



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2023-87

File No. 4-22065

RESOLUTION

WHEREAS, Pacific Realty Associates, L.P. is the owner of an 8.99-acre tract of land known as Parcel 328 and Parcel 197, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned Industrial, Heavy (IH); and

WHEREAS, on June 8, 2023, Pacific Realty Associates, L.P. 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 4-22065 for Cabin Branch Industrial, Parcel 1, 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 27, 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 27, 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 TCP1-010-2023, and further APPROVED Preliminary Plan of Subdivision 4-22065, for one parcel, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised, as follows:
 - a. Label the purpose of the two existing easements shown along the northwest corner of the property, which are labeled as "Grant of Easement."
 - b. Label the existing fence on the property to be removed, or to remain.

- c. Remove the proposed monument sign labeled along Cabin Branch Drive.
 - d. Label the proposed water and sewer utilities and stormwater management facilities as "Proposed."
 - e. Update the project name on the title block to state: "Cabin Branch Industrial, Parcel 1."
2. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan, 12944-2022-00, and any subsequent revisions.
3. Prior to issuance of the first fine grading permit, the applicant shall submit a copy of the approved final stormwater management (SWM) plan. The limits of disturbance shall be generally consistent between the final SWM plan and the Type 1 tree conservation plan, unless modified by the Type 2 tree conservation plan.
4. Prior to approval, the final plat of subdivision shall include the grant of 10-foot-wide public utility easements along the abutting rights-of-way, as delineated on the approved preliminary plan of subdivision.
5. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised to meet all the requirements of Subtitle 25, including the following:
 - a. Add TCP1-010-2023 to the approval block and worksheet.
 - b. Add the specimen tree table to the plan.
 - c. Label the existing pedestrian bridge to be removed.
 - d. Have a qualified professional sign the certification block.
6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-010-2023). 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 (TCP1-010-2023 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

7. Prior to issuance of fine grading 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 of subdivision, 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 any permits which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
10. At the time of building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide two bicycle racks (Inverted U style or a similar model that provides two points of contact for a parked bicycle) which provide parking for four bicycles at a location convenient to the entrance of the building.

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 applicable 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 site consists of two acreage parcels known as Parcel 328, recorded in the Prince George's County Land Records in Liber 13743 at folio 509, and Parcel 197, recorded in Liber 47681 at folio 68. The property is 8.99 acres, located in the Industrial, Heavy (IH) Zone, and was previously zoned Heavy Industrial (I-2). This application 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 Section 24-1904(c) of the Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to Certificate of Adequacy ADQ-2022-082. The site 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 is for one parcel for 80,000 square feet of industrial development. The property is currently improved with asphalt paving and used as a storage yard.

3. **Setting**—The site is located on Tax Map 59 in Grid B4 and Tax Map 66 in Grid B1. The subject property is located on the west side of Cabin Branch Drive, approximately 500 feet north of its intersection with Sheriff Road, in Planning Area 72. The following development abuts the subject site: vacant land in the IH Zone to the north; a 70-foot-wide private right-of-way to the west, with industrial use in the IH Zone beyond; industrial use in the Industrial, Employment and IH Zones to the south; and Cabin Branch Drive to the east, with commercial/industrial use in the IH Zone beyond.
4. **Development Data Summary**—The following information relates to the subject PPS and the proposed development.

	EXISTING	EVALUATED
Zone	IH	I-2
Use(s)	Vacant	Commercial/Industrial (Nonresidential)
Acreage	8.99	8.99
Dwelling Units	0	0
Gross Floor Area	0	80,000 sq. ft.
Parcels	2	1
Lots	0	0
Outlots	0	0
Variance	No	No
Variation	No	No

The subject PPS, 4-22065, was accepted for review on June 8, 2023. Pursuant to Sections 24-119(d)(2) and 24-113(b) of the prior Prince George's County Subdivision Regulations, this application was heard at the Subdivision and Development Review Committee (SDRC) meeting on June 23, 2023. Plans submitted on June 8, 2023, and a revised statement of justification (SOJ) for environmental impacts dated June 22, 2023, were used for the analysis contained herein.

5. **Previous Approvals**—The subject site has been permitted and operating as a vehicle and an industrial storage yard since 1999. Prior to this use, the property was developed as a parking lot in 1979, supporting the warehouse located to the east of the property, beyond Cabin Branch Drive.

The subject PPS is required for the proposed development, in accordance with Section 24-107 of the prior Subdivision Regulations. A final plat is required following this PPS, before any permits can be approved for proposed development of the subject site.

The 2010 *Approved Subregion 4 Sectional Map Amendment* retained the Heavy Industrial (I-2) Zone on the subject property. The 2022 *Approved Countywide Map Amendment* reclassified the subject property in the Industrial, Heavy (IH) Zone.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (master plan), were evaluated, as follows:

Plan 2035

The subject 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 (page 20).

Master Plan

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 prior 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 Prince George's County District Council has not imposed the recommended zoning. The master plan recommends the future land use for the subject property as industrial (page 62).

In addition, the subject property is in the Cabin Branch/US 50 Industrial Area. The master plan recommends the following policies and strategies that are relevant to the subject property:

In Chapter 5, Living Areas and Industrial Centers-Industrial Center, Proposed Industrial Use Development Pattern (page 123):

Policy 1: Preserve and enhance existing industrial uses wherever possible along the northern and eastern perimeter of the subregion.

The PPS is consistent with the above land use development policy.

Pursuant to Section 24-121(a)(5), the PPS conforms to the master plan's recommended industrial land use for the subject property.

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. A SWM concept plan (12944-2022-00) was submitted with this application. The SWM concept plan and letter were approved on December 28, 2022, and are valid until December 28, 2025.

The SWM concept plan is not consistent with the Type 1 tree conservation plan (TCP1) or the PPS. A storm filter with underground stormwater storage is proposed on-site to serve as on-site detention and quality control for stormwater associated with the proposed development. The underground stormwater storage is shown on the SWM concept plan as located in the parking area on the east side of the warehouse, partially within the primary management area (PMA). However, the underground SWM facility is shown on both the TCP1 and PPS as located in the parking area on the north side of the warehouse, outside of the PMA. The SWM facility was relocated based upon geotechnical evaluation of the site, carried out by the applicant after the approval of the SWM concept plan. This new location of the SWM facility is supported, since it avoids disturbance in the PMA. Currently, a revision to the SWM concept plan is not required to be consistent with the TCP1 or the PPS. However, prior to issuance of the first fine grading permit for the property, the applicant shall submit a copy of the approved final SWM concept plan, which shows the revised location of the underground SWM facility, consistent with the TCP1.

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, will satisfy 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 mandatory dedication of parkland requirements because it consists of nonresidential development.
9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the master plan, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the prior Subdivision Regulations to provide the appropriate transportation facilities.

Conformance with Applicable Plans

Right-of-Way

The subject property has frontage on Cabin Branch Drive (I-403). Per the MPOT and the master plan, the portion of Cabin Branch Drive that fronts the subject property is designated as a two to four-lane industrial roadway, with an ultimate right-of-way of 70 feet. The proposed 8-foot-wide side path along Cabin Branch Drive falls within the right-of-way and no additional dedication is required.

Pedestrian and Bike Facilities

The MPOT recommends the following bicycle and pedestrian facilities located on the subject property, or along its frontage:

- **Planned Hard Surface Trail Cabin Branch Trail**
- **Planned Bicycle Lane: Cabin Branch Drive**

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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.

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

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

The site is impacted by a portion of the planned Cabin Branch Trail, which is an MPOT recommended facility. However, prior approvals of properties in the immediate vicinity of the subject site determined that the stream valley is not a practical or desirable location for a trail, and included findings to realign the master plan trail along Cabin Branch Drive. As such, the PPS submission displays an 8-foot-wide side path along the site's frontage of Cabin Branch Drive, which will provide towards maintaining a consistent bicycle and pedestrian network, while taking into consideration nearby environmental features.

The MPOT also recommends a bicycle lane along the site's frontage of Cabin Branch Drive. The frontage along Cabin Branch Drive was not found to be a suitable location for an in-road bicycle lane. The nature of the subject site, as well as the existing business on adjoining property along the east side of Cabin Branch Drive, all require heavy vehicles to frequently enter and exit the properties. Further, the proposed 8-foot-wide side path (discussed directly above) does allow for both bicyclists and pedestrians to utilize the facility. While the applicant intends to make frontage improvements along Cabin Branch Drive, to facilitate safer heavy vehicle movement in and out of the site, the proposed side path is a more preferable bicycle and pedestrian facility, in the general interest of safety.

In addition, a sidewalk is displayed along the west side of the site access driveway, leading to the parking area and building. The applicant shall provide bicycle parking at a location convenient to the entrance of the building. Two bicycle racks (inverted-U style or a similar model that provides two points of contact for a parked bicycle), which provide parking for four bicycles, is sufficient considering the relatively low trips associated with the proposed use.

Site Access and Circulation

The PPS depicts vehicular movements to the site along Cabin Branch Drive, which is the primary point of vehicular access for the subject site. The applicant proposes to align this access point with the entrance to the Whole Foods Distribution Center, located along the east side of Cabin Branch Drive. An additional point of access, to be used for emergencies only, is proposed along

the site's frontage on Parcel A, a private right-of-way, which is located along the western bounds of the subject site. The site access and circulation was found to be acceptable.

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

10. **Public Facilities**—This PPS was reviewed for conformance with the master plan, in accordance with Section 24-121(a)(5). The master plan provides goals and policies related to public facilities (pages 253–276). However, these are not specific to the subject site, or applicable to the proposed development. The proposed development does not impede achievement of the goals identified in the master plan as “Public facilities are provided in locations that serve and promote a more livable community” and “Police, fire, and rescue services are located where response time is minimal, and library services are located in proximity to users.” There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed or designated on the subject property by the master plan. This PPS is further supported by an approved Certificate of Adequacy, ADQ-2022-082, 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. This plan does not identify any existing or proposed facility which would be impacted by this PPS.

The subject project is located in Planning Area 72 - “Landover and Vicinity.” The 2023–2028 Fiscal Year Approved Capital Improvement Program (CIP) Budget identifies two new construction projects proposed for this area: “Shady Glen Fire and EMS Station” to be located at Shady Glen Drive and Central Avenue (CIP 3.51.0018), and “Kentland Fire and EMS Station” to be located at 7701 Landover Road (CIP 4.51.0014).

Water and Sewer

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 water and sewer Category 3, Community Systems. Category 3 comprises all developed land (plotted 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 which are served by public sewerage systems.

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

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

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on public right-of-way of Cabin Branch Drive to the east.

In addition, Section 24-128(b)(12) of the prior Subdivision Regulations requires that private roads have a PUE, at least 10 feet in width, contiguous to the private right-of-way. The subject site is contiguous to a 70-foot-wide private right-of-way to the west.

The required 10-foot-wide PUEs are correctly shown and labeled parallel, contiguous, and adjacent to the public and private right-of-way lines. The required PUEs, as shown on the PPS, will be recorded with the final plat.

12. **Historic**—The master plan includes goals and policies related to historic preservation (pages 287–296). However, these are not specific to the subject site, or applicable to the proposed development. 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 subject property does not contain and is not adjacent to any designated Prince George’s County historic sites or resources.
13. **Environmental**—This PPS application was accepted on June 8, 2023. Comments were provided to the applicant at the SDRC meeting on June 23, 2023. The following applications and associated plans have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
N/A	NRI-147-2022	Staff	Approved	08/16/2022	N/A
4-22065	TCP1-010-2023	Planning Board	Approved	07/27/2023	2023-87

Grandfathering

This project is subject to the environmental regulations contained in Subtitle 25, and in prior Subtitles 24 and 27 that came into effect on September 1, 2010, because the application is for a new PPS.

Plan 2035

The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035.

Conformance with Applicable Plans

Green Infrastructure Plan

According to the 2017 *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 boundary line. The remaining developed areas of the site are mapped primarily as evaluation areas.

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

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan 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 Cabin Branch of the Anacostia River watershed. A portion of the mapped regulated area was previously impacted as a direct result of the prior use of the site. The plans submitted with this PPS show a vehicular bridge crossing Cabin Branch, which will ensure that areas of connectivity and ecological functions are maintained.

No Sensitive Species Project Review Areas or Special Conservation Areas are located on or in the vicinity of the subject site.

POLICY 2: Support implementation of the 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 prior development of the site. The applicant has minimized the new impacts to the PMA, as shown on the plans for this project. In addition, woodland preservation is proposed for the area between existing asphalt and the floodplain.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 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 was previously developed as a storage yard. No trails are proposed within the regulated environmental features (REF) or their associated buffers on-site; however, an existing pedestrian bridge that crosses Cabin Branch will be removed and a new vehicular bridge will be constructed. Any future trail system proposed through the regulated areas of the site shall be evaluated, at the time of the site plan, and generally designed to minimize impacts.

POLICY 4: Provide the necessary tools for implementation of the 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.

Areas located in the PMA will require a recorded conservation easement, except for areas approved for impacts. Woodland preservation along Cabin Branch is proposed on-site with this PPS, which will require a recorded woodland conservation easement with the Type 2 tree conservation plan.

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

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

The SWM concept plan approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) proposes the implementation of a SWM system that utilizes a storm filter with an underground storage facility, to improve the water quality of runoff that will discharge on-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.**

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.**

Tree Canopy Strategies

- 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 on-site within the proposed development, particularly within and around existing regulated areas for expansion, restoration, and preservation of these regulated areas.

Native landscape planting between the existing asphalt and woodland preservation areas is encouraged.

Master Plan

The master plan includes goals, policies, and strategies applicable to the current PPS regarding natural resources preservation, protection, and restoration. The text in **bold** is from the master plan and the plain text provides comments on plan conformance:

Goal 1: Protect, preserve, and enhance the Green Infrastructure network.

The site contains regulated and evaluation areas within the green infrastructure network. The regulated area is associated with the stream and floodplain system, which runs along the eastern boundary of the site. The evaluation area extends from the regulated area to include the associated buffers and steep slopes. Although impacts to the evaluation area are proposed, the stream, stream buffer, and floodplain are all encapsulated as the PMA, and are proposed to be preserved with minor impacts detailed in the Environmental Review section of this finding.

Based on the necessary disturbance inside the green infrastructure network, this PPS meets the intent of protecting critical resources.

Goal 2: Minimize the impacts of development in the Green Infrastructure network and SCAs.

The proposed impacts to the regulated and evaluation areas have been minimized. The PPS includes a minor impact to the regulated area for the installation of a site access bridge, waterline, and removal of a pedestrian bridge. Parking areas existing from previous development on the site have impacted the PMA and will remain with the redevelopment of this site. These impacts do not directly impact Special Conservation Areas within Subregion 4.

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

This site currently has an approved SWM concept plan and letter. This project involves redevelopment of an existing developed property. Approval of the SWM concept plan demonstrates conformance with this goal.

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

The site has an approved natural resources inventory (NRI) plan which details the existing conditions of the site. There is a PMA comprised of streams, floodplain, and their associated buffers. These buffers will function for wildlife habitat corridor connectivity, as recommended by the master plan, and meet the intent of the Green

Infrastructure Plan. No stream restoration or mitigation is proposed as part of this application.

Goal 5: Require on-site management of stormwater for development and redevelopment activities through the use of environmentally sensitive techniques.

The approved SWM concept plan has six conditions of approval that relate to water quality and quantity requirements for final site design of the site. DPIE will further review the site for conformance with state and local stormwater regulations.

Goal 6: Ensure that adequate buffers are maintained and enhanced and utilize design measures to protect water quality.

Existing stream and associated stream buffers are located along the eastern boundary of the subject site. The TCP1 shows the preservation of existing woodlands within the buffer, with the exception of minor impacts for the existing pavement, the proposed bridge, and the water line connection.

Goal 7: Reduce air pollution to support public health and wellness 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 Council of Governments.

Goal 9: Implement environmentally sensitive building techniques that reduce overall energy consumption.

Future 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 and should be implemented to the greatest extent possible.

Goal 10: Implement land use policies that encourage infill and support transit-oriented development and walkable neighborhoods.

This site is not within a transit-oriented development. Circulation, walkability within the center, and access to public transportation are encouraged.

Goal 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.

Goal 13: Preserve, restore, and enhance the existing tree canopy.

Subtitle 25, Division 3, of the Prince George's County Code requires that the site provides 10 percent tree canopy coverage (TCC). TCC will be addressed at the time of building permit review.

The site is subject to the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). The PPS evaluates development of a large portion of the site; however, part of the woodland conservation requirement is addressed on-site through preservation.

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

TCC will be addressed at the time of building permit review.

Environmental Review

Natural Resource Inventory

The site has an approved Natural Resources Inventory Plan (NRI-147-2022) which shows the existing conditions of the overall site. The site contains a stream, 100-year floodplain, steep slopes, and associated buffers that comprise the PMA. The majority of the site was previously developed and used as a storage yard. The forest stand delineation indicates that there is one forest stand and one specimen tree identified on the site. No specimen trees are located within the area of disturbance for this PPS.

The site is located within the Cabin Branch watershed, which is not a stronghold or a Tier II watershed. No additional information is required regarding the NRI.

Woodland Conservation

This property is subject to the provisions of the WCO because the gross tract area exceeds 40,000 square feet and there is more than 10,000 square feet of existing woodland on-site. The PPS includes a TCP1 which is subject to the current regulations because it is a part of a new PPS application.

This overall 9.0-acre property contains a total of 1.07 acres of woodland outside the floodplain, and 1.87 acres of woodland in the floodplain, according to the worksheet. The woodland conservation threshold is 15 percent, or 1.07 acres. The woodland conservation worksheet proposes the removal of 0.35 acre of woodland in the net tract area, and 0.11 acre in the floodplain, resulting in a woodland conservation requirement of 1.53 acres. The requirement will be met with 0.53 acre of woodland preservation on-site and 1.0 acres off-site within a woodland conservation mitigation bank.

Specimen Trees

The requirements for preservation of specimen trees are contained in Subtitle 25. The TCP1 shall provide the specimen tree table and indicate the proposed critical root zone impact percentage for each tree. The applicant shall strive to minimize impacts to specimen trees to the extent practicable.

In accordance with approved NRI-147-2022, at least one specimen, champion, or historic tree was identified on the subject property. This specimen tree is to be retained. No further information is required regarding specimen, champion, or historic trees.

Regulated Environmental Features/Primary Management Area

This site contains REF 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 include streams, stream 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 regulated environmental features 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.

PMA Impacts

Impacts to the REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or those that are required by the County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to the 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 the County Code.

An SOJ was received June 8, 2023, for the proposed impacts to this site. The SOJ was revised and received on June 22, 2023. The SOJ was revised for the current location of the underground stormwater storage facility and other site modifications. Impacts to the PMA are shown on the

TCP1 and PPS for the installation of the site entrance driveway across Cabin Branch, the installation of a waterline, the removal of an existing concrete walk and pedestrian bridge, and the portion of existing paved parking lot that is currently in the PMA. The impacts total approximately 0.79 acre.

The current SOJ and associated exhibit reflect four proposed impacts to REF associated with the proposed development totaling approximately 0.79 acre. The SOJ states that two impacts are permanent, and the other two impacts will be temporary.

The 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 plans shows the preservation, restoration, and enhancement of the remaining areas of the PMA.

Impact 1—Installation site entrance

Impact 1 is a permanent impact for installation of the site entrance. Exhibit 1, as provided in the SOJ, shows the site entrance which includes the bridge crossing Cabin Branch and limits of disturbance that run along Cabin Branch Drive. The impact will occur in the PMA and 100-year floodplain.

This is a necessary impact to gain vehicular access to the site.

Impact 2—Water line installation

Impact 2 is a temporary impact for installation of a water line, from Cabin Branch Drive to the proposed warehouse. This is a necessary utility impact which will occur in the PMA and 100-year floodplain.

Impact 3—Removal of existing pedestrian bridge

An existing pedestrian bridge that is located within the PMA will be removed. This impact will be temporary and will improve the function of the PMA.

Impact 4—Existing encroachment into the PMA

Two areas of existing paved parking that are located within the PMA will remain and will be improved to meet the current county standards. Exhibit 4, as provided with the SOJ, also shows an existing sanitary sewer and stormdrain easement that runs through the PMA and floodplain. The plans show an existing sanitary sewer line running through this easement. A sewer connection from the warehouse is shown to run along the edge of PMA near this easement. These impacts will remain permanent.

Summary of Impacts

After evaluating the applicant's SOJ, impacts to the REF are approved. The PMA impacts are considered necessary for the orderly development of the subject property and supporting infrastructure. These impacts cannot be avoided because they are required by other provisions of the County and state codes.

Based on the level of design information available at the present time, REF on the subject property were preserved and/or restored, to the fullest extent possible, based on the limits of disturbance shown on the TCP1 and the impact exhibits. The PMA impacts are for the installation of a bridge and waterline, the removal of an existing pedestrian bridge, and to maintain existing paved areas in the PMA and 100-year floodplain.

Soils

According to the United States Department of Agriculture, Natural Resource Conservation Service Web Soil Survey, predominant soils found to occur on-site include Urban land, Christiana-Downer complex (15-25 percent slopes), and Udorthents reclaimed clay pits (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 April 26, 2023 and revised June 1, 2023, was submitted by the applicant. There are no geotechnical concerns for this project at this time.

Erosion and Sediment Control

The County requires the approval of an erosion and sediment control plan, which is reviewed for conformance with the Maryland Standards and Specifications for Soil Erosion and Sediment Control.

13. **Urban Design**—Conformance with the prior Zoning Ordinance was evaluated, as follows:

The proposed development will be required to demonstrate conformance with the applicable requirements of the prior Zoning Ordinance, at the time of site plan or building permit review, including but not limited to the following:

- Section 27-470 requirements for the I-2 Zone, as applicable;
- Section 27-474 regulations for the I-2 Zone, as applicable;
- Part 11, Off-Street Parking and Loading, and
- Part 12, Signs.

Conformance with the 2010 Prince George's County Landscape Manual

This development 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 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements. Conformance with these requirements will be evaluated at the time of site plan or building permit review.

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 TCC on projects that require building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance. Conformance with the TCC requirement will be evaluated at the time of site plan or building permit review.

14. **Community Feedback**—The Prince George’s County Planning Department received written and telephonic correspondence from the Town of Cheverly’s Cheverly Green Infrastructure Committee (Committee) for this PPS. The Committee specifically had questions regarding the proposed bridging of Cabin Branch, to provide direct access to the property from Cabin Branch Drive, and the proposed impacts to the PMA. Access to the site was reviewed, prior to acceptance of the application. While the site has an existing vehicular access via a private right-of-way from Sheriff Road, in accordance with Section 27-466.01 of the prior Zoning Ordinance, all lots in an industrial zone are required to have frontage on, and direct vehicular access to, a public street. Furthermore, prior Subdivision Regulations do not permit a private road, a private right-of-way, or an easement as the means of vehicular access to a lot in an industrial zone. In order for the existing private right-of-way to be a viable access to the site, it would need to be improved to public standards, including appropriate through connection to a public street or terminus (as determined by the public road agency), and dedicated to public use as a 70-foot-wide right-of-way. While the private access does have sufficient width, it is not a master-planned road, and is not owned by the applicant, and therefore, it was discounted as an alternative access with the development of this site. The proposed impacts of the vehicular bridge on the PMA were reviewed and found to have been minimized, to the fullest extent possible. The bridge has been located at the point of least impact to the PMA. The design of the bridge itself avoids placement of riprap at the stream floor and does not alter the stream bed.
15. **Town of Cheverly**—The subject property is located within one mile of the geographical boundary of the Town of Cheverly (Town). The PPS was referred to the Town for review on June 8, 2023. In a letter dated July 18, 2023 (Munyenah to Shapiro), the Town provided recommendations on the subject application. These recommendations are listed below in **bold** text, and their analysis follows in plain text.
 - **The Town of Cheverly Town Council requests that the County Planning Board require that the stream crossing bridge be built to the highest environmental standards with minimal impact on the environment.**

The environmental review of the project, which evaluated the location of the bridge and its impact on the PMA, is provided in Finding 13 of this resolution. The bridge is located at the point of least impact to the PMA, and the bridge design avoids any impacts to the 100-year floodplain or stream hydrology. The utilities within the PMA are proposed to be installed by jack and bore method, instead of open cut trenching. Runoff from existing paved surfaces will be captured for water quality treatment before discharge into the stream. Thus, the project will reduce the impact on the environment, compared to existing conditions at the site.
 - **The Town expects that the developer will work with the Town regarding annexation, and that the developer will participate in local business associations.**

The requests stated in this paragraph are not germane to the review of this PPS.

- **The Town recommends and requests that the developer widen sidewalks and include a protected bike lane, which aligns with Cheverly's vision for bicycle and pedestrian facilities in the Greater Cheverly Sector Plan. The Town would like to see features and decisions that encourage and support employees commuting via the Cheverly metro.**
- **The Town believes that the traffic study as provided by the applicant does not reflect the "real world" impact this project will have on the surrounding residents. The Town believes an updated traffic study would be beneficial.**

Pedestrian, bicycle, and vehicular transportation for this project was reviewed for conformance with the master plan, the MPOT, and the prior Subdivision Regulations, to provide the appropriate transportation findings. The proposed 8-foot-wide side path, along the property's frontage on Cabin Branch Drive, will provide for both bicyclists and pedestrians, separate from vehicular traffic. The vehicular traffic impacts were reviewed, in accordance with the applicable level of service standards, and found to be adequate, as approved with the certificate of adequacy associated with this site.

- **The Town requests the developer work with the Cheverly Green Infrastructure Committee and Friends of Lower Beaverdam Creek regarding landscaping issues, invasive species, and mitigation for any lost or damaged trees.**

Landscaping for the proposed development, including the removal of invasive species, will be reviewed, at the time of permitting.

- **The Developer should ensure that the property is set up to support the highest and latest environmental best practices and shall strongly encourage all tenants to abide by these practices including the use of rooftop solar panels.**
- **The Town requests that all on-site lighting be consistent with Dark Sky standards.**
- **The Town requests there be bathroom facilities available for the truck drivers with water bottle refill stations.**

Compliance with applicable environmental requirements is addressed in the Environmental finding of this resolution. Solar panels, lighting, and building amenities are considered with site and building design, which are not reviewed with a PPS. These issues may be addressed by the applicant, at the time of permitting.

- **The Town requests an air quality monitor be located on the property, which is installed and maintained in collaboration with the University of Maryland (UMD) hyperlocal air quality monitoring network project.**

This is a voluntary data collection program, which the applicant may choose to participate in.

- **The developer should participate with the Town for scheduled clean-up events of the stream.**

Participation by the developer in these events is not germane to the review of this application.

- **The Town urges the developer to use permeable pavers on the parking areas.**

Permeable pavers are an SWM practice which enables infiltration of stormwater into the ground. The review and permitting of SWM is under the purview of DPIE. The existing on-site soils, which include Marlboro clays, may not be conducive to the effective performance of this SWM practice.

16. **Planning Board Hearing**—During the Planning Board hearing on June 27, 2023, the Commissioners inquired about whether the Planning Department had a policy on rooftop solar installations versus painting rooftops white on commercial buildings. The Planning Board suggested that the Planning Department should evaluate the pros and cons of these and other energy-saving building techniques, to provide guidance and appropriate recommendations to applicants and municipalities. Such recommendations will help achieve the County’s environmental goals. Building use, building design, and the selection of rooftop material are reviewed as urban design issues with site plans, and are neither evaluated nor considered with the review of a PPS application. Also, under the new Zoning Ordinance, detailed site plans now require conformance with applicable functional master plans that include requirements concerning things like solar and other related environmental issues. So, as development proceeds under the new Zoning Ordinance, it will help in addressing these environmental goals.

The applicant and their representative provided a background history and broader context of the project, in relation to its surroundings and the neighborhood. The applicant informed the Planning Board of their meetings and involvement with local government officials and the neighboring municipalities, including the Town of Cheverly. The applicant also answered questions regarding the feasibility of providing an 8-foot-wide side path, and whether it will be protected from truck traffic within Cabin Branch Drive.

During the hearing, one citizen spoke in opposition to the proposed development. The citizen raised concerns regarding illegal truck parking along Cabin Branch Drive and the proposed driveway to the site. The citizen also commented on the existence of polluting uses in the vicinity, the removal of woodlands, and the degraded condition of the Cabin Branch stream. The citizen requested that the Planning Board take a more wholistic view, regarding development in the County, considering environment, health, and climate change. In response, the applicant noted that the roadways have physical limitations on the ability to park illegally and that alternatives to the driveway were not available, due to connecting streets being private roads.


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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, July 27, 2023, in Upper Marlboro, Maryland.

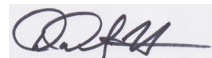
Adopted by the Prince George's County Planning Board this 7th day of September 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: August 22, 2023