



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772  
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PGCPB No. 2023-85

File No. 4-22058

## RESOLUTION

WHEREAS, B9 Hargrove Owner LLC and B9 Hargrove 2.0 Owner LLC are the owners of a 22.88-acre parcel of land known as Parcels D and F, respectively, said property being in the 6th Election District of Prince George's County, Maryland, and being zoned Industrial, Employment (IE); and

WHEREAS, on May 10, 2023, B9 Hargrove Owner LLC and B9 Hargrove 2.0 Owner LLC filed an application for approval of a Preliminary Plan of Subdivision for two parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-22058 for Hargrove 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 July 13, 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 July 13, 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 073-03-02, and further APPROVED Preliminary Plan of Subdivision 4-22058, including a Variation from Section 24-122(a), for two parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, General Note 4 shall be revised to indicate that the purpose of this subdivision is for 2 parcels for nonresidential development.
2. Development of the site shall be in conformance with the approved Stormwater Management Concept Plan 35712-2018-02, and any subsequent revisions.

3. Prior to approval, the final plat of subdivision shall include:
  - a. The grant of 10-foot-wide public utility easements, along the abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.
  - b. Notes indicating the denial of access to US 50 (John Hanson Highway) and MD 704 (Martin Luther King Jr. Highway).
4. At the time of building permit, the applicant, and the applicant's heirs, successors, and/or assignees shall provide the below listed improvements, in accordance with the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Section Plan and Sectional Map Amendment*
  - a. A shared-use path, consistent with American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities along the subject site frontage of MD 704 (Martin Luther King Jr. Boulevard), unless modified by the Maryland State Highway Administration, with written correspondence.
  - b. A 6-foot-wide sidewalk connection to the proposed building on Parcel G from the public road (Hargrove Drive).
  - c. A 6-foot-wide sidewalk along the property frontage of Parcel G on Hargrove Drive and along one side of the Parcel G public road access driveway.
  - d. Crosswalks and Americans with Disabilities Act (ADA) accessible curb ramps throughout the site to create continuous connections.
  - e. A minimum of two inverted U-style bicycle racks at a convenient location to the entrance of the building.
5. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan shall be revised as follows:
  - a. Correct the worksheet to reflect this PPS.
  - b. Have a qualified professional sign the certification block.
  - c. Place a note under the specimen tree table to indicate that the strikethrough "to be removed" specimen trees were removed, with prior approved development of the site.
  - d. Correct standard Note 11 to show the updated stormwater management concept plan number, 35712-2018-02.
  - e. On the worksheet, remove the fee-in-lieu for this phase of the project and replace it with another acceptable form, to meet the woodland conservation requirement.

6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-073-03-02). 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 (TCP1-073-03-02 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 (M-NCPPC), Prince George’s County Planning Department.”

7. Prior to 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 issuance of permits, the applicant shall show due diligence for securing off-site woodland conservation credits first, within the limits of the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment*. If no woodland conservation credits are available within the limits of the sector plan, the applicant shall follow the requirements of Section 25-122(a)(6).
10. Prior to issuance of any permits which impact 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.
11. Prior to 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.

12. Full cut-off, optic light fixtures, shall be used in order to minimize light intrusion from development of this site into environmentally sensitive areas.

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 at the northwest quadrant of the intersection of MD 704 (Martin Luther King Jr. Highway) and Hargrove Drive, and is 22.88 acres. The property is comprised of two parcels, known as Parcels D and F, recorded in the Prince George's County Land Records in Plat Book ME 251 Page 62. The property is within the Industrial, Employment (IE) Zone and was previously in the Light Industrial (I-1) Zone. 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-2022-065. The site is also subject to the 2010 *Glenn Dale-Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* (sector plan), Subtitles 24 and 27 of the prior Prince George's County Code, and other applicable plans, as outlined herein. This PPS includes two parcels for development of 389,028 square feet of industrial use, 297,885 square feet of which exist. At this time, the additional development of 91,143 square feet is proposed for warehouse use, although other nonresidential uses may be permitted, if they remain in conformance with the findings and conditions contained herein.

The applicant filed a request for a variation from the prior Subdivision Regulations, to allow the public utility easement (PUE) along the property's frontage adjacent to MD 704 and US 50 (John Hanson Highway) to be noncontiguous to the right-of-way. This request is discussed further in the PUE finding of this resolution.

The PPS application and associated plans were accepted on May 5, 2023, which were the basis for the findings contained herein.

3. **Setting**—The property is located on Tax Map 52 in Grids D1 and E1 and is within Planning Area 70. The east side of the site features floodplain and wetland areas along Hargrove Drive, while the south side of the site features an existing driveway running parallel to MD 704, which serves the building on existing Parcel D. There is also an existing pump house on the south side of the site, which serves that same building. The driveway and pump house are proposed to remain, and the new development will connect to the existing driveway.

To the west and north of the subject site is a complex of industrial buildings on existing Parcel E of the Hargrove Subdivision, in the IE Zone. To the east is Hargrove Drive, with the Bald Hill Branch stream beyond. Additional industrial uses zoned Heavy Industrial (I-2) are east of the

stream. A parcel known as Parcel II, owned by Hargrove Inc., lies between two branches of the Hargrove Drive right-of-way (ROW), near the drive's intersection with MD 704. To the south of the property is the interchange of MD 704 and US 50, with single-family dwellings in the Residential, Rural (RR) Zone beyond.

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

	EXISTING	EVALUATED
Zone	IE	IE
Use(s)	Industrial	Commercial/Industrial (Nonresidential)
Acreage	22.88	22.88
Lots	0	0
Parcels	2	2
Dwelling Units	N/A	N/A
Gross Floor Area	297,885 sq. ft.	389,028 sq. ft.

Pursuant to Section 24-119(d)(2) and Section 24-113(b) of the prior Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting, along with the variation request from Section 24-122(a), on May 26, 2023.

5. **Previous Approvals**—The site has been subject to platting activity going back to 1964. The site was previously part of Parcel A of Capitol Car Distributors Ltd., recorded in Plat Book WWW 50 Page 93, approved by the Prince George's County Planning Board in March 1964. This plat also dedicated the original ROW of Hargrove Drive (although it was then named Volkswagen Drive) and first showed denial of access to MD 704/US 50. Following approval of this plat, a portion of the existing industrial building west of the subject site was built, known historically as the Volkswagen administrative offices (see the Historic Preservation finding of this resolution). The previously mentioned driveway and pump house were also built on land which would eventually become part of the subject site.

Additional plats covering the site were recorded in June 1970 (Plat Book WWW 74 Page 71) and June 1982 (Plat Book NLP 113 Page 80). With these plats, the previous Capitol Car Distributors Ltd. Subdivision was superseded by the Volkswagen South Atlantic Distributor Inc. Subdivision. The Volkswagen administrative offices building was expanded to its current footprint, sometime before 1977.

In August 1991, the Maryland State Highway Administration (SHA) Plat 53065, was recorded to support ROW changes associated with construction of new ramps at the abutting interchange of MD 704 and US 50. As a result of this plat, the roadbed of Volkswagen Drive was realigned to the east, a new ROW for the drive was established, and Parcel II was created and conveyed from SHA to Volkswagen of America, Inc. (Liber 8242 folio 717). Despite the new ROW established,

the old ROW of Volkswagen Drive was never vacated, leading to the branching ROW configuration shown on the current PPS. Parcel II was later conveyed from Volkswagen of America, Inc. to Hargrove Inc. in 1996 (Liber 11190 folio 273), along with the existing building and the rest of Volkswagen's property, on and around the site. After this transfer, Volkswagen Drive was renamed Hargrove Drive.

In November 2003, Hargrove Inc. filed PPS 4-03112, which was approved by the Planning Board in April 2004. This PPS approved three parcels to support 453,950 square feet of existing industrial development and 207,500 square feet of new industrial development. A plat was recorded in Plat Book REP 212 Page 48 in May 2006, in conformance with the PPS. The plat established a new subdivision in Hargrove's name, creating Parcels A, B, and C of the Hargrove Subdivision. This subdivision superseded the previous Volkswagen South Atlantic Distributor Inc. Subdivision.

In March 2019, a plat was recorded in Plat Book ME 251 Page 62 for a lot line adjustment, which reestablished Parcels A, B, and C as Parcels D, E, and F of the Hargrove Subdivision, leading to the property boundaries currently in existence. The number of parcels within the subdivision remained at three. Following approval of this plat, three new industrial buildings totaling 400,100 of gross floor area were approved, by right, for construction on Parcel E. Multiple permits dating from 2019 and 2020 are associated with this construction. Though the total new gross floor area built exceeds the 207,500 square feet approved with PPS 4-03112, the new buildings were approved because they would not generate traffic exceeding the trip cap established by PPS 4-03112, and no other Subtitle 24 adequacy findings were affected.

PPS 4-19039 was approved by the Planning Board (PGCPB Resolution No. 2021-95) on July 15, 2021, for the purpose of increasing the total number of parcels within the subdivision from three to four (by further subdividing Parcel F into Parcels G and H), and to obtain entitlement for additional nonresidential development. This PPS approval is valid until July 29, 2023, and has not yet been platted.

The applicant now anticipates that the additional development approved under PPS 4-19039 will be constructed beyond existing Parcel F, beyond the bounds of the approved PPS. Therefore, the applicant has filed the current PPS on existing Parcels D and F, so that the prior approved development entitlement approved with PPS 4-19039 may be applied to both land areas. Existing Parcels D and F are now proposed to be resubdivided as proposed Parcels G and H with this PPS. Parcel H will envelop the existing building, with the new development being proposed on Parcel G. This PPS 4-22058 supersedes PPS 4-03112 and PPS 4-19039 for the subject site.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the sector 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 (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of residents are met (page 20).

#### **Sector Plan Conformance**

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035, remain in full force and effect except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate or the District Council has not imposed the recommended zoning. The sector 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 sector 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 approved SWM Concept Plan (35712-2018-02) was submitted with this PPS. The SWM concept plan shows the use of a submerged gravel wetland, bioswales, and micro-bioretenment to improve the water quality of runoff that will discharge off-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 sector plan, to provide the appropriate transportation facilities.

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

The subject site is along the master plan ROW of MD 704. The site plan includes access along Hargrove Drive, to which the ROW is accurately shown on the site plan.

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

The MPOT recommends a side path along MD 704. The site is adjacent to the planned Bald Hill Branch Trail, but not directly impacted by the alignment of the trail.

The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element recommends how to accommodate infrastructure for people that walk and utilize bicycles.

**Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.** (page 10)

**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.** (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)

Sidewalks, crosswalks, and Americans with Disabilities Act (ADA) accessible curb ramps shall be provided throughout the site, to create continuous connections to the existing buildings on adjacent parcels of the subject site. Pedestrian connections from Hargrove Drive to the entrance of the proposed building on the subject site and designated space for bicycle parking, at a location convenient to the entrance of the building, shall be provided.

The sector plan includes the following recommendations regarding the accommodations of pedestrian and bicycle facilities (page 163):

**Goal 3: Encourage alternative means of transportation within the sector plan area.**

**Policy 5: Create environments that are more conducive to nonmotorized travel.**

**Goal 4: Improve pedestrian safety throughout the area.**

**Policy 1: Develop a continuous network of safe routes (sidewalks and trails) for pedestrians, especially between neighborhoods and sector plan area destinations.**

Facilities, such as sidewalks, crosswalks, ADA accessible curb ramps, and bicycle parking, are features on-site that will encourage multimodal use and access to the subject site, and fulfill the intent of the goals included in the sector plan.

### **Transportation Planning Review**

The proposed plan and circulation layout are acceptable. The ROW shown on the plan is consistent with previously approved plans and there is no additional ROW required with this PPS.



Based on the preceding findings, the transportation facilities will be in conformance with the MPOT, the sector plan, and the Subdivision Regulations.

10. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5). The sector plan contains a Public Facilities Chapter (Chapter 9), which establishes the following goals:

**Goal 1: Improve the response time and visibility of public safety agencies.**

**Goal 2: Provided the residents of the sector plan area and surrounding communities with neighborhood schools that are not overcrowded and feature cutting-edge technological and instructional opportunities.**

The future construction of the District VII police station, at 11900 Glenn Dale Boulevard, will further Goal 1 and accomplish a recommended policy and strategy of the sector plan. As a nonresidential use, the subject PPS will not impact public schools; however, there have been improvements in public school utilization, since adoption of the sector plan. The proposed development will not impede achievement of any of the above-referenced goals. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property. This PPS is further supported by an approved Certificate of Adequacy (ADQ-2022-065), 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 PUEs is 10 feet wide, along both sides of all public ROWs. The subject site has frontage along the existing public ROWs of Hargrove Drive, MD 704, and US 50. A 10-foot-wide PUE is provided along each of the ROWs. However, the 10-foot-wide PUEs along MD 704 and US 50 are not contiguous to the ROW, as there is a Washington Gas Light Company easement separating the PUEs from the ROWs. As such, the applicant filed a variation request from the requirements of Section 24-122(a).

**Variation from Section 24-122(a)**

Section 24-113 of the prior Subdivision Regulations sets forth the required criteria for the approval of a variation, as follows:

- (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 further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

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

The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property as there is an existing gas line easement along the frontage of MD 704 and US 50. Placing the PUE behind the existing easement will avoid conflict. In addition, Parcel E to the west, recorded in the Prince George's County Land Records in Plat Book ME 251 Page 62, has the same gas line easement and 10-foot-wide PUE, behind the easement. This will allow the PUE on the subject property to align with the PUE on the adjacent property.

- (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 conditions on which the variation request is based are unique to the site. Gas line easements contiguous to the ROW are unusual in the general area and is an existing condition which must be considered.

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

The approval of a variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Further, this PPS and variation request for the location of PUEs was referred to the affected public utility companies, and none have opposed the variation request. No other known law, ordinance, or regulation will be violated by this request.

- (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 strict letter of these regulations is carried out;**

Due to the existing gas line and associated easement, if the strict letter of these regulations is carried out, the existing gas line and easement, which stretches approximately 1,000 feet, would need to be relocated. In addition, as stated above, the abutting property to the west has the same alignment of utility easement as now proposed by the applicant. Disapproval of this variation request would cause a misalignment with the abutting property, creating a particular hardship for the owner in meeting the standard requirement.

- (5) **In the R-30, R-30C, R-18, R-18c, R-10, R-10, and R-H Zones, where multi-family 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 site is not located in any of the listed zones. Therefore, this criterion does not apply.

Based on the preceding findings, the variation from Section 24-122(a), to exclude PUEs along the public and private streets is approved.

12. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites, within the subject property, is low. The sector plan contains goals and policies related to historic preservation (pages 85–100). However, these are not specific to the subject site or applicable to the proposed development. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources. The property was documented on a Maryland Inventory of Historic Properties form as the Volkswagen Administrative Offices (70-095). The Volkswagen Administrative Offices building is significant for its connection to the automobile industry, specifically Volkswagen, during the 1960s, and is also significant for its modernist architectural style. The subject PPS does not propose alteration of the documented building. This proposal will not impact any Prince George’s County historic sites, historic resources, or known archeological sites.
13. **Environmental**—The following applications and associated plans have been reviewed for the subject site:

Development Review Case	Associated Tree Conservation Plan or Natural Resources Inventory	Authority	Status	Action Date	Resolution Number
4-03112	TCPI/73/03	Planning Board	Approved	4/1/2004	04-67
N/A	NRI-143-2018	Staff	Approved	10/26/2018	N/A
N/A	TCP2-023-2018	Staff	Approved	3/14/2019	N/A
4-19039	TCP1-073-03-01	Planning Board	Approved	7/15/2021	2021-95
4-22058	TCP1-073-03-02	Planning Board	Approved	7/13/2023	2023-85

### **Grandfathering**

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

### **Plan 2035**

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, and within the Established Communities Growth Policy Area.

## **ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS**

### **Green Infrastructure Plan**

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), there are regulated areas mapped on-site, which are associated with a 100-year floodplain located along the site's eastern and southern boundary lines. The remaining undeveloped areas of the site are mapped primarily as evaluation areas.

The following policies and strategies in bold are applicable to the subject PPS. The text in **Bold** is from the Green Infrastructure Plan and the plain text provides findings 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 landscapes.**
  - e. Coordinating implementation between County agencies, with adjoining jurisdictions and municipalities, and other regional green infrastructure efforts.**
  - f. Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters.**
- 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.**
  - b. Prioritize use of public funds to preserve, enhance, connect, restore, and protect critical ecological systems.**

The regulated area on-site is located within the Bald Hill Branch of the Patuxent River, which is both a stronghold and a Tier II watershed. A portion of the mapped regulated area was previously impacted as a direct result of the prior use of the site. No sensitive species project review areas or special conservation areas are located on or within the vicinity of the subject site.

**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 network gap delineations are no longer utilized in the most recent Green Infrastructure Plan; however, the site does contain regulated and evaluation areas, which were impacted by previous applications. There is potential to add additional native landscaping adjacent to the retained wetland, after the site is graded.

**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.**
  - 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.**

The site is partially developed with an existing road on-site. No trails are proposed within the regulated environmental features (REF) or their associated buffers on-site. Any future trail system proposed through the regulated areas of the site should be evaluated during the site planning process at the time of detailed site plan (DSP) and generally designed to minimize impacts.

**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.**

Woodland preservation along the southern property line is proposed on-site with this PPS.

**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.**

SWM Concept Plan 35712-2018-02, approved by the Department of Permitting, Inspections and Enforcement (DPIE), proposes implementation of a SWM system that utilizes a combination of a submerged gravel wetland, bioswales, and micro-bioretenment to improve the water quality of runoff that will discharge off-site.

**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.**

Planting of native species is encouraged on-site.

***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. Green space should be encouraged within the proposed development, particularly within and around existing regulated areas onsite for expansion, restoration, and preservation of these regulated areas.**

Native landscape planting, surrounding the existing wetland and along the southern portion of the site below the access way for proposed Parcel H, is encouraged.

**Sector Plan Conformance**

The sector plan includes applicable goals, policies, and strategies. The following policies are applicable to the current project with regard to natural resources preservation, protection, and restoration. The text in **BOLD** is the text from the sector plan and the plain text provides findings on plan conformance:

**Natural Resources/Environment Chapter Recommendations:**

**Goal 1: Restore and enhance water quality in areas that have been degraded.**

**Policy 1: Increase opportunities for utilizing green building opportunities in the sector plan area.**



Implementation of approved SWM Concept Plan 35712-2018-02 will result in a decrease in the amount of pollutants from storm and non-storm events currently entering the sector plan area's wetlands and waterways, untreated.

**Policy 2: Preserve, enhance, or restore the vegetated buffers around wetlands and waterways.**

The existing wetlands are proposed to be retained on-site. It is encouraged that this area be enhanced with additional suitable native species to increase the wildlife value of the regulated environmental features on-site.

**Goal 2: Prevent flooding associated with new and redevelopment.**

**Policy 1: Ensure stream corridors are clear of debris, both manmade and natural, in known flooding areas.**

There are no stream corridors on-site. A floodplain waiver has been granted from DPIE for development within the 100-year floodplain. A floodplain compensatory storage area will be constructed onsite to prevent post development flooding.

**Policy 2: Ensure that the quantity of stormwater discharged from a site post-development does not exceed predevelopment conditions.**

Water quality will be addressed through the approval of the final SWM plan.

**Goal 3: Preserve, enhance, and restore the existing tree canopy within the sector plan area.**

**Policy 1: Focus tree and forest preservation and restoration efforts in appropriate areas.**

TCP1-073-03-02 shows an area of woodland preservation along the southern portion of the site.

**Policy 2: Encourage the application of urban forestry principles to landscaping and reforestation efforts, while increasing opportunities for incorporating tree planting into the existing landscape.**

This development does not propose any reforestation on-site. Landscaping requirements will be evaluated in accordance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual), at the time of site plan review.

**Policy 3: Ensure that no net loss of forest cover occurs within the boundaries of the sector plan area.**

Proposed site improvements may result in a net loss of forest cover within the boundary of the sector plan area, if the proposed off-site requirement is placed in a woodland conservation bank in a different location. In accordance with Section 25-122(a)(6), off-site woodland conservation credits are required to be considered as follows: "...within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County." However, to ensure sector plan conformance, the purchase of off-site woodland conservation credits shall first be sought within the sector plan area.

**Goal 4: Utilize innovative stormwater management best practices to mitigate the negative impacts of stormwater runoff.**

**Policy 1: Require stormwater to be treated non-structurally to the maximum extent practicable.**

SWM is discussed in Goal 1, Policy 1, of this section.

**Goal 5: Address issues of energy conservation, light pollution, air pollution, and noise impacts within the sector plan area.**

**Policy 1: Increase opportunities for utilizing green building opportunities in the sector plan area.**

The use of green building techniques and energy conservation techniques should be used, as appropriate.

**Policy 2: Reduce light pollution and intrusion into residential communities and environmentally sensitive areas.**

Minimization of light intrusion from the proposed developed areas of this site, located in the Developing Tier, onto the sensitive wetland area to remain on-site, as well as off-site environmentally sensitive areas surrounding the site, is of special concern. The use of alternative lighting technologies and the limiting of total light output should be demonstrated. Full cut-off, optic light fixtures should be used.

## **ENVIRONMENTAL REVIEW**

### **Natural Resources Inventory**

The site has an approved Natural Resources Inventory Plan (NRI-143-2018), which shows the existing conditions of the overall site. The site contains 100-year floodplain, wetlands, and steep slopes that comprise the primary management area (PMA). No regulated stream or associated buffers exist on-site. The forest stand delineation indicates that there are two forest stands, labeled A and B, and 48 specimen trees identified on the site. No specimen trees are located within the area of focus for this PPS.

The site is located within the Bald Hill Branch watershed, which is both a stronghold and a Tier II watershed. A majority of the remaining property is developed. No additional information is required regarding 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 gross tract area exceeds 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. Currently, this site has an approved Type 1 Tree Conservation Plan (TCP1-073-03-01) and Type 2 Tree Conservation Plan (TCP2-023-2018). The submitted PPS includes a revised TCP1 (02 revision), which is subject to the current regulations, because it is a part of a new PPS.

This overall 67.07-acre property contains a total of 37.97 acres of woodland outside the floodplain and 2.97 acres of woodland in the floodplain, according to the worksheet. The woodland conservation threshold is 15.21 percent or 9.75 acres. The overall site has cleared 24.25 acres of the existing 40.94 acres and is proposing to clear an additional 0.43 acre in this focused area, for a total of 24.56 acres outside of the floodplain. The area of this PPS has cleared 0.12 acre of the existing 2.41 acres of woodlands in the floodplain and is proposing to clear an additional 0.70 acre within the floodplain. The cumulative woodland conservation requirement is 16.71 acres. The TCP1 proposes to meet the subject site's portion of the overall requirement with 11.42 acres of woodland preservation, 3.56 acres of reforestation/afforestation, and 1.73 acres of fee-in-lieu. The 0.81 acre of fee-in-lieu requested to meet the woodland conservation requirement in this phase is not allowed and shall be met in another form of meeting the woodland conservation requirement, such as with off-site woodland mitigation.

### **Specimen Trees**

In accordance with approved NRI-143-2018, no specimen, champion, or historic trees have been identified for this PPS. No further information is required regarding specimen, champion, or historic trees.

### **Regulated Environmental Features**

This site contains REFs 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 REF includes streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, and steep slopes.

Section 24-130(b)(5) states: “Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of REF in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.”

Impacts to the REF should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and 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 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 REF. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can 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.

A letter of justification was received on May 10, 2023, for the proposed impacts to Hargrove Parcels G and H. Impacts to the PMA are shown on the PPS for the installation of a submerged gravel wetland, floodplain compensatory storage, property access, and two water lines. The proposed impacts total 1.22 acres. The 100-year floodplain on this site is a backwater condition caused by roadway construction which occurred over 30 years ago, and not associated with a stream or other waterway. In a letter dated April 15, 2021, DPIE granted a floodplain waiver for 38,616 cubic feet of fill and a cut of 38,823 cubic yards in the floodplain. This will lower the floodplain elevation by 0.12 feet and provide 100-year SWM quantity control on-site. During flood events, safe access will be provided from the south side access road.

The current letter of justification and associated exhibit reflect three proposed impacts to REFs associated with the proposed development, totaling approximately 1.22 acres. The statement of justification (SOJ) states that all impacts are permanent.

The proposed PMA impacts are considered necessary for the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the County and state codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of the PMA.

## **Analysis of Impacts**

### **Impact A – Installation of a Submerged Gravel Wetland and Water Lines**

Impact A is for installation of a submerged gravel wetland to satisfy SWM requirements. Two water lines are also a part of this impact. This impact will occur in the 100-year floodplain.

### **Impact B – Floodplain Compensatory Storage**

Impact B is for compensatory storage, in the form of a dry pond, to serve as storage for the 100-year floodplain backwater that will be displaced by the development.

### **Impact C – Site Access**

Two site access points are proposed, which will impact the floodplain. One access is located on Hargrove Drive and the other is located on the driveway leading to Parcel D. The existing access driveway already goes through the PMA, as does Hargrove Drive. Connecting to the existing road infrastructure will be required for development of the subject property. Two areas of the PMA will need to be graded to accomplish this.

After evaluating the applicant's SOJ, the proposed impacts on the REF are approved. The proposed PMA impacts are considered necessary for the orderly development of the subject property and surrounding infrastructure. These impacts cannot be avoided because they are required by other provisions of the County and state codes. The TCP1 shows the preservation and enhancement of the PMA to the fullest extent practicable.

### **Erosion and Sediment Control**

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland, as designated by the Maryland Department of Environment, that are afforded special protection under Maryland's Antidegradation Policy. No streams are associated with this project. The Prince George's County Soil Conservation District may require redundant erosion and sediment control measures for this site, as part of their review and approval process. No further information is required at this time regarding erosion and sediment control.

### **Soils**

The predominant soils found to occur on-site, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Christiana-Downer complex (5–10 percent slopes), and Russett-Christiana-Urban Land complex (0–5 percent slopes). According to available information, no unsafe soils containing Marlboro clay exist on-site; however, unsafe soils containing Christiana complexes are mapped on this property.

A geotechnical report for this project dated February 8, 2023, was submitted, and reviewed by the staff geotechnical reviewer. At this time, there are no geotechnical concerns for this project.

14. **Urban Design**—The development of commercial/industrial (nonresidential) uses may be subject to DSP approval, depending on the specific uses proposed.

**Conformance with the Requirements of the Prince George’s County Zoning Ordinance**

A DSP is required for certain uses such as gas station uses, in accordance with Footnote 65, and restaurant uses with drive through, in accordance with Footnote 54, of Section 27-473, Uses permitted, of the prior Zoning Ordinance, in the industrial zones. If a use requires DSP approval, the development will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance including, but not limited to, the following:

- Section 27-469, I-1 Zones;
- Section 27-473, Table of Permitted Uses for the I-1 Zone;
- Section 27-474, Regulations in the I-1 Zone;
- Part 11, Off-Street Parking and Loading; and
- Part 12, Signs.

Otherwise, the site’s conformance with the above applicable regulations will be evaluated, at the time of permit review.

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

Under the prior Zoning Ordinance, this development 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; and Section 4.9, Sustainable Landscaping Requirements. Conformance with requirements of the Landscape Manual will be evaluated, at the time of either DSP or permit review.

**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned IE are required to provide a minimum of 10 percent of the gross tract area in TCC. Conformance with the TCC requirement will be evaluated, at the time of either DSP or permit review.

15. **Community Feedback**—No written correspondence or verbal testimony was received from the community for this subject PPS.

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.

\* \* \* \* \*

PGCPB No. 2023-85


File No. 4-22058

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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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, July 13, 2023, in Upper Marlboro, Maryland.

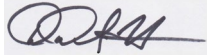
Adopted by the Prince George's County Planning Board this 27th day of July 2022.

Peter A. Shapiro  
Chairman

  
By Jessica Jones  
Planning Board Administrator

PAS:JJ:AH:jah

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: July 25, 2023