



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2021-115

File No. 4-20038

R E S O L U T I O N

WHEREAS, BWLANDCO, LLC is the owner of a 77.63-acre parcel of land known as Parcel 6, Parcel 7, and part of Parcel 8, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Planned Industrial/Employment Park (I-3) and Heavy Industrial (I-2); and

WHEREAS, on June 16, 2021, Elion Acq., LLC filed an application for approval of a Preliminary Plan of Subdivision for 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-20038 for ELP DC II was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on September 16, 2021, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on September 16, 2021, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-017-2020-01, and APPROVED a Variance from Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-20038 for 4 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:
 - a. Provide a revised vicinity map, in accordance with property boundaries of this PPS.
 - b. In General Note 2, add Tax Map 155, Grid C-2 to the list of grids in which the property has land area.
 - c. In General Note 5, list prior approvals in the I-2 Zone.
2. Prior to approval of a final plat:
 - a. The final plat shall expunge all the existing easements, which are proposed to be removed.

- b. The final plat of subdivision shall grant 10-foot-wide public utility easements along the public right-of-way of “Road A”, in accordance with the approved preliminary plan of subdivision.
3. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
4. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan 24467-2012-02.
5. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
6. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-017-2020-01). The following notes shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-017-2020-01), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”
7. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
8. Prior to the issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

9. Total development within the subject property shall be limited to uses that would generate no more than 1296 AM and 1917 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision (PPS), with a new determination of the adequacy of transportation facilities. It is furthermore noted that this cap encompasses the entirety of the original trip cap for ELP DC, PPS 4-20011. This application is not creating an additional entitlement for the overall ELP DC property.
10. Prior to approval of a building permit for each nonresidential structure, a fee calculated as \$2.07 per gross square foot of space multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown in accordance with Prince George's County Council Resolution, CR-9-2017, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.
11. With the caveat that the Brandywine Road Club payment, as described in the previous condition, shall be the applicant's sole financial responsibility to satisfy Section 24-124 of the Prince George's County Subdivision Regulations, the applicant proposes the following improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection:
 - a. Provide a restriping on the Cedarville Road approach, resulting in a left-turn lane, a shared left-turn/through lane, and a right-turn lane; and
 - b. Retime the signal to provide split-phase signal operations for the east-west movements.

These improvements shall be conditional upon the Maryland State Highway Administration (SHA) (as the permitting agency for the improvements) and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) (as the agency managing the collection of road club fees) concurring with these improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection, with the applicant entering into an agreement with SHA and DPIE to utilize the applicant's Brandywine Road Club fees (as described in the previous condition) toward the construction of these off-site improvements. Proof of such agreement, along with a timetable for implementation and a schedule documenting the impact of such agreement on Brandywine Road Club fee payments, shall be provided prior to issuance of any building permit within the site. If concurrence and a resulting agreement cannot be achieved with both SHA and DPIE, such documentation shall be provided prior to issuance of any building permit within the site, and this condition shall be deemed satisfied.

12. Prior to issuance of any building permit within the site, the applicant shall submit an acceptable traffic signal warrant study to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and/or the Prince George's County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Cedarville Road and Mattawoman Drive. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic at the direction of the County.

If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with DPIE/DPW&T, prior to release of any building permits within the site, and complete installation at a time when directed by DPIE/DPW&T.

13. Prior to the approval of a grading permit, the applicant and the applicant's heirs, successors and/or assignees shall provide three hard copies and four pdf copies on CD of the final report detailing the Phase I investigations and ensure that all artifacts are curated at the Maryland Archaeological Conservation Laboratory in Calvert County, in accordance with the Guidelines for Archeological Review.
14. Prior to issuance of a use and occupancy permit for nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Contact the Prince George's County Fire/EMS Department to request a pre-incident Emergency Plan for the facility.
 - b. Install and maintain automated external defibrillators (AEDs), in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.
 - c. Install and maintain bleeding control kits next to fire extinguisher installation and no more than 75 feet from any employee.

These requirements shall be noted on the site plan for the development.

15. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall include on the site plans the following prior to approval of the first building permit for the subject site.
 - a. A marked crosswalk with perpendicular Americans with Disability Act ramps crossing Road A in between Parcel 23 and Parcel 26, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence.
 - b. Sidewalks along both sides of all internal roadways.
 - c. Direct and separated pedestrian pathways from the sidewalk along the public right-of-way to building entrances.
 - d. Bicycle parking consistent with AASHTO guidelines to be provided at each building.
16. Prior to approval of a final plat, the applicant and the applicant's heir, successors, and/or assignees shall demonstrate that a business owner's association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section of the

Development Review Division to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.

17. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the business owner's association land, as identified on the approved Preliminary Plan of Subdivision 4-20011. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is located approximately 470 feet south of the terminus of Brandywine Heights Road and consists of three tax parcels known as Parcel 6, Parcel 7, and part of Parcel 8 recorded in the Prince George's County Land Records in Liber 42454 Folio 487. Parcel 8 (Tract 1) was consolidated by deed in 2004 with Parcel 10 to the south, which is not

included in this application. This was recorded in the Prince George's County Land Records in Liber 20146 Folio 1. This combined parcel is referred to as Tract 1 on the preliminary plan of subdivision (PPS) and throughout this resolution. The subject property is 77.63 acres in total size with Parcel 6 being 25.5 acres, Parcel 7 being 31.1 acres, and the remaining land area being part of Tract 1. Parcels 6 and 7 are located within the Planned Industrial/Employment Park (I-3) Zone, while Tract 1 is located within the Heavy Industrial (I-2) Zone. The site is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). This PPS proposes to subdivide Parcels 6, 7, and a portion of Tract 1 into four parcels, for the development of 999,630 square feet of industrial development on 77.63 acres.

This site was subject to a previously approved PPS, 4-20011, which encompassed a larger area. At the time of that approval, Parcel 6 was located within Water and Sewer Category 5. As a result, this parcel was required to be designated as an outparcel, as this water and sewer category is not adequate for PPS approval. The water and sewer category for Parcel 6 has since been updated, and the applicant has filed this PPS in order to subdivide Parcel 6 in addition to resubdividing the lotting pattern approved with PPS 4-20011 for existing Parcels 7 and Tract 1. The subject site is currently vacant. The development of 999,630 square feet for industrial use proposed with this application is not in addition to development approved under PPS 4-20011, but is meant to reflect the potential development for this area of the overall site while remaining within the total 3,240,000 square feet of industrial development approved by PPS 4-20011. Seven of the 32 parcels approved with PPS 4-20011 were open space parcels dedicated to a business owner's association. Although there are no open space parcels included with this PPS, this PPS is included in that overall development and will be a part of that business owner's association.

3. **Setting**—The property is located on Tax Map 155 in Grids B1, B2, C1, and C2 in Planning Area 85A, and is zoned I-2 and I-3. The subject property will be accessed from the south by a proposed public road approved with PPS 4-20011, which is an extension of Mattawoman Drive. The abutting properties to the north and west consist of both single-family detached and single-family attached dwellings located within the Rural Residential and Rural Medium Development Zones. The site is flanked to the east by railroad tracks owned by CSX Railroad, with property owned by the United States Government in the Reserved Open Space Zone beyond. The abutting property to the south is associated with the previously approved PPS 4-20011, is currently vacant, and located within the I-2 Zone.

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

	EXISTING	APPROVED
Zone	I-2/I-3	I-2/I-3
Use(s)	Industrial	Industrial (warehouses)
Acreage	283.2 acres	77.63 acres
Lots	0	0
Parcels	3	4
Outparcel	0	0
Dwelling Units	N/A	N/A
Gross Floor Area	0	999,630 sq. ft.
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Prince George's County Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee meeting on June 25, 2021.

5. **Previous Approvals**—PPS 4-90027 was approved by the Prince George's County Planning Board on May 30, 1990 (PGCPB Resolution No. 90-229) and encompassed a portion of Tract 1. This PPS approved 2,484,000 square feet of heavy industrial space on 30 lots, but the plan never proceeded to recordation, and it expired in 2003. Therefore, the conditions of approval associated with PPS 4-90027 no longer apply.

Parcels 6 and 7 are subject to a Conceptual Site Plan, CSP-12002 (approved July 31, 2014, PGCPB Resolution No. 14-84) and a Detailed Site Plan, DSP-12033 (also approved July 31, 2014, PGCPB Resolution No. 14-85). The CSP is valid in perpetuity, while the DSP is valid through December 31, 2021. These two plans proposed a solar powered, electric generating facility, featuring approximately 26.43 acres of solar panels and a 4,750-square-foot maintenance building. A PPS was not required for this project, per Section 24-107(c)(7)(B) of the Subdivision Regulations, because it proposed less than 5,000 square feet of gross floor area. None of the conditions of approval of either of these two plans are applicable to this project because a solar powered facility is no longer proposed.

PPS 4-20011 (PGCPB Resolution No. 2020-164) was approved on November 12, 2020, for 32 parcels for the development of 3,240,000 square feet of industrial use and covered the land area included in this PPS application. PPS 4-20038 supersedes PPS 4-20011 for the 77.63 acres included in this application.

6. **Community Planning**—The subject site is within the area of the Subregion 5 Master Plan, which retained the property in the I-2 and I-3 Zones. The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the Subregion 5 Master Plan are evaluated, as follows:

Plan 2035

Plan 2035 classifies this site in the Established Communities Growth Policy Area. Established communities are most appropriate for context-sensitive infill and low- to medium-density development (page 20).

Master Plan Land Use Recommendation

The Subregion 5 Master Plan recommends mixed-use land on the subject property. In addition, this plan endorses the creation of a Brandywine Community Center. The subject property is located in the core of the Brandywine Community Center, an approximately 120-acre area recommended for transit-oriented, mixed-use development focused on a future transit station near the interchange of MD 5/US 301 and an arterial road (relocated A-55). The core is envisioned as a mixed-use area containing moderate- to high-density residential (15 to 30 dwelling units per acre), commercial, and employment uses that would generate approximately 25 employees per acre (pages 46 and 49).

Zoning

The Subregion 5 Master Plan and SMA retained the industrial zoning on the subject property.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Subregion 5 Master Plan.

7. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Plan (24467-2012-02), reviewed by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), was submitted with the subject application. The approved SWM concept plan shows the use of five micro-bioretenention structures, three submerged gravel wetlands, and three bio-swales.

In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with the approved SWM concept plan and any subsequent revisions, to ensure no on-site or downstream flooding occurs.

8. **Parks**—In accordance with Section 24-134(a) of the Subdivision Regulations, the subject PPS is exempt from the mandatory dedication of parkland requirement because it consists of nonresidential development.
9. **Bicycle and Pedestrian**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Subregion 5 Master Plan to provide the appropriate pedestrian and bicycle transportation facilities.

Existing Conditions, Sidewalks and Bike Infrastructure

The submitted application is for the subdivision and creation of four parcels to be used for 996,360 square feet of industrial use on 77.63 acres. The subject site is located approximately 1.05 miles northeast of the intersection of Crain Highway and Chadds Ford Drive, in Brandywine. There are no pedestrian or bicycle facilities currently built on the subject

property. The area under review for the subject application does not fall within a 2002 Corridor or a 2035 General Plan Center and therefore, is not subject to Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2.”

Previous Approvals

The subject property falls within the bounds of PPS 4-20011, which was approved for 3,240,000 square feet of warehouse use. Condition 7 of PPS 4-20011 discusses bicycle and pedestrian improvements and is copied below:

7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant, and the applicant’s heirs, successors, and/or assignees shall provide the following improvements, and shall provide an exhibit showing the following improvements, prior to the first building permit for the subject site:

- a. Marked crosswalks crossing all legs of each intersection, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence.**
- b. A marked crosswalk near the cul-de-sac of Mattawoman Drive (A-55), unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence.**
- c. Perpendicular Americans with Disabilities Act ramps at all intersections, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence.**

Whereas PPS 4-20011 had several intersections, the subject application only contains one road, which terminates in a cul-de-sac. The applicant shall provide a marked crosswalk with perpendicular Americans with Disabilities Act ramps crossing Road A in between Parcel 23 and Parcel 26, unless modified by DPIE with written correspondence. These facilities shall be shown prior to issuance of the first building permit.

- d. A 10-foot-wide shared-use path along the entire extent of Mattawoman Drive (A-55) through the subject site consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities*, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence.**

The location of the shared-use path along A-55 is beyond the bounds of the subject application and has been addressed with PPS 4-20011.

- e. Sidewalks along both sides of all internal roadways.**

- f. Direct and separated pedestrian pathways from the sidewalk, along the right-of-way to building entrances.**

The applicant shall provide sidewalks along both sides of all internal roadways, along Road A, as well as direct and separated pedestrian pathways from Road A to building entrances. These facilities shall be shown prior to issuance of the first building permit.

- g. Bikeway signage on Mattawoman Drive (A-55) near the southern and western access points to the subject site, indicating that “bikes may use full lane,” unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence.**

The location of the bikeway signage along A-55 is beyond the bounds of the subject application and has been addressed with PPS 4-20011.

- h. Short- and long-term bicycle parking at all proposed buildings consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities*.**

The applicant shall provide bicycle parking consistent with the 2021 AASHTO guidelines at each building. These facilities be shown prior to issuance of the first building permit.

- i. Shared-use path signage consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities* and the 2009 *Manual of Uniform Traffic Control Devices*, specifically the guidance of Figure 5-13, “Mid-Block and Sidepath Crossings Relative to Intersection Function Area” (AASHTO), the discussions titled “Determining Priority Assignment” and “Use of Stop Signs” (AASHTO), and Section 9B.03 “Stop and Yield Signs (R1-1 and R1-2)” (MUTCD), unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement, with written correspondence.**

The location of the shared-use path signage along A-55 is beyond the bounds of the subject application and has been addressed with PPS 4-20011.

CSP-12002 and DSP-12033 were approved for a solar powered electric generating facility on parcels. This plan did not move forward with permitting or construction after being approved. Therefore, there are no binding prior conditions of approval on the subject property specific to pedestrian or bicycle improvements.

Review of Conformance with the 2009 MPOT

There are no master planned bicycle or pedestrian facilities recommended for the subject property. The subject property falls within the bounds of the previously approved PPS 4-20011. While the subject property does not contain any master plan recommended facilities, the bounds

of PPS 4-20011 does contain a recommendation for a sidepath along A-55. As stated above, Condition 7d of PPS 4-20011, requiring a 10-foot-wide shared-use path along the entirety of A-55, will be required prior to issuance of the first building permit. This development case is subject to the MPOT, which provides policy guidance regarding multimodal transportation. The Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling (MPOT, pages 9–10), which recommends the following facilities:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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

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

The Transportation Systems Section of the Subregion 5 Master Plan makes the following recommendation:

- **Encourage developers at employment destinations to provide new sidewalks, bicycle trails, lockers, bike friendly intersection improvements, and trail connections as part of their development proposals (page 121).**
- **Install bicycle signage and safety improvements along designated shared-use roadways when development occurs, or roadways are upgraded. Bikeway improvements may include paved shoulders, painted bike lanes, and bike signage (page 121).**

The property falls in the developing tier and will require sidewalks on both sides of all new roads. As previously stated, the applicant shall provide standard sidewalks along both sides of all internal roadways. In addition, as noted above, pedestrian facilities between Road A and the entrance to all buildings shall be provided. Lastly, bicycle parking is an important component of bicycle-friendly roadways and bicycle parking shall be consistent with AASHTO standards at each proposed building.

Review of Master Plan Conformance

There are no master planned bicycle or pedestrian facilities recommended for the subject property.

The subject property falls within the bounds of the previously approved PPS 4-20011. While the subject property does not contain any master plan recommended facilities, the bounds of PPS 4-20011 does contain a recommendation for a sidepath along A-55. Condition 7d from PPS 4-20011 (listed above) requires the applicant to construct a 10-foot-wide shared-use path along the entirety of A-55, which satisfies the recommendation for the sidepath.

The pedestrian and bicycle improvements fulfill the intent of the policies recommended above and are in compliance with the master plan and the MPOT.

- 10. Transportation**—Transportation-related findings related to adequacy are made with this application, along with any determinations related to dedication, access, and general subdivision layout. Access and circulation are proposed by means of a single public street ending in a cul-de-sac.

Finding 4 of the resolution (PGCPB No. 2020-164) for PPS 4-20011 notes that this outparcel was created to resolve a water and sewer category issue which arose during review of that preliminary plan. The finding includes the following:

“The analysis of the subject PPS included adequacy for transportation which will support the resubdivision of this outparcel once the applicant obtains the approval of an amendment to the Ten-Year Water and Sewer Plan.”

Therefore, it was determined that a new traffic study was not needed to support the analysis of this application. It was also determined that all traffic-related conditions from PPS 4-20011 would be carried forward for this PPS.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

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

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed:

(a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

Analysis of Traffic Impacts

As noted earlier, the resolution for PPS 4-20011 makes clear that the adequacy determination for that plan would support this resubdivision of the subject outparcel. The subject application proposed no additional increment of development or change of use beyond that proposed by PPS 4-20011. Therefore, Conditions 4, 5, and 6 from the prior resolution are carried forward for the subject application, as a means of the subject site meeting the adequacy standards listed above.

Condition 3 from the prior resolution is carried forward as the trip cap condition for the subject application. By repeating this trip cap for the subject application, no additional entitlement is being created for the overall ELP DC property.

All traffic related conditions of PPS 4-20011 are carried forward, and are provided below:

- 3. Total development within the subject property shall be limited to uses that would generate no more than 1296 AM and 1917 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.**
- 4. Prior to approval of a building permit for each nonresidential structure, a fee calculated as \$2.07 per gross square foot of space multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown in accordance with Prince George's County Council Resolution, CR-9-2017, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.**
- 5. With the caveat that the Brandywine Road Club payment, as described in the previous condition, shall be the applicant's sole financial responsibility to satisfy Section 24-124 of the Subdivision Regulations, the applicant proposes the following improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection:**
 - a. Provide a restriping on the Cedarville Road approach, resulting in a left-turn lane, a shared left-turn/through lane, and a right-turn lane; and**
 - b. Retime the signal to provide split-phase signal operations for the east-west movements.**

These improvements shall be conditional upon the Maryland State Highway Association (SHA) (as the permitting agency for the improvements) and the Prince George's County Department of Permitting, Inspections and

Enforcement (DPIE) (as the agency managing the collection of road club fees) concurring with these improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection, with the applicant entering into an agreement with SHA and DPIE to utilize the applicant's Brandywine Road Club fees (as described in the previous condition) toward the construction of these off-site improvements. Proof of such agreement, along with a timetable for implementation and a schedule documenting the impact of such agreement on Brandywine Road Club fee payments, shall be provided prior to issuance of any building permit within the site. If concurrence and a resulting agreement cannot be achieved with both SHA and DPIE, such documentation shall be provided prior to issuance of any building permit within the site, and this condition shall be deemed satisfied.

- 6. Prior to issuance of any building permit within the site, the applicant shall submit an acceptable traffic signal warrant study to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and/or the Prince George's County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Cedarville Road and Mattawoman Drive. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic at the direction of the County. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with DPIE/DPW&T, prior to release of any building permits within the site, and complete installation at a time when directed by DPIE/DPW&T.**

Access and circulation are acceptable.

Transportation adequacy for the overall site was determined with PPS 4-20011, as the applicant is not requesting any additional development with PPS 4-20038. Transportation adequacy findings of PPS 4-20011 are incorporated by reference herein and are further provided below.

The table below was used to summarize trip generation for PPS 4-20011, which is carried forward and applied to PPS 4-20038. The applicant has two potential scenarios for developing the site. In order to provide the most conservative analysis and to allow for flexibility for the ultimate site design, the traffic impact study associated with PPS 4-20011 analyzed the higher of the trip generation among the two options for the AM and PM peak hours. These two scenarios are shown in the table below, with the higher total in each peak reflected in the potential trip cap. The proposed uses have the following trip generation (with the use quantities shown in the table, as described in the submitted traffic impact study). The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines) and *Trip Generation* (Institute of Transportation Engineers):

Trip Generation Summary: 4-20011: ELP DC								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Scenario 1:								
High-Cube Fulfillment Center Warehouse (ITE Land Use Code 155)	1,020,000	sq. ft.	482	120	602	279	1118	1397
Warehouse (Guidelines rates)	1,301,000	sq. ft.	416	104	520	104	416	520
Total Proposed Trips, Scenario 1			898	224	1122	383	1534	1917
Scenario 2:								
Warehouse (Guidelines rates)	3,240,000	sq. ft.	1037	259	1296	259	1037	1296
Total Proposed Trips, Scenario 2			1037	259	1296	259	1037	1296
Recommended Trip Cap (greater of the two scenarios)					1296			1917

The traffic generated by the PPS would impact the following intersections, interchanges, and links in the transportation system:

- US 301/MD 5 and McKendree Road/Cedarville Road (signalized)
- Cedarville Road and Mattawoman Drive (unsignalized)

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

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
US 301/MD 5 and McKendree Road/Cedarville Road	1,080	1,640	B	F
Cedarville Road and Mattawoman Drive	8.6*	8.6*	--	--
<p>*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.</p>				

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation's Consolidated Transportation Program, or the Prince George's County Capital Improvement Program. Background traffic has been developed for the study area using 15 approved, but unbuilt developments within the study area. A 2.0 percent annual growth rate for a period of six years has been assumed. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
US 301/MD 5 and McKendree Road/Cedarville Road	1,646	2,331	F	F
Cedarville Road and Mattawoman Drive	9.2*	9.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges, and links identified above, when analyzed with total future traffic as developed using the Guidelines, including the site trip generation as described above, operate, as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
US 301/MD 5 and McKendree Road/Cedarville Road	2,086	2,946	F	F
Cedarville Road and Mattawoman Drive (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	62.7*	317.5*	Fail	Fail
Minor Street Volume Test (100 or fewer)	339	299	Fail	Fail
Critical Lane Volume Test (1150 or fewer)	1,167	941	Fail	Pass
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, all three tests must fail in order to require a signal warrant study.				

Regarding the US 301/MD 5 and McKendree Road/Cedarville Road intersection, the subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. Specifically, Prince George's County Council Resolution CR-9-2017 indicates the following:

1. Establishes the use of the Brandywine Road Club for properties within Planning Areas 85A and 85B as a means of addressing significant and persistent transportation deficiencies within these planning areas.
2. Establishes a list of projects for which funding from the Brandywine Road Club can be applied.
3. Establishes standard fees by development type associated with the Brandywine Road Club to be assessed on approved development.

This resolution works in concert with Prince George's County Council Bill CB-22-2015, which permits participation in roadway improvements as a means of demonstrating adequacy for transportation, as required in Section 24-124 of the Subdivision Regulations. Specifically, CB-22-2015 allows the following:

1. Roadway improvements participated in by the applicant can be used to alleviate any inadequacy as defined by the Guidelines. This indicates that sufficient information must be provided to demonstrate that there is an inadequacy.
2. To be subject to CB-22-2015, the subject property must be in an area for which a road club was established, prior to November 16, 1993. In fact, the Brandywine Road Club was included in CR-60-1993, adopted on September 14, 1993, and it was developed and in use before that date.

Pursuant to CR-9-2017, the Brandywine Road Club fee for the subject application will be \$2.07 per gross square foot of floor area, to be indexed by the appropriate cost indices to be determined by DPIE. Pursuant to CB-22-2015, once the appropriate payment is made to the satisfaction of DPIE, no further obligation will be required of the applicant regarding the fulfillment of transportation adequacy requirements of Section 24-124(a).

The applicant proposed improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection, to provide a restriping on the Cedarville Road approach (resulting in a left-turn lane, a shared left-turn/through lane, and a right-turn lane) and split-phase signal operations for the east-west movements. Those changes would result in a critical lane volume of 1,899 in the AM peak hour and a critical lane volume of 2,150 in the PM peak hour, with both peak hours at LOS F. The applicant makes this proposal contingent on Maryland State Highway Administration (SHA) and DPIE concurring with these improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection, with the applicant entering into an agreement with SHA and DPIE to utilize the applicant's Brandywine Road Club fees toward the construction of these off-site improvements.

The table above notes an inadequacy at the Cedarville Road/Mattawoman Drive intersection in one or both peak hours. Consistent with standard practices, the applicant shall perform a traffic signal warrant study at this location and install a signal or other improvement that is deemed warranted by the operating agency (in this case, the County). This signal study shall be tied to the

initial building permit, and any installation, if warranted, shall be bonded and permitted with DPIE with an agreed-upon timetable for the construction/installation.

Master Plan, MPOT, and Site Access

The site is not within or adjacent to any master plan transportation facilities. The site will be accessed via a proposed public right-of-way from the south.

Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required, in accordance with Section 24-124.

11. **Schools**—Pursuant to Section 24-122.02 of the Subdivision Regulations, this PPS is exempt from review for impact on school facilities because the proposal consists of nonresidential development.
12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, police facilities are found to be adequate to serve the subject site as outlined in a memorandum from the Special Projects section, dated June 23, 2021 (Perry to Heath), incorporated by reference herein. Water and sewer, and fire and rescue facilities are evaluated as follows:

Water and Sewer

Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2018 *Water and Sewer Plan* placed the property in the Water and Sewer Category 3, Community System; Category 4, Community System Adequate for Development Planning; and Category 5, Future Community Service.

Specifically, Parcel 6 was designated Water and Sewer Category 5, Future Community Service. However, the 2021 legislative amendment, CR-22-2021, changed Parcel 6 from Water and Sewer Category 5 to Category 4. Parcel 7 is designated Water and Sewer Category 4, Community System Adequate for Development Planning. Redesignation of Parcel 6 and Parcel 7 to Category 3, Community System, through the Administrative Water and Sewer Category Change Cycle of Amendments process, will be necessary prior to final plat approval.

In addition, Parcel 6 is in Tier 2 of the Sustainable Growth Act. Tier 2 comprises property currently planned for public sewer service.

Fire and Rescue

The subject property is served by Brandywine Volunteer Fire Department Co. 840 located at 13809 Brandywine Road in Brandywine. Per Section 24-122.01(d)(1)(A), a five-minute total response time is recognized as the national standard for Fire/EMS response times. The five-minute total response time arises from the 2016 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire

Departments. This standard is being applied to the review of nonresidential subdivision applications.

According to NFPA 1710, Chapter 3, Definitions, the total response time and travel time are defined as follows:

3.3.53.6 Total Response Time. The time interval from the receipt of the alarm at the primary PSAP (Public Safety Answering Point) to when the first emergency response unit is initiating action or intervening to control the incident.

3.3.53.7 Travel Time. The time interval that begins when a unit is in route to the emergency incident and ends when the unit arrives at the scene.

According to NFPA 1710, Chapter 4, Organization:

4.1.2.1 The fire department shall establish the following objectives:

- 1. Alarm handling time to be completed in accordance with 4.1.2.3.**
(4.1.2.3.1 The fire department shall establish a performance objective of having an alarm answering time of not more than 15 seconds for at least 95 percent of the alarms received and not more than 40 seconds for at least 99 percent of the alarms received, as specified by NFPA 1221).
- 2. 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response.**
- 3. 240 seconds or less travel time for the arrival of the first arriving engine company at a fire suppression incident.**

Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of June 22, 2021, the subject project fails the four-minute travel test from the closest Prince George's County Fire/EMS Station when applying the national standard, an associated total response time under five-minutes from the closest Fire/EMS Station, Brandywine Volunteer Fire Department Co. 840. Prior to issuance of a use and occupancy permit, the applicant shall contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility, install and maintain automated external defibrillators in accordance with the Code of Maryland Regulations, and install and maintain hemorrhage kits next to fire extinguishers.

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

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The required PUE is delineated along the site's frontage with the proposed public right-of-way "Road A".

- 14. Historic**—A Phase I archeological survey was conducted on the subject property in 2013. Two archeological sites were identified: 18PR1061 was the site of a mid-twentieth century dwelling and 18PR1062 was the site of an early-nineteenth century dwelling. Neither site retained sufficient integrity to provide significant information and no further work was required. Historic Preservation staff concurred with the report's findings and conclusions that no further archeological investigations were necessary. Copies of the final reports were never submitted to the Historic Preservation Section.

The remainder of the subject property was later mined for sand and gravel, which would have destroyed any other archeological resources that may have been present on the site. No additional archeological investigations are required due to the extensive ground disturbance on the subject property. The subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or significant archeological sites.

- 15. Environmental**—The following applications and associated plans have been reviewed for the subject site:

Background

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
4-90027	TCP1-058-90	Planning Board	Approved	5/31/1990	90-229
N/A	TCPII/140/90	Staff	Approved	8/16/1990	N/A
N/A	TCPII/140/90-01	Staff	Approved	8/6/2004	N/A
N/A	TCPII/140/90-02	Staff	Approved	5/9/2006	N/A
NRI-039-12	N/A	Staff	Approved	8/24/2012	N/A
CSP-12002	TCP2-011-13	Planning Board	Approved	7/31/2014	14-84
DSP-12033	TCP2-011-13	Planning Board	Approved	7/31/2014	14-85
NRI-039-2012-01	N/A	Staff	Approved	6/25/2020	N/A
4-20011	TCP1-017-2020	Planning Board	Approved	11/12/2020	2020-164
4-20038	TCP1-017-2020-01	Planning Board	Approved	9/16/2021	2021-115

Proposed Activity

The applicant requested approval of a PPS and a Type 1 Tree Conservation Plan (TCP1-017-2020-01) for 4 parcels for industrial use. The TCP1 shows the lotting pattern and associated infrastructure (road layout, water and sewer lines, SWM facilities, woodland conservation areas, specimen trees, and proposed clearing).

Grandfathering

This project is not grandfathered with respect to the environmental regulations contained in Subtitles 24 and 27 that came into effect on September 1, 2010, because the application is for a new PPS.

Master Plan Conformance

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, the Established Communities of the General Plan Growth Policy Map, and has a future land use designation of employment/industrial.

Subregion 5 Master Plan and Sectional Map Amendment Section V: Environment

The Subregion 5 Master Plan section on environment contains eight subsections (A–H), each of which contain policies and strategies. The text in **BOLD** is the policy text from the Subregion 5 Master Plan, and the plain text provides comments on plan conformance.

A. Green Infrastructure

- **Implement the master plan’s desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

The 2017 *Countywide Green Infrastructure Plan of the Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan) has identified the Mattawoman Creek Stream Valley as a Special Conservation Area (number 10 in the plan). These are areas of countywide significance in need of special attention because they contain unique environmental features that should be carefully considered when land development proposals are reviewed in the vicinity to ensure that their ecological functions are protected or restored and that critical ecological connections are established and/or maintained.

In addition to being identified as a special conservation area in the Green Infrastructure Plan, the Mattawoman Creek is also identified in the Subregion 5 Master Plan as a Primary Corridor. These corridors include the mainstems of the major waterways within the study area and are identified for conservation and preservation. Also identified in the Subregion 5 Master Plan as a Secondary Corridor is the Timothy Branch, which is located on the site and runs from the north to the south along the western portion of the site and drains into the Mattawoman Creek. Secondary corridors are areas where connectivity is critical to the long-term viability and preservation of the green infrastructure network, and they are critical to preserving the subregion’s water quality.

The site contains mapped regulated areas within the Green Infrastructure Plan along the stream valleys. The woodland adjacent to the regulated areas is mapped as evaluation area within the Green Infrastructure Plan. These areas are the highest priority for preservation of regulated environmental features and woodland.

The Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) requires priority be placed on the preservation and planting of floodplain, wetlands, stream corridors, and emphasizes the preservation of large contiguous woodland within the green infrastructure network. The site contains mapped forest interior dwelling species habitat, which is another high priority for preservation and enhancement of on-site woodland.

Mattawoman Creek is designated by the state as a Tier II waterway, which are those waters that have an existing water quality that is significantly better than the minimum water quality standards.

The on-site woodlands are proposed for retention except for clearing impacts to connect to an existing water line and roadway access. The Timothy Branch is not proposed to be otherwise impacted with this application; however, a master planned roadway (A-55), which is an extension of Mattawoman Drive, is required to be dedicated. The master plan roadway alignment requires connection to the west over Timothy Branch, which will require impacts at that time. Reforestation will occur along preserved woodlands and floodplain areas to expand the riparian stream buffer to the stream and to meet the entire woodland conservation requirement on-site.

The site is required to provide an approved SWM concept plan. Impacts to this sensitive area should be limited to those required, or only necessary for development, such as the proposed waterline connection and roadway crossings.

This site is located on the Timothy Branch, it contains areas of high priority for preservation of both the primary management area (PMA) as well as woodland conservation. The applicant has minimized the impacts to the PMA and is proposing reforestation toward meeting the woodland conservation requirements. The minimization of impacts and reforestation on-site satisfy the environmental policies and strategies outlined in the Subregion 5 Master Plan and the Green Infrastructure Plan.

B. Water Quality, Stormwater Management, and Groundwater

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32, Water Quality Resources and Grading Code.

This requires that environmental site design be implemented to the maximum extent practicable. The site has two previously approved SWM Concept Plans, 12726-2003-01 and 24467-2012-02. SWM Concept Plan 24467-2012-02 covers the area of this PPS and was submitted with the subject application. The application proposed a waterline connection and roadway that will impact the 100-year floodplain, stream, and wetland buffers.

C. Watersheds

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**
- **Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

This proposal is for the construction of light industrial uses (warehouse/distribution) on formerly graded land with environmentally sensitive woodlands along the western boundary. These woodlands contain the Timothy Branch along the western boundary. The open PMA areas are proposed to be planted with native plants to the fullest extent possible. No woodlands in this area are proposed to be removed other than 1.09 acres which is necessary for a proposed waterline connection crossing the Timothy Branch and the roadway crossing.

The subject property is located within the Environmental Strategy Area 2, which was formerly the developing tier. All of the proposed development will be outside the environmentally sensitive areas except for the waterline connection crossing the Timothy Branch and the roadway impact. The remaining sensitive areas will be preserved. The use of environmentally sensitive design should be included with the SWM concept plan.

D. Chesapeake Bay Critical Area

- **Enhance the County's Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

The subject property is not located in the Chesapeake Bay Critical Area.

E. Air Quality and Greenhouse Gas Emissions

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote “climate-friendly” development patterns through planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

Air quality is a regional issue that is currently being addressed by the Council of Governments.

This site was formerly a Soil Safe, Inc. facility, which had an air quality permit with the State’s Air and Radiation Administration. An email from the Air and Radiation Administration dated January 6, 2020, was submitted previously with PPS 4-20011 stating that all registered equipment from the site has been removed.

Countywide Green Infrastructure Plan

According to the Green Infrastructure Plan, the site contains both regulated and evaluation areas within the designated network of the plan. The conceptual design as reflected on the preliminary plan and the TCP1 is in keeping with the goals of the Green Infrastructure Plan and focuses development outside of the most sensitive areas of the site. A detailed evaluation of major green infrastructure components has been provided in the master plan conformance section of this finding.

Environmental Review

Natural Resources Inventory Plan/Existing Features

A Natural Resources Inventory, NRI-039-12-01, was approved on June 25, 2020, and provided with this application. The site contains 100-year floodplain, wetlands, streams, and their associated buffers which comprise the PMA. There are 19 specimen trees scattered throughout the woodland areas of the property. The TCP1 and the PPS show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. Type 1 Tree Conservation Plan TCP1-017-2020-01 was submitted with the PPS application.

This PPS is part of a larger overall development. A TCP1 has been submitted showing the site area of the PPS as part of a larger TCP for the proposed development of the site. Based on the worksheet shown on the TCP1 as submitted, the site is 283.21 acres within the I-2 and I-3 Zones. A total of 43.45 acres of existing woodlands are on the net tract and 8.49 acres are within the existing floodplain. The site has a woodland conservation threshold of 41.13 acres, or 15 percent of the net tract, as tabulated. Off-site clearing is shown on the plan on privately owned property for 0.37 acre associated with the waterline connection. The worksheet on the TCP1 shows a total

woodland conservation requirement of 58.51 acres based on the amount of clearing shown on the plan. The worksheet on the plan shows 7.43 acres of woodland retained not credited.

Specimen Trees

The forest stand delineation has identified 19 specimen trees on-site. Four on-site specimen trees are proposed to be removed on the overall site. A Subtitle 25 variance application to remove specimen trees ST-17, -18, -25, and -31 was reviewed and approved with PPS 4-20011. Specimen trees ST-25 and -31 are located in the area of this PPS. The removal of specimen trees ST-25 and -31 was requested with this application.

Review of Subtitle 25 Variance Request

A Subtitle 25 variance application, a statement of justification (SOJ) in support of a variance, and a tree removal plan were received for review on August 30, 2021.

Section 25-119(d)(1) of the WCO contains six required findings be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for the two specimen trees, and details specific to individual trees have also been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY FOR 2 TREES PROPOSED FOR REMOVAL ON TCP1-017-2020-01

ST Number	COMMON NAME	DBH (in inches)	CONDITION	APPLICANTS PROPOSED DISPOSITION	NOTES/ RECOMENDATIONS
25	White Oak	30	Excellent	Remove	
31	White Oak	30	Good	Remove	

Statement of Justification Request

A variance from Section 25-122(b)(1)(G) of the WCO was requested for the clearing of the two specimen trees on-site. The site consists of 77.63 acres and is zoned I-2 and I-3.

The current proposal for this property is to develop the site with light industrial facilities (warehouse/distribution) and a master planned roadway with associated infrastructure.

This variance was requested to the WCO which requires, under Section 25-122, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle 25 variance application form requires a SOJ of how the findings are being met.

The text in **bold**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

- A. Special conditions peculiar to the property have caused the unwarranted hardship.**

This site is zoned I-2 and I-3 and is proposed for light industrial use (warehouse/distribution). Specimen tree 25 is located on Parcel 24, in an area that will be occupied by an access driveway that will provide access to the rear loading area of the proposed building. Specimen tree 31 is in the area of a proposed public roadway. The two specimen trees and their root zones will be impacted due to their location relative to the required roadway and proposed buildings. To effectively develop the site with the necessary right-of-way and structural improvements the two specimen trees (ST-25 and -31) must be removed. The retention of the two specimen trees, ST-25 and -31, would cause an unwarranted hardship and directly impact the development of this site to current standards.

B. Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.

Based on the various site constraints (PMA and 100-year floodplain), the granting of this variance will allow the project to be redeveloped in a functional and efficient manner. If other properties encounter trees in a similar condition and in a similar location on a site, the same considerations would be provided during the review of the required variance application.

C. The request is not based on conditions or circumstances which are the result of actions by the applicant.

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The applicant proposes to remove two specimen trees primarily due to the location of the trees to the proposed large industrial buildings and to allow access to the site. The remaining trees will be retained through protective measures. The request is not the result of actions by the applicant.

D. The request does not arise from a condition relating to land or building use on a neighboring property.

This request is not based on conditions related to land or a building use on a neighboring property.

E. Granting of the variance will not adversely affect the water quality.

The removal of two specimen trees will not adversely affect water quality. The proposed development will not adversely affect water quality because the project is subject to the requirements of the Maryland Department of the Environment, the Prince George's County Soil Conservation District related to sediment and erosion control, and approval of stormwater management by DPIE. The applicant is proposing to meet the woodland conservation threshold with on-site preservation and reforestation.

Regulated Environmental Features

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary if the site has been designed to place the outfall at a point of least impact. The types of impacts that should be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

No impacts to the PMA will occur in the area of this PPS. No additional information is required for PMA impacts.

- 16. Urban Design**—Conformance with the Prince George’s County Zoning Ordinance (Subtitle 27) is evaluated as follows:

The subject application includes four parcels for development of 999,630 square feet of industrial use.

Conformance with the Zoning Requirements

The subject property is within the I-2 and I-3 Zones. Based on the submitted plans, the applicant is proposing warehouse use on the subject property. The warehouse use is permitted by right in the I-2 Zone and can be permitted in the I-3 Zone, subject to conformance with Footnote 77 of Section 27-473(b) of the Zoning Ordinance. This footnote permits the warehouse use without a CSP or DSP approval provided the warehouse use is located on property that is adjacent to property that is at least 100 acres in size and is in the I-2 Zone and (b) the use is located on property that is adjacent to a CSX rail line property. The site meets these criteria. The warehouse use in the I-3 Zone is also subject to the following requirement of Footnote 77(c), except for net lot area and outdoor storage, the regulations applicable to development in the I-3 Zone shall not apply. Development of the use shall conform with the regulations for development of property in the I-2 Zone. Conformance with the Zoning Ordinance Regulations is required for the proposed development at the time of permitting, including but not limited to the following:

- Section 27-470, for the I-2 Zone;
- Section 27-471, for the I-3 Zone for outdoor storage and net lot area requirements only;
- Section 27-473 (b), Footnote 77;

- Section 27-474, Regulations;
- Part 11, Off Street Parking and Loading;
- Part 12, Signs;

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development is subject to the 2010 *Prince George's County Landscape Manual*. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of building permit review.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. Properties in all industrial zones are required to provide a minimum of ten percent of the gross tract area, which equals to approximately 7.7 acres for this site, to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of building permit review.

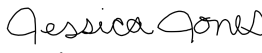
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 16, 2021, in Upper Marlboro, Maryland.

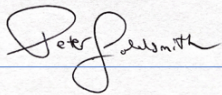
Adopted by the Prince George's County Planning Board this 30th day of September 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:AH:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: September 22, 2021