

R E S O L U T I O N

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

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

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

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

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

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

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

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

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

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

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

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-020-2022, or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
7. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

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

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

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

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

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

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

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

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

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

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

Plan 2035

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

Master Plan Conformance

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

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

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

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

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

Master Plan Right of Way

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

Master Plan Pedestrian and Bike Facilities

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

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

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

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

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

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

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

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

Transportation Planning Review

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

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

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

Key Issues:

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

Goals:

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

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

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

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

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

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

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

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

Grandfathering

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

Site Description

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

Plan 2035

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

Master Plan Conformance

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

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

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

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

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

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

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

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

The site is not within the Chesapeake Bay Critical Area.

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

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

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

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

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

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

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

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

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

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

Green Infrastructure Plan Conformance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

General Strategies for Increasing Forest and Tree Canopy Coverage

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

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

Forest Canopy Strategies

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

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

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

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

No dwellings are proposed with this PPS.

Environmental Review

Natural Resources Inventory

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

Woodland Conservation

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

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

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

Specimen Trees

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

Regulated Environmental Features

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

Soils

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

Erosion and Sediment Control

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

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

Conformance with the Zoning Ordinance

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

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

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

Conformance with the 2010 Prince George's County Landscape Manual

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

Conformance with the Tree Canopy Coverage Ordinance

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

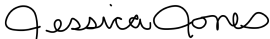
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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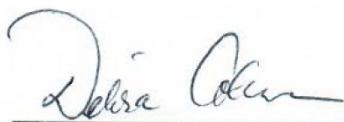
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo,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

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

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:AH:rpg


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