zone.
10. Owners – Dee Corporation (Parcel D) and William F. Chesley (Lot 2).
11. Zoning Map – 209NE10.

II. APPLICANT’S PROPOSAL

The applicant is proposing to create one lot and develop the subject property with a 135,873 square foot consolidated storage facility for property located at 10810 and 10812 Duvall Street (Parcel D and Lot 2) in Glenn Dale. The property is located in the southeast quadrant of the intersection of Lanham Severn Road and Glenn Dale Boulevard. As indicated above, the property is located in the CS Zone. This consolidated storage facility is subject to an approved special exception (to wit: SE-2022-002). Access to the site will be via Duvall Street. Regarding SE-2022-002, on October 5, 2023, after review of the technical staff report, the Prince George’s County Planning Board approved the transmittal of the recommendation of SE-2022-002 to the District Council. Thus, on October 9, 2023, SE-2022-002 was transmitted to the Zoning Hearing Examiner along with the Technical Staff’s recommendation, which constituted the Planning Board’s recommendation of approval.

On November 29, 2023, an evidentiary hearing was held by the Zoning Hearing Examiner on SE-2022-02. On January 18, 2024, the Zoning Hearing Examiner issued her Decision in SE-

2022-002, which recommended approval. No appeal was filed with the District Council, however, on February 12, 2024, the District Council elected to review and make the final decision in SE-2022-002. On April 8, 2024, the District Council conducted an oral argument hearing, and on April 30, 2024, the District Council adopted a motion to have staff prepare an order of approval. Subsequently, on June 3, 2024, the District Council adopted the prepared order of approval with conditions. The notice of final decision was mailed to Persons of Record on June 10, 2024. With the approval of the Special Exception, which is now beyond appeal, the use of a consolidated storage facility is permitted on the subject property. All applicable Part 27-6 and Part 27-4 standards at this stage have been met as detailed herein.

III. COMMUNITY

The Subject Property comprises two platted parcels of mostly undeveloped land, one of which has been subdivided by deed since its original platting in the late 1800s. A portion of the platted area of Duvall Street will have to be vacated as a part of this subdivision process. The applicant has filed a petition for vacation (VPT-2024-004) for this portion of the right-of-way as contemplated during the review of the special exception (SE-2022-002). This application is currently pending and ultimately will be included in the final plat associated with this PPS.

The Subject Property is surrounded by two roadways, a railroad, and the rears of several service commercial uses that front on Old Glenn Dale Road. The Property is currently occupied by a cellular telephone tower, which was erected circa 2000 when the Property was also cleared and graded. To the north of the Subject Property is Greenbelt Road (MD 193), which is a divided roadway with a wide right-of-way (Greenbelt Road becomes known as Glenn Dale Boulevard on the east side of its intersection with Lanham-Severn Road). A substantive wooded slope (75'-100' in depth, and 10'-35' in elevation difference) separates the travel lanes of Greenbelt Road from the grade of the Subject Property. The uses on the north side of Greenbelt Road fronting the Subject Property include a large pond (including the channel of Folly Branch), and a DPW&T maintenance yard. Greenbelt Road is classified by the Master Plan of Transportation as an Arterial Roadway (A-16).

To the northwest of the Subject Property is Lanham-Severn Road (MD 564), which is a two-lane Collector roadway (C-314) with a wider-than-standard right-of-way. The at-grade intersection of Greenbelt Road and Lanham-Severn Road abuts the northernmost point of the Subject Property. Across Lanham-Severn Road to the northwest is a Crown Gas Station in the CGO Zone (with its associated Convenience Store) and a Contractor's Yard in the CGO Zone. Further to the west, across the wooded floodplain and stream valley of Folly Branch is a Staybridge Suites Hotel in the CGO Zone, which is accessed from Eastgate Drive off of Lanham-Severn Road. Also accessible from Eastgate Drive is the Eastgate Centre Shopping Center in the CGO Zone, which also has access from Greenbelt Road.

Eastgate Centre is anchored by a Giant grocery store. It has pad sites along Greenbelt Road which include the Eastgate Liquors store, a KFC restaurant, a McDonalds restaurant, the Quickway

Japanese Hibachi restaurant, and a pediatric dental care office (in a former Chevy Chase bank trademark building). The list of in-line stores is long, and includes five restaurants, a furniture store, two tobacco/vape shops, four hair/nail/beauty stores, a cleaner, an optician, a physical therapy establishment, a dollar store, a bridal shop and a learning/tutoring establishment.

Beyond the Eastgate Centre along Greenbelt Road to the western edge of the neighborhood are two churches and three old single-family dwellings in an isolated pocket of RR-Zoned land. Beyond the Eastgate Centre to the west (and also across the wooded floodplain and stream valley of a tributary of Folly Branch) are attached single-family dwellings in the RSF-A Zone in the Woodstream development, the edge of which is approximately one-third of a mile distant. While the main access to this neighborhood is from Palamar Drive to the west, Woodstream Drive and Green Haven Road lead out to Lanham-Severn Road respectively one-half-mile and one-quarter mile southwest beyond the defined limit of the neighborhood.

The land uses to the southwest of the Subject Property are generally characterized as a cluster of service commercial and light industrial uses in the CGO and CS Zones which are situated between Lanham-Severn Road and the CSX Penn Line railroad. Along the northeast side of Old Glenn Dale Road, abutting the Subject Property are: a vacant former Gas Station and Vehicle Repair Facility; a Day Care Center for Children, the Glenn Dale (20769) Post Office, and the Contractor's Yard of Amerigal Construction, Inc., all in the CGO Zone. The southwest side of Old Glenn Dale Road is occupied by the St. George's Episcopal Church, its historic chapel and cemetery (which is County Historic Site 70-052-27), and its parking lot, also in the CGO Zone. Behind St. George's is a Contractor's Yard, fronting Duvall Street in the CS Zone (without any identifying signage, or a consistent pattern of signage on the trucks and equipment parked in the yard). The Glenn Dale Plaza business condominium in the CS and CGO zones runs between Duvall Street and Lanham Severn Road, and contains a use mix of three Churches, a mosque/Islamic center, an Animal Hospital, four Vehicle Repair Facilities, three Restaurants, and a Car Wash. The Glenn Dale Business Park, further to the southwest, has a similarly eclectic use mix of three Vehicle Repair Facilities, a printing shop, a hair stylist, a dance studio, and a recording studio. The Source Auto Group (used) Vehicle Sales Lot, Ali's Auto Clinic, the Contractor's Yard of American Paving and Striping, and a number of small Contractor's Yards in former dwellings along Lanham Severn Road complete the inventory of uses to the southwest.

The CSX Penn Line, characterized by high-speed (Acela) train service and bounded by iron fencing, runs along the southeastern edge of the Subject Property.

The subject property is located on the south side of Glenn Dale Boulevard at its intersection with Lanham Severn Road in Living Area 4 as designated in the 2010 *Approved Glenn-Seabrook-Lanham & Vicinity Master Plan and Sectional Map Amendment*. The property is surrounded by the following uses:

North: Glenn Dale Boulevard

South: Vehicle repair, day care center, Post Office, and construction contractor's

office in the CGO Zone.

East: Duvall Street and railway line.

West: Lanham Severn Road and a gas station in the CGO Zone.

IV. GENERAL CRITERIA FOR PPS APPROVAL

On November 29, 2021, the Prince George's County Council approved, as an act of the District Council, the Countywide Sectional Map Amendment ("CMA") in the form of CR-136-2021. The approval of the CMA was necessary to implement the new Zoning Ordinance, being Chapter 27, 2018 Laws of Prince George's County, adopted as CB-13-2018 Attachment A, and new Subdivision Regulations, adopted as CB-15-2018, on October 23, 2018. In other words, the new Zoning Ordinance provides for new zoning classifications throughout the County, so the CMA effectively rezoned the entire County. The new Subdivision Regulation (being Subtitle 24) replaced the prior Subdivision Regulations. The new zoning classifications, new Zoning Ordinance, and new Subdivision Regulations took effect on April 1, 2022, pursuant to CR-136-2021. As a result, the subject property was rezoned from the C-M (Commercial Miscellaneous) Zone to the CS (Commercial Service) Zone. The subject application is being reviewed pursuant to the CS zone. This application and the approved SE-2022-002 are utilizing the applicable Subdivision Regulations and Zoning Ordinance that took effect on April 1, 2022, and will be reviewed pursuant to the same. As noted above, SE-2022-02 is now beyond appeal, and the use of a consolidated storage facility is permitted on the subject property.

Section 24-3402. Minor and Major Subdivision, or Resubdivision.

(e) Major Subdivision.

(1) Preliminary Plan of Major Subdivision;

(D) Preliminary Plan of Major Subdivision Decision Standards

A preliminary plan of major subdivision may only be approved upon finding that it:

(i) Complies with all applicable standards of these Regulations;

COMMENT: As demonstrated by the documents and plans submitted in support of PPS-2022-019, all applicable standards in the Subdivision Regulations are met.

(ii) Establishes in its layout a good and strong relationship between lots, the street(s), and open space set-asides that is consistent with the purposes of these Regulations and Subtitle 27: Zoning Ordinance, of the County Code;

COMMENT: As provided and depicted on the PPS submitted herewith, the development provides a layout that establishes a good and strong relationship between lots, the streets, and open space set-asides that are consistent with the purposes of the Subdivision Regulations and Zoning Ordinance, as applicable.

(iii) Complies with all other applicable requirements in Subtitle 27: Zoning Ordinance;

COMMENT: PPS-2022-019 complies with the applicable requirements of the Zoning Ordinance, as discussed further in this Statement of Justification.

(iv) Conforms with the applicable Area Master Plan or Sector Plan, and current Functional Master Plans; and

COMMENT: The applicable area master plan is the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment*. The master plan recommends commercial land uses on the subject site. The associated SMA retained the C-M zone for a portion of the property (Parcel D, Block 2 of Glendale), while rezoning a portion from the C-O to the C-M zone (Part of Lot 2, Glendale A/106). Subsequently, the entirety of the subject site was reclassified from the C-M Zone to the CS Zone through the Countywide Sectional Map Amendment (CMA) effective on April 1, 2022. *See response supra*.

The applicant offers the following:

The interplay between planning and zoning has been analyzed many times by the State Appellate Courts. Indeed, Judge Harrell, writing for the Maryland State Supreme Court, in great detail, analyzed the same in the seminal case *Cty. Council of Prince George's County v. Zimmer Dev. Co.*, 444 Md. 490 (2015). Among other things, the State Supreme Court stated, “[a]rea master plans govern typically specific, smaller portions of a county and are usually more detailed than general plans overlapping the same area.” *Id.* at 522. Because plans are guides, and not law, “[p]roposals for land use contained in a plan constitute a **non-binding advisory recommendation**, unless a relevant ordinance or regulation, or specific zoning, subdivision, or other land use approval, make compliance with the plan recommendations mandatory.” *Id.* (Emphasis added). Although this section requires a PPS to conform with applicable area master plans and current functional master plans, it is important to note that zoning is intended to implement parts of the master plan. In other words, zoning and planning are separate development considerations that assess different aspects of a proposed development. Zoning is primarily concerned with what land is used for, and planning considers the overall development of communities. As a part of the planning process, subdivision regulations control how land can be divided. Because the subdivision process is separate from that of zoning, subdivision applications are focused on the subdivision regulations rather than zoning compliance. This is important to note during the review of this application because despite the Subdivision Regulations providing a bridge to the Zoning Ordinance, many of the Zoning Ordinance regulations cannot and should not be reviewed with a preliminary plan of subdivision. While the regulations of the Zoning Ordinance may most typically

be reviewed at time of Detailed Site Plan, the use proposed by the subject application is proceeding as permitted in the CS zone through special exception. *See response supra*. As described by Section 27-6104(d), “A special exception application is like a detailed site plan in the need for demonstrated compliance to the standards of this Subtitle. As such, special exceptions are reviewed for compliance with all Sections of this Part as may be applicable with regard to the application.” Further, pursuant to Section 27-3604(b)(2), “[a]ny development for which a special exception is approved in accordance with this Section is not required to have a site plan reviewed and approved in accordance with Section 27-3605, Detailed Site Plan, since a site plan for the proposed development is reviewed and approved as part of the special exception application.” As such, findings related to Section 27-6 are addressed in the Special Exception decision, and the review for conformance to the standards of Section 27 is treated with the Special Exception. Notwithstanding, details demonstrating the Preliminary Plan’s conformance to Section 27, as well as Section 24, are provided in this Statement of Justification and the attendant materials submitted herewith.

Further, and from the legal perspective that the subdivision process is separate from that of zoning, based on the CMA that rezoned the property to the CS Zone and the new Zoning Ordinance, which was enacted subsequent to the adoption of the applicable *Approved Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment*, a number of different uses (including commercial uses; office uses; institutional uses; industrial service uses; residential uses; etc.) are permitted on the subject property. In other words, the planning element associated with the future land use recommendation is implemented by the CS Zoning designation, regardless of the specific future land use recommendation.¹ Simply, zoning implements the planning recommendations and, in this context, the zoning of the property to the CS Zone satisfies the relevant future land use commercial recommendations and goals/policies/strategies of the Master Plan regarding the ultimate use of the property so long as that use is permitted in the zone. The proposed use is permitted (subject to SE-2022-002) since it is able to utilize the Zoning Ordinance Table of Uses (to wit: Section 27-5101(d)) that listed the proposed use as a special exception use in the CS Zone. As a special exception use in the CS Zone, and given this zone seeks to implement planning policies, this application furthers the land use recommendations and relevant goals/policies/strategies of the Master Plan. Therefore, this criterion is met by the zoning imposed and the uses allowed within the said zone.

Regardless, and notwithstanding, Section 24-4101(b)(3) of the County Code provides:

Should an Area Master Plan, Sector Plan, and/or Functional Master Plan affecting the subject property be in direct conflict with any provision of the County Zoning Ordinance that is applicable to said

¹ It is worth noting that “[i]n determining which uses should be designated as permitted or conditional in a given use district, a legislative body considers the variety of possible uses available, examines the impact of the uses upon the various purposes of the zoning ordinance, determines which uses are compatible with each other and can share reciprocal benefits, and decides which uses will provide for coordinated, adjusted, and harmonious development of the district.” *Schultz v. Pritts*, 291 Md. 1, 20–21 (1981).

property – such that the current comprehensive plan and requirements of the Ordinance cannot be reconciled, and/or the District Council has not imposed the respectively corresponding zoning proposal for the area of the subject property – **then the provisions of the County Zoning Ordinance shall supersede the recommendations set forth in any applicable Area Master Plan, Sector Plan, and/or Functional Master Plan for the subject property.**

(Emphasis added). Consequently, if there is a conflict between any plan recommendations and the Zoning Ordinance, the latter controls. From this perspective, and as referenced above, the proposed use, as a permitted use in the CS Zone vis-à-vis the approved special exception, ends the analysis since the Zoning Ordinance supersedes any contradictory plan recommendations.

Furthermore, and notwithstanding, if applicable or a conflict does not exist, the development conforms to other goals, policies, and strategies of the Master Plan. As identified in the Technical Staff Report and ZHE decision associated with the Special Exception (SE-2022-002) for the proposed development, the Sector Plan recommends:

“‘Retain and attract an appropriate range of neighborhood-serving commercial uses.’ (Page 194).”

“‘Support building and site design that is compatible with neighboring residential areas and establishes a unique identity for the Glenn Dale-Seabrook-Lanham area.’ (Page 197).”

“‘Provide adequate sidewalks, bus stops, and bicycle facilities in future commercial area site planning and design improvements.’ (Page 198).” (SE-2022-002 Technical Staff Report, page 8).

M-NCPPC’s Environmental Planning Section also discussed the conformance of the proposed use to the five areawide policies and strategies in the Natural Resources/Environment Element of the Sector Plan; and the applicant agrees with Staff’s analysis, and further notes that the Environmental and Noise Controls Standards of the new Zoning Ordinance actively implement a number of the Sector Plan’s recommendations.

None of the other Plan Elements contain goals, policies or strategies which are specifically applicable to the Subject Property

The Need Analysis included in the special exception approval also demonstrated that the development proposal will serve the neighborhood and surrounding area by supporting the currently unmet demand for this type of facility without oversupplying the area. In addition to quantitative demand, the report further stated that the median age and median household income within the trade area indicate a strong demand for self-storage. In addition to the consolidated storage space, the development will provide for approximately 1,540 square feet of community

meeting space as a public benefit. This community meeting space is provided by the applicant over and above the requirements for the use on the site.

PPS-2022-019 is also compatible with the neighborhood. Although the proposed use is industrial and not commercial, the ultimate building design and use as a consolidated storage facility is compatible with and does not detract from the surrounding businesses. The building will be constructed of masonry with metal paneling, and the building design incorporates parapets and decorative elements for interest, the effect of which will be to both reflect and elevate the existing architectural character of the neighborhood. The site is surrounded by road rights-of-way (MD 564 and MD 193), high-speed rail lines, and other commercial and light industrial businesses. The proposed 36-foot building constitutes context-sensitive infill compatible with the other low- to medium-density development in the vicinity. Additionally, the building will be located internal to the site at the bottom of steep slopes and buffered by both existing off-site vegetation within the right-of-way and by on-site landscape buffers provided in accordance with Landscape Manual requirements, thereby providing visual relief from streets, abutting businesses, and residential neighborhoods.

Bicycle, pedestrian, and transit facilities are proposed with the development. The application proposes to improve the Duvall Street right-of-way with a 5-foot ADA-compliant sidewalk along the northwestern side of Duvall Street, which will connect to the existing sidewalk on Old Glenn Dale Road. Pursuant to BPIS requirements, the development will also provide onsite facilities to serve the building and offsite facilities intended to improve the experience of pedestrians and transit users. Proposed improvements include the installation of two bus shelters on Lanham-Severn Road (MD 564) and removal and replacement of two pedestrian ramps to address ADA compliance on Glenn Dale Boulevard (MD 193).

There are no regulated natural features on the subject property, and the proposed development will be in conformance with the Woodland Wildlife Habitat Conservation Ordinance (“WCO”). No historic sites are on or abut the subject property, and buffers will adhere to standards of the Landscape Manual. As such, the approval of the subject application will not have an adverse impact on this Functional Master Plan.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject application. No proposed sites for Public Safety facilities are in the area affected by the subject application. Since the proposed consolidated storage project is in keeping with the General Plan’s broad land use policies for the Established Communities areas, is an approved special exception use in the CS Zone, and is generally in harmony with the applicable Functional Master Plans, approval of the subject application will be in harmony with the Ordinance’s purpose of implementing those plans, as applicable.

(v) Complies with all applicable requirements of the County Code of Ordinances.

COMMENT: PPS-2022-019 complies with all applicable requirements of the County Code.

V. SUBTITLE 24-4. SUBDIVISION REGULATIONS

SECTION 24-4100 – PLANNING AND DESIGN

24-4101. General Standards.

(a) Zoning Ordinance Standards

All preliminary plans of subdivision and final plats shall comply with all applicable standards in Subtitle 27: Zoning Ordinance, Part 6: Development Standards, of the County Code. All information and support materials needed to demonstrate compliance with this Section shall be provided by the subdivider.

COMMENT: As supported by the materials submitted in conjunction with this application, and as established with the approved SE-2022-002, PPS-2022-019 complies with the applicable requirements of Part 27-6 of the Zoning Ordinance. (*See supra* – the discussion regarding the differences between zoning and subdivision).

(b) Conform to Comprehensive Master Plan

- (1) Preliminary plans of subdivision (minor and major) and final plats shall be consistent with the General Plan and shall conform to all applicable Area Master Plans, Sector Plans, or Functional Master Plans, and as referenced in Sections 24-3402(d) and 24-3402(e) of this Subtitle.**

COMMENT: *See* generally the response above to Section 24-3402(e)(1)(D)(iv). Furthermore, the 2014 *Plan Prince George's 2035 Approved General Plan* (General Plan) classifies the subject site in its Growth Policy Map in the Established Communities category. “Established Communities” are described by the General Plan as “the County’s heart – its established neighborhoods, municipalities and unincorporated areas outside designated centers,” and recommends that, “[e]stablished communities are most appropriate for context-sensitive infill and low- to medium-density development” (General Plan at pages 106 and 20). The subject proposal is located in an area bounded primarily by master plan roads (MD 564 and MD 193) and rail lines, along with a small number of low- to medium-density commercial and industrial uses with which the proposal is compatible. The proposal is consistent with the General Plan. (*See response supra*).

Both the printed Generalized Future Land Use Map and the Generalized Future Land Use layer on the PGAtlas GIS site indicate commercial land use for the property. The property is located in the CS Zone. Although the proposed use is industrial and not commercial, and notwithstanding the discussion related to the interplay of land use and zoning in the response above, at the time the Countywide Map Amendment (CMA) was adopted, consolidated storage was permitted in the CS

Zone through special exception. Pursuant to the CS zoning, a special exception (SE-2022-002) was approved by the District Council on June 3, 2024. (*See response supra.*) Furthermore, Section 24-4101(b)(3) (below) addresses how to deal with any conflicts between Master/Sector Plans and the new Zoning Ordinance. In these instances, and notwithstanding the proposed subdivision has been found to be in general conformance with the applicable plan, if there remain any conflicts, the Zoning Ordinance controls. Thus, in this instance, and as provided herein, the proposed use is permitted in the CS Zone pursuant to the approval of Special Exception SE-2022-002.

- (2) Should a new Area Master Plan, Sector Plan, and/or Functional Master Plan be approved, affecting a property with an approved preliminary plan of subdivision (major or minor), but prior to approval of a final plat, the approved preliminary plan application shall control in the event of any conflict between the newly approved Area Master Plan, Sector Plan, and/or Functional Master Plan.**

COMMENT: Acknowledged.

- (3) Should an Area Master Plan, Sector Plan, and/or Functional Master Plan affecting the subject property be in direct conflict with any provision of the County Zoning Ordinance that is applicable to said property – such that the current comprehensive plan and requirements of the Ordinance cannot be reconciled, and/or the District Council has not imposed the respectively corresponding zoning proposal for the area of the subject property – then the provisions of the County Zoning Ordinance shall supersede the recommendations set forth in any applicable Area Master Plan, Sector Plan, and/or Functional Master Plan for the subject property. Notwithstanding any other requirement of this Subtitle, the Planning Board may approve a subdivision application that conforms with land use policy recommendations for centers in the current General Plan for the physical development of land in the County. In such cases, however, the Planning Board shall make specific findings as to the irreconcilable conflict(s).**

COMMENT: See response *supra*.

(c) Unsafe Land

- (1) The Planning Director or Planning Board, as appropriate, shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes or soils that are unstable either because they are highly erodible or prone to significant movement or deformation (Factor of Safety < 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.**

COMMENT: While the site soils include Christiana clay, it has been determined that there are no soil or slope issues with the proposed development. As noted in the memorandum from Tom Burke dated September 8, 2023, and included in the Backup to SE-2022-002, "The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), include Christiana-Downer Urban land complex and Russett-Christian-Urban land complex. Marlboro clay is not present onsite; however, Christiana clay is present. While steep slopes are present, the slopes are not considered critical slopes, and the building is located lower than the toe of the slope. A geotechnical report, including a slope stability analysis, was not included in the application package; however, the Commission's geotechnical planner reviewed the information and determined that there are no soil or slope issues with the development proposal." (SE-2022-002 Technical Staff Report Backup at page 73). Although the applicant agrees with this prior finding, it must be noted that a geotechnical study and report have been conducted for the site.

(2) All subdivisions shall conform to the following:

(A) When a preliminary assessment of a site, PGAtlas.com, the USDA Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov>), a geotechnical engineering report, or past activity of a nearby permit indicates that a portion of the land may be unsafe, a detailed geotechnical engineering evaluation of the land shall be prepared by a registered professional geotechnical engineer and submitted for review during the subdivision process. The limits of unsafe land shall be delineated by the registered professional geotechnical engineer and reviewed by M-NCPPC and DPIE. If the land is determined unsafe, it may be platted as part of a lot or parcel in which there is sufficient land to erect a building within the building lines established by the zone in which the land is located. There shall be an additional 25-foot setback between that building and the unsafe area, which shall be identified on the final plat with a building restriction line. These shall also be present on all site plans.

COMMENT: Not applicable. No portion of the land is unsafe for development.

(B) If the unsafe land has become safe for building construction, upon appropriate findings or proposed mitigations that are acceptable to the County, the building restriction line may be removed by the recording of a new final plat approved by the Planning Board.

COMMENT: Not applicable. No portion of the land is unsafe for development.

(C) When the applicant proposes mitigations or remedial actions to correct or alleviate unsafe soil conditions, the proposal shall be referred to DPIE for a determination of whether such measures are sufficient to protect the

safety of its future use. The proposal may be approved along with the platting of such land, upon recommendation of a registered professional geotechnical engineer and DPIE, provided that covenants are attached to incorporate the remedial actions and ensure safe soil conditions.

COMMENT: Not applicable. No portion of the land is unsafe for development.

(D) The owner of any land on which unsafe conditions have been found to exist is generally required to notify any potential purchaser of such conditions.

COMMENT: Not applicable. No portion of the land is unsafe for development.

(d) Land in Reservation

When indicated by an applicable Area Master Plan, Sector Plan, Functional Master Plan, or the General Plan, or when requested by a public agency, land may be placed in reservation, in accordance with Section 24-3405, Reservations.

COMMENT: Not applicable. No portion of the land is proposed or will be required to be placed in reservation.

24-4102. Lot Standards.

(a) Conformance with Zoning Ordinance.

All lots in a subdivision shall be in conformance with all of the lot standards and requirements of Subtitle 27: Zoning Ordinance, applicable to the land subject to the subdivision. (See PART 27-4: Zones and Zone Regulations, of Subtitle 27: Zoning Ordinance).

COMMENT: PPS-2022-019 proposes to subdivide one parcel (Parcel D), one lot (Part of Lot 2), and a portion of the Duvall Street public right-of-way into one (1) lot to accommodate one (1) consolidated storage building. The subdivision is in conformance with all applicable lot standards and applicable requirements of the Zoning Ordinance.

(2) Intensity and Dimensional Standards		
Standard (1)	Multifamily Dwelling, Artists' Residential Studio, Live-Work Dwelling (2)	Other Uses
Density, max. (du/ac of net lot area)	20.00	No requirement
Net lot area, min. (sf)	7,500	5,000
① Lot width, min. (ft)	60 (3)	50
Lot coverage, max. (% of net lot area)	40	No requirement
② Front yard depth, min. (ft) (4)	15	10
③ Side yard depth, min. (ft) (4)	8	0
④ Rear yard depth, min. (ft) (4)	20	0
⑤ Principal structure height, max. (ft)	50	50

NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet

(1) See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards.

(2) The standards in this column apply to multifamily dwellings, artists' residential studios, and live-work dwellings as stand-alone development. Dwelling units above ground-level nonresidential development shall be subject to the maximum density standard in this column, but otherwise to the standards for Other Uses.

(3) 80 ft on corner lots ⑥.

(4) Provided those portions of the structure greater than 35 ft high are set back from the minimum front, side, and rear yard depths an additional 1 ft for each 2 ft (or major fraction thereof) the height of the portion exceeds 35 ft.

(b) Minimum Lot Area Standards for Individual Systems

If a proposed subdivision is situated in a portion of the County not planned to be served by public water and/or sewer facilities, lots shall be designed to comply with the minimum lot area standards for individual systems in Subtitle 22: On-Site Sewage Disposal Systems, of the County Code, and the Ten Year Water and Sewerage Plan.

COMMENT: The Subject Property is located within the Sewer Envelope and currently within Water Category 3 and Sewer Category 3 (Community System Adequate for Development Planning—includes properties inside the envelope eligible for public water and sewer for which the subdivision process is required).

(c) Minimum Lot Depth

- (1) **Lots or parcels used for residential purposes adjacent to existing or planned streets classified as arterials shall be platted with a minimum depth of 150 feet.**

COMMENT: Not applicable. The proposed lot is not intended to be used for residential purposes.

- (2) **Lots or parcels used for residential purposes adjacent to existing or planned streets classified as expressways or freeways shall be platted with a minimum depth of 300 feet.**

COMMENT: Not applicable. The proposed lot is not intended to be used for residential purposes.

- (3) Adequate protection and screening from traffic nuisances shall be provided in accordance with the requirements of the Landscape Manual.**

COMMENT: As demonstrated with the Special Exception (SE-2022-002), adequate buffering and screening will be provided in accordance with the applicable requirements of the 2018 Landscape Manual. No amendments to the applicable landscaping, buffering, and screening requirements are requested. As pertains to protection and screening from traffic nuisances, a 10-foot landscape buffer will be provided along all boundaries abutting road rights-of-way and train lines as required by Landscape Manual Section 4.2. Additional to the requirements of the Landscape Manual, extensive off-site buffering exists within the rights-of-way, which will further serve to screen the property. Furthermore, SE-2022-002 has been approved, and pursuant to Section 27-3604(b)(2), “Any development for which a special exception is approved in accordance with this Section is not required to have a site plan reviewed and approved in accordance with Section 27-3605, Detailed Site Plan, since a site plan for the proposed development is reviewed and approved as part of the special exception application.” Thus, this finding is met vis-à-vis the approved special exception site plan. Furthermore, and pursuant to said approved special exception, applicable findings of this application’s satisfaction of Part 27-6 Development Standards have also previously been made.

(d) Lot Design Standards

- (1) Buildings and driveways shall be sited to maintain the existing grade as much as possible.**

COMMENT: PPS-2022-019 conforms to this requirement. The proposed building and driveways are sited in the most level portion of the site. They are designed to avoid the existing cell tower and, largely, the slopes that the cell tower sits atop. Grading along the eastern portion of the site in the area of the existing stormwater pond is proposed; however, this is necessary to replace the existing stormwater facility with a modern facility (submerged gravel wetland) designed to provide qualitative treatment for the site (ESD to the MEP) and is not related to building and driveway siting. Existing flow paths are maintained as much as possible by sustaining the existing site outfalls, matching time of concentration paths, and treating stormwater runoff to the maximum extent possible.

- (2) A variety of lot sizes and lot widths are encouraged within groupings of dwellings in order to prevent visual monotony, when appropriate.**

COMMENT: Not applicable. PPS-2022-019 does not propose any dwellings.

(e) Condominium Development

Condominium townhouses shall be designed to conform to the lot standards of these Regulations and Subtitle 27: Zoning Ordinance, for possible future conversion to fee simple lots.

COMMENT: Not applicable. PPS-2022-019 does not propose any condominium townhouses.

(f) Outlots and Outparcels

Provision shall be made for the eventual ownership of outlots and outparcels by incorporating them into platted lots or into adjacent parcels, or by other appropriate means.

COMMENT: Not applicable. PPS-2022-019 does not propose any outlots or outparcels.

(g) Located Wholly Within County

All lots shall be designed to be located wholly within the County.

COMMENT: All lots are located wholly within Prince George's County.

24-4103. Layout Design Guidelines.

To the maximum extent practicable, subdivisions shall be designed to:

(a) Site internal streets to maintain the existing grade.

COMMENT: Not applicable. There are no internal roadways proposed with this application.

(b) Ensure the spatial relationships, including between the lots and the street, recreation areas, alleys, and development on abutting lots, create the most beneficial relationship for the residents and occupants of the subdivision and abutting properties.

COMMENT: The subject application proposes one (1) buildable lot for the construction of one (1) consolidated storage building. No residents will occupy the subdivision or abutting properties, and the subject property is bounded on all sides by properties that cannot be developed for residential purposes (being either existing right-of-way, roads, and rail lines, or private property zoned CGO). Notwithstanding, the proposed layout accommodates safe internal circulation between vehicular, pedestrian, and bicyclist traffic, while also providing convenience and accessibility to the proposed use.

(c) Arrange lotting patterns to avoid the stacking of dwelling units, one behind the other, creating a flag lot relationship.

COMMENT: Not applicable. The proposed lotting pattern is limited to one buildable lot for the construction of one consolidated storage building. No dwelling units are proposed.

(d) Arrange lots to avoid the fronts of dwelling units facing the rear and sides of dwelling units on adjoining lots.

COMMENT: Not applicable. The subject application proposes one (1) buildable lot for the construction of one (1) consolidated storage building. No dwelling units are proposed.

(e) Arrange lotting patterns to avoid narrow unusable common ownership parcels.

COMMENT: Not applicable. The subject application proposes one (1) buildable lot for the construction of one (1) consolidated storage building. No common ownership parcels are proposed.

(f) Ensure infill lotting patterns are context-sensitive to the existing established neighborhood.

COMMENT: As established with SE-2022-002, the proposed development and single lot is context-sensitive to the existing neighborhood, which consists of road and high-speed rail rights of ways on three sides of the subject property and a mix of commercial and industrial development beyond.

(g) Arrange and sufficiently set back lots and the siting of buildings to preserve views of the site characteristics from streets and abutting lands.

COMMENT: One (1) lot is proposed to accommodate the development of one (1) consolidated storage building. The site is surrounded on three sides by road rights-of-way and rail line, and on the remaining side by commercial and light industrial properties. The design of the building and driveways takes advantage of the topography of the site and abutting lands to provide a visual setback from adjacent streets. The three-story consolidated storage building will be situated at the bottom of a steep rise leading up to the roadbed of MD 193 (Glenn Dale Boulevard) and will be vegetatively buffered on all sides. Landscape buffers along these rights-of-way will be provided pursuant to Landscape Manual requirements (Section 4.2, Requirements for Landscape Strips Along Streets). Additionally, mature woodland existing offsite within the Lanham-Severn Road and Glenn Dale Boulevard rights-of-way will provide additional screening. Finally, while the proposed development is compatible with the commercial and industrial uses abutting to the west, a 15-foot landscape buffer will be provided along the site boundary shared with these uses as well.

(h) Provide lot access from interior streets and easements.

COMMENT: Not applicable. No internal streets or access easements are proposed since the subdivision contemplates a single lot for a single development.

(i) Terminate cul-de-sac at locations that will provide for a standard lotting pattern around the end of the cul-de-sac in relationship to the property line and abutting lots. Such cul-de-sac may also be permitted to provide a right-of-way for pedestrian and

bicycle access pursuant to Section 27-6206(g), Pedestrian Connections, of Subtitle 27: Zoning Ordinance.

COMMENT: Not applicable. No cul-de-sacs are proposed.

- (j) Avoid grading that would result in retaining walls on private lots. Retaining walls should be located within common areas, or where common areas are not proposed, adequate access for maintenance shall be provided.**

COMMENT: The subject application proposes one (1) buildable lot for the construction of one (1) consolidated storage building. No common areas are proposed. One retaining wall is proposed between the drive aisle encircling the building and the submerged gravel wetland that will be located in the eastern corner of the site. The retaining wall is required to meet Prince George's County Soil Conservation District requirements for the installation of the submerged gravel wetland and will conform to PGSCD and DPIE's requirements for retaining walls. Access for maintenance is provided both at top of wall and bottom of wall, as sufficient clearance exists between the wall and all adjacent property lines.

- (k) Preserve trees on steep slopes and meet the woodland conservation threshold on-site.**

COMMENT: No clearing of trees on steep slopes is proposed with the subdivision. As required by Section 27-6803 of the Zoning Ordinance, the site is subject to the County Woodland and Wildlife Conservation Ordinance, as it is greater than 40,000 square feet and has a previously approved TCP II (TCP II-016-96-03). TCP II-016-96-04 was approved in conjunction with SE-2022-002. Although 1.71 acres of woodlands exist onsite, the clearing of 1.63 acres of the existing woodland was approved under the prior TCP II-016-96-03 (SE-2022-002 Technical Staff Report Backup at page 73). PPS-2022-019 will clear the remaining 0.08 acres of onsite woodland. In accordance with Section 25-121(c)(5) of the County Code, the woodland conservation threshold for properties zoned CS is 15 percent, or 0.48 acres for the subject site. Accounting for both the proposed clearing and the conservation threshold, the full woodland conservation requirement is 0.56 acres, which is proposed to be met through off-site mitigation credits. The applicant acknowledges off-site mitigation credits will be required to be secured prior to issuance of the first permit, as noted in a memo dated September 8, 2023, from Alexander Kirchoff (*Ibid.*). Given the previously approved TCP-2, the WCO requirements are grandfathered pursuant to CB-020-2024.

- (l) Locate noise fencing or walls within common areas or within homeowners' association easements on private lots when homeowners' association land is not proposed. A 10-foot-wide clear zone for maintenance and inspection around the fence or wall shall be provided. The minimum net lot area shall be provided outside the easement area.**

COMMENT: Not applicable; no residential development is proposed. Pursuant to Section 27-6810(b), the development does not trigger a noise study.

- (m) Lighting techniques shall comply with Section 27-6700, Exterior Lighting, of Subtitle 27: Zoning Ordinance. In addition, lighting should be designed to decrease adverse impacts on the adjoining and abutting lands.**

COMMENT: A photometric plan is provided with this application to demonstrate conformance with this requirement. The plan was also provided with the Special Exception (SE-2022-002) application and was determined at that time by M-NCPPC staff to demonstrate conformance with the standards of Section 27-6700. As noted in the Technical Staff Report for the Special Exception, “Light-level measurements at the property line are shown to be negligible. All exterior luminaries, including security lights, are full cut-off fixtures that are directed downward” (SE-2022-002 Technical Staff Report at page 17).

- (n) Avoid public use easements for infrastructure, including sidewalks.**

COMMENT: PPS-2022-019 proposes to provide connectivity to the existing sidewalk network along Old Glenn Dale Road via a 5-foot sidewalk running along the northwestern side of Duvall Street. All sidewalks along public rights-of-ways will be within the public right-of-way.

24-4104. Grading.

The submission of general grading plans and a Tree Conservation Plan Type 1 (TCP-1) is required for both minor and major subdivisions in order to efficiently plan the subdivision layout, which includes but is not limited to stormwater management, street grades, tree preservation, water and sewerage, and parkland. The submission of a general grading plan, at two-foot contours, shall be required with an application for a preliminary plan of major subdivision and may be required for a preliminary plan of minor subdivision, unless waived by the Planning Director.

COMMENT: The submittal documents filed in conjunction with PPS-2022-019 satisfy this requirement.

24-4105. Historic Resources and Sites

- (a) Purpose.**

The purpose of this Section is to preserve historic resources and sites to:

- (1) Protect the County's cultural heritage;**
- (2) Increase public awareness of the County's history; and**
- (3) Provide for the continued use of still-valuable historic resources and sites.**

COMMENT: Pursuant to the memorandum from Dr. Jennifer Stabler, Tyler Smith, and Amelia Chisolm with the Historic Preservation Section, Countywide Planning Division dated August 8, 2023, “The subject property does not contain, and is not adjacent to, any designated Prince

George's County Historic Sites or resources" (SE-2022-002 Technical Staff Report Backup at page 79).

(b) General Standards.

- (1) Significant archeological sites identified in accordance with the Planning Board Guidelines for Archeological Review shall be preserved in place, to the extent practicable.**
- (2) The flexibility inherent in these Regulations shall be used to protect historic resources and sites, including optional methods of development where appropriate, to design subdivisions that minimize the impact of a subdivision on historic resources and sites and promote the restoration and continued use of such resources.**
- (3) The lotting pattern of a proposed subdivision containing historic resources and sites shall be laid out to promote the long-term maintenance and access to the historic resources.**
- (4) A proposed subdivision containing or adjacent to a historic resource or site shall comply with the following standards:**
 - (A) Lots shall be designed to minimize adverse impacts of new construction on the historic resource;**
 - (B) Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and**
 - (C) Protective techniques (such as limits of disturbance, building restriction lines, and buffers) shall be used.**
- (5) A plan for development may be required to be submitted with an application for a subdivision for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting to protect the integrity of the historic resource.**

COMMENT: Not applicable. Pursuant to the memorandum from Dr. Jennifer Stabler, Tyler Smith, and Amelia Chisolm with the Historic Preservation Section, Countywide Planning Division dated August 8, 2023, "The subject property does not contain, and is not adjacent to, any designated Prince George's County Historic Sites or resources." (SE-2022-002 Technical Staff Report Backup at page 79).

24-4106. Cemeteries

- (a) A proposed preliminary plan for subdivision (minor or major) which includes a cemetery within the site, when there are no plans to relocate the human remains to an existing cemetery, shall comply with the following standards:**
 - (1) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.**

- (2) The layout shall promote the long-term maintenance and access to the cemetery.
 - (3) Fence or walls constructed of stone, brick, metal, or wood shall delineate the cemetery boundaries.
 - (4) If the cemetery is not conveyed and accepted into public ownership, it shall be protected by agreements sufficient to assure its future maintenance and protection. This shall include but not be limited to a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants or other agreements shall include a determination of the following:
 - (A) Current and proposed land ownership;
 - (B) Responsibility for maintenance;
 - (C) A maintenance plan and schedule;
 - (D) Adequate access; and
 - (E) Any other specifications deemed necessary to assure its future maintenance by the Planning Director.
 - (5) Appropriate measures shall be provided to protect the cemetery during the development process.
 - (6) The Planning Director shall maintain a registry of cemeteries identified during the subdivision review process.
- (b) Any cemetery approved in accordance with this Section that does not comply with the use regulations in PART 27-5: Use Regulations, of the Zoning Ordinance shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board.

COMMENT: Not applicable. No cemeteries exist on site or are impacted by this development application. Pursuant to the memorandum from Dr. Jennifer Stabler, Tyler Smith, and Amelia Chisolm with the Historic Preservation Section, Countywide Planning Division dated August 8, 2023, "The subject property does not contain, and is not adjacent to, any designated Prince George's County Historic Sites or resources." (SE-2022-002 Technical Staff Report Backup at page 79).

SECTION 24-4200 – TRANSPORTATION, PEDESTRIAN, BIKEWAY, AND CIRCULATION STANDARDS

24-4201. General Street Design Standards

Preliminary plans of subdivision (minor or major) and final plats shall comply with the following standards:

- (a) A subdivision may be served by public and private streets, and in rural areas, access easements.

COMMENT: PPS-2022-019 is served by Duvall Street, which is an existing 40-foot-wide public right-of-way based on current record plats (found among the Prince George's County Land Records at plat book VJ178, page 68). Duvall Street, which is currently unimproved, will be paved with a 22-foot curb-to-curb width. As noted in the decision for SE-2022-002, "The approval of Site Development Concept Plan 35607-2022-0 and the road improvements shown thereon indicate that the Department of Permitting, Inspections and Enforcement has determined those improvements to be sufficient to accommodate the proposed development" (SE-2022-002 decision at page 19). The proposed lot includes a portion of Duvall Street, which will be subject of a vacation petition pursuant to Section 24-3406 prior to final plat recordation. As conditioned with the approval of SE-2022-002, the Applicant will provide evidence of vacation for this portion of Duvall Street prior to certification of the Special Exception site plan. The applicant has filed a petition for vacation (VPT-2024-004) for this portion of the right-of-way. No access is proposed from the adjacent Lanham-Severn Road (MD 564) (C-314) or Glenn Dale Boulevard (MD 193) (C-16). No additional dedication is proposed or needed.

- (b) The rights-of-way of all highways, streets, trails, and transit facilities shown on the General Plan, Functional Master Plans, and the applicable Area Master Plan or Sector Plan shall be shown on the preliminary plan of subdivision and, when reserved or dedicated, shown on the final plat.**

COMMENT: PPS-2022-019 depicts all MPOT and Master Plan trails and rights-of-ways.

- (c) All streets proposed for dedication to public use shall comply with the standards in:**
- (1) Section 27-6200, Roadway Access, Mobility, and Circulation, and all other applicable standards in Subtitle 27: Zoning Ordinance;**
 - (2) Subtitle 23: Roads and Sidewalk, of the County Code;**
 - (3) These Regulations;**
 - (4) The Specifications and Standards for Roadways and Bridges;**
 - (5) The standards of the State Highway Administration for state facilities; and**
 - (6) Applicable regulations of municipalities having jurisdiction.**

COMMENT: Duvall Street, which will serve the development via 30-foot access drive, will be improved with a 22-foot curb-to-curb width. As noted in the decision for SE-2022-002, "The approval of Site Development Concept Plan 35607-2022-0 and the road improvements shown thereon indicate that the Department of Permitting, Inspections and Enforcement has determined those improvements to be sufficient to accommodate the proposed development." (SE-2022-002 decision at page 19). No access is proposed from the adjacent Lanham-Severn Road (MD 564) (C-314) or Glenn Dale Boulevard (MD 193) (C-16). No dedication is proposed or needed. *See response supra.*

- (d) All proposed streets shall comply with the standards in Section 27-6206: Vehicular Access and Circulation, of the Zoning Ordinance, and 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. The applicant may petition the Planning Director or review body deciding a parent application to waive or modify cross-access requirements between developments pursuant to Section 27-6206(e)(2)(C) of Subtitle 27: Zoning Ordinance of the Prince George's County Code.

COMMENT: No internal streets are proposed. Further analysis of Section 27-6206 is provided below.

- (e) The topography and drainage of land shall be considered in the design of streets. If necessary to demonstrate such consideration, rough street grading plans may be required.**

COMMENT: Although no streets are proposed with PPS-2022-019, topography and drainage have been considered in the design of the layout of the proposed lot. Existing flow paths are maintained as much as possible by sustaining the existing site outfalls, matching time of concentrations paths, and by treating stormwater runoff to the MEP. In addition, the site has an approved Stormwater Management Concept Plan (Case #35607-2022-00), which is valid until March 23, 2026.

- (f) 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.**
- (1) An applicant shall file a written request for such approval with the Clerk of the District Council. The District Council shall either approve or disapprove the request within 45 days from the date of filing. Failure of the District Council to act within the 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 street having a right-of-way width of 80 feet or less.**
- (2) The District Council shall not allow the proposed street connection to an adjacent county 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.**

COMMENT: Not applicable. There are no internal subdivision streets proposed.

- (g) All private streets shall be of sufficient width to accommodate the requirements of the Landscape Manual.**

COMMENT: Not applicable. There are no private streets proposed with PPS-2022-019.

24-4202. Vehicular Access and Circulation

- (a) A preliminary plan of subdivision (minor or major) shall comply with the street connectivity, access, traffic calming, block design, and all other applicable standards**

in Section 27-6206, Vehicular Access and Circulation, of Subtitle 27: Zoning Ordinance.

COMMENT: Not applicable. PPS-2022-019 is for the subdivision of one lot for one building and does not propose any internal streets, and therefore, has no connectivity index score. Additional analysis regarding Section 27-6206 is provided below.

- (b) As used in this Section, a planned street or transit right-of-way shall mean a street or right-of-way shown in a currently approved State Highway Plan, the General Plan, the County's Master Plan of Transportation, or the applicable Area Master Plan or Sector 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 200 feet away from the intersection of any street or collector or higher classification.**

COMMENT: Not applicable.

24-4203. Pedestrian Access and Circulation

- (a) Preliminary plans for subdivision (minor or major) and final plats shall comply with the applicable pedestrian access and circulation standards in Section 27-6207, Pedestrian Access and Circulation, of Subtitle 27: Zoning Ordinance.**

COMMENT: As provided below, this criterion is met. Further analysis of Section 27-6207 is provided below.

- (b) Sidewalks and crosswalks shall comply with the Prince George's County Specifications and Standards for Roadways and Bridges, the standards of the State Highway Administration for state facilities, or applicable regulations of municipalities having jurisdiction.**

COMMENT: All sidewalks and crosswalks will comply with the applicable operating agency's requirements/specifications. The site has an approved Site Development Concept Plan showing the proposed improvements within the Duvall Street right-of-way. As noted in the decision for SE-2022-002, "The approval of Site Development Concept Plan 35607-2022-0 and the road improvements shown thereon indicate that the Department of Permitting, Inspections and Enforcement has determined those improvements to be sufficient to accommodate the proposed development" (SE-2022-002 decision at page 19). Lanham-Severn Road (MD 564) and Glenn Dale Boulevard (MD 193) are under the jurisdiction of the State Highway Administration. *See response supra.*

24-4204. Private Streets and Easements

- (a) General**

Unless exempted in accordance with Section 24-4204(b) below, no subdivision shall be approved with a private street, right-of-way, or easement as the means of vehicular

access to any lot, unless the private street, right-of-way, or easement is built to conform to the standards in Subtitle 23: Roads and Sidewalks, of the County Code.

COMMENT: Not applicable. The PPS is not proposing a private street or easements for access.

(b) Exemptions

- (1) A preliminary plan of subdivision (minor or major) containing private streets, rights-of-way, alleys, and/or easements that do not conform to the standards of Subtitle 23: Roads and Sidewalks may be approved under the following conditions:**

(A) In the AG, AR, RE, and RR zones, a private right-of-way easement that does not conform to the standards in Subtitle 23: Roads and Sidewalks may connect up to seven lots and a remainder agricultural parcel to a public road in Sustainable Growth Tier IV, provided:

- (i) The lots are not served by public water and sewerage;**
- (ii) The right-of-way width shall be at least 22 feet;**
- (iii) The easement shall be adequate to serve the proposed uses in accordance with Section 24-4500, Public Facility Adequacy.**
- (iv) Each lot served by the easement shall have a net lot area of at least two acres; and**
- (v) The use of lots served by the easement shall be restricted to detached single-family dwellings or agricultural uses.**

COMMENT: Not applicable, the property is located in the CS Zone.

(B) In the AG, AR, and RE zones and in the R-PD Zone, a subdivision with private rights-of-way that do not conform to the standards in Subtitle 23: Roads and Sidewalks, may be approved, provided:

- (i) Private streets shall be constructed in accordance with the Department of Public Works and Transportation specifications and standards;**
- (ii) The right-of-way width shall be at least 22 feet;**
- (iii) Covenants are recorded in the Land Records of Prince George's County stating that a property owners' or homeowners' association is responsible for maintenance of the private streets and for accessibility of the private streets to emergency equipment; and**
- (iv) The Fire Chief determines the private streets provide adequate accessibility to emergency equipment.**

COMMENT: Not applicable, the property is located in the CS Zone.

(C) In the RSF-A, RMF-12, and RMF-20 zones in developments of three-family dwellings, private streets that do not conform to the standards in Subtitle 23: Roads and Sidewalks, may be approved, provided:

- (i) The land proposed to be subdivided shall have frontage on, and direct vehicular access to, a public street having a right-of-way width of at least 60 feet;**
- (ii) Points of access to public streets shall be approved by the Planning Board, or the Planning Director for a minor subdivision, and by the DPIE Director, the State Highway Administration, the Department of Public Works and Transportation, the Public Works Department of the municipality in which the property is located, or other appropriate roadway authority, as applicable;**
- (iii) Private streets which are interior to the subdivision (and are not dedicated to public use) shall be improved to not less than the current standards set forth in Subtitle 23: Road and Sidewalks, of the County Code; and**
- (iv) Private streets shall be conveyed to a property owners' or homeowners' association that shall hold the land in common ownership, shall be responsible for maintaining the streets, and shall be created under recorded land agreements (covenants).**

COMMENT: Not applicable, the property is located in the CS Zone.

(D) In any zone where townhouse or two-family dwellings are permitted, except within the Transit-Oriented/Activity Center base and Transit-Oriented/Activity Center Planned Development zones, the Planning Board may approve the use of private streets and alleys provided:

- (i) The pavement width of private streets shall not be less than twenty-two (22) feet in width;**
- (ii) The pavement width of private alleys shall not be less than eighteen (18) feet in width; and**
- (iii) Subsections (i) and (ii) above shall only be applicable provided that the accessibility of the private streets and alleys to emergency equipment is ensured by the County Fire Chief or the Chief's designee.**

COMMENT: Not applicable, the property is located in the CS Zone and does not propose any residential development.

(E) In the Transit-Oriented/Activity Center base and Transit-Oriented/Activity Center Planned Development zones, private alleys that do not conform to the standards in Subtitle 23: Roads and Sidewalks, may only be provided if:

- (i) They connect at each end to a street;**

- (ii) **The pavement width of an alley provides safe vehicular access to individual lots; and**
- (iii) **The alleys provide vehicular access only to lots with frontage on a public street.**

COMMENT: Not applicable, the property is in the CS Zone.

(F) Within any nonresidential or mixed-use development located outside the Transit-Oriented/Activity Center base and Transit-Oriented/Activity Center Planned Development zones, a subdivision with private rights-of-way or easements that do not conform to the standards in Subtitle 23: Roads and Sidewalks, may be approved, provided:

- (i) **The right-of-way or easement shall have a minimum right-of-way width of 22 feet connecting the lots to a public street;**
- (ii) **The right-of-way or easement shall be:**
 - (aa) **Adequate to serve the extent of the development proposed;**
 - (bb) **Consistent with the requirements in Section 27-6206, Vehicular Access and Circulation, of Subtitle 27: Zoning Ordinance; and**
 - (cc) **Not result in any adverse impact on the access and use of other lots or parcels within the subdivision.**
- (iii) **The development shall comply with all other applicable requirements of these Regulations; and**
- (iv) **Approval of a right-of-way or easement in accordance with this Subsection shall be deemed the creation of a driveway, in accordance with Section 27-6206(b), Vehicular Accessway Classifications, in Subtitle 27: Zoning Ordinance.**

COMMENT: Not applicable. The PPS is not proposing the utilization of a private right-of-way or easement.

(G) Where direct vehicular access to an individual lot fronting on a public street should be denied due to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Section 27-6206(d) of Subtitle 27: Zoning Ordinance, in order to provide vehicular access, when deemed appropriate by the Planning Board.

COMMENT: Not applicable. The proposed lot and development will have direct vehicular access to Duvall Street and will not create a potentially hazardous or dangerous traffic situation. Notwithstanding, traffic impacts resulting from PPS-2022-019 will be minimal. Pursuant to the 2022 Transportation Review Guidelines, a full traffic study is not required as the use is not anticipated to generate more than 50 trips; however, the applicant submitted traffic counts with the Special Exception (SE-2022-002) application and with this application to demonstrate there will be no adverse impact as required by Section 27-3604. A memo from Jun (Jim) Yang dated

September 5, 2023, states, “With the addition of the new trips the intersection at the site access point will continue to operate at acceptable levels and staff agrees that the proposed use will not be detrimental to the use or development of adjacent properties.” (SE-2022-002 Technical Staff Report Backup at page 68).

- (2) Upon petition of the owner of an existing lot having its sole frontage on, or its only direct vehicular access to, a private right-of-way or easement that cannot be approved in accordance with Section 24-4204(b)(1) above, and upon the recommendation of the County Executive, the County Council, by resolution, may approve the issuance of a building permit for any building or other structure on such lot on finding that the private right-of-way or easement is adequate to serve the lot and its proposed development, provided:**

 - (A) Any single-family detached dwelling and its accessory structures shall comply with all other applicable requirements of these Regulations, Subtitle 27: Zoning Ordinance, and all other applicable requirements of the County Code of Ordinances;**
 - (B) For any other building or structure, the owner shall submit:**

 - (i) Documentary evidence demonstrating the inability to obtain access for use of the parcel by any other means, including dedication to public use of the right-of-way; and**
 - (ii) Detailed construction plans demonstrating that the private street shall be constructed in accordance with the provisions governing the standard paving sections and Fire Department access in Subtitle 11: Fire Safety, and Subtitle 23: Roads and Sidewalks, of the County Code.**
 - (C) Detailed construction plans submitted in accordance with Section 24-4204(b)(2)(B) above shall be reviewed by DPIE for adequacy, and a performance bond shall be posted by the land owner in an amount determined by DPIE. If appropriate, DPIE shall inspect all work for conformance with the approved plans.**
 - (D) No private right-of-way or easement across land in a Residential zone shall be deemed adequate access to serve any development other than a single-family detached dwelling and its accessory structures, including a detached garage, or a nonprofit group residential facility where the private right-of-way or easement is owned by a governmental entity.**
 - (E) If the District Council approves the issuance of a building permit in accordance with this Subsection, the Planning Director may approve any applicable final plat or plan of development for such lot.**

(F) Where the private right-of-way or easement that is the subject of a petition in accordance with this subsection lies within a municipality or connects to a street under the jurisdiction of a municipality, the municipality shall be given notice of the petition. The municipality shall have 30 calendar days from the date the notice is mailed to review and submit comments on the petition. If a municipality recommends denial of the petition, the petition may be granted only upon the affirmative vote of two-thirds of the full District Council.

COMMENT: Not applicable.

24-4205. Public Utility Easements

All roads (public or private) shall have a public utility easement at least ten feet in width. For Redevelopment and Revitalization projects, the public utility easement may be reduced by the Planning Director for good cause, after due consideration of any adverse impacts. The public utility easement shall be located outside the sidewalk, where a sidewalk is constructed or these Regulations or Subtitle 27: Zoning Ordinance require a sidewalk, and shall be contiguous to the right-of-way.

COMMENT: 10-foot public utility easements (PUE) were established with the Glendale Block 2, Parcel D Resubdivision within Parcel D along its boundaries within Lanham-Severn Road (MD-564) and Glenn Dale Boulevard (MD-193), and these will be maintained with PPS-2022-019. PUEs were also established along Duvall Road with this prior subdivision. The eastern-most portion of Duvall Street (that portion abutting existing Parcel D, including the portion dedicated to public use with the above-referenced subdivision and as shown on the plat found at plat book VJ178 / page 68) will be subject to a vacation petition pursuant to Section 24-3406 prior to recordation of a final plat. As conditioned with the approval of SE-2022-002 (Condition 1.a), the Applicant will provide evidence of vacation for this portion of Duvall Street prior to certification of the Special Exception site plan. The applicant has filed a petition for vacation (VPT-2024-004) for this portion of the right-of-way. PPS-2022-019 will establish 10-foot PUEs adjacent to the resultant new extent of Duvall Street in existing Parcel D, and along Duvall Street within the portion of the site that is existing Part of Lot 2.

SECTION 24-4300 - ENVIRONMENTAL STANDARDS

24-4301. General.

Environmental features which are impossible or difficult to reproduce, such as floodplain, wetlands, streams, steep slopes, woodlands, and specimen trees, shall be protected.

COMMENT: The submittal package for PPS-2022-019 includes NRI-029-2022-01, approved on January 20, 2023. As noted in the memorandum from Alexander Kirchhof dated September 8, 2023, and included in the Backup to SE-2022-002, "The site was previously cleared and developed and there are no REF on-site. PGAtlas.com shows a wetland on-site; however, it was determined

that these were sediment traps from when the site was previously graded. Sensitive species and Forest Interior Dwelling Species Habitat are not found to occur on the property” (SE-2022-002 Technical Staff Report Backup at page 73). The submittal package for PPS-2022-019 also includes TCPII-016-96-04, which was approved by the District Council concurrent to Special Exception SE-2022-002. The NRI approval is currently still valid. The TCPII was reviewed and approved with the Special Exception. The TCP-2 is grandfathered pursuant to CB-020-2024.

24-4302. 100-Year Floodplain.

(a) To ensure land is platted in a manner that protects the public against loss of life or property due to the 100-year flood, while minimizing the public and private costs of flood control measures, all subdivisions shall comply with the following standards:

- (1) Except as provided in Sections 24-4302(a)(2) and 24-4302(a)(3) below, lots shall comply with the minimum net lot area required in PART 27-4: Zones and Zone Regulations, of Subtitle 27: Zoning Ordinance, exclusive of any land area within the 100-year floodplain.**

COMMENT: *See* NRI-029-2022-01. The site does not include any floodplain.

- (2) Where any lot contains a 100-year floodplain area in the AR and AG zones, there shall be a minimum of 40,000 contiguous square feet of area within the lot exclusive of any land within the 100-year floodplain.**

COMMENT: Not applicable. The property is located in the CS Zone. Notwithstanding, the stie does not include any floodplain.

- (3) In the RE and RR zones, any area of a lot in excess of 20,000 contiguous square feet may be in the 100-year floodplain for the purposes of compliance with Section 24-4204, Private Streets and Easements, provided that the lot is to be served by a public water and sewer system, and is in a water and sewer service area Category One, Two, Three, or Four at the time of its approval.**

COMMENT: Not applicable. The property is located in the CS Zone. Notwithstanding, the stie does not include any floodplain.

- (4) The floodplain areas shall be delineated in accordance with Subtitle 32, Division 4, the Floodplain Ordinance, of the County Code.**

COMMENT: *See* NRI-029-2022-01. The site does not include any floodplain.

- (5) A 25-foot setback from the floodplain shall be established for dwelling units as a building restriction line.**

COMMENT: *See* NRI-029-2022-01. The site does not include any floodplain.

- (6) In the event that the proposed subdivision is located partially or fully within an area covered by an officially adopted comprehensive watershed management plan, the proposed subdivision shall conform to such plan.**

COMMENT: Not applicable. The proposed subdivision is not located (partially or fully) within an area covered by an adopted comprehensive watershed management plan.

- (b) In the case of a proposed subdivision which includes a 100-year floodplain area along a stream, unless such area is to become a public park or recreation area maintained by a public entity, the area shall be denoted upon the final plat as a floodplain easement. Such easement shall include provisions for ingress and egress, where practicable. The floodplain easement area may be used, if necessary, for utility lines and/or stormwater drainage facilities, open-type fencing, or passive recreation, provided that no structures are built that would interfere with the flood conveyance capacity of such easement area.**

COMMENT: *See* NRI-029-2022-01. The site does not include any floodplain.

- (c) The 100-year floodplain associated with a watercourse having less than 50 acres of watershed upstream may be excluded from the floodplain area computation, subject to approval in accordance with the requirements of Subtitle 32, Division 4, the Floodplain Ordinance, of the County Code.**

COMMENT: *See* NRI-029-2022-01. The site does not include any floodplain.

24-4303. Stream, Wetland, and Water Quality Protection and Stormwater Management.

- (a) Subdivisions shall be designed to minimize the effects of development on land, streams, and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys.**

COMMENT: The proposed development is consistent with Prince George's County's Environmental Site Design (ESD) requirements to provide the required water quality treatment for the site, thereby minimizing the impact to the surrounding environmental features and maintaining natural flow patterns. The subject property has an approved Stormwater Management Concept Plan (35607-2022-00), which is valid until March 23, 2026. The plan and approval letter have been submitted with PPS-2022-019.

- (b) A preliminary plan of subdivision (minor or major) shall not be approved until evidence is submitted that a stormwater management concept has been approved by DPIE or the municipality having approval authority, if the municipality has approval**

authority. Submittal materials shall include evidence that the applicable site development concept has been approved.

COMMENT: The subject property has an approved Stormwater Management Concept Plan (35607-2022-00), which is valid until March 23, 2026. The plan and approval letter have been submitted with PPS-2022-019.

- (c) **Regulated stream buffers in Environmental Strategy Areas shall comply with the requirements in Table 24-4303(c): Regulated Stream Buffers in Environmental Strategy Areas.**

Table 24-4303(c): Regulated Stream Buffers in Environmental Strategy Areas	
Environmental Strategy Area	Required Minimum Buffer Width
1	60 feet
2	75 feet
3	100 feet

COMMENT: *See* NRI-029-2022-01. The site does not include any regulated streams.

- (d) **To ensure the purpose and intent of this Section is advanced, a proposed subdivision (minor or major) shall comply with the following:**

- (1) **The preliminary plan of subdivision (minor or major) shall demonstrate adequate control of increased run-off.**

COMMENT: The subject property has an approved Stormwater Management Concept Plan (35607-2022-00), which is valid until March 23, 2026. The plan and approval letter have been submitted with PPS-2022-019.

- (2) **Stormwater control shall be provided on-site unless, upon recommendation from the County, it is demonstrated equally effective stormwater controls can be provided off-site.**

COMMENT: Stormwater management control is provided on-site by the use of Environmental Site Design (ESD) practices, specifically, a submerged gravel wetland located in the eastern corner of the site. The subject property has an approved Stormwater Management Concept Plan (35607-2022-00), which is valid until March 23, 2026. The plan and approval letter have been submitted with PPS-2022-019.

- (3) **Environmental site design (ESD) techniques are encouraged, where appropriate.**

COMMENT: The proposed development satisfies Prince George's County's Environmental Site Design (ESD) requirements to provide the required water quality treatment for the site. The subject property has an approved Stormwater Management Concept Plan (35607-2022-00), which is valid until March 23, 2026. The plan and approval letter have been submitted with PPS-2022-019.

- (4) Where land is partially or totally within an area subject to an adopted Watershed Plan, the subdivision conforms to such plan.**

COMMENT: The subject property is not located within a Watershed Management Plan.

- (5) Where land is located outside the Chesapeake Bay Critical Area Overlay (CBCAO) zones, the preliminary plan of subdivision (minor or major) and all plans associated with the application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state, to the fullest extent possible, consistent with the Environmental Technical Manual established in accordance with Subtitle 25: Trees and Vegetation, of the County Code. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required in accordance with Subtitle 27: Zoning Ordinance, of the County Code, for the reasonable development of the lot outside the regulated feature.**

COMMENT: The proposed development is outside the CBCAO and satisfies Prince George's County's Environmental Site Design (ESD) requirements to provide the required water quality treatment for the site, thereby minimizing the impact to the surrounding environmental features and maintaining natural flow patterns. Impact to steep slopes is avoided to the fullest extent practical and there are no Regulated Environmental Features as defined in the Environmental Technical Manual onsite.

- (6) All regulated environmental features shall be placed in a conservation easement and identified on the final plat.**

COMMENT: Not applicable. There are no Regulated Environmental Features as defined in the Environmental Technical Manual onsite.

- (7) The approval of a Concept Grading, Erosion, and Sediment Control Plan (CS) by the Soil Conservation District, shall be required prior to final approval of the preliminary plan of subdivision (minor or major) if required by Subtitle 32: Water Resources Protection and Grading Code, of this Code.**

COMMENT: Acknowledged. The Concept Sediment Control Plan CSC 179-23 has been approved and is submitted with the subject application.

24-4304. Woodland and Wildlife Habitat Conservation, Tree Preservation, Clearing, and Replacement

- (a) Except for land located in the Chesapeake Bay Critical Area Overlay (CBCAO) zones, development shall comply with the provisions for woodland and wildlife habitat conservation and tree preservation established in Division 2 of Subtitle 25: Woodland and Wildlife Habitat Conservation Ordinance, of the County Code, and the tree canopy requirements of Division 3 of Subtitle 25: Tree Canopy Coverage Ordinance, of the County Code.

COMMENT: Development of the subject property will comply with Divisions 2 and 3 of Subtitle 25 of the County Code. The submittal package for PPS-2022-019 also includes TCPII-016-96-04, which was approved concurrent to SE-2022-002, and is grandfathered pursuant to CB-020-2024.

- (b) For land located in the CBCAO zones, all provisions regarding vegetation shall comply with the requirements of Subtitles 5B: Chesapeake Bay Critical Area, and Subtitle 27: Zoning Ordinance, of the County Code.

COMMENT: Not applicable. The subject property is not located within the Chesapeake Bay Critical Area.

SECTION 24-4400 - PUBLIC FACILITY STANDARDS

24-4401. Preliminary plans of subdivision (minor or major) and final plats of subdivision (minor or major) must be designed to show all utility easements necessary to serve anticipated development on the land being subdivided, consistent with the recommendations and standards relevant to public utility companies. 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.”

COMMENT: Acknowledged. Public Utility Easements are shown on plans submitted with this application and will be included in the final plat.

24-4402. Land for public facilities shown on the General Plan, a Functional Master Plan, the applicable Area Master Plan or Sector Plan, or a watershed plan shall be reserved, dedicated, or otherwise provided for.

COMMENT: Glenn Dale Boulevard (MD 193) and Lanham-Severn Road (MD 546) have sufficient right-of-way in their existing condition. As such, no additional dedication is proposed or needed. The SE-2022-002 decision states, “The 2009 Countywide Master Plan of Transportation classifies Greenbelt Road (Maryland Route 193) as an arterial roadway (A-16) with 4-6 lanes in a 120’-200’ right-of-way. This right-of way and those improvements already exist. As amended by the 2010 Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan, it

classifies Lanham Severn Road (Maryland Route 564) as a Collector Road (C-314) in an 80' right-of-way. The rights-of-ways for this roadway also exists.” (SE-2022-002 decision at page 17).

24-4403. Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.

COMMENT: The proposed stormwater management facilities associated with the development have sufficient capacity to convey surface water runoff. The approved Stormwater Management Concept Plan and Letter (35607-2022-00) has been submitted with PPS-2022-019.

24-4404. In accordance with the Sustainable Growth and Agricultural Preservation Act (Map 3 of Plan 2035 Prince George’s County Sustainable Growth and Agricultural Preservation Act of 2012 (SB236) Map, Adopted November 20th, 2012, as may be amended from time to time), the water and sewer standard for residential subdivisions is:

- (a) A subdivision in the Sustainable Growth Tier I in the General Plan or applicable Functional Master Plan shall be served by public sewer.
- (b) A subdivision in the Sustainable Growth Tier II in the General Plan or applicable Functional Master Plan shall be served by public sewer, except for a minor subdivision which may be served by on-site sewerage disposal systems.
- (c) A subdivision in the Sustainable Growth Tier III in the General Plan or applicable Functional Master Plan shall be served by on-site sewerage disposal systems.
- (d) A subdivision in the Sustainable Growth Tier IV in the General Plan or applicable Functional Master Plan shall be served by on-site sewerage disposal systems. A residential major subdivision served by on-site sewer disposal systems is not permitted.

COMMENT: The Subject Property is located in the Sustainable Growth Tier 1 and will be served by public water and sewer. The property is within the Sewer Envelope and currently is in Water Category 3 and Sewer Category 3.

24-4405. For purposes of determining whether water and sewerage complies with the standards of this Section, 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 and compliance with the standards for the provision of public sewer and water.

COMMENT: The property is within the Sewer Envelope and currently in Water Category 3 and Sewer Category 3.

24-4406. If a water storage tank is proposed to be located on the site of a proposed development, the subdivision shall include reservation of land or an easement for the storage tank and an access easement so that emergency vehicles can adequately use the water storage tank in times of emergency.

COMMENT: Not applicable. The proposed development will be served by public water and sewer.

SECTION 24-4500 – PUBLIC FACILITY ADEQUACY

24-4501. Purpose

The purpose of this Section is to:

- (a) Ensure that infrastructure necessary to support proposed development is built at the same time as, or prior to, that proposed development;**
- (b) Establish level of service (LOS) standards for public facilities including transportation, pedestrian and bikeway adequacy, parks and recreation, police, fire and rescue, and schools that provide clear guidance to the County and applicants about when facilities are considered adequate, and create guidance for future infrastructure investments needed to accommodate existing residents and anticipated growth;**
- (c) Establish LOS standards that reflect policy guidance of the General Plan, applicable Area Master Plans or Sector Plans, and the applicable Functional Master Plan for each facility;**
- (d) Establish LOS standards that encourage development in the transit-oriented/activity center zones; and**
- (e) Re-evaluate approved development that has received adequate public facilities approvals prior to April 1, 2022 for projects that have not been built in a timely manner.**

COMMENT: All public facilities are adequate to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049. All required materials for review of ADQ-2022-049 have been submitted with the PPS submittal and were included in the review of SE-2022-002. In approving SE-2022-002, the District Council previously found, among other things, that this development and use on the subject property will not adversely affect the health, safety, or welfare of residents or workers in the area nor be detrimental to the use or development of adjacent properties or the general neighborhood (Sections 27-3604(e)(1)(D) and (E)).

24-4502. Applicability

(a) Applications / Approvals Subject to this Section
This Section applies to:

- (1) An application for a preliminary plan of subdivision (minor or major);**

- (2) An application for a final plat for subdivision when specifically required in this Section; and
- (3) A conversion of use from residential to nonresidential, or nonresidential to residential, or the conversion of either a residential or nonresidential use to mixed-use.

COMMENT: Acknowledged.

(b) **Applicability of Public Facility Adequacy Standards**

- (1) This Section establishes public facility adequacy standards. They are summarized in **Table 24-4502: Summary of Public Facility Adequacy Standards**. The standards are established in Sections 24-4504, Public Facility Adequacy-Generally, through Section 24-4510, Schools Adequacy, below.

Table 24-4502: Summary of Public Facility Adequacy Standards			
Facility	Area of Applicability	Level of Service	Impact Area
Transportation	RTO and LTO base and Planned <u>Development</u> (PD) zones	<p>"Edge" areas of RTO and LTO base and PD Zones: LOS "Transit Edge" (Critical Lane Volume of 1601-1800)</p> <p>"Core" areas of RTO and LTO base and PD Zones: LOS "Transit Core" (Critical Lane Volume of 1801-2000)</p> <p>In instances where CLV exceeds 1800 in the RTO and LTO base and PD zone "edge" or where CLV exceeds 2000 in the RTO and LTO base and PD zone "core," refer to Section 24-4505(b)(4)</p>	See Transportation Review Guidelines
	Transportation Service Area 1 (<i>Plan Prince George's 2035 Approved General Plan</i> (Plan 2035, Map 14), excluding RTO and LTO base and PD zones; and NAC and TAC base and PD zones (regardless of location)	LOS "E" (Critical Lane Volume of 1451-1600)	See <i>Transportation Review Guidelines</i>
	Transportation Service Area 2 (Plan 2035, Map 14), excluding RTO, LTO, NAC, and TAC base and PD zones	LOS "D" (Critical Lane Volume of 1301-1450)	See <i>Transportation Review Guidelines</i>

Table 24-4502: Summary of Public Facility Adequacy Standards			
Facility	Area of Applicability	Level of Service	Impact Area
	Transportation Service Area 3 (Plan 2035, Map 14)	LOS "C" (Critical Lane Volume of 1151-1300)	See <i>Transportation Review Guidelines</i>
Pedestrian and Bikeway Adequacy	RMF-20, RMF-48, NAC, TAC, LTO, RTO-L, RTO-H, CN, CGO, CS, NAC-PD, TAC-PD, LTO-PD, RTO-PD, LMXC, LMUTC, and LCD zones	Adequate pedestrian and bikeway facilities needed to serve the development exist or are constructed by the applicant	See <i>Transportation Review Guidelines</i>
Parks and Recreation	Transit-Oriented/Activity Center zones and Employment Areas	2.5 acres per 1,000 residents	See <i>Parks and Recreation Guidelines</i>
	All other zones	15 acres per 1,000 residents	
Police	Residential development	Response times for service are within twenty-five (25) minutes total for non-emergency calls, and ten (10) minutes total for emergency calls in each police district.	See <i>Public Safety Guidelines</i>
Fire and Rescue	All locations	Seven (7) minutes travel time for any residential uses; Five (5) minutes response time for any nonresidential uses	See <i>Public Safety Guidelines</i>
Schools	Residential development	Students will not exceed 105 percent of state rated <u>capacity</u> or demonstration of mitigation in accordance with Sec. 24-4510(c) .	School cluster

- (2) An application listed in Section 24-4502(a) above shall not be approved until a certificate of adequacy or conditional certificate of adequacy is approved in accordance with the procedures and standards of this Section. No certificate of adequacy or conditional certificate of adequacy shall be approved unless and until it is reviewed and approved in conjunction with one of the applications or subdivision reviews identified in Section 24-4502(a) above and Section 24-4503(a).

- (3) The governing body of the County may, by Resolution, waive any public safety facilities mitigation requirement imposed pursuant to Sections 24-4508 and 24-4509.**

COMMENT: Acknowledged. All public facilities are adequate to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049.

24-4503. Certificate of Adequacy

(a) Applicability

- (1) Except for final plats of subdivision approved prior to October 27, 1970, all development approvals for which a determination of adequate public facilities was made prior to April 1, 2022 and which was still valid on that date shall automatically receive a certificate of adequacy or conditional certificate of adequacy in accordance with this Section, effective April 1, 2022, for a period of twelve (12) years. If all of the required public facilities have been constructed or permitted and bonded as of the effective date of this Subtitle, then adequacy shall remain throughout the development approved by the respective, prior-approved preliminary plan of subdivision. Development that has received a certificate in accordance with this Subsection shall be subject to the requirements of this Section.**
- (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.**
- (3) Pursuant to the requirement of final plats of subdivision approved prior to October 27, 1970, to obtain approval of a preliminary plan of subdivision (minor or major) prior to the issuance of a building permit under certain circumstances (see Section 24-3402(b)(1)(B)), such subdivisions shall also receive approval of a certificate of adequacy or conditional certificate of adequacy for each public facility subject to this Section.**
- (4) Preliminary plans of subdivision (minor or major) reviewed and approved under the regulations of the Subdivision Regulations in effect immediately prior to the effective date of these Regulations pursuant to the “grandfathering” provisions of Section 24-1704(b) shall be granted a certificate of adequacy in accordance with this Section, effective upon the approval date of the preliminary plan of subdivision (minor or major), for a period of twelve (12) years. Development that has received a certificate in accordance with this Subsection shall be subject to the requirements of this Section.**

(b) Review Procedure for Certificate of Adequacy or Conditional Certificate of Adequacy

- (1) An application for a certificate of adequacy or a conditional certificate of adequacy shall be initiated by submitting an application to the Planning Director, along with any draft documentation relating to the mitigation of inadequate public facilities, if applicable.
- (2) After determining the application is complete (see Section 24-3305, Determination of Completeness), the Planning Director shall forward the application to the appropriate departments for review and comment, and after receipt of their comments prepare a written report that:

 - (A) Identifies existing and planned capital improvements and any available capacity of the public facilities that serve the proposed development in accordance with the terms of this Section;
 - (B) Identifies capital improvements funded and assumed to be in place to serve the proposed development;
 - (C) Identifies any previously dedicated, constructed, or funded public facility that would mitigate the impacts of the proposed development;
 - (D) Sets forth findings and conclusions related to the impact of the proposed development on available capacity; and
 - (E) Determines whether there is available capacity for each public facility sufficient to accommodate the proposed development in accordance with the standards of this Section.
- (3) Based on the evaluation and determination in Section 24-4503(b)(2) above, the Planning Director shall either:

 - (A) Issue a certificate of adequacy if all public facilities are adequate;
 - (B) Issue a conditional certificate of adequacy if:

 - (i) All or some of the public facilities are inadequate at the time of application; and
 - (ii) The applicant has agreed to provide mitigation, reduce project impact, or phase development so that the applicable public facilities will meet the adopted LOS standard for the appropriate public facility when the impacts of the development occur; or
 - (C) Deny the certificate of adequacy if the public facilities are inadequate, and the applicant has not agreed to conditions that would mitigate or reduce their impacts.
- (4) A conditional certificate of adequacy shall incorporate conditions consistent with Section 24-4503(b)(3)(B)(ii) above, along with the applicant's consent to those conditions.
- (5) If the Planning Director denies a certificate, issues a conditional certificate, or requires mitigation, the applicant may:

 - (A) Withdraw the application and seek a new certificate; or
 - (B) Appeal the Planning Director's decision to the Planning Board.
- (6) The period of validity for the certificate shall be twelve (12) years from the date of its approval.

(c) Expiration of Certificate of Adequacy or Conditional Certificate of Adequacy

- (1) An approved certificate automatically expires if:
- (A) The applicant fails to comply with the conditions of approval in the certificate; or
 - (B) The period of validity for the certificate expires and the certificate holder does not record a final plat or commence construction in accordance with all the requirements of Table 24-4503(c): Development Requirements Prior to Expiration of Period of Validity for Approved Certificate, below.
 - (C) The certificate of adequacy shall concurrently expire with any respectively approved preliminary plan of subdivision (minor or major) application.

Table 24-4503(c): Development Requirements Prior to Expiration of Period of Validity for Approved Certificate	
The following has occurred with the preliminary plan for subdivision	Minimum Amount (Percent) of Development Activity Required
A final plat is recorded for at least the following percent of the lots or parcels, and	90%
Construction is completed for household living uses (except multifamily dwellings) on at least the following percent of the lots or parcels on the approved preliminary plan for subdivision, and	60%
Construction is completed on the following percent of gross floor area for all lots or parcels with nonresidential, multifamily, or group living uses.	75%

- (2) If a certificate expires in accordance with this Subsection, the development for which the certificate was approved shall no longer be determined to have adequate public facilities for the purposes of these Regulations and shall be required to gain re-approval for a certificate in accordance with the procedures and standards of this Section before proceeding with development.

(d) Conformance

Conformance with an approved certificate of adequacy shall be demonstrated at the time a final plat is recorded and when a building permit is issued.

(e) Vested or Contractual Rights

Obligations associated with a certificate of adequacy may be deemed satisfied, and the development for which the certificate was approved may be determined to have adequate public facilities for the purposes of these Regulations, under the following circumstances:

- (1) The certificate holder has dedicated or deeded land for public purposes (such as dedication of land for public roads or parkland) or has otherwise met, in full, any required financial, infrastructure improvement, land transaction, or other conditions originally deemed necessary to provide adequate public facilities for the proposed development;**
- (2) The Planning Director may determine the permittee has acquired vested or contractual rights that preclude a new adequacy determination in accordance with this Section and State law; or**
- (3) In the case of an approval of a certificate of adequacy or conditional certificate of adequacy which includes phased deduction and/or phased required financial contributions for infrastructure improvements, construction of infrastructure improvements, land transactions, or other conditions originally deemed necessary to provide adequate public facilities for the proposed development, if the certificate holder remains in conformance with all requirements pursuant to the phasing schedule, the certificate of adequacy or conditional certificate of adequacy shall remain valid. Once all obligations have been satisfied, the certificate of adequacy shall be deemed satisfied per the conditions of approval.**

(f) Extension of Expiration by Planning Board

One extension of the period of validity for a certificate may be granted by the Planning Board, for a period of up to six years, upon the certificate holder's submission of a written request for extension to the Planning Board before the expiration date (end of the period of validity), and demonstration that:

- (A) The certificate holder has reasonably pursued completion of the development;**
- (B) The extension serves the public interest; and**
- (C) There is otherwise good cause for granting the extension.**

(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.**

(2) General

An amendment of a certificate may only be reviewed in accordance with the procedures and standards of this Section.

COMMENT: All public facilities are adequate to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049, and all materials needed for the review of ADQ-2022-049 have been submitted with this PPS.

24-4504. Public Facility Adequacy-Generally

(a) Measuring LOS Standard

- (1) Development subject to this Section shall comply with the LOS standard for each type of public facility that applies to the development.**
- (2) The LOS standards for each public facility are summarized in Section 24-4502(b), and established in Sections 24-4504 through 24-4510 for each individual type of public facility.**
- (3) The LOS standard for each proposed development subject to this Section shall be measured within the Impact Area for each type of public facility. The Impact Area may vary based on where the proposed development or the public facilities are located.**
- (4) If the public facilities needed to meet the LOS standard are not in place and operational at the time of the proposed development, the Planning Director may include planned capacity in making the determination of adequacy (for each individual type of public facility).**

COMMENT: All public facilities are adequate to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049, and all materials needed for the review of ADQ-2022-049 have been submitted with this PPS.

(b) Determining Whether Public Facilities are Adequate

Each type of public facility within the Impact Area is adequate if the demand generated by the development proposed in the application is less than the available capacity. Available capacity is calculated as follows:

- (1) Add capacity within the Impact Area based on the LOS standard for the individual type of public facility; and**
- (2) Where allowed by Sections 24-4504 through 24-4510 below, as appropriate, and the applicable Guidelines, add planned capacity that will alleviate any inadequacy for the individual public facility; and**
- (3) Subtract used capacity and reserved capacity.**

COMMENT: All public facilities are adequate to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049, and all materials needed for the review of ADQ-2022-049 have been submitted with this PPS.

(c) Limitations on Building Permits Issued in Areas Where Public Facilities Do Not Meet the Adopted Level of Service Standards

- (1) In areas of the County where public facilities are inadequate or a need to finance public facilities exists, the District Council may, by Resolution, establish a building permit limit prescribing the number of building permits to be issued in that area over a period of time.**
- (2) In those areas, the Resolution shall:**
 - (A) Determine the total number and type of building permits that may be issued each year and the number of building permits that may be allocated to each subdivision or development;**
 - (B) Establish a time period, not to exceed six years, during which the building permit limitations will remain in place; and**
 - (C) Initiate a planning process that identifies financing, efficiencies, or similar mechanisms to remedy or avoid the public facility inadequacy in the area.**

COMMENT: All public facilities are adequate to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049, and all materials needed for the review of ADQ-2022-049 have been submitted with this PPS.

24-4505. Transportation Adequacy

(a) Applicability

- (1) A certificate for transportation shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.**
- (2) To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4505(b) below, provides mitigation (if applicable), and complies with the other relevant requirements of this Section.**

(b) Adopted LOS Standard

Adequate transportation facilities shall be available to accommodate or offset (through alternative trip capture) the vehicular trips within the Transportation Impact Area surrounding the development subject to the requirements of this Section, as defined by the Transportation Review Guidelines. This standard is met if:

- (1) Major intersections and major roadways within the Transportation Impact Area have sufficient capacity to accommodate the vehicular trips generated by the proposed development at or below the minimum peak-hour LOS standard identified in Section 24-4502(b) and this Subsection;**
- (2) The applicant reduces project impacts to a level so that the adopted LOS standard is maintained by any combination of the following:**
 - (A) Reducing the number of dwelling units or floor area;**
 - (B) Incorporating alternative trip capture; or**

- (C) Incorporating a mix of uses that reduces trips through internal capture, as defined in the Transportation Review Guidelines.
- (3) Transportation improvements or trip reduction programs that are adequately funded by the applicant or an existing revenue source to alleviate any inadequacy in the adopted LOS standard within the Transportation Impact Area;
 - (4) Any development in the RTO or LTO base and PD zones may also provide a financial contribution to implement a Transportation Demand Management program in accordance with Subtitle 20A, Transportation Demand Management, of this Code. A Transportation Demand Management District shall be established by the Council following any development in an RTO or LTO base zone and PD Zone that exceeds the LOS standards set forth above, unless the Council determines specific, appropriate alternative methods for addressing infrastructure needs; or
 - (5) Any combination of the requirements listed above will ensure that the adopted LOS standard is met.

(c) Availability

Any transportation improvements within the Transportation Impact Area that are counted as available capacity shall be:

- (1) Operational at the time the application for a certificate is submitted; or
- (2) Included on an adopted and approved Functional Master Plan, Area Master Plan, or Sector Plan, and construction scheduled with 100 percent of the construction funds allocated in the adopted County Capital Improvement Program (County CIP) or in the current State Consolidated Transportation Program (State CTP); or
- (3) Incorporated in a specific Public Facilities Financing and Implementation Program, including the County CIP or State CTP with construction scheduled with 100 percent of the construction funds allocated; or
- (4) Fully funded by the applicant, the County, and/or the State government (this includes transportation facilities that are part of the Surplus Capacity Reimbursement Procedure, as defined in the Transportation Review Guidelines); or
- (5) A proposal for a transportation facility on a plan being considered by the U.S. Department of Transportation and/or Federal Highway Administration or Federal Transit Administration, which is funded for construction within the next 10 years. (The Planning Director may condition the approval of the proposed development on a construction schedule that minimizes any inadequacy.); or
- (6) For property located wholly within the Brandywine Road Club, the applicant has entered into a Developer Participation Agreement with the County to share the costs of the improvements before construction of the improvements funded by the Brandywine Road Club; or
- (7) computed Road Club share or made transportation improvements equal to its computed Road Club share; or

- (8) For property zoned M-X-C prior to the effective date of these Subdivision Regulations, if a negotiated fee-in-lieu of required improvements was paid in full.

(d) Mitigation

Mitigation shall be based on projected traffic service at the following levels:

Table 24-4505(d) Mitigation Standards	
Projected Traffic Above the Adopted LOS (1)	Mitigation
≥ 25 percent	<p>Shall require that any physical improvement or trip reduction programs participated in, or funded by the applicant shall fully abate the impact of all traffic generated by the proposed development in the Transportation Impact Area.</p> <p>Following the development authorized by the approved application and implementation of the approved mitigation action, the total traffic service will be reduced to no higher than 25 percent above the acceptable peak-hour service level threshold as defined in the <i>Transportation Guidelines</i>.</p>
< 25 percent	<p>Shall require that any physical improvements or trip reduction programs fully funded by the applicant shall fully abate the impact of 150 percent of all vehicular trips generated by the proposed development in the Transportation Impact Area.</p> <p>Following the development of the proposed development and implementation of the mitigation action, the total traffic service within the Transportation Impact Area will be reduced to no lower than the acceptable peak-hour service level threshold defined in the <i>Transportation Guidelines</i>.</p>
0-10 percent above the LOS + and proposed development generates less than 25 A.M. or P.M. peak-hour trips	<p>Shall require the applicant to provide the pro rata cost of the physical improvements necessary to alleviate the Inadequacy.</p>
<p>NOTES:</p> <p>(1) The adopted LOS is the acceptable peak-hour service level threshold as defined in the <i>Transportation Review Guidelines</i>.</p>	

(e) Offsets for Transit, Bike, and Pedestrian Facilities

(1) Generally

The applicant may reduce the number of vehicular trips generated by a proposed development in a traffic impact study by including alternative trip capture. Such features include integrated sidewalk, trail, and bikeway networks to divert as many trips as possible from automobile travel and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services, and other destinations for all users. These concepts are further articulated in the "complete streets" principles and policies set forth in the *Approved Countywide Master Plan of Transportation*.

(2) Transit, Bike, and Pedestrian Infrastructure

The Transportation Review Guidelines shall incorporate availability and capacity standards for transit, pedestrian, and bikeway facilities that an applicant may consider as mitigation toward APF impacts. These facilities shall include:

- (A) Fixed rail transit stations, bus shelters, and other public transportation facilities;**
- (B) Sidewalks and pedestrian crossings at intersections; and**
- (C) Multi-use trails, bike paths, and/or pedestrian pathways and crossings.**

(3) Planned Improvements-Alternative Trip Capture

If the proposed development incorporates transit, bicycle, or pedestrian facilities in its traffic impact study, the applicant shall demonstrate prior to the issuance of a building permit for development that all required adequate pedestrian and bikeway facilities are:

- (A) In place and fully operational; or**
- (B) Have full financial assurances, have been permitted for construction through the applicable operating agency's access permit process, and have an agreed-upon timetable for construction and completion with the appropriate operating agency.**

COMMENT: Filed in conjunction with PPS-2022-019 are traffic counts for the intersection of MD 564 and MD 193, and the intersection of MD 564 and Old Glenn Dale Road, prepared by Lenhart Traffic Consulting. Transportation facilities are adequate to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049, and all materials needed for the review of ADQ-2022-049 have been submitted with this PPS.

24-4506. Pedestrian and Bikeway Adequacy

(a) Purpose

This Section establishes general criteria to ensure the adequacy of public pedestrian and bikeway facilities and sets forth the requirements for those who establish subdivisions within certain zoning districts to construct on-site and off-site pedestrian and bikeway facilities and other public streetscape improvements as part of any development project. Pedestrian and bikeway features include integrated sidewalk, trail, and bikeway facilities to divert automobile trips and increase the multimodal accessibility and attractiveness of trips to transit stops, schools, parks, libraries, stores, services, residences, and other destinations for all users. Pedestrian and bikeway facilities should be designed to increase safety for people walking, bicycling, and using transit, and offer the most direct routes to destinations for persons of all abilities.

(b) Applicability

- (1) When required by Section 24-4506(b)(3), below, a certificate for pedestrian and bikeways adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.**
- (2) To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4506(c) below, provides mitigation (if applicable), and complies with the other relevant requirements of this Section.**
- (3) Before any preliminary plan of subdivision (minor or major) may be approved for any development applications proposing 11 (eleven) or more new or redeveloped dwelling units and/or otherwise proposing 10,001 or greater square feet of new or redeveloped gross floor area on land lying, in whole or part, within the RMF-20, RMF-48, NAC, TAC, LTO, RTO-L, RTO-H, CN, CGO, CS, NAC-PD, TAC-PD, LTO-PD, RTO-PD, LMXC, LMUTC, and LCD zones, the Planning Director shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
- (4) The provisions of Section 24-4506 shall not apply to properties located with Sustainable Growth Tier IV.**

(c) Adopted LOS Standard for Pedestrian and Bikeways Adequacy

- (1) As part of any development project requiring the subdivision or re-subdivision of land subject to the requirements of Section 24-4506(b)(3), above, the Planning Director shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist):**
 - (A) Throughout the proposed subdivision; and**
 - (B) Within one-half mile of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including but not limited to a public school, park, shopping center, multifamily residence, mixed-use activity centers, or line of transit within available public rights of way.**
 - (i) The cost of the off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed nonresidential development in the application and three hundred dollars (\$300.00) per unit of proposed residential development in the application, indexed for inflation annually from calendar year 2013.**
 - (ii) For purposes of this Subsection, one-half mile includes all areas within one-half mile measured from the outer limits of the circumference of the smallest circle encompassing all the land area of the subdivision and includes the entire lot line of any property partially included within such distance; and "throughout the subdivision" includes all the land area within such circumference.**
 - (iii) No developer/property owner shall be required to acquire additional land not already owned by that developer/property owner in order to construct adequate pedestrian and bikeway facilities. All adequate pedestrian and**

bikeway facilities required under this Section shall be constructed within existing public easements and rights-of-way, or within land dedicated (or to be dedicated) by the applicant to public use.

- (C) The finding of adequate public pedestrian facilities shall, at minimum, include the following criteria:
- (i) The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and the applicable Area Master Plan or Sector Plan have been constructed or implemented in the area; and
 - (ii) The presence of elements that make it safer, easier, and more inviting for people to traverse the area.
- (D) The finding of adequate public bikeway facilities shall, at minimum, include the following criteria:
- (i) The degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and the applicable Area Master Plan or Sector Plan have been constructed or implemented in the area;
 - (ii) The presence of specially marked and striped bike lanes or buffered bike lanes in which people can safely travel by bicycle without unnecessarily conflicting with pedestrians or motorized vehicles;
 - (iii) The degree to which protected bicycle lanes, on-street vehicle parking, medians, or other physical buffers exist to make it safer or more inviting for people to traverse the area by bicycle; and
 - (iv) The availability of safe, accessible, and adequate bicycle parking at transit stops, commercial areas, employment centers, multifamily residential buildings, mixed-use activity centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.
- (E) Examples of pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):
- (i) Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;
 - (ii) Installing protected bicycle facilities, using on-street parking or medians to separate bicycle traffic from motor vehicle traffic;
 - (iii) Installing or improving streetlights;
 - (iv) Building paved multi-use trails, bike paths, and/or pedestrian pathways and crossings;
 - (v) Building “bulb-out” curb extensions, pedestrian refuge medians, and pedestrian crossing signals at intersections;
 - (vi) Installing a bicycle share station that is operated by the Department of Public Works and Transportation or a municipality;
 - (vii) Installing covered bicycle parking;
 - (viii) Installing street furniture (benches, trash receptacles, bicycle repair stations, bus shelters, etc.);

- (ix) Installing street trees and planted medians; and
 - (x) One hundred percent (100%) engineering or design plans for nearby pedestrian or bikeway improvements to be constructed by the Department of Public Works and Transportation or trail projects to be constructed by the Department of Parks and Recreation or a municipality.
- (F) The design of facilities for bicyclists and pedestrians shall be in accordance with generally recognized and commonly used transportation engineering and planning standards and practices, including but not limited to, those found in relevant guidance from the Maryland Department of Transportation (MDOT), the National Association of City Transportation Officials (NACTO) Urban Street Design Guide, the NACTO Urban Bikeway Design Guide, and the American Planning Association's and National Complete Streets Coalition's Complete Streets: Best Policy and Implementation Practices.
- (G) If a detailed site plan (minor or major) approval is required for any development within the subdivision, the developer/property owner shall include, in addition to all other required information in the site plan, a pedestrian and bikeway facilities plan showing the exact location, size, dimensions, type, and description of all existing and proposed easements and rights-of-way and the appurtenant existing and proposed pedestrian and bikeway facilities throughout the subdivision and within the designated walking or biking distance of the subdivision specified in this section, along with the location, types, and description of improvements, property/lot lines, and owners that are within 50 feet of the subject easements and rights-of-way.
- (H) Prior to the issuance of any building permit for development within the subdivision, the developer/property owner shall show that all required adequate pedestrian and bikeway facilities have full financial assurances, have been permitted for construction through the applicable operating agency's access permit process, and have an agreed-upon timetable for construction and completion with the appropriate operating agency.
- (I) Nothing contained within this Subsection shall be deemed to inhibit in any way the authority of the Planning Director to require a developer/property owner to construct pedestrian and bikeway facilities not otherwise listed in this Section, if such facilities relate to the implementation of "complete streets" principles on roadways required to be improved, constructed, or reconstructed to accommodate motor vehicle traffic that would be generated by proposed subdivisions. Any such pedestrian and bikeway facilities constructed off-site, shall be subject to the cost limitations set forth in Section 24-4506(c)(1)(B).

(d) Availability

Any pedestrian and bikeway improvements within one-half mile of the proposed subdivision to be counted as available capacity shall be:

- (1) Operational at the time the application for a certificate of adequacy is submitted;
- or

- (2) Included on an adopted and approved Functional Master Plan, Area Master Plan, or Sector Plan and construction scheduled with 100 percent of the construction funds allocated in the adopted County Capital Improvement Program (County CIP) or in the current State Consolidated Transportation Program (State CTP); or**
- (3) Incorporated in a specific County Public Facilities Financing and Implementation Program, including the County CIP with construction scheduled with 100 percent of the construction funds allocated; or**
- (4) Fully funded by the applicant, the County and/or the State government (this includes pedestrian and bikeway facilities that are part of the Surplus Capacity Reimbursement Procedure, as defined in the Transportation Review Guidelines).**

(e) Mitigation

Pedestrian and bikeway improvements used to gain approval of the pedestrian and bikeways certificate of adequacy shall not contribute to transportation adequacy offsets for transit, bike, and pedestrian facilities otherwise required by Section 24-4505(e).

COMMENT: Filed in conjunction with PPS-2022-019 is a BPIS prepared by Lenhart Traffic Consulting. Bicycle and Pedestrian facilities are adequate (or will be improved to be adequate) to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049, and all materials needed for the review of ADQ-2022-049 have been submitted with this PPS.

24-4507. Parks and Recreation Adequacy

(a) Applicability

- (1) A certificate for parks and recreation adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.**
- (2) To gain approval of the certificate, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4507(b) below, provides adequate mitigation (if appropriate), and complies with all other relevant requirements of this Section.**

(b) Adopted LOS Standard for Public Parks and Recreation

- (1) The adopted LOS standard for Parks and Recreation is:**
 - (A) Within the Transit Oriented/Activity Center zones, and in the Employment Areas as identified in the General Plan: 2.5 acres of improved public parks per 1,000 residents. These lands shall consist of at least:**
 - (i) 0.5 acres per 1,000 residents for small urban parks, including pocket parks, plazas, commons/ greens, squares, and neighborhood parks; and**
 - (ii) One acre per 1,000 residents for larger urban parks, including parks at schools, community parks, resource parks, and waterfront parks; and**

(iii) One acre per 1,000 residents for greenways, linear parks, and special facilities.

(B) Fifteen acres of improved public parks per 1,000 residents in all other areas.

(2) The Department of Parks and Recreation, in consultation with the Planning Department, shall develop Park and Recreation Facilities Guidelines, approved by Resolution of the Council, that establish:

(A) A methodology for computing the number of residents or equivalent dwelling units for applications subject to this Subsection;

(B) A methodology for computing the Impact Areas of park facilities based upon anticipated walking distances and drive times; and

(C) Park facility typologies, including natural areas, community centers, and urban civic spaces consistent with Formula 2040. The typologies may assign credits to public parks and recreation facilities based upon their community value, anticipated development expenses, and proximity to new development.

(c) Availability and Mitigation

If existing public parks and recreation facilities are not sufficient to meet the adopted LOS standard, the Planning Director may find that adequate mitigation is being provided if:

(1) For proposed residential development/uses, mandatory dedication of parkland is provided by the applicant pursuant to Section 24-4601, Mandatory Dedication of Parkland;

(2) Adequate improved public park lands are available and programed to serve the residents of the proposed development with 100 percent of the expenditures for the construction of the facility within the adopted County CIP as determined under the Park and Recreation Facility Guidelines;

(3) That improvements participated in or funded by the applicant (either on or off-site), including pro rata participation in a specific Public Facilities Financing and Implementation Program, will alleviate any inadequacy as determined under the Park and Recreation Facility Guidelines; or

(4) The applicant provides payment of an in-lieu fee for the purpose of providing monies for the provision of park and recreation facilities (either on or off-site) necessary to ensure the proposed development will be served by adequate park and recreation facilities.

COMMENT: Not applicable. PPS-2022-019 does not propose any residential development.

24-4508. Police Facility Adequacy

(a) Applicability

(1) A certificate for police facilities shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.

(2) To gain approval of a certificate for police facilities, the applicant shall demonstrate the proposed subdivision complies with the adopted LOS standards

of Section 24-4508(b) below, provides adequate mitigation (if appropriate), and complies with all other requirements of this Section.

(b) Adopted LOS Standard-Police

- (1) The population generated by the proposed subdivision, at each stage, shall not exceed the service capacity of existing police stations, in accordance with the Public Safety Guidelines, approved by Resolution of the Council.**
- (2) To demonstrate compliance with this LOS standard, the Chief of Police shall submit the following information, on an annual basis, to the Planning Director:**
 - (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.**
- (3) Section 24-4508(b)(2) above, does not apply to commercial or industrial applications for preliminary plans.**

(c) Availability and Mitigation

If facilities and personnel at existing police stations are not adequate to meet the adopted LOS standard for Police Facilities, the Planning Director shall find that:

- (1) The population 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;**
- (2) Adequate police facilities available to serve the population generated by the proposed subdivision are programmed with 100 percent of the expenditures for the construction of the facility in the adopted County CIP in accordance with the Public Safety Guidelines; or**
- (3) That adequate police facilities and improvements are participated in or funded by the applicant on a pro-rata basis, including participation in a specific Public Facilities Financing and Implementation Program (as defined in Subtitle 27) that will alleviate any inadequacy in accordance with the Public Safety Guidelines.**

COMMENT: All public facilities are adequate to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049, and all materials needed for the review of ADQ-2022-049 have been submitted with this PPS.

24-4509. Fire and Rescue Adequacy

(a) Applicability

A certificate for fire and rescue facilities shall be approved in accordance with Section 24-4503, Certificate of Adequacy. To gain approval of the certificate, the applicant shall demonstrate the proposed subdivision complies with the LOS standards of Section 24-4509(b), below, provides adequate mitigation (if appropriate), and complies with all other requirements of this Section.

(b) Adopted LOS Standard for Fire and Rescue

- (1) The population and/or employees generated by the proposed subdivision, at each stage of the proposed subdivision, will be within the adequate coverage area of the nearest fire and rescue station(s) in accordance with the Public Safety Guidelines.**
- (2) The Fire Chief shall submit to the County Office of Audits and Investigations, County Office of Management and Budget, and the Planning Director:**
 - (A) A statement reflecting adequate equipment in accordance with studies and regulations used by the County, or the Public Safety Master Plan for fire stations in the vicinity of the area where the subdivision is proposed to be located; and**
 - (B) A statement by the Fire Chief that the response time for the first due fires and rescue station in the vicinity of the proposed subdivision is a maximum of seven minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.**
- (3) Subsection (b)(2), above, does not apply to commercial or industrial applications.**

(c) Availability and Mitigation

- (1) If existing fire and rescue stations are not sufficient to meet the adopted LOS standard, the Planning Director 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;**
 - (B) A fire and rescue station(s) that can adequately serve the population and/or employees at the proposed subdivision is programmed with 100 percent of the expenditures for the construction of the facility in the adopted County CIP in accordance with the Public Safety Guidelines. However, if construction of the improvements does not commence within 9 years after the first year the fire and rescue station(s) project is fully funded in an adopted County CIP, the preliminary plan for subdivision (minor or major) may not be considered and approved until the facilities are actually constructed;**
 - (C) That improvements participated in or funded by the applicant, including participation in a specific public facilities financing and implementation**

program, will alleviate any inadequacy in accordance with the Public Safety Guidelines; or

- (D) Should nonresidential development not meet the response time test, the applicant may provide mitigation through:
 - (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.
- (2) Before any preliminary plan for subdivision (minor or major) 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 an Rural and Agricultural zone, the Planning Director shall require the applicant to provide water storage tanks, make water tanker trucks available, or ensure there will be other appropriate sources of water for fire extinguishing purposes.

COMMENT: All public facilities are adequate to serve the proposed development. A Certificate of Adequacy will be issued in accordance with Section 24-4503 of the Subdivision Regulations prior to the approval of PPS-2022-019. The proposed development has been assigned ADQ-2022-049, and all materials needed for the review of ADQ-2022-049 have been submitted with this PPS.

24-4510. Schools Adequacy

(a) Applicability

- (1) Unless exempted in accordance with Section 24-4510(a)(3) below, a certificate for schools adequacy shall be reviewed and approved, approved with conditions, or denied in accordance with Section 24-4503, Certificate of Adequacy.
- (2) To gain approval of the certificate for schools adequacy, the applicant shall demonstrate the proposed development complies with the LOS standards of Section 24-4510(b) below or provides adequate mitigation (if appropriate), and complies with all other relevant requirements of this Section.
- (3) The following are exempt from the requirements of this Section:
 - (A) A preliminary plan for subdivision (minor or major) which is a redevelopment project that replaces existing dwelling units;
 - (B) A preliminary plan for subdivision (minor or major) for elderly housing operated in accordance with the State and Federal Fair Housing laws;
 - (C) A preliminary plan for subdivision (minor or major) that consists of no more than three lots on less than five gross acres of land, whose lots, except for one to be retained by grantor, are to be conveyed to a son or daughter or lineal descendant of the grantor; and
 - (D) A preliminary plan for subdivision (minor or major) located in the Transit-Oriented/Activity Center base or PD zones.

(b) Adopted LOS Standard for Schools

- (1) The adopted LOS standard for schools is based on school clusters, which are groupings of elementary, middle, and high schools that are impacted by the preliminary plan for subdivision (minor or major).**
- (2) The adopted LOS standard is that the number of students generated by the proposed subdivision at each stage of development will not exceed 105 percent of the state rated capacity, as adjusted by the School Regulations, of the affected elementary, middle, and high school clusters.**
- (3) The number of elementary, middle, and high school students generated by the proposed subdivision shall be determined in accordance with the pupil yield factors for each dwelling unit type as determined by the Planning Director from historical information provided by the Superintendent of the Prince George's County Public Schools.**
- (4) The Planning Director shall determine:**
 - (A) The school cluster or clusters impacted by the proposed preliminary plan for subdivision (minor or major).**
 - (B) The actual enrollment, which is the number of elementary, middle, and high school students, as reported by the Superintendent of the Prince George's County Public Schools as of September 30 of the prior year, and as calculated by the Planning Director that is effective in January of each year for use in that calendar year.**
 - (C) The completion enrollment, which is the total number of elementary, middle, and high school students to be generated by the estimated number of residential completions, for each school cluster.**
 - (i) Residential completions are estimated from the total of all substantially completed dwelling units added to the County's assessable tax base in the two previous calendar years.**
 - (ii) In determining completion enrollment, the estimated number of residential completions in a given school cluster will not exceed the number of dwelling units shown on:**
 - (aa) An approved preliminary plan of subdivision (minor or major) with no waiting period, or with a waiting period less than 24 months as of September 30 of each calendar year; and**
 - (bb) All recorded plats not subject to an adequate public facilities test for schools at time of building permit issuance.**
 - (D) The subdivision enrollment, which is the anticipated number of elementary, middle, and high school students to be generated by all dwelling units shown on the proposed preliminary plan of subdivision (minor or major), multiplied by the pupil yield factor.**
 - (E) The cumulative enrollment, which is the total of all subdivision enrollments resulting from approved preliminary plans of subdivision (minor or major) in each school cluster for the calendar year in which an adequate public facilities test is being applied.**

- (F) The Planning Director shall determine the subdivision's cluster enrollment by adding: the actual number of students in the cluster as of September 30; the number of students anticipated from residential completions in the cluster; the number anticipated from the subdivision; and the number of students anticipated from subdivisions already approved in the cluster within the calendar year. The Planning Director shall then determine the percent capacity by dividing the cluster enrollment by the state rated capacity (adjusted by the School Regulations) of schools in the cluster.

(c) Mitigation

When conditioned upon payment of the schools facility surcharge, or when otherwise exempt from the schools facility surcharge pursuant to Section 10-192.01, School Facilities Surcharge, of the County Code, the subdivision may be approved regardless of actual or projected school capacity.

COMMENT: Not applicable. PPS-2022-019 does not propose any residential development.

SECTION 24-4600 – PARKLANDS AND RECREATION FACILITIES

24-4601. Mandatory Dedication of Parkland

(a) Purpose

The purpose of this Section is to establish standards for new subdivisions including residential uses to provide adequate land to meet the park and recreation needs of the residents of the subdivision.

(b) Applicability

(1) General

Unless exempted in accordance with Section 24-4601(b)(2) below, all subdivisions which include residential uses shall plat and convey to the M-NCPPC or to a municipality located within the County (but which is not within the Maryland-Washington Metropolitan District) upon the request of such municipality, adequate land to meet the park and recreation needs of the residents of the subdivision, or pay a fee in-lieu, or provide park and recreation facilities as otherwise provided in this Section.

(2) Exemptions

The following are exempted from the standards of this Section:

- (A) Any lot that was legally created by deed prior to April 24, 1970;
- (B) Any lot being created by the subdivision of land upon which a dwelling legally exists at the time of subdivision; and
- (C) Any re-subdivision of land for which land was previously dedicated for park and recreation needs, or a fee in-lieu paid, to the extent that land dedication or fees in-lieu are sufficient to accommodate the residents of the subdivision (if lots are added as part of the resubdivision, land shall be dedicated or an in-

lieu fee paid in accordance with this Section to meet the park and recreation needs of the residents of the new lots).

(3) Amount of Park and Recreation Land Required

The amount of land to be dedicated shall be:

- (A) Five percent of land on which a density of one to four dwelling units per net acre is the maximum density allowed in Subtitle 27: Zoning Ordinance;
- (B) Seven and one-half percent of land on which a density of four to seven and one-half dwelling units per net acre is permissible;
- (C) Ten percent of land on which a density of seven and one-half to 12 dwelling units per net acre is permissible; and
- (D) Fifteen percent of land on which a density exceeding 12 dwelling units per net acre is permissible.

(4) Compliance Alternatives

As an alternative to the dedication of land in accordance with Section 24-4601(b)(3), Amount of Park and Recreation Land Required, above, any of the following, either singly or in combination, shall satisfy the requirements of this Section.

(A) Active and/or Passive Recreation Land

- (i) The dedication of land identified for preservation as part of a stream valley park on a Functional Master Plan, Area Master Plan, or Sector Plan, with a finding there is reasonable active recreation in the general area, and that any trails shown on the plans are provided and dedicated.
- (ii) The location of on-site detention and/or retention ponds may be credited toward lands required for dedication, regardless of ownership, if it is determined that such area will provide active or passive recreation because of specific access provisions, recreational facilities, or visual amenities, and appropriate maintenance agreements have been, or will be, made to ensure compliance with this requirement.

(B) Fees in-Lieu

- (i) If it is determined that the dedication of park and recreation land is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar circumstances, the subdivider shall provide a fee in-lieu of dedication in the amount of five percent of the total new market value of the land as stated on the final assessment notice issued by the State Department of Assessments and Taxation.
- (ii) The in-lieu fee shall be used for the sole purpose of purchasing or improving land to meet the park and recreation needs of, and benefit, the residents of the subdivision.

(C) Recreational Facilities

Recreational facilities may be provided instead of land or in-lieu fees in any Residential zone, provided that a plan for such recreational facilities is approved by the Planning Board after determining that:

- (i) Such facilities will be equivalent or superior in value, to the land, improvements, or facilities that would have been provided under this Section; and

- (ii) **The facilities will be properly developed and maintained to the benefit of future residents of the subdivision through covenants, a recreational maintenance agreement, or other appropriate means, and that such instrument is legally binding upon the subdivider and the subdivider's heirs, successors, and assigns, and that such instrument is enforceable; and**
- (iii) **No permit for construction or occupancy of dwellings shall be issued unless the Planning Board is satisfied that the facilities have been, or will be, provided at the appropriate state of development.**

COMMENT: Not applicable. PPS-2022-019 does not propose any residential development.

SECTION 24-4700 – CONSERVATION SUBDIVISION STANDARDS

COMMENT: This section does not apply. The property is not located in a zone that permits a conservation subdivision, and the applicant is not proposing a conservation subdivision.

VI. REQUIREMENTS FOR CONSOLIDATED STORAGE

Section 27-5102(f)(4)(A) provides the specific use requirements for a consolidated storage facility.

(A) Consolidated Storage

- (i) **The subject property shall front on and have direct vehicular access to an existing street with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the use.**

COMMENT: The subject property will be accessed via Duvall Street. The consolidated storage use is a low traffic generating use and there is sufficient capacity on the roads serving the site to accommodate the vehicle trips generated. This is supported by the fact that the Transportation Planning staff did not require the preparation of a Transportation Impact Study. Staff did require that counts be conducted at the intersection of MD 564 and MD 193, and at the intersection of MD 564 and Old Glenn Dale Road. These intersections were found to have sufficient capacity to accommodate the vehicle trips generated by this facility. A memo from Jun (Jim) Yang dated September 5, 2023, states, "While a full traffic impact study was not required, the applicant submitted traffic counts. The traffic counts show the proposed volumes will not have an adverse impact on the current traffic conditions." (SE-2022-002 Technical Staff Report Backup at page 68). *See also supra.*

- (ii) **The exterior and architectural façade of the building shall be compatible with the prevailing architecture and appearance of other development in the surrounding neighborhood.**

COMMENT: With SE-2022-002, it was accepted that the neighborhood of the subject property is bounded as follows:

As Lanham-Severn Road is only a two-lane Collector roadway [. . .] and does not form a substantive physical or visual barrier, the neighborhood should properly be both constrained and expanded as follows:

North –	Greenbelt Road (Maryland Route 193);
Southeast –	The CSX Penn Line railroad tracks;
West –	Forbes Boulevard & the eastern edge of the Woodland Landing apartments.

It is noted that these boundaries leave the Subject Property in the very northeast corner of the defined neighborhood. Greenbelt Road, however, is a raised, divided arterial roadway with a wide right-of-way which forms a substantive physical and visual barrier to the north. The character of the uses on the north side of Greenbelt Road in the vicinity of the Subject Property, a large pond and a DPW&T maintenance yard only reinforce the character of the barrier to land uses further to the north. Similarly, the Penn Line Railroad, particularly given its physical enclosure with iron fencing, forms a substantive barrier to the southeast.

The line of Forbes Boulevard to the west demarcates both a reasonable distance from the Subject Property (1/2-mile) given the low intensity of the proposed use, and marks changes in the character of local land uses along Greenbelt Road, within the Woodstream community, and along Lanham-Severn Road.

(SE-2022-002 decision at page 4).

The surrounding neighborhood as defined with SE-2022-002 primarily consists of commercial and industrial uses, and the architectural plans included with this submittal demonstrate compatibility with the surrounding neighborhood. Immediately abutting the site to the southwest are one-story masonry buildings, occupied by vehicle repair shop, day care center, Post Office, and construction contractor's office. To the north and east are road rights-of-way and rail lines; to the west is road right-of-way and a gas station. The proposed consolidated storage building will be constructed of primarily masonry materials, along with metal paneling, decorative metal bands, and metal coping in various shades. The proposed building will be three (3) stories (36 feet), and compatible with the surrounding low- to medium-density development. Landscape buffers in accordance with the requirements of the Landscape Manual will be provided. The decision for SE-2022-002 states, "The Applicant's architect addressed the provisions in the

architectural design to insure compatibility with the prevailing architecture and appearance of other development in the surrounding neighborhood” (Page 20).

- (iii) No entrances to individual consolidated storage units shall be visible from a street or from adjoining land in any Rural and Agricultural or Residential base zone, Transit-Oriented/Activity Center base or PD zone, or the CN, CS, or CGO zones, or from land approved for a residential or commercial use.**

COMMENT: All entrances are oriented toward the interior of the development. Architectural plans demonstrating this have been submitted with PPS-2022-019. Pursuant to Section 27-3604(b)(2), “Any development for which a special exception is approved in accordance with this Section is not required to have a site plan reviewed and approved in accordance with Section 27-3605, Detailed Site Plan, since a site plan for the proposed development is reviewed and approved as part of the special exception application.” Thus, this finding has been met pursuant to the approval of SE-2022-002.

- (iv) Entrances to individual consolidated storage units shall be either oriented toward the interior of the development or completely screened from view by a solid wall, with landscaping along the outside thereof.**

COMMENT: All storage units are internal and do not have direct access to areas/entrances outside the building.

- (v) For consolidated storage units having direct access to areas outside the building, there shall be provided driveways and areas between buildings for vehicular access, loading, and unloading. Sufficient width shall be provided to permit a moving vehicle to safely and efficiently pass a vehicle parked adjacent to an individual consolidated storage unit. In no case shall a width of more than 25 feet be required.**

COMMENT: All storage units are internal and do not have direct access to areas outside the building. The facility provides a covered and concealed drive-thru loading tunnel leading to the interior of the building. Sufficient width is provided to permit a moving vehicle to safely and efficiently pass a vehicle parked within the drive-thru loading.

- (vi) In the IE Zone, the expansion of an existing consolidated storage use within a building shall be limited to a maximum of 50 additional individual units and shall not be located within one-half mile of another consolidated storage use in the IE Zone. However, this Subsection shall not apply to a consolidated storage use expansion constructed pursuant to an approved preliminary plan of subdivision, final plat, and detailed site plan, where the consolidated storage**

use is buffered from view from any public right-of-way. The required Technical Staff Report prepared and submitted to the administrative record for the detailed site plan application shall include a current, countywide inventory of the locations, dates of approval, and any conditions of approval for consolidated storage uses located on property within one-half mile of the boundaries of the property on which the proposed consolidated storage use will be located.

COMMENT: Not applicable. The property is located in the CS Zone.

- (vii) **In the CGO Zone, the property owner shall set aside of minimum of 1,500 square feet of gross floor area of commercial/retail/office space at ground level or above ground level at zero base rent to be leased as a business incubator or Community Non-Profit Space, as defined in Section 27-2500 of this Code, subject to the following:**
 - (aa) **If the Community Non-Profit Space is located above ground level, the property owner shall ensure that space is handicapped accessible, and shall provide adequate signage so that the public can locate the space.**
 - (bb) **Occupancy and use of the Community Non-Profit Space shall be subject to a Community Benefit Agreement executed by the property owner and Community Non-Profit Organization, as approved by the District Council. Said Community Benefit Agreement shall be binding on all successors, heirs, and assigns of the property.**

COMMENT: Not applicable, as the property is located in the CS Zone. Notwithstanding, a community room is proposed to facilitate community gatherings and meetings as a public benefit.

VII. PART 27-6 COMPLIANCE

COMMENT: In the decision for SE-2022-002, the Zoning Hearing Examiner found, “The SE is in conformance with the applicable standards in Section 27-6200 of the Zoning Ordinance. The SE demonstrates sufficient vehicular, pedestrian, and bicycle access and circulation.” (SE-2022-002 decision at page 21) (as further affirmed by the District Council in its Order of Approval). Furthermore, pursuant to Section 27-3604², during the review of the special exception, the site plan was reviewed against all applicable standards for Part 27-6 and were determined to have been met.

² Section 27-3604(b)(2) provides: “ Any development for which a special exception is approved in accordance with this Section is not required to have a site plan reviewed and approved in accordance with Section 27-3605, Detailed Site Plan, since a site plan for the proposed development is reviewed and approved as part of the special exception application.”

This application for a preliminary plan of subdivision, as applicable, complies with Part 27-6 of the Zoning Ordinance as it remains consistent with the approved special exception site plan. For informational purposes and to ensure this Statement of Justification is responsive to the applicable code requirements, the applicant provides the following analysis (although this is superfluous as the special exception site plan was reviewed for conformance with the applicable provisions of Part 27-6 and should not be revisited again here with a PPS):

27-6201. Purpose and Intent

The purpose of this Section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

- a. Provide transportation options;**
- b. Increase the effectiveness of local service delivery;**
- c. Reduce emergency response times;**
- d. Promote healthy walking and bicycling;**
Facilitate use of public transportation;
- e. Contribute to the attractiveness of the development and community;**
- f. Connect neighborhoods and increase opportunities for interaction between neighbors;**
- g. Reduce vehicle miles of travel and travel times;**
- h. Reduce greenhouse gas emissions;**
- i. Improve air quality;**
- j. Minimize congestion and traffic conflicts; and**
- k. Preserve the safety and capacity of County transportation systems.**

COMMENT: As will be demonstrated below, as applicable, the proposed development complies with the purposes set forth in 27-6201.

27-6202. Consistency with Plans

The design and construction of access and circulation systems associated with a development shall be consistent with the transportation goals, objectives, and actions in the County's General Plan, the Approved Countywide Master Plan of Transportation, the applicable Area Master Plan or Sector Plan, and other County-adopted plans addressing transportation.

COMMENT: The applicable area master plan is the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment*. The master plan

recommends commercial land uses on the subject site. The associated SMA retained the C-M zone for a portion of the property (Parcel D, Block 2 of Glendale), while rezoning a portion from the C-O to the C-M zone (Part of Lot 2, Glendale A/106). Subsequently, the entirety of the subject site was reclassified from the C-M Zone to the CS Zone through the Countywide Sectional Map Amendment (CMA) effective on April 1, 2022. (*See response supra*).

The redevelopment of the subject property with a consolidated storage facility is consistent with the CS zoning category as well as the Master Plan recommendation for the MD 564 and MD 193 corridors. (*See supra*). The Sector Plan recommends “Support improved access management and local street connectivity” to “help reduce the number of curb cuts and conflicts [. . .] along arterial corridors, including MD 564 [. . . and] MD 193 [...]” (Sector Plan at page 162). Consistent with the Sector Plan recommendation, the proposal manages access to the site by providing a single entrance from Duvall Street, an existing gravel road which is proposed to be improved subject to the approval of the operating agency. Improvements to Duvall Street include a 5-foot ADA-compliant sidewalk connecting the site to existing sidewalk on Old Glenn Dale Road.³ No access is proposed from MD 564 or MD 193. The 2009 *Master Plan of Transportation* recommends side path and on-road bicycle facilities on Lanham-Severn Road (MD 564), along with shared-use bike path and designated bike lanes on Glenn Dale Boulevard (MD 193). A master plan bike lane exists along the site’s frontage with Glenn Dale Boulevard (MD 193). Construction of the master planned side path and on-road bicycle facilities along the site frontage at the slip lane leading from MD 564 northbound to MD 193 eastbound is not proposed, as, due to the complexity of the intersection, these improvements should be undertaken during a comprehensive re-design of the intersection. Both Glenn Dale Boulevard and Lanham-Severn Road are under the jurisdiction of the Maryland State Highway Administration (SHA). The proposed development is consistent with the applicable Master Plan.

27-6203. Multimodal Transportation System

Access and circulation systems associated with a development shall provide for multiple travel modes (pedestrian, transit, bicycle, and vehicular), based on the development’s size, character, the zone in which it is located, and its relationship to existing and planned transportation systems. Pedestrian, transit, bicycle, and vehicular access and circulation systems shall be coordinated and integrated as necessary to offer the development’s occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

COMMENT: Access to the site will be from Duvall Street. Duvall Street will be improved to a public standard including 5-foot ADA-compliant sidewalk, subject to the approval of the operating agency. Bicycle and pedestrian access and circulation are coordinated with vehicular access and circulation for safe and efficient movement of all modalities throughout the site.

27-6204. Circulation Plan or Site Plan Required

³ By providing ADA access to the sidewalk on Duvall Street the connectivity requirements.

Development applications shall include a circulation plan (unless a site plan meeting the requirements of this Section is submitted) that demonstrates how the development follows the requirements of Sections 27-6205 through 27-6208. A circulation plan may be combined with the parking plan required in Section 27-6303, Parking Plan or Site Plan Required

COMMENT: Acknowledged. A site plan demonstrating conformance to the requirements of Sections 27-6205 through 27-6208 as applicable is provided with this application and/or is depicted on the approved SE-2022-002. The building will be encircled with a two-way variable drive aisle (24-foot to 30-foot).

27-6205. Developer Responsible for On-Site Street Improvements

If a street is proposed within a development site, the developer shall bond, construct and maintain road, street, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards for design and construction defined in Subtitle 23: Roads and Sidewalks, SHA design standards (if applicable), or those of the applicable municipalities having jurisdiction, and shall dedicate any required rights-of-way or easements, as required by the Subdivision Regulations and shown on an approved preliminary plan of subdivision.

COMMENT: Not applicable. The PPS does not propose any streets within the development site.

27-6206. Vehicular Access and Circulation

(a) Definition of Street Functional Classification

All public streets will be classified by the County according to the system of functional classification defined in the Prince George's County Specifications and Standards for Roadways and Bridges, authorized in Subtitle 23: Roads and Sidewalks as the County's official standards for street design and construction. Within the Transit-Oriented/Activity Center base and Planned Development (PD) zones, the Prince George's County Urban Street Design Standards shall apply.

(b) Vehicular Accessway Classifications

As a basis for application of many of the vehicular access and circulation standards in this Section, proposed and existing vehicular accessways shall be classified in accordance with the following classifications, which reflect the accessway's relative functions in providing access to and from principal origin and destination points and accommodating travel mobility. These do not supersede or replace classifications used in the Prince George's County Specifications and Standards for Roadways and Bridges.

(1) Driveways

Driveways are accessways that function solely to provide direct and immediate vehicular access between an alley or street and the principal origin and

destination points within an abutting development, or part of a large development. They generally handle low vehicular travel speeds and traffic volumes but may handle higher vehicular traffic volumes within large commercial and mixed-use developments (e.g., driveways within mixed-use developments or shopping center parking areas). Driveways are generally not located in the public right-of-way for their principal length, or along building frontages in the Transit-Oriented/Activity Center base and Planned Development (PD) zones and are not considered streets.

(2) Alleys

- (A) Alleys make up a specialized classification of accessway that primarily functions to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys may provide primary vehicular access for dwellings designed to have no driveway access from the fronting street, or access may be provided through a combination of an alley and a driveway from a fronting street. Alleys may not provide primary vehicular access for dwellings that do not have a fronting street.**
- (B) Within the CN, NAC, LTO, RTO-L, RTO-H, LTO-PD, and RTO-PD zones, alleys shall comply with standards established in the Prince George's County Urban Street Design Standards. In all other areas of the County, alleys shall comply with the standards established in Subtitle 23: Roads and Sidewalks, and Subtitle 24: Subdivision Regulations, of the County Code, and the Prince George's County Specifications and Standards for Roadways and Bridges.**

(3) Connectivity

The accessways defined in Sections 27-6206(b)(1) and 27-6206(b)(2) shall connect to public or private streets, which shall follow standards of design and construction as defined in the Prince George's County Specifications and Standards for Roadways and Bridges and in Subtitle 23: Roads and Sidewalks, SHA design standards (if applicable), or those of the applicable municipalities having jurisdiction,

(c) Required Vehicular Access and Circulation

A new development shall be served by a system of vehicular accessways and internal circulation (including driveways, and alleys connecting from public or private streets, as well as any required fire lanes, parking lot drive aisles, and any circulation associated with parking, loading, or drive-through service windows) that are designed to accommodate appropriate circulation of firefighting and other

emergency vehicles, public transit, school buses, garbage trucks, delivery vehicles, service vehicles, and passenger motor vehicles within the development, as defined by the standards in Subtitle 23: Roads and Sidewalks.

COMMENT: The PPS has been designed to conform to these standards and provides adequate access and circulation for vehicles normally accessing a consolidated storage facility as well as fire trucks and other emergency vehicles.

(d) Vehicular Access Management

(1) Limitation on Direct Access Along Arterial and Collector Streets

Proposed direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) may be provided directly from an arterial or collector street only if:

- (A) No alternative direct vehicular access from a lower-classified accessway (e.g., local street, driveway, or alley) is available or feasible to provide;**
- (B) Only one two-way driveway, or one pair of one-way driveways, is allowed onto lots with 200 or less feet of lot frontage on the arterial or collector street, and no more than one additional two-way driveway or pair of one-way driveways per additional 200 feet of frontage; and**
- (C) The development(s) served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less, or it is determined that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial or collector street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial or collector street.**

COMMENT: This standard is not applicable. PPS-2022-019 is not proposing access to a roadway with a master planned classification of arterial or collector.

(2) Limitation on Direct Driveway Access along Other Streets

The following standards shall apply to vehicular access along a street other than an arterial street.

- (A) For single-family detached dwellings, two-family dwellings, and three-family dwellings, one direct driveway access point is allowed if only the frontage of the lot abuts the street's right-of-way. If the street is on a corner lot of two non-arterial or non-collector streets and abuts the**

right-of-way of two intersecting streets, two direct driveway access points are allowed (one to each street).

- (B) For townhouse and multifamily dwellings, and for uses in the Public, Civic, and Institutional; Commercial; and Industrial Use Categories, the number of vehicular access points along a public street shall follow State, County, or municipal access standards, as applicable, to protect the function, safety, and efficiency of travel on the street and any associated bikeways and sidewalks.
- (C) Where a through lot or corner lot fronts on roadways of different classifications, direct driveway access to the lot shall be provided only from the lower-classified fronting street, to the maximum extent practicable.

COMMENT: PPS-2022-019 complies with these standards. The applicant is proposing two access driveways to the site via Duvall Street.

(3) Shared Driveways

- (A) Driveway access shared between adjoining lots is encouraged and, in the case of County or State access spacing requirements that do not allow individual lot frontages to be served individually, may be required to limit direct vehicular access along streets.
- (B) Easements allowing cross-access to and from lands served by a shared driveway, along with agreements defining maintenance responsibilities of landowners, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development proposing the shared driveway access. Such easements shall clearly limit parking of each property owners' vehicles to their side of the driveway, and stipulate that both owners shall share in the costs and responsibility of maintaining the driveway.

COMMENT: The applicant is not proposing shared driveways.

(e) Cross-Access

(1) Purpose

The purpose of the following vehicular connectivity standards is to enhance safe and convenient mobility within and between neighborhoods and developments that helps integrate and connect neighborhoods, allow residents to conveniently visit neighbors and nearby activity centers without compromising the capacity of the County's streets to accommodate through-traffic, improve opportunities for comprehensive and convenient transit service, enhance efficient provision of public services, and

improve the speed and effectiveness with which emergency services and police and fire protection can be provided to County residents and lands.

(2) Cross-Access Between Adjoining Developments

To encourage shared parking and minimize access points along streets, new development, other than industrial development, in the Transit-Oriented/Activity Center base and PD zones and Nonresidential base zones shall comply with the following standards:

- (A) The internal vehicular circulation system shall be designed and constructed to provide vehicular cross-access between the development's vehicular use areas and those on adjoining parcels containing a nonresidential or mixed-use development, or to the boundary of adjoining vacant land in a Transit-Oriented/Activity Center base or PD zone or a Nonresidential zone (see Figure 27-6206(e)(2): Cross-Access Between Parking Areas of Adjoining Developments).**
- (B) Cross-accessways shall provide for two-way vehicular traffic between the vehicular use areas on the adjoining lots through the use of a single driveway or drive aisle that is at least 22 feet wide or through two one-way driveways or aisles that are each at least 14 feet wide.**
- (C) The Planning Director or review body deciding a parent application may waive or modify the requirement for vehicular cross-access if the applicant clearly demonstrates that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.**
- (D) Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners, shall be recorded in the Land Records of Prince George's County before record plat or prior to the issuance of a building permit for the development.**

COMMENT: This is not applicable as the development consists of a consolidated storage facility, which is considered in the Zoning Ordinance as an industrial development. Notwithstanding, it is a permitted use in the CS Zone, subject to the approved Special Exception (SE-2022-002). Moreover, the subject property is bounded by state highway right-of-way to the north and west, and to the southeast by rail lines. To the southwest, there are existing commercial and industrial properties. Any cross-access to these properties is impractical and undesirable, as it would lead to the rear of the adjoining properties, thereby raising safety concerns and creating potential for cut-through traffic between the subject site and Old Glenn Dale Road via the adjoining property. Safety is a special concern when considering providing cross-access to/through the existing Post Office and day care center properties. Vehicular access to these properties will be provided to their frontage on Old Glenn Dale Road, via the improved Duvall Street. Thus, even if applicable, this requirement should be waived (or has already been waived given the approval of SE-2022-002).

(f) Connectivity Standards for Single-Family (Attached and Detached) Residential Development

COMMENT: Not applicable as the applicant is not proposing single-family development.

(g) Pedestrian Connections

- (1) A right-of-way (at least ten feet wide) shall be provided for pedestrian and bicycle access between a cul-de-sac head or street turnaround and the sidewalk system of the closest street or pedestrian path (as shown in Figure 27-6206(g): Pedestrian Connections), if the cul-de-sac head or street turnaround:**
 - (A) Is within a half-mile of significant pedestrian generators or destinations such as transit stops, schools, parks, public trails, greenways, employment centers, mixed use development, retail centers, or similar features; and**
 - (B) Can be connected to an existing or proposed sidewalk, trail, greenway or other type of pedestrian connection.**
- (2) Vacant adjacent land that could be developed in the foreseeable future with sidewalks, trails, greenways, or other types of pedestrian connections to which the pedestrian and bicycle access can be connected.**
- (3) These pedestrian connections shall count as links for the purpose of calculating the connectivity index.**
- (4) These pedestrian connections may require public use easements in accordance with Subtitle 24: Subdivision Regulations of the County Code.**

COMMENT: PPS-2022-019 proposes a connection to the existing sidewalk on Old Glenn Dale Road. No public use easement is required, as the sidewalk will be within the Duvall Street right-of-way. By providing ADA access to the sidewalk on Duvall Street, the applicant has met the connectivity requirements.

(h) External Street Connectivity

COMMENT: This standard is not applicable to this application, as the applicant is not proposing to create any new streets.

(i) Continuation of Adjacent Streets

COMMENT: This standard is not applicable to this application, as the applicant is not proposing to create any new streets.

(j) Traffic-Calming Measures for Private Streets

COMMENT: This standard is not applicable, as the applicant is not creating private streets.

(k) Block Design

COMMENT: This standard is not applicable, as the applicant is not proposing any new blocks with this development.

(l) Driveway Layout and Design

(1) Driveway Width

All driveways serving development, except single-family detached dwellings, two-family dwellings, and three-family dwellings, shall comply with the following minimum width standards:

(A) One-way driveways shall be at least 11 feet wide, as measured between the edges of paving in a typical tangent section that does not include corner radii.

(B) Two-way driveways shall be at least 22 feet wide, as measured between the edges of paving in a typical tangent section that does not include corner radii.

(2) Dead-End Driveway Length

Driveways that do not connect back to a street shall be no longer than 150 feet unless they include adequate provision for fire trucks to turn around, as approved by the Fire Chief.

(3) Driveway Intersections

Driveway intersections shall also comply with the following standards:

(A) Alignment

To the maximum extent practicable, driveway intersections along a street shall line up with existing or approved driveway, parking lot drive aisle, or roadway intersections on the opposite side of the street.

(B) Proximity to Adjoining Land

Except for shared driveways provided in accordance with Section 27-6206(d)(3), Shared Driveways, driveway intersections shall be spaced from an adjoining property line by at least two feet or such greater distance as is needed to avoid encroachment of the driveway radius onto the adjacent property or interference with safe use of a driveway on the adjoining property.

(C) Medians in Driveway Entrances

Medians may be incorporated at driveway entrances provided:

(A) No signage is included within the median other than traffic signs and a single monument sign;

(B) Planted material within the median is limited to minor shade trees, shrubs, ground cover, and grass; and

(C) The minimum driveway width is maintained for each travel and turning lane.

COMMENT: Access to the site is provided via two 30-foot-wide driveways situated at or near the proposed northern terminus of Duvall Street. The proposed driveway entrances to the site are designed pursuant to all applicable regulatory design standards. No other driveway, parking lot drive aisle, or roadway intersections exist or are approved on Duvall Street. No medians are proposed in the driveway entrance to the site.

(m) Vehicle Stacking Space

(1) For Drive-through and Related Uses

(A) Required Number of Stacking Spaces

In addition to meeting the off-street parking standards in Table 27-6305(a): Minimum Number of Off-Street Parking Spaces, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses.

Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses

Use or Activity (1)	Minimum Number of Stacking Spaces	Measured From
<u>Bank</u> or financial Institution, with drive-through service or with <u>automated teller machine (ATM)</u> as an <u>accessory use</u>	3 per lane	Teller window or teller machine
<u>Gas station</u>	1	Each end of the outermost gas pump island
Gated driveway (for any <u>principal use</u>)	3	Gate
<u>Nursing</u> or care home	3	Building entrance
<u>Recycling collection center</u>	3 per bay	Bay entrance
<u>Personal Vehicle Repair and Maintenance</u> , specifically with <u>car wash</u> and auto detailing, automatic	6 per bay	Bay entrance
Personal Vehicle Repair and Maintenance, specifically with car wash and auto detailing, self-service	2 per bay	Bay entrance
<u>Consumer goods establishment</u> , with drive-through service	4 per lane	Window
All personal service uses with drive-through service	4 per lane	Window
Personal Vehicle Repair and Maintenance, specifically with oil change/lubrication shop	3 per bay	Bay entrance
<u>Restaurant, quick-service</u> , with drive-through service (2)	6	Order box
School, private not located in the RTO-H, RTO-L, RTO-PD, LTO, LTO-PD, TAC, TAC-PD, NAC, or NAC-PD zones	6 spaces	Primary Building entrance, if this is the primary location for student pick-up/drop-off
	8 spaces	Designated student waiting area, if this is the primary location for student pick-up/drop-off
Other	Uses not specifically listed are determined by the Planning Director based on standards for comparable uses, or alternatively based on a <u>parking demand study</u>	

NOTES:

(1) See [PART 27-5](#): Use Regulations.

(2) Restaurants with drive-through service shall provide at least four additional stacking spaces between the order box and the pick-up window.

(B) Design and Layout

Required stacking spaces are subject to the following design and layout standards:

(i) Stacking spaces shall be a minimum of 10 feet wide and 20 feet long;

- (ii) Stacking spaces shall not impede on-site or off-site vehicular traffic movements or movements into or out of off-street parking spaces;
- (iii) Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements; and
- (iv) Stacking spaces shall be separated from other internal driveways by raised medians if the DPIE Director (for public streets) or Planning Director (for private streets) determine the medians to be necessary for traffic movement and safety.

(2) For Vehicular Parking Area (Parking Lot) Entrance Driveways

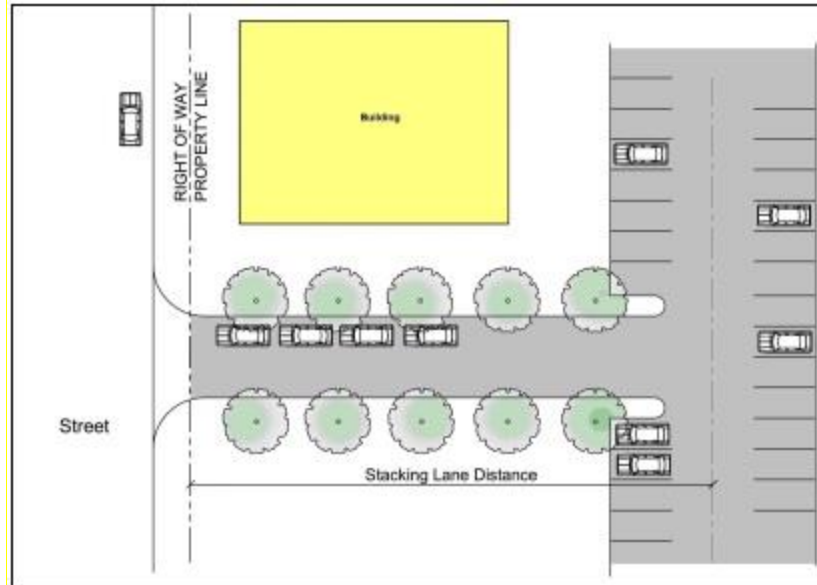
Nonresidential and mixed-use development (excluding industrial uses) shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 27-6206(m)(2).a: Minimum Stacking Lane Distance for Vehicular Parking Area Entrance Driveway (see Figure 27-6206(m)(2).b: Measurement of Stacking Lane Distance for Vehicular Parking Area Entrance Driveway). In the event the number of parking spaces requires a stacking lane distance of 150 feet or greater, this requirement will supersede that of Section 27-6206(l)(2), Dead-End Driveway Length.

Table 27-6206(m)(2).a: Minimum Stacking Lane Distance for Vehicular Parking Area Entrance Driveway	
Number of Off-Street Parking Spaces (1)	Minimum Stacking Lane Distance (ft) (2)
1 - 49	25
50 – 249	50
250 – 499	100
500 or more	100 + 15 ft for every additional 50 spaces beyond 500

NOTES:

- (1) Entrances into parking structures may be credited towards the stacking lane distance standard provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle.
- (2) Stacking lane distance is measured from the intersection of the driveway with the street right-of-way, along the centerline of the stacking lane, to its intersection with the centerline of the first entrance into a parking area or other internal intersecting driveway.

Figure 27-6206(m)(2).b: Measurement of Stacking Lane Distance for Vehicular Parking Area Entrance Driveway



COMMENT: Not applicable to industrial development. Notwithstanding, the proposed driveway entrances to the site are designed pursuant to all applicable regulatory design standards.

27-6207. Pedestrian Access and Circulation

(a) Required Pedestrian Access

(1) General Pedestrian Access

All new development subject to this Section shall be served by an internal pedestrian circulation system (including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development, as well as between the adjoining parts of an existing or planned external, community-wide pedestrian circulation system and any adjoining transit stops, bus stops, public parks, greenways, schools, community centers, and shopping areas:

- (A) The primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);
- (B) Off-street parking bays;
- (C) Any designated or planned transit stations or bus stops and shelters (on-site or on an adjacent street); and
- (D) Recreation facilities and other common use areas and amenities.

(2) Sidewalks Required

- (A) All new development subject to this Section, except for development fronting a rural road, or single-family subdivisions where the density is 1 dwelling unit per 2 acres or less, shall install sidewalks on both sides

of all streets having curb and gutter construction within the development site and along the entire frontage of the development site with an existing street (unless an existing sidewalk meeting County standards is already in place).

- (B) Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer shall install a sidewalk on the development site within a dedicated widening of the right-of-way or dedicated public easement running parallel and adjacent to the public street.**
- (C) The Planning Director may waive or modify the requirement for sidewalks where the applicant clearly demonstrates that such sidewalks are impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made without stairs.**

COMMENT: PPS-2022-019 proposes a 5-foot sidewalk along the northwestern side of Duvall Street, and the site is designed with an internal pedestrian circulation system that allows access to the main entrance of the building and the community space both from off-site and from onsite vehicle and bicycle parking spaces. In addition, given the rail line adjacent to the property, which is not accessible to pedestrians (nor would anyone want it to be for safety reasons) and the steep slopes along the MD 193 frontage, it is impractical and/or infeasible for sidewalks due to the presence of topographic conditions and natural features that prohibit the applicant from adding sidewalks beyond those proposed. Also, adding a sidewalk along MD 193 would require additional curb and storm drain improvements since a new curb would block the drainage directly from the ROW onto the subject property. Lastly, SHA's guidance on pedestrian sidewalks states that "SHA's goal for sidewalk construction is to make continuous connections to existing sidewalks, schools, rail transit stations, bus stops, and other pedestrian destinations." The subject property lacks any of these items. Thus, even if applicable, this requirement should be waived (or has already been waived given the approval of SE-2022-002).

(b) Pedestrian Connectivity

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

COMMENT: Not applicable. No residential or mixed-use development is proposed with PPS-2022-019.

27-6208. Bicycle Access and Circulation

(a) Required Bicycle Access

(1) Internal and Adjoining Bicycle Access

All new development subject to this Section shall provide for internal bicycle circulation such that bicycle access to the development's primary use is safe, convenient and intuitive, specifically by providing the following, in coordination with the Department of Public Works and Transportation, State Highway Administration, or a municipality with jurisdiction over the streets.

- (A) Bicycle parking facilities required by Section 27-6309, Bicycle Parking Standards, in areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions) for bicycle storage;**
- (B) Connections to any adjacent existing or planned (identified in the applicable Area Master Plan or Sector Plan, or in the Countywide Master Plan of Transportation) on-street or off-street bicycle facilities outside the development, or internal bicycle systems in adjacent developments.**
- (C) Connections to any designated or planned rail transit or bus stops and shelters (on-site or on an adjacent street); and**
- (D) Connections to any recreational amenities internal to the development, such as open space.**

(2) Required Bikeway Network Improvements

- (A) All new development subject to this Section shall be required to install bike lanes, bike paths, or other bicycle improvements. Additional bikeway network improvements are encouraged where appropriate, such as within large development sites and to provide additional connections to nearby bicycle routes. The facilities shall be established in part, through an agreement and/or easements which include assurances for their maintenance.**
- (B) The Planning Director may, for private streets or, when advised by the permitting agency, for public streets, waive or modify the requirement for bike lanes, bike paths, or other bicycle improvements where the applicant clearly demonstrates that the facilities are impractical or infeasible due to topographic conditions, natural features, or visual obstructions that create hazards.**
- (C) Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required bike path along the frontage, the applicant may install a bike path on the development site, within a public easement running parallel and nearby the public street. Such bicycle paths shall not be restricted from public use and shall allow physical passage at all times.**

COMMENT: The proposed development provides for internal bicycle circulation such that bicycle access to the development's primary use is safe, convenient, and intuitive. The applicant is providing two (2) bicycle racks near the entrance to the facility, which will allow for parking of four (4) bicycles. Bicycle access to the site will be gained from Old Glenn Dale Road via Duvall Street, and bicycles will circulation through the site on the variable-width drive aisle as necessary,

including to planned open space. It is infeasible and impractical to provide additional access, as the subject property is bounded by State Highway right-of-way to the north and west, specifically the ramp leading from northbound MD 564 to eastbound MD 193. Much of the highway right-of-way is occupied by steep slopes. To the southeast, the site is bounded by high-speed rail lines which are bordered by metal fencing. Thus, even if applicable, this requirement should be waived (or has already been waived given the approval of SE-2022-002).

(b) Bicycle Connectivity Between Developments

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

COMMENT: Not applicable. No residential or mixed-use development is proposed with PPS-2022-019. Notwithstanding, it is infeasible and impractical to provide this connection, as the subject property is bounded by state highway right-of-way on the north and west, and to the southeast by rail lines. To the south, there are existing commercial and industrial properties. Bicycle access to these properties will be provided to their frontage on Old Glenn Dale Road, via the improved Duvall Road. Bicycle cross-access to these properties is impractical and undesirable.

(c) General Bikeway Layout and Design

(1) Off-Street Bicycle Facilities

Required bicycle paths shall:

- (A) Allow two-way bicycle circulation;**
- (B) Be at least ten (10) feet wide and surfaced with a smooth-surface (such as hot-mix asphalt), durable, and dustless material;**
- (C) Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals; and**
- (D) Provide lighting similar to the lighting standards for residential streets established in the Prince George's County Specifications and Standards for Roadways and Bridges or other standards in Subtitle 23 of the County Code.**

(2) On-Street Bicycle Facilities

Required bike lanes shall be designed and provided in accordance with the cross-section, paving, and other standards applicable to the roadways of which they are a part.

COMMENT: The applicant is not proposing any new roads as part of this development, and therefore, these standards are not applicable.

27-6300. Off-Street Parking and Loading

COMMENT: In the decision for SE-2022-002, the Zoning Hearing Examiner finds, “In accordance with the Parking and Loading Regulations contained in Section 27-6300 of the Zoning Ordinance, Consolidated Storage requires 1.0 spaces per 3,000 square feet of rentable storage area, 4.0 spaces per 1,000 square feet of office space, and 2.0 spaces per resident manager. This development has 102,425 square feet of rentable storage area, and thus, would require 35 parking spaces. There is 900 square feet of office space which will require an additional 4 parking spaces. There is no resident manager associated with this development. The total required spaces are 39. There are 40 parking spaces proposed. The Plan also meets the requirement for handicap spaces, as there are two accessible spaces provided, one of which is an accessible van space. Pursuant to Section 27-5101, “consolidated storage use” is specifically categorized as an “industrial use” within the “warehouse and freight movement uses principal use category, where loading spaces are not required for consolidated storage uses.” (SE-2022-002 decision at page 21-22) (as further affirmed by the District Council in its Order of Approval).

27-6301. Purpose and Intent

The purpose of this Section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different zones and different uses allowed by this Ordinance. The standards in this Section are intended to provide for adequate off-street parking and loading while supporting transit-oriented development and walkable areas in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions. The standards are also intended to achieve County policies of supporting redevelopment of commercial corridors, accommodating appropriate infill development, and avoiding excessive paved surface areas.

COMMENT: As addressed below, the proposed development will comply with the purpose and intent of 27-6301.

27-6302. Applicability

In addition to projects that may be subject to this Section pursuant to Section 27-6104, Applicability of Development Standards, existing development is subject to the following. In the event of conflict, the following provisions supersede:

(a) Change in Use

- (1) In addition, and except as identified in Section 27-6302(a)(2) below, any change in use of existing development shall be accompanied by provision of any additional off-street parking and loading spaces required for the changed use by this Section.**
- (2) A change in use in the Transit-Oriented/Activity Center base and PD zones and the Commercial base zones inside the Capital Beltway, where the change in use would increase the amount of required off-street parking by no more than 50 percent of that required for the original use or 40 spaces, whichever is greater, is exempted from the off-street parking requirements of this Section.**

(b) Expansion

If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, or seating capacity), any additional off-street parking and loading spaces that may be required shall be provided in accordance with the requirements of this Section as applied only to the expanded or enlarged part of the structure or use.

(c) Upgrading of Nonconforming Parking

Nonconforming parking facilities on the site of an enlarged, expanded, or altered structure or use area shall comply with the requirements of this Section in accordance with the standards of PART 27-7, Nonconforming Buildings, Structures, Uses, Lots, and Signs.

COMMENT: Acknowledged.

27-6303. Parking Plan or Site Plan Required

All development applications subject to review for compliance with the standards of this Section shall include a parking plan, unless a site plan meeting the requirements of this Section is submitted. A parking plan may be combined with the circulation plan required in Section 27-6204, Circulation Plan or Site Plan Required, for developments meeting the threshold required in that Section. A parking plan may also be combined with the alternative parking plan required by Section 27-6307(a), General; Alternative Parking Plan, should the applicant wish to seek off-street parking alternatives. The parking plan or site plan shall accurately designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development they are designed to serve, including how the parking facilities coordinate with the pedestrian, bicycle, transit, and vehicular circulation systems for the development. In addition, the parking plan or site plan shall accurately designate the location and design of sidewalks, bike paths, pedestrian or bicycle pavement striping, and any other pedestrian or bicycle pathways.

COMMENT: The preliminary plan of subdivision (PPS-2022-019) demonstrates conformance to these standards, as applicable.

27-6304. General Standards for Off-Street Parking and Loading Areas

(a) Use of Parking and Loading Areas

(1) General

Off-street parking areas required by this Section shall be used solely for the parking of licensed motorized vehicles in operating condition. Required parking spaces and loading berths may not be used for the display of goods for sale (except for food truck hubs operating pursuant to Subtitle 5 of the County Code, farmers' markets, and flea

markets), or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

(2) Identified as to Purpose and Location

Except for single-family dwellings, off-street parking areas and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles. Specific dimensional and marking standards are defined in Section 27-6304(d), Markings.

(b) Surfacing

(1) General

(A) Except as provided for in Section 27-6304(b)(1)(B) and Section 27-6304(b)(2) below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

(B) Parking for uses in the Rural and Agricultural base zones may be allowed on non-engineered surfaces of grass, gravel, dirt or similar materials, provided, the following uses shall comply with Section 27-6304(b)(1)(A) above:

- (i) Agricultural research facilities;
- (ii) Farm supply sales or farm machinery/implement sales, rental, or repair; and
- (iii) Cemeteries.

(2) Pervious or Semi-pervious Surfacing

The use of pervious or semi-pervious parking lot surfacing materials—including, but not limited to—pervious asphalt and concrete, open-joint pavers, and reinforced grass/gravel/shell grids, is encouraged. Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices (see Figure 27-6304(b)(2): Use of Pervious Materials in a Parking Lot).

(c) Location and Arrangement

(1) Safe and Convenient Access

(A) Off-street parking and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading

berth shall have adequate, unobstructed means for the ingress and egress of vehicles, and connect to a public street.

- (B) Except for off-street parking areas serving single-family detached, two-family, and three-family dwellings, off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.**
- (C) Except for off-street parking areas serving single-family detached, two-family, and three-family dwellings, off-street parking areas shall be arranged so an automobile may be parked or un-parked without having to move another automobile, unless within an automated or mechanical parking deck or garage, or part of valet or tandem parking in accordance with Section 27-6307, Off-Street Parking Alternatives.**
- (D) Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking lot.**

COMMENT: As demonstrated on the special exception site plan (SE-2022-002), the proposed parking area complies with these standards, as applicable. Off-street parking areas employ methods of identifying individual parking spaces and distinguishing such spaces or berths from aisles, and adhere to the specific dimensional and marking standards of Section 27-6304(d), Markings, as applicable. Off-street parking is convenient, accessible, and is designed to avoid conflict between vehicles. Pursuant to Section 27-6310(a), loading spaces are not required to be provided a consolidated storage use. The PPS is consistent with SE-2022-002.

(2) Backing onto Streets Prohibited

Except for parking areas serving single-family detached, townhouse, two-family, and three-family dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a street.

COMMENT: As demonstrated on the special exception site plan (SE-2022-002), proposed off-street parking areas have been arranged so that no vehicle is required to back out from such areas directly onto a street. Pursuant to Section 27-6310(a), loading spaces are not required to be provided a consolidated storage use. The PPS is consistent with SE-2022-002

(d) Markings

- (1) Each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, and parking of vehicles. Such markings—including striping, directional arrows, lettering on signs and in disabled-designated areas, and labeling of the pavement—shall be maintained**

so as to be readily visible at all times. The following uses are exempt from the requirements to mark parking and loading areas:

- (A) Single-family detached dwellings;
 - (B) Two-family dwellings;
 - (C) Three-family dwellings; and
 - (D) Uses in the Rural and Agricultural base zones, other than agricultural research facilities; farm supply sales or farm machinery/implement sales, rental, or repair; and cemeteries.
- (2) One-way and two-way accesses into parking facilities shall be identified by directional arrows. Any two-way access where parking is located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. This requirement does not apply to parking lot drive aisles.

COMMENT: The preliminary plan of subdivision (PPS-2022-019) is consistent with SE-2022-002, and the proposed parking areas comply with these standards, as applicable.

(e) Exterior Lighting

Lighted off-street parking and loading areas shall comply with the standards of Section 27-6700, Exterior Lighting.

(f) Wheel Stop Requirements

- (1) Off-street parking areas, except for below-grade or completely enclosed garages, shall comply with the landscaping standards of the Landscape Manual.
- (2) Any parking space in a gravel, crushed stone, or similar material lot, at the edge of a parking lot where the parking surface is adjacent to a downward slope of more than five percent, or at the edge of a parking lot where the parking surface ends at a concrete curb or vertical divider, shall include a permanently anchored wheel stop installed at the end of the parking space opposite the drive aisle.
- (3) Wheel stops, when used, shall be made of concrete, metal, or other material of comparable durability, and shall be at least six feet long and at least six inches high.

(g) Accessible Parking for Persons with Physical Disabilities

Development providing off-street parking spaces shall ensure that a portion of the total number of off-street parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act Accessibility Guidelines.

COMMENT: The preliminary plan of subdivision (PPS-2022-019) is consistent with SE-2022-002, and the proposed parking areas comply with these standards, as applicable. The photometric

plan and the landscape plan submitted with SE-2022-002 demonstrate compliance with the lighting standards of Section 27-6700 and the Landscape Manual, respectively. Two accessible parking spaces are provided at the entrance to the facility. The preliminary plan of subdivision (PPS-2022-019) is consistent with SE-2022-002.

(h) Maintained In Good Repair

(1) Maintained at All Times

All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

COMMENT: Acknowledged.

(i) Large Vehicular Use Areas (300 or More Spaces)

Vehicular use areas containing 300 or more parking spaces, whether developed at one time or in phases, shall be configured in accordance with the following standards:

COMMENT: Not applicable. PPS-2022-019 does not propose a large vehicular use area. 40 parking spaces total are proposed, including two (2) required accessible spaces.

27-6305. Off-Street Parking Space Standards

(a) Minimum Number of Off-Street Parking Spaces

Except as otherwise provided for multiple use developments (see Section 27-6305(c) below), new development or a change in use or expansion shall provide the minimum number of off-street parking spaces in accordance with Table 27-6305(a), Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space standards for uses with variable parking demands or unlisted uses is provided in Section 27-6305(b), Unlisted Uses.

(b) Unlisted Uses

COMMENT: Minimum off-street parking requirements for a consolidated storage facility are proposed to be met onsite, as shown on the preliminary plan of subdivision and as calculated in the attendant Parking and Loading Schedule included on the plan and reproduced below.

PARKING AND LOADING SCHEDULE				
	DESCRIPTION	RATE	REQUIRED	PROVIDED
PARKING	CONSOLIDATED STORAGE	1 SPACE PER 3,000 SF RENTABLE STORAGE AREA*	35	40
		4 SPACES PER 1,000 SF OFFICE SPACE**	4	
		2 SPACES PER RESIDENT MANAGER	0	
TOTAL NUMBER OF PARKING SPACES			39	40
ACCESSIBLE SPACES (INCLUDED IN REQUIRED/PROVIDED PARKING TOTALS)		26-50 SPACES	2	2
LOADING	LOADING SPACES NOT REQUIRED FOR CONSOLIDATED STORAGE USE PER TABLE 27-6310(a)			
BICYCLE	NON-RESIDENTIAL DEVELOPMENT	2 SPACES FOR 10 VEHICLE PARKING SPACES + 1 SPACE FOR EACH ADDITIONAL 10 VEHICLE SPACES	4	4 (2 RACKS)

*102,425 SF OF RENTABLE STORAGE SPACE

**900 SF OF OFFICE SPACE

(c) Mixed-Use Developments and Shared Parking

COMMENT: Not applicable. The applicant is not proposing a mixed-use development.

(d) Maximum Number of Off-Street Parking Spaces

The maximum number of off-street parking spaces allowed is listed in Table 27-6305(d): Maximum Number of Off-Street Parking Spaces. Existing parking areas in excess of this maximum shall not be required to remove excess parking.

COMMENT: The parking schedule is included on plans submitted SE-2022-002. Parking is provided in accordance with the required parking for a consolidated storage facility. The preliminary plan of subdivision (PPS-2022-019) is consistent with SE-2022-002.

(e) Electric Vehicle (EV) Charging Stations

Parking spaces used as EV charging stations shall consist as one or more group(s) of contiguous spaces located where they can be readily identified by drivers of EV vehicles (e.g., through directional signage), but where their use by non-electric vehicles is discouraged. EV charging for commercial purposes is prohibited at an EV charging station located at a residential development.

COMMENT: The applicant is not proposing any EV charging stations.

(f) Driveways Used to Satisfy Standards

For single-family detached dwellings, two-family dwellings, and three-family dwellings, driveways may be used to satisfy minimum off-street parking space standards, provided a minimum of 19 feet of driveway length is available outside a street right-of-way or sidewalk to store the length of a general purpose vehicle and satisfy the standards of this Section and this Ordinance.

COMMENT: Not applicable. Notwithstanding, the parking requirements are satisfied as demonstrated on the special exception site plan (SE-2022-002). The preliminary plan of subdivision (PPS-2022-019) is consistent with SE-2022-002.

(g) Visitor Parking

Visitor parking spaces shall be provided for all residential and mixed-use development of at least 20 dwelling units. Such visitor parking spaces shall be provided at a minimum ratio of 1 visitor parking space for every 20 dwelling units or fraction thereof, rounded up.

COMMENT: Not applicable. The applicant is not proposing a residential or mixed-use development.

(h) Parking of Vehicles Owned or Used by the Occupants of the Premises or Their Bona Fide Guests

(1) Private passenger vehicles shall be permitted in all zones.

(2) The parking of the following vehicles shall be permitted in the ROS, AG, AR, RE, RR, RSF-65, RSF-95, and RMH Zones subject to the provisions of this Subsection:

(A) Boats;

(B) Boat trailers;

(C) Camping trailer (unoccupied), not to exceed one per lot or parcel; and/or

(D) Not more than 1 commercial vehicle:

(i) If parked on the premises, having a maximum manufacturer's gross vehicle weight specification of up to 8,500 pounds, no advertising (other than a firm name or similar designation not exceeding 4 inches high), and excluding vehicles exceeding 300

- cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, and vehicles with dual rear axles; or
- (ii) The commercial vehicle does not exceed a maximum manufacturer's gross vehicle weight specification of 17,000 pounds, and which may include unlimited advertising on the side of the vehicle, and shall be parked within a wholly enclosed private parking garage.

COMMENT: This standard is not applicable to the proposed use.

27-6306. Dimensional Standards for Parking Spaces and Aisles

(a) General

Except as otherwise provided in Section 27-6306(b) below, standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 27-6306(a), Minimum Dimensional Standards for Parking Spaces and Aisles. See Figure 27-6306(a).2: Measurement of Parking Space and Aisle Dimension.

(b) Smaller Parking Spaces for Tandem Parking and Certain Uses

The dimensions of off-street parking stalls may be reduced to a width of eight feet and a depth/length of 18 feet per vehicle where the parking stalls are:

- (1) Used for tandem parking (see Section 27-6307(g), Valet and Tandem Parking); or
- (2) Located within a development containing exclusively industrial services uses, manufacturing and production uses, or warehouse and freight movement uses.

(c) Vertical Clearance

All off-street parking spaces shall have a minimum overhead clearance of 7 feet for vehicle parking, with a minimum overhead clearance of 8.5 feet for van-accessible parking.

(d) Compact Parking Spaces

- (1) Up to one-half (1/2) of the required number of parking spaces in any parking lot may be compact car spaces. Any parking spaces provided in any lot, in excess of the number required, may also be compact car spaces.
- (2) All compact car spaces shall be marked as such.

COMMENT: As demonstrated in the parking schedule contained on SE-2022-002, the proposed parking complies with these standards, as applicable. The proposed development includes eight (8) 8x22 parallel parking spaces served by a 24-foot drive aisle; fifteen (15) 9x18 90-degree pull-in parking spaces, five (5) of which are served by a 30-foot drive aisle and ten (10) of which are served by a 24-foot drive aisle. The proposal includes two (2) accessible parking spaces, one of which is an accessible van space, both served by a 30-foot drive aisle. Finally, although not

required pursuant to Section 27-6310(a), the proposal includes fifteen (15) oversized spaces, varying in dimensions between 9x28 to 12x33 and served by a 24-foot to 30-foot variable-width drive aisle. Parallel parking spaces are provided within the drive-thru loading tunnel with a vertical clearance of 15-foot provided, which easily meets the 7-foot overhead clearance requirement. The preliminary plan of subdivision (PPS-2022-019) is consistent with SE-2022-002.

27-6307. Off-Street Parking Alternatives

COMMENT: The applicant is not proposing any alternatives to the off-street parking requirements.

27-6308. Reduced Parking Standards for Parking Demand Reduction Strategies

COMMENT: The applicant is not proposing any reduction to the parking requirements, and all parking is intended to be in conformance with Section 27-6305, as applicable.

27-6309. Bicycle Parking Standards

COMMENT: The applicant is proposing to provide two (2) bike racks for a total of four (4) bike parking spaces. Racks are proposed to be an extended inverted-U style rack, which will allow bicycle frames to rest against the rack in at least two places, and for both a wheel and section of the frame to be secured to the rack simultaneously. They will be located in a well-lighted area proximal to the entrances to the proposed office and community space, and accessible via sidewalk. The location does not interfere with pedestrian traffic and is protected from conflicts with vehicular traffic. The preliminary plan of subdivision (PPS-2022-019) is consistent with SE-2022-002.

27-6310. Loading Area Standards

(a) Minimum Number of Off-Street Loading Berths

Any new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 27-6310(a): Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses. For proposed uses not listed in Table 27-6310(a): Minimum Number of Off-Street Loading Berths, the requirement for a use most similar to the proposed use shall apply.

(b) Dimensional Standards for Loading Areas

Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is least 12 feet wide and 45 feet long in general industrial, distribution, or warehousing uses. For all other uses, a berth as short as 33 feet may be allowed. The Planning Director may require a larger loading berth or allow a

smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.

(c) Location of Loading Areas

- (1) To the maximum extent practicable, loading areas shall be placed away from a public street and screened from view in accordance with the Landscape Manual (see Figure 27-6310(c): Loading Area Configuration).**
- (2) Loading areas shall be located adjacent to the building's loading doors, in an area that promotes their practical use.**
- (3) Loading areas shall be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public rights-of-way, parking spaces, parking lot aisles, or pedestrian pathways.**
- (4) Loading areas shall be set back a minimum of 50 feet from any residential use or vacant land in a Residential or Rural and Agricultural zone.**

COMMENT: This standard is not applicable to the proposed use, pursuant to Section 27-6310(a), Table 27-6310(a). (*See response supra.*)

Section 27-6400. Open Space Set-Aside.

27-6401. Purpose and Intent

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preserving natural, historical, and archeological resources, ensuring resident access to open areas and active recreation (incorporating land dedicated as parkland in accordance with Subtitle 24: Subdivision Regulations, Section 24-4600, Parklands and Recreation Facilities, as open space set-asides), reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing storm water management, and providing other public health benefits.

27-6402. Applicability

- (a) In addition to the exemptions specified in Section 27-6103, General Exemptions, the following development shall be exempted from the standards in this Section:**
 - (1) Uses in the Agriculture/Forestry Uses, Agriculture/Forestry Related Uses, and Open Space Uses principal use categories; and**
 - (2) Any individual single-family detached dwelling or two-family dwelling on a single lot.**

COMMENT: The applicant is required to provide 5% open space. As demonstrated on the Open Space Set-Aside Exhibit submitted in conjunction with PPS-2022-019 and shown in the table below, 10% open space is provided, thereby exceeding the requirement. The decision for SE-2022-002 finds, "The open space required for Industrial Uses in a nonresidential base zone is five

percent. The SE proposes 10 percent of open space, exceeding the minimum requirement.” (SE-2022-002 decision at page 22).

CS ZONING STANDARDS		
	ALLOWED/REQUIRED	PROVIDED
GROSS LOT AREA	N/A	PT PARCEL D: 2.51 AC PT OF LOT 2: 0.83 AC TOTAL: 3.34 AC
RIGHT-OF-WAY DEDICATION	N/A	N/A
MIN LOT AREA	5,000 SQ FT	PT PARCEL D: 2.51 AC PT OF LOT 2: 0.83 AC TOTAL: 3.34 AC
SPECIAL EXCEPTION AREA	N/A	3.34 AC
LOT COVERAGE	N/A	BUILDING: 1.21 AC IMPERVIOUS: 0.95 AC TOTAL: 2.16 AC COVERAGE: 65%
MAX. BUILDING HEIGHT	50'	36'
MIN. BUILDING SETBACK	40' (CAN BE REDUCED)*	40'
OPEN SPACE SET ASIDE	5%	10%
*maximum required setback when abutting Commercial Uses		

27-6403. Amount of Open Space Set-Asides Required

Development subject to the standards in this Section shall provide the minimum amounts of open space set-asides identified in Table 27-6403: Required Open Space Set-Asides, based on the use classification. Open space set-aside requirements shall not replace requirements for open spaces, mandatory dedication of parkland, stormwater management, or other similar requirements imposed by any other Subtitle of the County Code. However, such requirements may be counted toward open-space set asides pursuant to Section 27-6404(b), below.

27-6404. Areas Counted as Open Space Set-Asides

- (a) The features and areas identified in Table 27-6404(a): Open Space Set-Aside Features, shall be credited towards compliance with the open space set-aside standards of this Section for development in the areas indicated
- (b) Open spaces required by any other section in the County Code, such as, but not limited to, mandatory dedication of parkland, may be credited toward compliance with the open space set aside standards in Table 27-6403: Required Open Space Set-Asides, if they are located and designed in accordance with the standards in this Section.

27-6405. Areas Not Counted as Open Space Set-Asides

The following areas shall not be counted as open space set-asides:

- (a) Private yards not subject to an open space or conservation easement;**
- (b) Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;**
- (c) Vehicular parking areas or lots (excluding the landscaped areas);**
- (d) Driveways for dwellings;**
- (e) Land covered by structures not designated for active recreational uses;**
- (f) Designated outdoor storage areas; and**
- (g) Stormwater management facilities and ponds, unless located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water-circulation device, and pedestrian access or seating).**

27-6406. Design Standards for Open Space Set-Asides

Land used as an open space set-aside shall comply with the following design standards

(a) Location

Open space shall be located so as to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

(b) Configuration

- (1) Open space set-asides shall be compact and contiguous unless a different configuration is needed to continue an existing trail or accommodate preservation of natural, historical, and archeological resources.**
- (2) If the development site is adjacent to existing or planned public trails, parks, or other public open space area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public land (see Figure 27-6406(b).1: Example Open Space Set-Aside Configuration; Figure 27-6406(b).2: Example Open Space Set-Aside Configuration, Townhouse Development; and Figure 27-6406(b).3: Example Open Space Set Aside Configuration, Commercial Development).**

(c) Orientation of Adjacent Buildings

To the maximum extent possible, buildings adjacent to the required open space set-asides shall have at least one entrance facing the open space set-aside.

(d) Prioritization of Open Space Set-Aside

- (1) Except in the Transit-Oriented/Activity Center base and Planned Development (PD) zones, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:**

- (A) Natural features such as riparian areas, riparian buffers, shorelines, flood hazard areas, floodplains, wetlands, steep slopes, and wildlife habitat and woodland areas;
 - (B) Water features such as rivers, bays, lakes, creeks, canals, natural ponds, and retention and detention ponds;
 - (C) Protected trees and other mature trees;
 - (D) Parks and trails (regardless of public or private ownership);
 - (E) Lands with active agricultural uses and activities;
 - (F) Perimeter buffers or visual transitions between different types or intensities of uses;
 - (G) Areas that accommodate multiple compatible open space set-aside uses rather than a single use; and
 - (H) Historic and archeological features.
- (2) In the Transit-Oriented/Activity Center base and Planned Development (PD) zones, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, or enhance the open areas and features identified in Section 27-6406(d)(1) above, except that the establishment of squares, plazas, forecourts, civic greens, and similar urban open space amenities shall have the highest priority.

COMMENT: As depicted on the Open Space Set-Aside Exhibit submitted in conjunction with PPS-2022-019, the applicant is required to provide 5% (or 7,280 square feet), and is proposing to provide 38% (or 55,117 square feet). The preliminary plan of subdivision (PPS-2022-019) is consistent with SE-2022-002.

(e) Open Space Set-Asides on Property in the Industrial, Heavy (IH) Zone

COMMENT: Not applicable. The subject property is not located in the IH Zone.

27-6407. Development in Open Space Set-Asides

Development within open space set-asides shall be limited to that appropriate to the purposes of the type(s) of open space set-asides. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, trash receptacles, and other picnic facilities; docks and other facilities for fishing; environmental education guides and exhibits; historic interpretive signage; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

27-6408. Ownership, Management, and Maintenance of Open Space Set-Asides

- (a) **Open space set-asides required by this Ordinance or by Subtitle 24: Subdivision Regulations, shall be managed and maintained in compliance with all applicable provisions of Maryland law. To the extent not inconsistent with Maryland law, such open space set-asides shall be managed and maintained as permanent open space through one or more of the following options:**
- (1) Conveyance of open space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership;**
 - (2) Conveyance of open space set-aside areas to a third party beneficiary such as an environmental, historical, or civic organization, a municipality, or M-NCPPC, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land;**
 - (3) Establishment of easements or covenants; or**
 - (4) If public stormwater management facilities are treated as site amenities, through stormwater management easements.**
- (b) **All options involving private ownership of open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.**
- (c) **Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this Section and the development approval or permit shall be a violation of this Ordinance.**

COMMENT: Acknowledged.

27-6500 Landscaping

All development shall comply with the requirements of the Prince George's County Landscape Manual, which is incorporated herein by reference, and made a part of this Ordinance with the same force and effect as the regulations set forth herein.

COMMENT: A Landscape Plan prepared in conformance with the requirements of the Landscape Manual, as applicable, has been submitted in conjunction with SE-2022-002. Alternative compliance is not sought with this application. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, "This SE is in conformance with the applicable standards of the Landscape Manual. Section 4.2, Requirements for Landscape Strips Along Streets, and Section 4.3, Parking Lot Requirements, are shown on the Landscape Plan." (SE-2022-002 decision at page 22) (as further affirmed by the District Council in its Order of Approval).

27-6600 Fences and Walls

In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The SE is in conformance with Section 27-6600 of the Zoning Ordinance. The site will incorporate a 6-foot-high, sight tight fence, as well as landscape plantings. A second fence type detail for an 8-foot aluminum decorative fence is also shown in the Plan set.” (SE-2022-002 decision at page 22) (as further affirmed by the District Council in its Order of Approval). The 8-foot fence has been removed from plans.

27-6601. Applicability

(a) General

Unless exempted in accordance with Section 27-6601(b) below, the standards in this Section shall apply to all construction, reconstruction, or replacement of fences or walls.

(b) Exemptions

In addition to the exemptions specified in Section 27-6103, General Exemptions, the following fences and walls are exempt from the standards of this Section:

- (1) Fences and walls required for the physical support of a principal or accessory structure;**
- (2) Fences and barricades around construction sites;**
- (3) Replacement in-kind of an existing residential fence associated with a live/work, single-family detached, three-family, townhouse, or two-family dwelling;**
- (4) Fences for wireless telecommunications towers, which shall instead follow the requirements of Section 27-5102(d)(1)(A);**
- (5) Fences for outdoor storage (as a principal use), which shall instead follow the requirements of Section 27-5102(f)(4)(B);**
- (6) Fences for junkyards or vehicle salvage yards, which shall instead follow the requirements of Section 27-5402(ii), Junk Yard.**
- (7) Fences for tree protection (temporary and permanent);**
- (8) Noise attenuation walls installed by a public agency within the right-of-way of a public roadway**
- (9) Fences and walls necessary for soil erosion and control;**
- (10) Retaining walls, except for the standards of Section 27-6609, Retaining Walls;**
- (11) Fences at parks and schools, where such uses are owned by public agencies or are subject to the County's Mandatory Referral process;**
- (12) Specialized fences used for protecting livestock or for other similar agricultural functions if part of a use in the Rural and Agricultural Uses use classification; and**
- (13) Fencing required or provided for medical cannabis uses.**

COMMENT: The applicant is proposing a sight-tight 6-foot fence along the southern property line abutting the existing commercial and industrial uses to meet Landscape Manual Section 4.2 requirements. Details were provided on the special exception site plan (See Sheet 14 of 16). One retaining wall is proposed onsite and will be evaluated pursuant to Section 27-6609, as described in Section 27-6601(b)(10). Finally, the existing fence enclosing the cell tower onsite will remain. Pursuant to Section 27-6601(a), these standards do not apply to existing fences. The preliminary plan of subdivision (PPS-2022-019) is consistent with SE-2022-002.

27-6602. General Standards

(a) General

- (1) Fences and walls shall be located outside of the public right-of-way.**
- (2) Fences and walls are allowed on the property line between two or more parcels of land held in private ownership.**
- (3) Fences and walls may be located within any required yard.**
- (4) Nothing in this Section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.**

(b) In Utility Easements

Fences located within utility easements shall receive written authorization from the easement holder or the County, as appropriate. The County shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access utility easements or facilities.

(c) Within Required Landscaping Areas

Fences and walls may be installed within required landscaping areas, subject to an approved landscaping plan.

(d) Avoidance of Traffic Hazards

Notwithstanding other provisions of this Subsection, fences and walls shall not be allowed within the triangle formed by the intersection of the street lines and points on the street lines 25 feet from the intersection, or in a location that is determined by an agency will create a traffic hazard.

COMMENT: The applicant is proposing a sight-tight 6-foot fence along the southern property line abutting the existing commercial and industrial uses to meet Landscape Manual Section 4.2 requirements. Details were provided on the special exception site plan (See Sheet 14 of 16). A total twenty (20) feet of the ornamental fence will be located within utility easements; ten feet of which will project into the PUE abutting Duvall Street, and ten feet of which will project into the PUE abutting the Lanham-Severn Road right-of-way. Pursuant to Section 27-6602(b), the applicant will obtain authorization to locate the ornamental fence within the PUEs, as appropriate.

27-6603. Height Standards

(a)General Unless otherwise stated in Section 27-6600, Fences and Walls, fences and walls shall comply with the standards in Table 27-6603(a): Fence and Wall Height.

COMMENT: The applicant is proposing a sight-tight fence along the southern property line abutting the existing commercial and industrial uses to meet Landscape Manual Section 4.2 requirements. The fence is proposed to be 6-foot in height, thereby addressing Landscape Manual requirements and conforming to the fence height requirements of 27-6603 for non-residential base zones.

27-6604. Materials

(e) **General Unless otherwise specified in Section 27-6604(b) below, fences and walls shall be constructed of any one or more of the following materials:**

- (1) Masonry, concrete, or stone;**
- (2) Ornamental metal, except that fencing shall not incorporate spiked tops within a residential zone without approval of a security exemption plan in accordance with Section 27-6610, Security Exemption Plan;**
- (3) Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;**
- (4) Composite materials designed to appear as wood, metal, or masonry;**
- (5) Metal (wrought iron, welded steel; and/or electro-statically plated black aluminum, except chain-link fencing);**
- (6) Vinyl;**
- (7) Walls clad with substrate material intended to support living vegetation; and**
- (8) Any material demonstrated by the applicant to have a similar or equal appearance and durability as a material listed in Subsections (1) through (7) above, as determined by the Planning Director (or decision-maker if the fence or wall is associated with a parent application).**

COMMENT: The applicant is proposing a sight-tight 6 foot fence along the southern property line abutting the existing commercial and industrial uses to meet Landscape Manual Section 4.2 requirements. Details were provided on the special exception site plan (*See* Sheet 14 of 16).

(a) Transit-Oriented/Activity Center Zones

COMMENT: The property is not located in a Transit-Oriented/Activity Zone.

27-6605. Perimeter Fences and Walls Abutting Street Right-of-Way

Except in the IH base zone, fences or walls that are located within 15 feet of a street right-of-way shall:

- (a) Be of a uniform style;**
- (b) Be constructed of brick, stone, concrete (when covered with stucco or similar finish), vinyl, or vertical wooden boards; and**
- (c) Include breaks, offsets of at least one foot, access points, or other design details in the fence or wall plane at least every 200 feet. (see Figure 27-6605(c): Fence and Wall Offsets.)**

COMMENT: At its southeastern and northwestern termini, the proposed sight-tight fence will abut the Duvall Street and MD 564 rights-of-way, respectively. The fence will be of a uniform style and constructed of durable material; however, as the fence intersects and does not travel concurrent

with the length of either right-of-way, conformance to the requirements of 27-6605(c) would not be logical. Also see additional details provided on the special exception site plan.

27-6606. Appearance

(a) Finished Side to Outside

Unless it is used to enclose livestock, wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side of a fence has visible support framing, such as vertical posts and horizontal rails, and the other—the more "finished" side—does not, or one side of a wall has a textured surface and other—the more "finished" side—does not), then the more "finished" side of the fence shall face the exterior of the lot rather than the interior of the lot. (see Figure 27-6606(a): Fence with Finished Side Out.)

(b) Compatibility of Materials along a Single Lot Side

All fencing or wall segments located along a single lot side shall be composed of a uniform style, materials, and colors, except when the Historic Preservation Commission requires an alternative appearance in accordance with the regulations in Subtitle 29: Preservation of Historic Resources of the County Code.

(c) Fence and Wall Landscaping

All fences and walls exceeding 4 feet in height, if located within 15 feet of a street right-of-way, shall be supplemented with landscape screening in accordance with the standards in Section 27-6606(c)(1) and Section 27-6606(c)(2) below, to soften the visual impact of the fence. These standards shall not apply to fences in any single-family residential zone (the RSF-A Zone and any other zone of lesser intensity per Section 27-4102(b)). (see Figure 27-6606(c): Fence and Wall Landscaping).

(1) Shrubs Required

At least one evergreen shrub shall be installed for every five linear feet of fence or wall, on the side of the fence or wall facing the public street right-of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion. See Figure 27-6606(c): Fence and Wall Landscaping.

(2) Substitution of Shade Trees

One shade or ornamental tree may be substituted for every three shrubs provided that the tree meets the size standards of the Landscape Manual.

COMMENT: The applicant is proposing a sight-tight fence along the southern property line abutting the existing commercial and industrial uses in conformance with Landscape Manual Section 4.2 requirements.

27-6607. Fence and Wall Construction

Fences and walls shall comply with all applicable Building Code requirements.

COMMENT: Acknowledged.

27-6608. Gates

Gates shall comply with the following standards:

- (a) All gates shall have hardware to secure the gate in a closed position.**
- (b) All unattended gates and gates opening onto a public sidewalk area shall be self-closing, self-latching, and locked when not in use.**

COMMENT: PPS-2022-019 includes two automated security gates preventing access to the interior of the site, but allowing access to the front office, community space, and existing cell tower. Gates will include hardware so they may be secured in a closed position. Neither gate opens onto a public sidewalk area.

27-6609. Retaining Walls

Retaining walls are to be used in appropriate locations to reduce the steepness of slopes and to provide planting pockets conducive to revegetation. They shall comply with the following standards:

- (a) A retaining wall may be permitted to support steep slopes but should not exceed six feet in height from the finished grade, except for:**
 - (1) A structure's foundation wall, or**
 - (2) As necessary to construct a driveway from the street to a garage or parking area, or**
 - (3) As otherwise expressly allowed by this Ordinance.**
- (b) In all exceptions identified in Subsection (a) above, a retaining wall shall not exceed ten feet in height.**
- (c) Retaining walls greater than six feet in height shall comply with the building setbacks in the zone which they are located, unless it is constructed because grades are lower on the site where it is located.**
- (d) The width of any terrace between any two six-foot vertical retaining walls should be at least three feet. Retaining walls higher than six feet should be separated from any other retaining wall by a minimum of five horizontal feet. Terraces created between retaining walls shall be permanently landscaped or revegetated with native vegetation.**
- (e) Retaining walls used to support existing road cuts may exceed the height limits and other requirements in Subsections (a), (b), and (c) above.**
- (f) Retaining walls shall be faced with stone, brick, or earth-colored materials similar to the surrounding natural landscape.**
- (g) All retaining walls shall comply with the Building Code.**

COMMENT: The applicant is proposing one retaining wall located between the proposed submerged gravel wetland and drive aisle. The average height of the retaining wall will be 9.5 feet and is proposed to meet PGSCD and DPIE requirements for the installation of the stormwater management facility. The location and design will comply with DPIE's current Retaining Wall Technogram. It must be noted that the Soil Conservation District is requiring the bottom of the stormwater management facility to be at or below the bottom of the existing pond on site, which required additional grading in that area. This requirement and necessary grading to accommodate the same dictates the height of the necessary retaining wall. Further, it is necessary to keep the drive-aisle circulating the building higher than existing grade, which also dictates the height of the retaining wall. Finally, the face of the wall will only be seen from the stormwater management facility and will be designed to blend in with the surrounding landscape.

27-6610. Security Exemption Plan

COMMENT: PPS-2022-019 does not propose a fence or wall taller than that permitted by this Section, an electric fence, or proposing the use of barbed and/or razor wire atop a fence or wall for security reasons. As such, the applicant is not submitting a security exemption plan with this application.

27-6700 Exterior Lighting

COMMENT: In the decision to SE-2022-002, the Zoning Hearing Examiner finds, "The SE application included a photometric plan demonstrating conformance with this standard. Light-level measurements at the property line are shown to be negligible. All exterior luminaries, including security lights, are full cut-off fixtures that are directed downward." (SE-2022-002 decision at page 22) (as further affirmed by the District Council in its Order of Approval).

27-6701. Purpose and Intent

The purpose and intent of this Section is to regulate exterior lighting to:

- (a) Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;**
- (b) Assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;**
- (c) Curtail light pollution, reduce skyglow, and preserve the nighttime environment;**
- (d) Conserve energy and resources to the greatest extent possible; and**
- (e) Provide security for persons and land.**

27-6702. Exemptions

In addition to the exemptions specified in Section 27-6103, General Exemptions, the following types of lighting are exempted from the standards of this Section:

- (a) Lighting exempt under State or Federal law;**
- (b) FAA-mandated lighting associated with a utility tower or airport;**

- (c) **Lighting for public monuments and statuary;**
- (d) **Lighting solely for signage (see Section 27-61500, Signage);**
- (e) **Outdoor lighting fixtures that are necessary for worker safety at farms and other agricultural uses, but not including lighting of residential buildings or parking areas associated with a farm or agricultural use;**
- (f) **Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that:**
 - (1) **Maximum illumination at the property line is not brighter than two foot-candles; and**
 - (2) **Exterior lighting is extinguished no later than 11:00 p.m. except to complete an activity that is in progress prior to 11:00 p.m.**
- (g) **Temporary lighting for circuses, fairs, carnivals, theatrical and other performance areas, provided such lighting is discontinued upon completion of the activity;**
- (h) **Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;**
- (i) **Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;**
- (j) **Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;**
- (k) **Underwater lighting in swimming pools, fountains, and other water features;**
- (l) **Holiday or festive lighting-provided such lighting does not create unsafe glare on street rights-of-way;**
- (m) **Lighting provided by the Federal, State, or a local government (including but not limited to the County and a municipality); and**
- (n) **Outdoor lighting fixtures that do not comply with provisions of this Section on April 1, 2022, provided they are brought into compliance with this Section when they become unrepairable and must be replaced.**

27-6703. Lighting Plan

To ensure compliance with the standards of this Section, a lighting plan demonstrating how exterior lighting will comply with the standards of this Section shall be included as part of a development application for a site plan or building permit, as appropriate.

COMMENT: A photometric plan was included in the approval of SE-2022-002, and demonstrated compliance to the standards this Section, as applicable. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The SE application included a photometric plan demonstrating conformance with this standard. Light-level measurements at the property line are shown to be negligible. All exterior luminaries, including security lights, are full cut-off fixtures that are directed downward.” (SE-2022-002 decision at page 22) (as further affirmed by the District Council in its Order of Approval).

27-6704. Prohibited Lighting

The following exterior lighting is prohibited:

- (a) Light fixtures that imitate an official highway or traffic control light or sign;
- (b) Light fixtures that have a flashing or intermittent pattern of illumination, except signage with an intermittent pattern of illumination allowed in accordance with Sec. 27-61500, Signage.
- (c) Privately-owned light fixtures located in the public right-of-way;
- (d) Searchlights, except when used by Federal, State, or local authorities, or where they are used to illuminate alleys, parking garages, and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding two foot-candles; and
- (e) Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights. Light sources shall be color-correct types such as Halogen, LED, or metal halide.

COMMENT: Acknowledged.

27-6705. Private Street Lighting

- (a) All private street lights shall be located inside full cut-off fixtures mounted on non-corrosive poles served by underground wiring.
- (b) The light fixture and light color of private street lights in an individual subdivision or development shall be consistent throughout the subdivision or development.
- (c) Correlated color temperature (CCT) of street lights shall not exceed 3000K

COMMENT: The applicant is not proposing any private streets.

27-6706. General Standards for Exterior Lighting

Development subject to this Section shall comply with the following standards:

(a) Hours of Illumination

Public, civic, and institutional uses, commercial uses, mixed-uses, and industrial uses that are adjacent to existing residential development shall extinguish all exterior lighting by 11:00 P.M. or within one hour of the closing of the establishment open latest, whichever occurs last. Lighting necessary for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses; lighting necessary for security as listed in Subsections 27-6702(e) and 27-6702(j) and Section 27-6709; or lighting necessary for emergency situations as listed in Subsection 27-6702(i), shall be exempt from this requirement. For the purposes of this paragraph, lighting "necessary for security" shall be construed to mean the amount of exterior lighting

necessary to provide an average of 2.5 foot-candles of light, with a maximum of 3 foot-candles of light at any point, in the following areas: possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

(b) Shielding with Full Cut-off Fixtures

All exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 27-6706(b).1: Full Cut-off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture (see Section 27-6706(b).2: Examples of Fully-Shielded Light Fixtures).

(c) Maximum Illumination Levels

(1) Except for private street lighting (see Section 27-6705, Private Street Lighting), all exterior lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in foot-candles at ground level at a lot line shall not exceed the standards in Table 27-6706(c).1: Maximum Illumination Levels. See Figure 27-6706(c).2: Maximum Illumination Levels.

(2) All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers specifications for the fixture.

(d) Maximum Height

Except for athletic field lighting fixtures, which shall not exceed 95 feet in height, and private street lighting (see Section 27-6705, Private Street Lighting), the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 27-6706(d): Maximum Height for Exterior Lighting.

COMMENT: The photometric plan submitted approved with SE-2022-002 demonstrated compliance to the standards of Section 27-6706, as applicable. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The SE application included a photometric plan demonstrating conformance with this standard. Light-level measurements at the property line are shown to be negligible. All exterior luminaries, including security lights, are full cut-off fixtures that are directed downward.” (SE-2022-002 decision at page 22) (as further affirmed by the District Council in its Order of Approval). The applicant acknowledges the hours of illumination contained in Section 27-6706(a).

27-6707. Lighting Design Standards for Specific Uses and Site Features

In addition to complying with all applicable standards in Section 27-6706, General Standards for Exterior Lighting, the specific uses and site features identified in this Section shall comply with the standards established for that type of use or site feature.

(a) Awnings

Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

(b) Canopies

Lighting under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:

- (1) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides full cutoff or fully-shielded light distribution; or
- (2) A surface-mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

(c) Sports and Performance Venues

Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

(d) Wall Pack Lights

Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low wattage (100 watts or lower).

(e) Pedestrian Lighting

Pedestrian light fixtures shall comply with the following:

- (1) Light fixtures for sidewalks, walkways, trails, and bicycle paths shall provide at least 1.2 foot candles of illumination, but not exceed 2.0 foot candles.
- (2) Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp (see Figure 27-6707(e): Examples of Pedestrian Bollard Lamps)

(f) Decorative Landscaping and Lighting

Outdoor light fixtures used for decorative effects shall comply with the following standards.

- (1) Decorative lighting intended to enhance the appearance of a building and/or landscaping shall cast all light downward (rather than upward) against the building surface or onto a landscape feature, or shall be calibrated to illuminate features of the building or landscaping such that light spill-over and skyglow are avoided.
- (2) Decorative lighting shall not exceed 100 watts of incandescent illuminance or the equivalent.

COMMENT: Acknowledged, if applicable.

27-6708. Measurement

Light-level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Upon installation, the applicant shall demonstrate compliance with this Section by submitting measurements taken with a light meter to the Planning Director. The light meter shall have been calibrated within the prior two years.

COMMENT: Acknowledged, if applicable.

27-6709. Security Exemption Plan

COMMENT: PPS-2022-019 does not propose exterior lighting that deviates from the standards in this Section. As such, the applicant is not submitting a security exemption plan with this application.

27-6800 Environmental Protection and Noise Control

In the decision to SE-2022-002, the Zoning Hearing Examiner determined:

The site will be governed by a SWM Concept Plan if approved. This Plan, when implemented, will result in a decrease in pollutants and run-off from storm and non-storm events currently entering the Sector Plan area's waterways and wetlands. An approved SWM Concept Plan (35607-2022-00) was submitted with the SPE, which shows the use of one submerged gravel wetland. The SWM Concept Plan was approved by DPIE on March 23, 2023, and expires on March 23, 2026. The layout of the SWM facilities shown on the Concept Plan is consistent with the layout shown on the SPE Site Plan and the TCPII.

Noise controls and adequacy will be evaluated at the time of PPS, but it is anticipated the level of noise generated from the proposed use will be minimal.

(SE-2022-002 decision at page 22) (as further affirmed by the District Council in its Order of Approval).

27-6801. Purpose and Intent

The purpose of this Section is to ensure that development complies with County environmental protection regulations referenced in Sections 27-6802 through 27-6809 and the noise control standards of Section 27-6810, Noise Control, below.

27-6802. Natural Resource Inventory (NRI)

An approved NRI, in conformance with the Environmental Technical Manual, is required for applications for Subtitle 32, Division 2, Erosion and Sediment Control; Subtitle 32, Division 3, Stormwater Management; Subtitle 25, Division 2, Woodland and Wildlife Habitat Conservation; Subtitle 5B, Chesapeake Bay Critical Area; Planned Development (PD) Zoning Map Amendment applications (Section 27-3602); special exception applications (Section 27-3604); detailed site plan applications (Section 27-3605); and preliminary plan of subdivision (minor or major) applications (Subtitle 24: Subdivision Regulations)

COMMENT: *See* NRI-029-2022-01.

27-6803. Trees and Vegetation

As described in the applicability sections of Subtitle 25: Trees and Vegetation, development shall comply with the requirements of Subtitle 25, Division 1, General; Subtitle 25, Division 2, Woodland and Wildlife Habitat Conservation Ordinance; and Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, of the Prince George's County Code.

COMMENT: *See* TCPII-016-96-04.

27-6804. Floodplain Management

As described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code, development shall comply with the requirements for floodplain management in accordance with Subtitle 32, Division 4, Floodplain Ordinance, of the Prince George's County Code.

COMMENT: Not applicable. *See* NRI-029-2022-01.

27-6805. Erosion and Sedimentation Control

An approved Grading, Erosion, and Sediment Control Plan is required as described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code. Development shall comply with the requirements for sedimentation and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sedimentation Control, of the Prince George's County Code.

COMMENT: Acknowledged. The Concept Sediment Control Plan CSC 179-23 has been approved and is submitted with the subject application.

27-6806. Stormwater Management

As described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code, development shall comply with the requirements for stormwater management in accordance with Subtitle 32, Division 3, Stormwater Management, of the Prince George's County Code.

COMMENT: *See Stormwater Management Concept Plan (35607-2022-00).*

27-6807. Chesapeake Bay Critical Area

For all land within the CBCAO Zone, see Section 27-3601, Zoning Map Amendment (ZMA), Section 27-3603, Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment, Section 27-4402(a), Chesapeake Bay Critical Area Overlay (CBCAO) Zones, and Subtitle 5B: Chesapeake Bay Critical Area, of the County Code, for applicable regulations and submittal requirements.

COMMENT: Not applicable.

27-6808. Regulated Environmental Features

All land located outside the CBCAO Zone is subject to the requirements of Section 24-4300, Environmental Standards, of Subtitle 24: Subdivision Regulations.

COMMENT: No REF exist onsite. *See responses supra.*

27-6809. Unsafe Lands

All applications shall conform to the requirements pertaining to unsafe land in Section 24-4300, Environmental Standards, of Subtitle 24: Subdivision Regulations.

COMMENT: *See supra.*

27-6810. Noise Control

COMMENT: Section 27-6810 is not applicable to this application. (*See supra*).

27-61100 Industrial Design and Form Standards

27-61101. Purpose and Intent

The purpose and intent of these industrial form and design standards are to ensure a minimum quality of form and design for all types of industrial development in a way that results in greater predictability during the development review process.

27-61102. Industrial Form and Design Standards

Development subject to this Section shall comply with the following standards.

(a) Building Orientation

(1) Single-Building Development

An industrial development composed of a single building shall orient the building façade containing its primary patron entrance to face the street from which the building derives its street address.

(2) Multi-Building Development

A development composed of multiple buildings should locate and configure the buildings to conceal operations and loading areas from off-site views, to the maximum extent practicable.

(3) Accessory Uses and Structures

Accessory uses and structures shall not front a street and shall be located in a manner that minimizes their impacts on adjacent development.

COMMENT: The proposal contemplates a single-building development. The façade containing the building's primary patron entrance will face Duvall Street. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, "The SE is in conformance with the applicable standards in Section 27-61100 of the Zoning Ordinance for the Consolidated Storage building, including the location of loading, service, and off-street parking areas, and building façade materials and articulation as shown on the consolidated storage architectural elevations." (SE-2022-002 decision at pages 22-23) (as further affirmed by the District Council in its Order of Approval).

(b) Façade Articulation

Each street-facing building façade shall be horizontally and/or vertically articulated to avoid long, blank wall planes, by meeting at least two of the following standards:

(1) Wall Plane Horizontal Articulation

Each façade greater than 100 feet in width shall be articulated with wall offsets (e.g., projections or recesses in the façade plane), changes in façade color or material, or similar features that visually interrupt the wall plane horizontally such that the width of uninterrupted façade does not exceed 60 feet (see Figure 27-61102(b): Example of Façade Articulation for Industrial Building).

(2) Vertical Articulation

Each façade greater than 30 feet in height shall incorporate a change in the wall surface plane or in façade color or material that visually interrupts the wall plane vertically such that the height of the uninterrupted façade does not exceed 30 feet.

(3) Roof Line Variation

The façade shall include variations in roof planes and/or in the height of a parapet at least every 100 feet of roofline length along the façade

COMMENT: As demonstrated on the elevations submitted in conjunction with SE-2022-002, the proposed building complies with the wall plane horizontal articulation, the vertical articulation, and the roof line variation standards set forth above, as applicable. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The SE is in conformance with the applicable standards in Section 27-61100 of the Zoning Ordinance for the Consolidated Storage building, including the location of loading, service, and off-street parking areas, and building façade materials and articulation as shown on the consolidated storage architectural elevations.” (SE-2022-002 decision at pages 22-23) (as further affirmed by the District Council in its Order of Approval).

(c) Entrance

(1) Each principal building shall have clearly defined, highly visible primary entrances for occupants and patrons that incorporate at least two of the following design features to emphasize the importance of the entrance:

(A) Canopy or portico;

(B) Roof overhang;

(C) Horizontal recess or projection;

(D) Arcade or arch;

(E) Peaked roof form;

(F) Outside patio;

(G) Display window;

(H) Architectural tile work or moldings integrated into the design of the building façade;

(I) Integrated planters or wing walls that incorporate landscaped area or seating areas; or

(J) Similar architectural features not found on the remainder of the building façade.

(2) Street-facing façades of the ground level floor shall not include overhead doors, sliding glass doors, removable panels, or similar type of doors.

COMMENT: As demonstrated on the elevations submitted in conjunction SE-2022-002, the design of the primary entrance to the building incorporates a decorative canopy, roof overhang, and glass display windows. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The SE is in conformance with the applicable standards in Section 27-61100 of the Zoning Ordinance for the Consolidated Storage building, including the location of loading, service, and off-street parking areas, and building façade materials and articulation as shown on the consolidated storage architectural elevations.” (SE-2022-002 decision at pages 22-23) (as further affirmed by the District Council in its Order of Approval).

(d) Building Façade Materials

The use of corrugated metal siding or any other similar metal siding, unfinished or untreated tilt-up concrete panels, or standard single- or double-tee concrete systems as a primary exterior façade material shall be limited to those portions of rear and side building façades that are not visible from the public right-of-way or an adjacent residential, public, civic, or institutional, or commercial use.

COMMENT: As demonstrated on the elevations submitted in conjunction with SE-2022-002, the building façade material complies with this standard. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The SPE is in conformance with the applicable standards in Section 27-61100 of the Zoning Ordinance for the Consolidated Storage building, including the location of loading, service, and off-street parking areas, and building façade materials and articulation as shown on the consolidated storage architectural elevations.” (SE-2022-002 decision at pages 22-23) (as further affirmed by the District Council in its Order of Approval).

(e) Location of Loading and Service Areas

Loading and service areas shall be separated from patron parking, pedestrian areas, and main drive aisles, and shall be located a minimum of 200 feet from any abutting single-family detached dwellings, two-family dwellings, or vacant lands in a residential single-family zone (the RE, RR, RSF-95, and RSF-65 zones).

(f) Off-Street Parking Location

No more than 60 percent of the off-street parking spaces may be located in surface parking lots between the front building façade and the street it faces.

COMMENT: Loading spaces are not required for the proposed use pursuant to Section 27-6310(a); however, the proposal includes fifteen (15) oversized spaces, varying in dimensions between 9x28 to 12x33 and served by a 24-foot to 30-foot variable-width drive aisle. Notwithstanding that loading spaces are not required to be provided for the proposed use, all proposed oversized spaces conform to these standards, as applicable. No residential dwelling nor vacant land in a residential zone abuts the property.

Fewer than 60 percent (7 of 40, or 17.5%) of the off-street parking spaces onsite are located in surface parking lots between the front building façade and Duvall Street.

In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The SE is in conformance with the applicable standards in Section 27-61100 of the Zoning Ordinance for the Consolidated Storage building, including the location of loading, service, and off-street parking areas, and building façade materials and articulation as shown on the consolidated storage architectural elevations.” (SE-2022-002 decision at pages 22-23) (as further affirmed by the District Council in its Order of Approval).

27-61200 Neighborhood Compatibility Standards

COMMENT: As demonstrated on the site plan and elevations submitted in conjunction with SE-2022-002, the proposed development complies with Neighborhood Compatibility Standards as applicable. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The SE is in conformance with the applicable standards in Section 27-61200 of the Zoning Ordinance, including building height and setbacks, open space, and locations/design of other site features. The Site Plan and Architectural Plans demonstrate that the proposed Consolidated Storage building meets the various dimensional standards for the CS Zone.” (SE-2022-002 decision at page 23) (as further affirmed by the District Council in its Order of Approval).

27-61300 Agriculture Compatibility Standards

COMMENT: This development is not subject to the Agriculture Compatibility Standards.

27-61400 Urban Agriculture Compatibility Standards

COMMENT: This development is not subject to the Urban Agriculture Compatibility Standards.

27-61500 Signage

27-61502. Applicability

(a) General

- (1) Unless exempted in accordance with Subsection 27-61502(b) below or in Subsection 27-61502(c), Exemptions from Sign Permits, no sign shall be erected, installed, constructed, altered, or moved except in accordance with the requirements of this Section and approval of a Sign Permit (Section 27-3606).**
- (2) Any sign authorized by this Section may contain noncommercial copy, whether or not it is related to the subject property, or commercial copy as long as the sign complies with the requirements of this Section. The placement of noncommercial copy on an authorized sign does not make the sign an outdoor advertising sign.**

COMMENT: SE-2022-002 was approved with three wall signs which will feature static internal illumination. Static sign illumination is as per Section 27-6150(a)(1). Sign area is measured pursuant to Section 27-2201(j), which allows for a 50 percent reduction in calculated sign area under certain circumstances. As such, 56.66 square feet of signage is proposed on the building’s front façade; 143 square feet of signage is proposed on the façade facing Lanham-Severn Road; and 62.93 square feet of signage is proposed on the façade facing Glenn Dale Boulevard, for a total of wall signage area of 262.59 square feet. 400 square feet of signage is permitted. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The Applicant is proposing three wall signs for the Consolidated Storage building. The proposed building wall signs meet the

requirements of this Section.” (SE-2022-002 decision at page 23) (as further affirmed by the District Council in its Order of Approval).

27-61504. General Standards

(a) Illumination

(1) Static Illumination

Static illumination of signs is allowed in all zones except the Rural and Agricultural base zones, for all sign types except canopy signs, provided any external light source shall be directed toward the sign and shall not cast direct light or create glare upon adjacent lands or streets.

(2) Animated Illumination

(A) Animated sign illumination is prohibited, except in accordance with Subsection 27-61504(a)(2)(B) below.

(B) Signs on which the only copy that changes is the electronic indication of time, temperature, stock market, or similar information are permitted in all districts except the Rural and Agricultural and Residential base zones and the R-PD Zone. Changes in copy shall be spaced at least eight seconds apart and shall be accomplished without the use of animation, movement, or scrolling.

COMMENT: The proposed building mounted signs comply with Section 27-61504(a)(1). *See response supra.*

(b) Materials

Permanent signs shall not be made of plywood, corrugated plastic sheets, cardboard, paper, cloth, vinyl banners, or other similar materials.

COMMENT: The proposed permanent signs comply with Section 27-61504(a)(1). *See response supra.*

(c) Digital Display

Digital displays shall comply with the standards in this Subsection.

(1) Location and Sign Type

(A) In the Rural and Agricultural and Residential base zones and the R-PD Zone, digital displays shall be permitted only on freestanding signs for uses in the Community Service Uses and Educational Uses Principal Use Categories.

- (B) In the Transit-Oriented/Activity Center base and PD zones, digital displays shall be permitted only on building wall or roof signs.**
- (C) In all other base and PD zones, digital displays shall be permitted only on building wall or roof signs or freestanding signs.**

(2) Standards

- (A) A digital display shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign or its supporting structure. Each static message shall not include flashing or the varying of light intensity.**
- (B) Automatic changes in display are permitted for digital displays, provided such changes shall be:**
 - (i) Spaced at least 8 seconds apart;**
 - (ii) Accomplished in 0.25 seconds or less; and**
 - (iii) Accomplished without the use of animation, movement, or scrolling.**
- (C) Except when part of a digital billboard (see Subsection 27-61506(g)), the luminance of a digital display during daylight hours shall be no greater than 1500 nits. At all other times, luminance shall be no greater than 150 nits. Automatic dimming is required to maintain the appropriate illumination levels at all times.**

COMMENT: The applicant is not proposing signage that utilizes digital display.

(d) Signs Within Proposed Right-of-Way

- (1) Sign permits may be issued for signs on land located within the right-of-way, property, or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility as shown on the General Plan or other County plans (e.g., Area Master Plans, Sector Plans, or Functional Master Plans) only if such signs are placed on:**
 - (A) Land which:**
 - (i) Was in reservation but is now not in reservation; and**
 - (ii) Has not been acquired and is not being acquired; or**
 - (B) Land which was subdivided after the adoption of the General Plan or other County plans (e.g., Area Master Plans, Sector Plans, or Functional Master Plans), but was not reserved or required to be dedicated for a street or rapid transit route or facility shown on the General Plan or other County plan.**

COMMENT: The applicant is not proposing to install signage within a proposed right-of-way.

27-61505. Standards for Specific Sign Types

Unless exempted in accordance with Section 27-61502(b), Exemptions, all signs except special purpose signs (see Section 27-61506, Standards for Special Purpose Signs) and temporary signs (see Section 27-61507, Standards for Temporary Signs) shall comply with the standards in Table 27-61505: Standards for Specific Sign Types, based on the zone in which the sign is located.

COMMENT: The applicant is currently proposing 262.59 square feet of building mounted signage while 400 square feet is permitted. In the decision to SE-2022-002, the Zoning Hearing Examiner finds, “The Applicant is proposing three wall signs for the Consolidated Storage building. The proposed building wall signs meet the requirements of this Section.” (SE-2022-002 decision at page 23) (as further affirmed by the District Council in its Order of Approval). *See response supra.*

27-61506. Standards for Special Purpose Signs

COMMENT: The applicant is not proposing a special purpose sign.

27-61600 Green Building Techniques

27-61601. Purpose and Intent

The purpose of this Section is to ensure development in the County includes a minimum degree of green building features as a means of protecting and conserving resources, supporting a healthy lifestyle for citizens, reducing greenhouse gas emissions, and ensuring a high quality of life for County residents. Specifically, this Section is intended to ensure development practices:

- (a) Support walkable areas in appropriate places;
- (b) Support multiple modes of mobility;
- (c) Conserve energy;
- (d) Promote the use of alternative energy;
- (e) Conserve water resources;
- (f) Protect water quality;
- (g) Promote a healthy landscape;
- (h) Support urban agriculture;
- (i) Encourage innovation in green building practices;
- (j) Reduce landfill wastes; and
- (k) Promote healthy and safe lifestyles.

27-61602. Exemptions

In addition to the exemptions specified in Section 27-6103, General Exemptions, the following development is exempt from the standards of this Section:

- (1) New residential development that contains less than 10 dwelling units;**
- (2) New non-residential development with a gross floor area of less than 25,000 square feet;**
- (3) New buildings that have achieved requirements necessary to receive certification from the U.S. Green Building Council at the LEED® gold level or above or an equivalent level of sustainable development performance under an alternative rating system such as the National Green Building Standard™/NGBS Green or the International Code Council's *International Green Construction Code*, as determined by the Planning Director;**
- (4) Expansion of vehicular parking lots where it is the only development or redevelopment occurring; and**
- (5) Changes or addition of landscaping where it is the only development or redevelopment occurring**

27-61603. Green Building Standards

(a) Minimum Amount of Points Required

Development subject to the standards of this Section shall achieve the following minimum number of points from the menu of options shown in Table 27-61603(b): Green Building Point System.

- (1) Minimum Requirements for Residential Development**
 - (A) 10 to 25 units: 3 points.**
 - (B) 25 or more units: 4 points.**
- (2) Minimum Requirements for Non-Residential Development**
 - (A) 25,000 to 75,000 square feet: 3 points.**
 - (B) More than 75,000 square feet: 4 points.**

(b) Green Building Point System

Development subject to the standards of this Section shall use Table 27-61603(b): Green Building Point System, to determine compliance with this Section.

(c) Documentation Required

Applicants shall provide documentation of techniques that will be used to satisfy the green building standards of this Section at the time of submittal of a development application.

COMMENT: Acknowledged. The schedule submitted concurrent to this application demonstrates conformance to this standard. Pursuant to Section 27-61603(a)(2)(B), the development is required to have a minimum of 4 points. The proposal will garner 4 points.

Energy Conservation				
Meet ASHRAE standards for lighting	0.75		0.75	
Meet Energy Star standards for low-rise residential or exceed ASHRAE efficiency standards by 15 percent	1.00		1	
Home energy rating system (HERS) index greater than 60 and less than or equal to 75	0.50		0.5	
HERS index greater than 40 and less than or equal to 60	0.75		0.75	
HERS index greater than 20 and less than or equal to 40	1.00		1	
HERS index less than or equal to 20	1.50		1.5	
Stated water heater efficiency between 0.675 to 0.82	0.75		0.75	
Stated water heater efficiency of 0.82 or more	1.25		1.25	
Air conditioner with stated efficiency greater than 14 SEER is included as standard	0.75	0.75		
Air conditioner with stated efficiency greater than 16 SEER is included as standard	1.25	1.25		
Install a cool roof on a minimum of 50% of the single-family dwellings in the development or subdivision. The cool roof shall cover the entire roof of the dwelling	1.50		1.5	
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 15% of the habitable rooms in the structure	0.50		0.5	
Use central air conditioners that are Energy Star-qualified	0.50		0.5	
Use only solar or tank-less water heating systems throughout the structure	0.50		0.5	
CATEGORY SUBTOTAL	12.50	2.00	10.50	

Water Conservation and Water Quality				
Design all areas required to be landscaped in accordance with this Ordinance and the Landscape Manual as an integrated system to meet on-site stormwater quality requirements for the lot through incorporation of environmental site design principles and use of best management practices for on-site stormwater management. These areas shall use vegetated pervious surfaces or other measures such as permeable pavements to infiltrate the capture of water volume on-site. Piped connections from roofs and downspouts and other impervious areas to storm drains are prohibited. Piped conveyances on lots must discharge to pervious areas.	2.00		2	
The use of environmental site design, including but not limited to grass buffers and swales, bioretention (rain garden or porous landscape detention, sand filters, and permeable pavement systems), to meet stormwater managements requirements of the County Code	1.00	1		
Install a green vegetated roof on the primary structure, or on at least 50% of primary buildings in a multi-building complex – green or vegetated roofs shall include vegetation on at least 50% of the roof area (25% for renovated buildings) and shall use only plant materials permitted by the landscaping standards in the Landscape Manual	2.00		2	
All showerheads and handheld showers are 2.0 GPM or less	0.50		0.5	n/a
All lavatory faucets flow rate is 1.5 GPM or less at 60 PSI	0.50	0.5		
All toilets are 1.28 GPF or less	0.50	0.5		
All toilets have dual activated flushing	1.00		1	
Include rainwater capture and re-use devices such as cisterns, rain filters, and underground storage basins for residential development with a minimum storage capacity of 500 gallons for every two	0.50		0.5	
Provide rain gardens or other appropriate stormwater infiltration system(s) that accommodate a minimum of 25% of the runoff	1.00		1	
Incorporation of greywater reuse systems	0.50		0.5	
Reduction of existing impervious surfaces by at least 50 percent of the existing paved surface area on the site.	1.00		1	
CATEGORY SUBTOTAL	10.50	2.00	8.50	

VIII. COMPLIANCE WITH PRIOR APPROVALS

The subject property is subject to prior approvals. It must be noted, however, that preliminary plan 4-95045 and the final plat recorded among the Prince George's County Land Records at plat book VJ178, page 68, as well as DSP-95082-04; will be superseded by the subject application and the approved SE-2022-002, and a new plat will be recorded. Consequently, the only conditions of approval applicable to the subject application are those established with the Special Exception as follows:

- 1. Prior to certification of the Special Exception Site Plan, the following revisions shall be made, or information shall be provided:**
 - a. The Applicant shall provide evidence of vacation for the portion of Duvall Street included on the Special Exception Site Plan.**
 - b. Prior to the issuance of the first building permit, the Applicants shall provide assigned community benefit agreement, in accordance with Section 27-5402(4)(1)(I) of the Prince George's County Zoning Ordinance.**

COMMENT: The applicant has filed, as a companion to this PPS, a petition for vacation (VPT-2024-004) of that portion of Duvall Street to be vacated. Finally, the applicant acknowledges the requirements of Section 27-5402(u)(1)(I) and understands that this space shall be subject to a Community Benefit Agreement executed by the property owner and Community Non-Profit organization.

IX. CONCLUSION

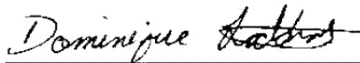
The applicant is proposing one (1) lot to accommodate the development of one (1) consolidated storage facility. The applicant believes that the application for a preliminary plan meets or exceeds each of the requirements set forth in the Subdivision Regulations and, largely through the process of obtaining approval of its Special Exception (to wit: SE-2022-002) has demonstrated compliance with the applicable development standards. The applicant, therefore, requests the approval of this Preliminary Plan of Subdivision.

Respectfully submitted,

MCNAMEE HOSEA, P.A.



Matthew C. Tedesco
Attorney for the applicant



Dominique A. Lockhart, AICP
Senior Land Use Planner

Date: August 9, 2024
(Second Submittal)