

PGCPB No. 2024-042

File No. 4-23046

R E S O L U T I O N

WHEREAS, American Resource Management Group LP is the owner of a 1.63-acre parcel of land known as Parcel 15 of Central Industrial Park, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned Local Transit-Oriented - Edge (LTO-E) and Military Installation Overlay (MIO); and

WHEREAS, on March 19, 2024, American Resource Management Group LP filed an application for approval of a Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23046 for Central Industrial Park, for the subject property for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan 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 at a public hearing on May 30, 2024; and

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

WHEREAS, pursuant to Section 24-1900 *et seq.* of the Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2026, may be reviewed and decided in accordance with the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022 (prior Subdivision Regulations); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Subdivision Regulations contained in Section 24-1904 of the Prince George's County 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 Subdivision Regulations, 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 May 30, 2024, 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 Preliminary Plan of Subdivision 4-23046, including a Variation from Section 24-122(a), for one parcel, subject to the following conditions:

1. Prior to approval, in accordance with the preliminary plan of subdivision, the final plat of subdivision shall include the granting of a public utility easement (PUE) along the abutting public right-of-way (ROW) for Westhampton Avenue except for the ±39 linear feet of said frontage, which is occupied by the existing building. The final plat shall also include a note that a variation

is approved for omission of the PUE along the northern ±39 linear feet of Westhampton Avenue right-of-way frontage of the property.

2. Development of this site shall be in conformance with Stormwater Management Concept Plan 33081-2024, and any subsequent revisions.
3. Should future redevelopment of the subject property include demolition of the existing building at the northern corner of the subject property, prior to issuance of building permits, the applicant shall dedicate a 10-foot-wide PUE along the ±39 linear feet of Westhampton Avenue frontage, which is currently occupied by the existing building. This requirement shall be noted on the final plat of subdivision.

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 is located on the east side of Westhampton Avenue approximately 200 feet south of its intersection with MD 214 (Central Avenue). The property totals 1.63 acres and consists of one parcel, known as Parcel 15 of Central Industrial Park, recorded in the Prince George's County Land Records in Plat Book PM 233 Plat 28. The property is located in the Local Transit-Oriented - Edge (LTO-E) Zone and the Military Installation Overlay (MIO) Zone for height. However, this preliminary plan of subdivision (PPS) was submitted for review under the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations that were effective prior to April 1, 2022, pursuant to Section 24-1903(a) of the Subdivision Regulations. Under the prior Zoning Ordinance, the property was in the Light Industrial (I-1) and Development District Overlay (D-D-O) Zones and within the Military Installation Overlay (M-I-O) Zone for height. The property is subject to the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (master plan).

This PPS includes one parcel for 22,028 square feet of gross floor area of industrial development. The property is currently improved with a one-story building containing 5,831 square feet, a one-story block shed containing 329.49 square feet, and a one-story metal-sided building containing 439.51 square feet. In addition to these existing structures on the property, there are two open-sided roofed structures, which respectively cover 7,673 square feet and 8,524 square feet. The existing structures on-site are proposed to be used and enclosed to total 22,028 square feet of gross floor area. The applicant proposes to use the existing structures on the property for a contractor's office and storage yard. This property is subject of PPS 4-09031 (PGCPB Resolution No. 10-73), which was approved by the Prince George's County Planning Board on June 24, 2010. PPS 4-09031 was approved for two lots for 16,914 square feet of industrial development. PPS 4-09031 also included Parcel 14, which abuts the subject property, Parcel 15, to the north. A new PPS and certificate of adequacy (ADQ) are required for expansion of development on Parcel 15 and to establish capacity for the property, independent from the prior capacity shared with Parcel 14, established by PPS 4-09031.

The subject PPS qualifies for review under the prior Zoning Ordinance and prior Subdivision Regulations because it meets the requirements of Section 24-1904 of the current Subdivision Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on December 18, 2023. In accordance with Section 24-1904(b), the applicant provided a statement of justification (SOJ) explaining why they were requesting to use the prior regulations. In accordance with Section 24-1904(c), this PPS is supported by and subject to the approved Certificate of Adequacy ADQ-2023-079.

The applicant filed a request for a variation from Section 24-122(a) of the prior Subdivision Regulations, to omit the required public utility easements (PUEs) along 39 linear feet of the property’s public road frontage on Westhampton Avenue. This request is discussed further in the Public Utility Easement finding.

3. **Setting**—The subject site is located on Tax Map 67 in Grid B4; and is within Planning Area 75A. Westhampton Avenue abuts the subject property to the west. The site is surrounded by properties in the LTO-E Zone (previously in the I-1 Zone), which are developed with existing commercial and industrial uses. Like the subject property, the surrounding properties are also located in the MIO Zone, for height.
4. **Development Data Summary**—The following information relates to the subject PPS and the proposed development.

	EXISTING	EVALUATED
Zone	LTO-E/MIO	I-1/M-I-O/D-D-O
Use(s)	Industrial	Industrial
Acreage	1.63	1.63
Lots	0	0
Parcels	1	1
Dwelling Units	0	0
Gross Floor Area	6,600	22,028 square feet
Variance	No	No
Variation	No	Yes, Section 24-122(a)

The subject PPS was accepted for review on March 19, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on April 12, 2024, where comments were provided to the applicant. Pursuant to Section 24-113(b), the request for a variation from Section 24-122(a) was submitted alongside the PPS and was also reviewed at the SDRC meeting on April 12, 2024. Revised plans were received on April 24, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—Lot 15 is subject to a previous PPS, 4-09031 (PGCPB Resolution No. 10-73), which was approved by the Prince George’s County Planning Board on

June 24, 2010, for two lots for 16,914 square feet of industrial development. The Planning Board approved PPS 4-09031 with 8 conditions, of which the following are relevant to the review of this PPS:

3. **At the time of final plat, the applicant shall dedicate a ten-foot public utility easement (PUE) along Westhampton Avenue and Central Avenue. Lot 1 shall provide the full PUE along Central Avenue and Westhampton Avenue. At the time of final plat, Lot 2 shall provide a ten-foot PUE along 258+/- linear feet of Westhampton Avenue from the south property corner to the building. Upon the redevelopment of Lot 2, before issuance of building permits, the applicant shall dedicate a ten-foot PUE along the 30+/- linear feet of Westhampton Avenue frontage currently occupied by a building at the northern corner of Lot 2.**

Lot 2, referenced in the above condition, corresponds to what is now Parcel 15, the subject property. The property was recorded in Plat Book PM 233 Plat 28 on September 22, 2010. On the recorded plat, the PUE is shown on the property frontage, except for the 39 linear feet, which corresponds to the location of an existing building, which is proposed to remain with this PPS. The applicant filed a variation request, as companion to this PPS, from Section 24-122(a) to eliminate the required PUE along 39 linear feet of the property frontage on Westhampton Avenue, which is further discussed in the Public Utility finding below. The variation request is approved. However, should the subject property ever redevelop, the applicant will be required to provide the 10-foot-wide PUE along the portion of property's Westhampton Avenue frontage, which is currently occupied by the building. Therefore, this condition has been carried forward.

4. **Development on the site shall be limited to the existing uses on Lot 1 and Lot 2 (generating 0 AM and 0 PM weekday peak-hour trips). Any additional development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation.**
5. **Any new development or modifications of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of building permits for residential uses.**

The prior PPS did not include any new development for the subject site. This PPS proposes development which will result in 19 a.m. and 19 p.m. peak-hour trips. Accordingly, ADQ-2023-079 and this PPS were filed to address these conditions, for expansion of development on Parcel 15 (previous Lot 2) and to establish capacity for the property, independent from the prior capacity shared with Parcel 14, established by PPS 4-09031.

A new final plat of subdivision will be required pursuant to this PPS.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

Plan 2035

Plan 2035 places the subject property in the Established Communities Growth Policy Area of Plan 2035. “Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 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 existing residents are met.” (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 District Council has not imposed the recommended zoning. The master plan recommends a combination of mixed-use commercial and mixed-use residential uses on the subject property (page 62). The proposed industrial use does not conform with the recommended land use shown in the master plan. However, the uses permitted are not approved with a PPS, they are evaluated for the purpose of establishing a layout and capacity of development for the site. Industrial uses in general are not prohibited in the D-D-O Zone and the site retained its underlying I-1 zoning with the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*. Therefore, in accordance with Section 24-121(a)(5) staff find the District Council has not imposed the recommended zoning to implement mixed commercial and residential land uses for the subject property.

The master plan “envisions balancing new development, that optimizes existing infrastructure, with maintaining and revitalizing existing neighborhoods and commercial areas through redevelopment, adaptive reuse, preservation, and conservation.” (page 48) The property is currently developed with an existing structure, previously used as a contractor’s office and storage yard, which were present prior to the property’s placement in the D-D-O Zone. The project proposes optimizing existing infrastructure through reuse of the existing structures on-site.

Notwithstanding the inapplicability of the master plan’s land use recommendations, other master plan recommendations, policies, and strategies, as relevant to the subject property, continue to apply and are discussed through this resolution.

Sectional Map Amendment/Zoning

The master plan retained the subject property in the I-1 Zone and placed the property in the D-D-O Zone. On November 29, 2021, the District Council approved Prince George’s County Council Resolution CR-136-2021, the Countywide Map Amendment (CMA), which reclassified the subject property from I-1, D-D-O and M-I-O Zones to LTO-E and MIO Zones, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior zoning. The applicant will need to seek an amendment to the D-D-O Zone Use Table for reuse of the property for the same

purpose. The proposed uses are permitted in the I-1 Zone but prohibited in the D-D-O Zone. Per Section 27-548.26(b)(1)(B), the property owner is allowed to request the District Council to make changes to the allowed uses, which may be done through a detailed site plan (DSP).

Although this PPS is evaluated for industrial development, the applicant will have to demonstrate prior to permitting that the specific use is permitted. Another permitted nonresidential use different from that evaluated herein may be allowed so long as it conforms with the access, layout and capacity established with the PPS and ADQ.

Aviation/Military Installation Overlay Zone

This application is located within the M-I-O Zone for height. Development must comply with the maximum height requirements of Section 27-548.54(e)(2)(B) of the prior Zoning Ordinance, which will be evaluated further with the review of applications including proposed buildings.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. The approved concept plan was submitted with this PPS (33081-2024-SDC/P45762-2024-SDC). The approval letter states that the proposed limit of disturbance (LOD) is less than 5,000 square feet, thus the site will be exempt from the SWM requirements. No further information pertaining to SWM is required, at this time.

Development of the site, in conformance with SWM concept approval and any subsequent revisions, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS 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 mandatory dedication of parkland requirements because it consists of nonresidential development.
9. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, the Zoning Ordinance, and the prior Subdivision Regulations, to provide the appropriate transportation facilities.

Master Plan Right-of-Way

The subject property has frontage on Westhampton Avenue along the western bounds of the site. Neither the MPOT nor the master plan contain right-of-way (ROW) recommendations for this portion of Westhampton Avenue. The submitted plans display this portion of Westhampton Avenue as an 80-foot ROW. No additional dedication is required along Westhampton Avenue.

Master Plan Pedestrian and Bike Facilities

The MPOT does not contain any planned bicycle or pedestrian facilities along Westhampton Avenue. 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 master plan identifies policies to improve bicycle and pedestrian facilities within the plan limits. Policy 2 is copied below (page 252):

Policy 2: Provide sidewalks and neighborhood trail connections within existing communities to improve pedestrian safety, allow for safe routes to Metro stations and schools, and provide for increased nonmotorized connectivity between neighborhoods.

The applicant's submission displays a 5-foot-wide sidewalk along the site's frontage of Westhampton Avenue, as well as a crosswalk crossing at the point of vehicle entry. Additionally, a bicycle rack shall be provided on-site. The Morgan Boulevard Metro Station is approximately 0.25 mile northwest of the subject property. These improvements will help facilitate bicycle and pedestrian movement to the Metro Station as well as in the area surrounding the site.

On-site Circulation

The PPS includes one vehicle access along the site's frontage of Westhampton Avenue. The internal vehicle circulation is confined only to the site, thereby ensuring that no cut through traffic will take place. The applicant has provided a truck-turning plan, which shows that heavy vehicles can move throughout the site without encumbrances. Vehicular access and circulation for the proposed development is sufficient.

Based on the findings presented above, transportation facilities will exist to serve the subdivision, as required under prior Subtitle 24 of the Prince George's County Code, and will conform to the MPOT and master plan.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5) and 24-122(b) of the prior Subdivision Regulations. The master plan contains goals, policies and strategies aimed at ensuring that public facilities are adequate to serve the local population.

The project will not impede achievement of the master plan goal, policies, and strategies. The analysis provided with approved ADQ-2023-079 illustrates that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. As discussed

below, water and sewer service are also adequate to serve the proposed development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property.

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; however, none of its recommendations affect the subject site.

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property, within the appropriate service area of the Ten-Year Water and Sewerage Plan, is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act, which includes this property served by public sewerage systems.

11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, 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 ROWs. The subject property has a frontage on Westhampton Avenue. The PPS shows a PUE along the property frontage on Westhampton Avenue, except for 39 linear feet where an existing building is located. The applicant filed a variation request from Section 24-122(a) to eliminate the required PUE along 39 linear feet of the property’s frontage on Westhampton Avenue, which is further discussed below.

Variation Request

Section 24-113 sets for the criteria for 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;**

In this particular case, not providing the required PUE along 39 linear feet of property frontage will not be detrimental to public safety, health, or welfare, or injurious to other properties, as no PUE currently exists and this and abutting properties are developed with existing utility service.

(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 condition of this property is unique due to the existing building located on the subject site, which partially encroaches into the area where a PUE would normally be required. The subject property is improved with several structures, originally constructed prior to the requirement for a 10-foot-wide public utility easement of which one building is located along the northern property line. The property was originally platted in 1944 in Plat Book 52, Plat 65, and no PUE was required at that time. The buildings were subsequently constructed, and utilities provided without PUE.

Thereafter, PPS 4-09031 was approved for the property with the requirement of providing PUE along the property frontage on Westhampton Avenue. However, the building along the northern property line was previously constructed within 8 inches of the Westhampton Avenue ROW, which impeded the ability to provide the PUE along the entire frontage. To accommodate the conflict with the existing building, Condition 3 in the resolution of PPS 4-09031 addressed the issue by requiring that the applicant dedicate the required PUE only along ± 258 linear feet of Westhampton Avenue, from the south property corner to the existing building. It also required that, before issuance of the building permit for redevelopment of the property, the applicant extend the PUE along the remainder of the property's Westhampton Avenue frontage. Plat PM 233-28 was recorded subsequent to the PPS and the PUE is shown along the property frontage, except for 39 linear feet of the property where the existing building is located.

The existing building's impact location and the prior history of approvals regarding the PUE is unique to this property. The applicant's request to eliminate the PUE requirement along that portion of the referenced public street is warranted, given the unique nature of the existing conditions specific to the subject property.

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

No other known law, ordinance, or regulation is violated if this variation is approved. The approval of a variation is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Further, this request was referred to the affected utility companies and none have opposed the variation.

- (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;**

The development proposal retains the existing structures on the property, and implementation of the standard PUE location requirement along the entire property frontage with Westhampton Avenue would result in a particular hardship on the owner, as opposed to a mere inconvenience, because it would conflict the location of an existing building. The building along the northern property line is constructed within 8 inches of the Westhampton Avenue ROW, which impedes the ability to provide the PUE along the entire frontage. The applicant proposes to use all the existing structures on the property, including the north building. However, providing the PUE along the entire frontage may not be possible unless the building is removed. The subject site and surrounding sites contain long-standing development (approximately 50 years) and are all served by existing necessary utilities. Removal and/or reconstruction of an existing building, while not serving the greater purpose of providing necessary utilities, is a particular hardship upon the owner.

- (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 for each of the criteria for variation approval, a variation from Section 24-122(a), for elimination of the standard 10-foot-wide PUE requirement along approximately 39 linear feet of the property frontage of Westhampton Avenue, is approved. The purposes of this Subtitle are to provide public utility easements for the placement of utilities. Given the subject property and surrounding properties are served

by utilities, the alternative proposal provided herein does not have the effect of nullifying the intent and purpose of the prior Subdivision Regulations.

12. **Historic**—The master plan contains goals and policies related to Historic Preservation (pages 287-296). However, these are not specific to the subject site. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites, indicates the probability of archeological sites within the subject property is low. A Phase I archeology survey is not required. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
13. **Environmental**—The following applications and associated plans for the subject site were previously reviewed:

Development Review Case	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
4-09031	N/A	Planning Board	Approved	6/24/2010	10-73
NRI-014-2024	N/A	Staff	Approved	2/7/2024	N/A
4-23046	S-038-2024	Planning Board	Approved	5/30/2024	2024-042

Grandfathering

This project is subject to the current regulations of Subtitle 25, and the prior regulations of Subtitles 24 and 27, because the application is for a new PPS.

Environmental Site Description

The 1.63-acre site is fully developed with frontage along Westhampton Avenue. A review of the approved Natural Resources Inventory Plan (NRI-014-2024) indicates that no regulated environmental features (REF) occur on the property. Forest interior dwelling species habitat is not mapped on-site. According to the sensitive species layer on PGAtlas, as provided by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property.

Prince George’s Plan 2035

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

ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS

Master Plan

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

Green Infrastructure:

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

According to the approved Natural Resource Inventory NRI-014-2024, there are no REF within or adjacent to the subject property. Regulated and evaluation areas as part of the green infrastructure network are not present on-site.

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

This site is not within a special conservation area and does not feature any regulated or evaluation areas as defined in the green infrastructure network.

Water Quality and Stormwater Management:

Policy 1: Restore and enhance water quality in areas that have been degraded, and preserve water quality in areas not degraded.

The applicant has submitted an approved SWM Concept Plan and associated letter (33081-2024-SDC/P45762-2024-SDC), which identifies that the site is exempt from SWM requirements.

Policy 3: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.

The proposed limit of disturbance (LOD) is less than 5,000 square feet, which makes the site exempt from the current SWM requirements.

Policy 4: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.

The approved NRI shows that no streams are present on or near the site.

Green Buildings/Sustainability:

Policy 1: Implement environmental sensitive building techniques that reduce overall energy consumption.

The development applications for the subject property should incorporate the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques is encouraged to be implemented to the greatest extent possible. Building techniques and materials will be evaluated at the time of DSP review.

Conformance with Green Infrastructure Plan

The 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the Green Infrastructure Plan, this site does not contain regulated and evaluation areas. The following policies and strategies are applicable to the subject application. The text in **BOLD** is the text 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.

Strategies

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

- 1.2 **Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
 - a. **Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

This property does not contain designated evaluation or regulated areas, as defined in the Green Infrastructure Plan. The property is within the Western Branch of the Patuxent River watershed and is not within a Tier II catchment area. The site does not contain any

streams or wetlands and is exempt from the Woodland and Wildlife Habitat Conservation Ordinance (WCO). SWM is reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), and sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District.

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 site is exempt from the WCO. As such, mitigation for woodland clearing is not required with this application. No network gaps will be generated and there are no adjacent woodland areas to connect to.

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

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
 - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No fragmentation of REF by transportation systems is included with this PPS.
 - b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No trail systems are included with this PPS.

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

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

The site is exempt from the WCO and there are no REF on-site.

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

Strategies

- 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.**

The development proposal has received stormwater concept approval from DPIE. The approved concept plan was submitted with this application (33081-2024-SDC / P45762-2024-SDC). The approval letter states that the proposed LOD is less than 5,000 square feet, thus the site will be exempt from the SWM requirements.

- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

There are no streams on or in the vicinity of the subject property.

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.**

This site was previously cleared and developed, and no woodlands exist on-site. Planting of native species as part of landscaping is required by the 2010 *Prince George's County Landscape Manual* (Landscape Manual), which can count toward the tree canopy coverage requirement for the development. Tree canopy coverage requirements will be evaluated with the DSP review.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**

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.**

Clearing of woodland is not included with the subject PPS. This site does not contain potential forest interior dwelling species. Green space is encouraged to serve multiple eco-services and will be reviewed with the DSP.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

An approved Natural Resources Inventory (NRI-014-2024) was submitted with the PPS. No specimen trees have been identified on-site or within the immediate vicinity of the site's boundary. The site does not contain REF, but areas of steep slopes are located on the eastern edge of the site. No revisions are required for conformance to the NRI.

Woodland Conservation

This property is exempt to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and does not contain more than 10,000 square feet of existing woodland. A standard woodland conservation ordinance exemption (S-038-2024) was submitted with the PPS.

Specimen Trees

There are no specimen trees, champion trees, or trees that are part of a historic site, or are associated with a historic structure on this property.

Preservation of Regulated Environmental Features/Primary Management Area

As shown on the approved NRI-014-2024 the site does not contain any REF or primary management area (PMA).

Soils

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

14. **Urban Design**—Conformance with the prior Zoning Ordinance (Subtitle 27) is evaluated as follows:

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

Per the master plan, a DSP is required for new development and redevelopment of existing structures within the D-D-O Zone (page 487). The applicant will need to seek an amendment to the DDOZ Use Table for the existing contractor’s office and storage yard uses. The proposed uses are permitted in the I-1 Zone but prohibited in the D-D-O Zone. Per Section 27-548.26(b)(1)(B), the property owner is allowed to request the District Council to make changes to the allowed uses. Per page 490 of the master plan, there are two types of amendments that are required to be heard by the District Council: changes to the boundary of the D-D-O-Zone and changes to the underlying zones and the list of permitted uses. These amendments may be in the form of a DSP.

The DSP application shall show conformance to the development district standards or request any needed modifications. All other regulations from the underlying I-1 Zone shall also apply, along with Part 11 (Off-Street Parking and Loading) and Part 12 (Signs) of the prior Zoning Ordinance.

Conformance with the 2010 Prince George's County Landscape Manual

Per page 490 of the master plan, except as modified by the development district standards, the provisions of the Landscape Manual for Section 1.3, Alternative Compliance; Section 4.2, Commercial and Industrial Landscaped Strip Requirements; Section 4.3, Parking Lot Requirements; and Section 4.7, Buffering Incompatible Uses, do not apply within the development district. All other standards and regulations of the Landscape Manual, Section 4.4, Screening Requirements and Section 4.9, Sustainable Landscaping Requirements, apply as necessary, and will be reviewed at the time of DSP.

Conformance with the Prince George’s County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Per the SOJ there will be no additional structures built. At the time of DSP, the site plan shall note the applicable

exemption provision or provide the required TCC. Per Table 1 of Section 25-128, properties that are zoned LTO require a TCC of 10 percent. The gross acreage of the site is 1.6342 acres, and therefore 0.16 acre will be required in TCC, if applicable. Compliance with this requirement will be evaluated at the time of future DSP review.

15. **Citizen Feedback**—No written correspondence from members of the community regarding this project was received prior to the public hearing held on May 30, 2024, and no citizens signed up to speak at the hearing.
16. **Referral to Municipalities**—The subject property is located within one mile of the municipal boundaries of the City of Seat Pleasant. The PPS was referred to the City for review and comment on April 10, 2024. No referral response from the City was received.

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, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, May 30, 2024, in Largo, Maryland.

Adopted by the Prince George’s County Planning Board this 20th day of June 2024.

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

PAS:JJ:MV:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel