



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

PGCPB No. 2023-37

File No. 4-22046

## RESOLUTION

WHEREAS, Brightseat Property LLC is the owner of a 12.04-acre parcel of land known as Parcel 4, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Industrial, Employment (IE) Zone; and

WHEREAS, on December 21, 2022, Brightseat Property 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 4-22046 for Brightseat Industrial 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 March 30, 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 March 30, 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 TCP1-021-2022-01, and APPROVED Preliminary Plan of Subdivision 4-22046, including a Variation from Section 24-122(a), for one parcel with the following conditions:

1. Prior to signature approval, the preliminary plan of subdivision shall be revised to update General Note 5, to list Conceptual Site Plan CSP-22003 as a prior approval.
2. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan, 22460-2022, and any subsequent revisions.

3. Prior to approval, the final plat of subdivision shall include the grant of a 10-foot-wide public utility easement along the abutting public right-of-way of Brightseat Road, as delineated on the approved preliminary plan of subdivision.
4. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised as follows:
  - a. Remove the landscape credits from the areas that contain stormwater facilities.
  - b. Use the current worksheet as provided on the Maryland-National Capital Park and Planning Commission's website.
  - c. The worksheet shall show landscape credits being used.
  - d. Have the plans signed and dated by the qualified professional who prepared them.
5. Prior to acceptance of the detailed site plan, a geotechnical analysis shall be included in the application package.
6. The following facilities shall be shown on the detailed site plan:
  - a. A marked bicycle lane along the subject property's frontage of Brightseat Road, unless modified by the operating agency, with written correspondence.
  - b. A minimum of 6-foot-wide sidewalks along the perimeter of all buildings.
  - c. Crosswalks and striping that provide pedestrian connections from the parking area to the building(s) on-site.
  - d. Crosswalks along all site access driveways.
7. At the time of detailed site plan, an operational and queuing analysis using the Highway Capacity Manual methodology for the proposed site access driveways along Brightseat Road shall be submitted, which demonstrates compliance with Prince George's County access management standards.

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 Brightseat Road, approximately 400 feet north of its intersection with Medical Center Drive and is 12.04 acres. The property is

identified as Parcel 4, by the State Department of Assessment and Taxation, and is recorded by deed in the Prince George's County Land Records in Liber 37146 folio 216. The site is within the Industrial, Employment (IE) Zone, however, this application is being 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. Under the prior Zoning Ordinance, the site was within the Planned Industrial/Employment Park (I-3) Zone, which was effective prior to April 1, 2022. In accordance with the requirements of Section 24-1904(c) of the Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to Certificate of Adequacy ADQ-2022-032. The project is also subject to the 2010 *Approved Subregion 4 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 creates one parcel for 152,080 square feet of industrial development. The site is currently vacant.

Section 24-122(a) of the prior Subdivision Regulations requires that a 10-foot-wide public utility easement (PUE) be provided along public rights-of-way. The site abuts I-95/495 (Capital Beltway), and the applicant requested approval of a variation to exclude PUE's along the Capital Beltway, which is discussed further in this resolution.

3. **Setting**—The subject property is located on Tax Map 60 in Grids C4 and D4, and Tax Map 67 in Grids C1 and D1, within Planning Area 72. The site is bound by Brightseat Road to the west and the Capital Beltway to the east. Properties to the north and south include industrial and commercial development, respectively, within the IE Zone. The properties to the east, beyond the Capital Beltway, consist of industrial development within the Regional Transit-Oriented, High-Intensity Edge Zone and properties to the west, beyond Brightseat Road, consist of commercial, industrial, and institutional uses in the IE Zone.
4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

	EXISTING	APPROVED
Zone	IE	IE (Reviewed per prior I-3 zoning)
Use(s)	Vacant	Commercial
Acreage	12.04	12.04
Lots	0	0
Parcels	1	1
Dwelling Units	N/A	N/A
Gross Floor Area	0	152,080 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 meeting on January 6, 2023.

5. **Previous Approvals**—Conceptual Site Plan CSP-22003 was approved by the Prince George’s County Planning Board on March 2, 2023, for the development of a 152,080-square-foot distribution warehouse, subject to four conditions. Those that apply are discussed herein.
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**

This site is located within the Established Communities Growth Policy Area. Plan 2035 describes Established Communities as areas appropriate for 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, also refer to Map 1. Prince George’s County Growth Policy Map, page 18).

**Master Plan Conformance**

The master plan designates the future land use for the subject property as industrial, which includes extensive and viable employment industrial uses. The accessibility and proximity of the area to the highway system provides an ideal location for office, flex (lightly zoned industrial or office space where the building provides its occupants the flexibility of utilizing the location for office or showroom space in combination with manufacturing, laboratory, warehouse, etc.), and industrial uses to occur (page 78).

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, this PPS conforms to the land use recommendation of the master plan.

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 approved SWM concept letter and plan (22460-2022) were submitted with the subject PPS, which show five micro-bioretenement facilities, two submerged gravel wetlands, and underground storage pipes to treat stormwater for the entire project site.

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 area master plan, to provide the appropriate transportation facilities.

### **Conformance with Applicable Approvals**

CSP-22003, approved on March 2, 2023, has four associated conditions. Those that apply to the review of the PPS are as follows:

- 2. At the time of preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall show a minimum of a 40-foot right-of-way dedication from the centerline, along the property's frontage of Brightseat Road.**

The subject PPS depicts that 40 feet of right-of-way from the centerline of Brightseat Road currently exists.

### **Master Plan Right of Way**

The subject site is adjacent to Brightseat Road (C-412), which is included in both plans as a four-lane collector roadway, with an ultimate right-of-way of 80 feet along the property's western boundary. The latest PPS submission shows the extent of the master plan facility within the limits of the existing right-of-way along the property's frontage, and as such, no additional dedication is needed to facilitate the ultimate condition. The subject application is consistent with the plan's recommendations.

### **Master Plan Pedestrian and Bike Facilities**

The MPOT recommends a bicycle lane on Brightseat Road, along the property's frontage. 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. The MPOT includes the following policies that relate to the subject development:

**Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers (page 9).**

**Policy 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to school, 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 development is also subject to the master plan, which makes similar recommendations.

The applicant has indicated that their intent is to install shared lane (sharrows) markings along Brightseat Road, instead of the recommended dedicated bicycle lane, unless otherwise modified by the operating agency with written correspondence. As noted in CSP-22003, the modification to install sharrows as a shared roadway, along this section of Brightseat Road, is not approved as

it will create several safety implications. As noted in the CSP, Brightseat Road will have an ultimate configuration as a four-lane collector roadway that will support a high-volume of vehicular traffic. A dedicated bike lane would provide the necessary separation for vehicles and bicyclists and will facilitate safe mobility for nonmotorized travel, as designated in the MPOT. The installation of the bike lane will also be consistent with pending and approved developments in the immediate vicinity of the site. As such, installation of a dedicated bike lane along the property's Brightseat Road frontage shall be provided, consistent with the master plan and MPOT recommendation.

In addition, to facilitate the master plan policies for pedestrian connectivity, the site shall be improved with a minimum of 6-foot-wide sidewalks along the perimeter of all buildings, with crosswalks to facilitate pedestrian connections from the proposed parking area to the proposed buildings. Crosswalks shall be provided along the site access driveways, for connection of pedestrian facilities along this roadway.

#### **Site Access and Circulation**

The latest submission of the PPS indicates that the site will be served by two full access connections along Brightseat Road. The application provides conceptual locations of the access connections and meets the adequacy requirements, as provided in the companion Certificate of Adequacy ADQ-2022-032. However, the proposed design may result in queuing that will exceed the current capacity and create conflicts that will impede operations along Brightseat Road. The operations of the site access connections shall be further evaluated when the site layout is refined and additional engineering details are provided. As a condition of approval, as part of the acceptance of the detailed site plan (DSP) application, the applicant shall provide an operational and queueing analysis for the site access driveways, to assess the extent of queuing at this location, and to evaluate if the site driveways meet the County or state access management standards.

Based on the preceding findings, the transportation facilities will be in conformance with the MPOT, master plan, and 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 Public Facilities chapter (Chapter 9, page 253) that establishes policies and strategies for public schools, public safety, and water and sewer. The primary goal for the facilities studied are as follows:

Public Safety:

- **Locate police and fire and rescue facilities and services that meet the size and location needs of the community to minimize response time.**
- **Provide fire and rescue facilities that meet the needs of the community based upon established county standards and able to accommodate modern vehicles and equipment.**

The development will not impede achievement of any of the above-referenced goals. There are no police, fire and emergency medical service facilities, public schools, or libraries proposed on the subject property by the master plan. This application is further supported by an approved Certificate of Adequacy (ADQ-2022-032), 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.

Section 24-122.01(b)(1) of the prior Subdivision Regulations 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 this property in the Water and Sewer Category 3, “Community System”. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems.

11. **Public Utility Easement**—Section 24-122(a) 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 PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site has frontage along the existing public rights-of-way (Brightseat Road and the Capital Beltway). The PPS depicts the 10-foot-wide PUE along Brightseat Road. However, the applicant requested a variation from the standard requirement, to eliminate the PUE along the Capital Beltway, in accordance with the findings below.

#### **Variation Request**

The applicant requested a variation from the standard PUE requirement, in accordance with Section 24-113 of the prior Subdivision Regulations, which sets forth the following required findings for approval of a variation (in **BOLD**), followed by explanation on the criteria being met:

#### **Section 24-113 Variations**

- (a) **Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such**

**variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

The granting of the variation will not be detrimental to public safety, health, or welfare, or injurious to other properties. The standard PUE is not necessary for the site along the Capital Beltway, as there is not a need to extend electric, telecommunications, and gas facilities around or through the property. The applicant has designed the site to provide a 10-foot-wide PUE along the property's frontage of Brightseat Road. In addition, the abutting properties to the north and south have already been developed and will not be affected.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The Planning Board finds that the conditions on which the variation is based are unique to the property, as there are existing water and sewer facilities and easements along approximately half of the eastern property line with the Capital Beltway. These facilities and easements include a 66-inch water line within a 40-foot-wide Washington Suburban Sanitary Commission easement, and a 15-foot-wide sewer line easement. These easements and facilities would conflict with a PUE along the Capital Beltway. These conditions are not generally applicable to other properties.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The requested variation does not constitute a violation of any other applicable law, ordinance, or regulation. As stated above, the site will have a 10-foot-wide PUE along its frontage of Brightseat Road for utility services. The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Planning Board.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

As stated above, there are existing water and sewer facilities and easements along approximately half of the eastern property line with the Capital Beltway, which



would conflict with a 10-foot-wide PUE. Given that the applicant is providing the required 10-foot-wide PUE along the almost 645 feet of frontage on Brightseat Road, following the strict letter of these regulations would result in a hardship.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The subject property is zoned I-3; therefore, this provision does not apply.

The Planning Board finds the variation is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, to facilitate providing adequate public facilities, and ensure that PUEs will be provided in functional locations. Therefore, the variation from Section 24-122(a), for omission of the required PUEs along the Capital Beltway, is approved.

12. **Historic**—The master plan contains goals and policies related to historic preservation (pages 287–296). 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. The subject property does not contain and is not adjacent to any designated Prince George's County historic sites or resources.
13. **Environmental**—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-068-2022	N/A	Staff	Approved	5/26/2022	N/A
CSP-22003	TCP1-021-2022	Planning Board	Approved	3/2/2023	2023-23
4-22046	TCP1-021-2022-01	Planning Board	Approved	3/30/2023	2023-37

#### **Grandfathering**

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

#### **Site Description**

A review of the available information indicates that no regulated environmental features, such as streams, and wetlands with associated buffers, are present on-site. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program and used on PGAtlas, there are no rare, threatened, or endangered

species found to occur on or near this property. During the natural resource inventory (NRI) review process, a letter dated March 2, 2022, was submitted from the Maryland Department of Natural Resources Wildlife and Heritage Service. This letter states that there are no known rare, threatened, or endangered species found to occur on or near this property. This site is located in the Southwest Branch sub-watershed that flows into the Western Branch watershed, located within the Patuxent River basin. The site has frontage on Brightseat Road, which is identified as a collector roadway, and the Capital Beltway to the west, which is identified as a freeway. The site is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, as designated in Plan 2035. According to the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), two-thirds of the entire project area, except for the center of the site, is identified as being in an evaluation area.

#### **Master Plan Conformance**

In the master plan, the Environmental Infrastructure section 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 plan conformance.

#### **Policy 1: Protect, preserve, and enhance the green infrastructure network in Subregion 4.**

The Green Infrastructure Plan identifies two-thirds of the entire project area, except for the center of the site, as being in an evaluation area; however, there are no regulated environmental features on-site to protect, preserve, or enhance.

#### **Policy 2: Minimize the impacts of development on the green infrastructure network and SCA's.**

The site has an evaluation area which covers two-thirds of the project area. No special conservation areas have been identified on-site. There are no regulated environmental features on-site that will be impacted by development.

#### **Policy 3: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.**

An approved SWM concept plan (22460-2022) has been submitted, which shows the use of five micro-bioretenion facilities, two submerged wetlands, and underground storage pipes to manage the stormwater for the development.

#### **Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.**

The site has an approved NRI that details existing conditions of the site. No streams were identified on-site.

**Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.**

An approved SWM concept plan (22460-2022) has been submitted, which shows the use of five micro-bioretenment facilities, two submerged wetlands, and underground storage pipes to manage the stormwater for the development. The TCP1 shall be revised to remove landscape credits from the areas that contain stormwater facilities.

**Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.**

The site has an approved NRI that details existing conditions of the site. No streams were identified on-site.

**Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.**

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

**Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.**

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. 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.

**Policy 9: Implement environmentally sensitive building techniques that reduce overall 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 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.**

The current zoning for this site is IE; however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022. The prior zone for this site was I-3 and is not within a transit-oriented development.

**Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.**

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

**Policy 13: Preserve, restore, and enhance the exiting tree canopy.**

**Policy 14: Improve the county's capacity to support increases in the tree canopy.**

Compliance with the Prince George's County Tree Canopy Cover Ordinance (Subtitle 25, Division 3) must be addressed at the time of DSP review and shown on the landscape plan.

#### **Green Infrastructure Plan Conformance**

According to the Green Infrastructure Plan, two-thirds of the property, except for the center, is within the designated evaluation area. While the green infrastructure elements mapped on the subject site will be impacted, there are no regulated environmental features on-site. The design of the site meets the zoning requirements and the intent of the growth pattern established in Plan 2035.

#### **Environmental Review**

##### **Natural Resources Inventory**

NRI-068-2022 was approved on May 26, 2022, and is provided with this application. This site is not associated with any regulated environmental features such as streams, wetlands, or associated buffers. No specimen or historic trees are associated with this site. The Type 1 tree conservation plan (TCP1) and PPS show all the required information correctly, in conformance with the NRI. No additional information is required for conformance to the NRI.

##### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. TCP1-021-2022-01 was submitted with the PPS.

Based on the TCP1 submitted with this PPS, the site is 12.04 acres, contains 6.24 acres of woodland in the net tract, and has a woodland conservation threshold of 1.81 acres (15 percent). The woodland conservation worksheet proposes the removal of 6.24 acres of woodland, for a woodland conservation requirement of 6.53 acres. According to the TCP1 worksheet, the requirement is to be met with 6.53 acres of off-site woodland conservation credits. The

environmental letter of justification provided with the application indicates that the landscape buffer required along the southern boundary, to buffer the incompatible use between the properties, will be used to count as landscape credits towards meeting the woodland conservation credits. The prior CSP-22003 requested the use of landscape credits as a method of meeting a portion of their woodland conservation requirement on-site. The use of landscape credits is not reflected on the subject TCP1 revision. The TCP1 layout shows reforestation instead of landscaping in this area. The worksheet on the TCP1 also does not indicate that landscape credits will be used to meet the woodland requirement. The TCP1 shall be corrected prior to certification to reflect the use of landscape credits.

#### **Specimen Trees**

The site does not contain any specimen, champion, or historic trees.

#### **Regulated Environmental Features**

No regulated environmental features were found on the subject property.

#### **Soils**

The predominant soils found to occur on-site, according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, are Collington-Wist complex and Collington-Wist-Urban land complex. Marlboro clay and Christiana complexes are not found on or near this property. A geotechnical analysis is not required at this time, but will be required with the DSP application.

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

#### **Conformance with the Zoning Ordinance**

A distribution warehouse is a permitted use in the I-3 Zone, subject to the provisions of Section 27-471(g) of the prior Zoning Ordinance. The applicant provided justification that the property meets the requirements to be exempt from the warehousing provisions, as stated in Section 27-471(g)(1)(E). This development is required to file a DSP, in accordance with Sections 27-281.01 and 27-471(d) of the prior Zoning Ordinance. The subdivision will be required to demonstrate conformance with the applicable requirements of the prior Zoning Ordinance, at the time of DSP, including but not limited to the following:

- Section 27-471 regarding requirements for the I-3 Zone, as applicable;
- Section 27-473(b) regarding the Table of Uses for the I-3 Zone;
- Section 27-474 regarding regulations for the I-3 Zone, as applicable;
- Part 11 Off Street Parking and Loading, and;
- Part 12 Signs, respectively.

**Conformance with the 2010 Prince George's County Landscape Manual**

Development in the I-3 Zone will be subject to the requirements of the 2010 *Prince George's County Landscape Manual*. Specifically, the site is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.4, Screening Requirements; Section 4.5, Stormwater Management Facilities; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements. The layout shown in the TCP1 indicates a proposed stormwater feature along the southern boundary line. The site is required to have a Type B, 20-foot landscape buffer along this boundary, and the applicant should ensure there is adequate spacing for this buffer. Conformance with the applicable landscaping requirements will be evaluated at the time of DSP.

**Conformance with the Prince George's County Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit and propose greater than 5,000 square feet of disturbance. The TCC for properties in the IE Zone is a minimum of 10 percent of the gross tract area, or 1.20 acres for this site. Conformance with this requirement will be evaluated at the time of DSP.

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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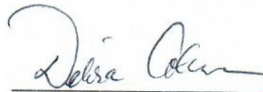
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, and Shapiro voting in favor of the motion, and with Commissioners Bailey and Doerner absent at its regular meeting held on Thursday, March 30, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of April 2023.

Peter A. Shapiro  
Chairman

By   
Jessica Jones  
Planning Board Administrator

Planning Board Administrator PAS:JJ:AH:jah



Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel

Dated 4/11/23