



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Development Review Division  
301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

# Preliminary Plan of Subdivision

## 4-20011

### ELP DC

REQUEST	STAFF RECOMMENDATION
32 parcels for 3,240,000 square feet of industrial development.	APPROVAL with conditions
Variation from Section 24-121(a)(3)	APPROVAL
Variance to Section 25-122(b)(1)(G)	APPROVAL

**Location:** At the existing northern terminus of Mattawoman Drive

Gross Acreage:	283.21
Zone:	I-2/I-3
Gross Floor Area:	3,240,000
Lots:	0
Parcels:	32
Planning Area:	85A
Council District:	09
Election District:	11
Municipality:	N/A
200-Scale Base Map:	219SE07, 219SE08, 220SE07, 220SE08, 221SE07

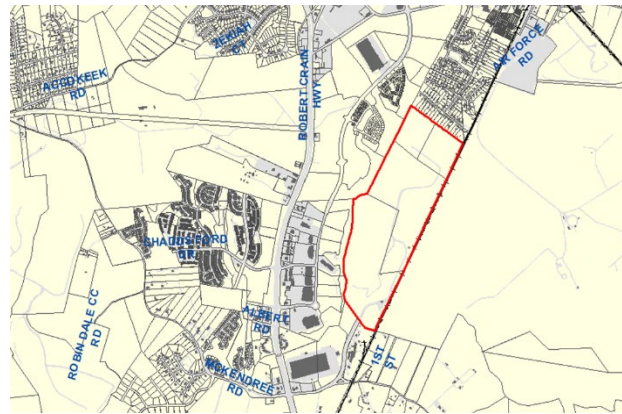
**Applicant/Address:**

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Planning Board Date:	11/12/2020
Planning Board Action Limit:	11/24/2020
Mandatory Action Timeframe:	70 days
Staff Report Date:	10/27/2020
Date Accepted:	09/15/2020
Informational Mailing:	06/16/2020
Acceptance Mailing:	09/10/2020
Sign Posting Deadline:	10/13/2020

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

[http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/).

Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-20011  
Type 1 Tree Conservation Plan TCP1-017-2020  
ELP DC

**OVERVIEW**

The subject property is recorded in the Prince George's County Land Records in Liber 42454 Folio 487. The property is 283.2 acres in size and consists of four tax parcels known as Parcel 6 (25.5 acres), Parcel 7 (31.1 acres), and Parcels 8 and 10 (226.5 acres combined). Parcels 6 and 7 are in the Planned Industrial/Employment Park (I-3) Zone, while Parcels 8 and 10 are zoned Heavy Industrial (I-2). The property is located at 16001 Mattawoman Drive and 8721 Timothy Road, with the existing site entrance at the current northern terminus of Mattawoman Drive.

It is noted that the deeds recorded among the Maryland State Land Records reflect Parcels 8 and 10 having been legally consolidated by deed in 2004 (Liber 20146 Folio 1). The applicant's submitted preliminary plan of subdivision (PPS) and survey label this combined parcel as Tract 1. Tract 1 (Parcels 8 and 10) is used in this technical staff report when discussing the property. Parcels 6 and 7 will continue to be referred to as Parcels 6 and 7, though it is noted that the PPS and survey label these parcels as Tract Two, Parcel Four and Tract Two, Parcel One, respectively.

A PPS is required because the project proposes the division of land and the construction of more than 5,000 square feet of nonresidential gross floor area. The subject PPS proposes to subdivide the property into 32 parcels for a total of 3,240,000 square feet of industrial development. The existing 1,400-square-foot office trailer on the property, associated with the previous soil recycling use, will be removed. Twenty-five of the parcels are proposed for the development of warehouses, while the remaining seven parcels are proposed to be dedicated to a business owner's association for open space. The application also includes right-of-way (ROW) dedication for Mattawoman Drive, a master-planned arterial road, which will extend north from its current terminus and then west through the site towards an eventual off-site connection with Matapeake Business Drive.

Section 24-121(a)(3) of the Prince George's County Subdivision Regulations requires that proposed parcels do not take direct access onto an arterial road. The applicant is requesting approval of a variation to allow 10 of the proposed parcels to have direct access to the Mattawoman Drive extension. This request is discussed further in the Transportation section of this technical staff report.

The applicant is also requesting a variance to Section 25-122(b)(1)(G) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the removal of four specimen trees. This request is discussed further in the Environmental section of this technical staff report.

Staff recommends **approval** of the PPS and Type 1 tree conservation plan (TCP1), with conditions, and approval of the variation and the variance, based on the findings contained in this technical staff report.

## SETTING

The site is located on Tax Map 155 in Grids A2-A4, B1-B4, and C1-C3, and is within Planning Area 85A. The site is located at the existing northern terminus of Mattawoman Drive, about 0.4 mile north of its intersection with Cedarville Road. To the west of the subject site is the Timothy Branch, with developments known as the Villages at Timothy Branch and the Matapeake Business Park beyond. The Villages at Timothy Branch is zoned Residential Medium Development, while the Matapeake Business Park is zoned Commercial Shopping Center, Mixed Use-Transportation Oriented, and Light Industrial. To the south of the site is a power plant in the I-2 Zone. To the east of the site are train tracks belonging to the CFX Railroad, with property owned by the U.S. Government in the Reserved Open Space Zone beyond. To the north of the site is the Brandywine Heights subdivision, consisting of single-family detached dwellings in the Rural Residential Zone.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

- 1. Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	PROPOSED
Zone	I-2, I-3	I-2, I-3
Use(s)	Industrial (soil recycling)	Industrial (warehouses)
Acreage	283.2	283.2
Gross Floor Area	1,400 square feet	3,240,000 square feet
Dwelling Units	0	0
Parcels	3	32
Lots	0	0
Outlots	0	0
Variance	No	Yes 25-122(b)(1)(G)
Variation	No	Yes 24-121(a)(3)

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on October 2, 2020. The requested variation from Section 24-121(a)(3) was accepted on September 15, 2020, and

also heard before SDRC on October 2, 2020, as required by Section 24-113(b) of the Subdivision Regulations.

2. **Previous Approvals**—PPS 4-90027 was approved by the Prince George’s County Planning Board on May 30, 1990 (PGCPB Resolution No. 90-229) for then-existing Parcels 8 and 10, now Tract 1. This PPS approved 2,484,000 square feet of heavy industrial space on 30 lots. The plan never proceeded to recordation, and it expired in 2003. Therefore, the conditions of approval associated with 4-90027 no longer apply.

Parcels 6 and 7 are subject to a Conceptual Site Plan, CSP-12002 (approved July 31, 2014, PGCPB Resolution No. 14-84) and a Detailed Site Plan, DSP-12033 (also approved July 31, 2014, PGCPB Resolution No. 14-85). The CSP is valid in perpetuity, while the DSP is valid through December 31, 2020. These two plans proposed a solar powered electric generating facility, featuring approximately 26.43 acres of solar panels and a 4,750-square-foot maintenance building. A PPS was not required for this project, per Section 24-107(c)(7)(B) of the Subdivision Regulations, because it proposed less than 5,000 square feet of gross floor area. None of the conditions of approval of either of these two plans are applicable to this project, because a solar powered facility is no longer proposed.

Under the requirements of the I-3 Zone, the CSP and DSP will have to be revised for the new warehousing use, prior to development. It is noted, however, that the revised CSP is not required to precede the subject PPS, because the CSP may be modified at the time of approval of a new DSP.

3. **Community Planning**—The subject site is within the area of the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), which retained the property in the I-2 and I-3 Zones. Conformance with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the Subregion 5 Master Plan and SMA are evaluated, as follows:

#### **General Plan**

Plan 2035 classifies this site in the Established Communities Growth Policy Area. Established Communities are most appropriate for context-sensitive infill and low- to medium-density development. (Page 20)

#### **Master Plan**

The Subregion 5 Master Plan and SMA recommends mixed-use land on the subject property. In addition, this plan endorses the creation of a Brandywine Community Center. The subject property is located in the core of the Brandywine Community Center, an approximately 120-acre area recommended for transit-oriented, mixed-use development focused on a future transit station near the interchange of MD 5/US 301 and an arterial road (relocated A-55). The core is envisioned as a mixed-use area containing moderate- to high-density residential (15 to 30 dwelling units per acre), commercial, and employment uses that would generate approximately 25 employees per acre. (page 46)

Pursuant to Section 24-121(a)(5), staff finds that this application conforms to the Subregion 5 Master Plan and SMA.

4. **Stormwater Management**—Two current stormwater management (SWM) concept plans for this project dated May 2020 were submitted with the subject application. The Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) is currently reviewing the concepts. There are previously approved SWM Concept Plans for the site, 24467-2012-01 for the northern portion and 12726-2003-00 for the southern portion, and the current plans are proposed as revisions of the prior plans. Prior to signature approval of the PPS and TCP1, the approved concepts showing the stormwater layout for the project must be submitted and the TCP1 must reflect the design.

Development of the site shall conform with the SWM concept approvals and any subsequent revisions to ensure no on-site or downstream flooding occurs.

5. **Parks and Recreation**—In accordance with Section 24-134(a) of Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.
6. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the Subregion 5 Master Plan and SMA, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation recommendations.

#### **Previous Conditions of Approval**

PPS 4-90027 was approved for the creation of 30 lots on then-existing Parcels 8 and 10 (now Tract 1), which comprises most of the site currently under review for the subject application. CSP-12002 and DSP-12033 were approved for a solar powered electric generating facility on Parcels 6 and 7, which comprise the northern portion of the property currently under review. None of these plans moved forward with permitting or construction after being approved. Therefore, there are no binding prior conditions of approval on the subject property specific to pedestrian or bicycle improvements.

#### **Proposed Pedestrian and Bicycle Facilities**

The MPOT includes a planned side path, along the extension of Mattawoman Drive, which is shown on the submitted plans. The majority of pedestrian and bicycle-related improvements will be required at the time of DSP. The applicant should provide an exhibit, prior to acceptance of a DSP, which displays marked crosswalks and perpendicular Americans with Disabilities Act (ADA) ramps at all intersections, sidewalks on both sides of all new roads, direct and separated pedestrian paths from sidewalks to each facility, and bikeway signage.

#### **Review of Master Plan Compliance**

This development case is subject to the MPOT, which recommends the following facilities:

- Mattawoman Drive and Cedarville Road planned side path, and
- Timothy Branch planned hard surface trail

An extension of Mattawoman Drive (A-55) will be constructed as part of the subject application. The portion of Mattawoman Drive that is currently constructed ends at the southern edge of the subject property. The subject application shows the extension of the road moving north and west through the subject property, providing road frontage to proposed Parcels 14–25, then ending at Parcel 14, short of the western boundary of the

subject property. ROW, however, will be dedicated to the western boundary of the site for the future extension of Mattawoman Drive to the west and eventual connection to Matapeake Business Drive.

The applicant's original submission did include the construction of the Mattawoman Drive roadway all the way to the western boundary. A fee-in-lieu agreement has been reached between the applicant and DPIE, whereby the applicant will not be required to complete the construction of the remaining length of roadway. The applicant has included the planned 10-foot-wide shared-use path along one side of Mattawoman Drive per the MPOT, and the path is consistent with the Prince George's County Department of Public Works and Transportation (DPW&T) standards for shared-use paths (or hiker-biker trails). Staff further recommends that the master plan side path along A-55 be included in the fee-in-lieu agreement.

In addition, the MPOT-planned Timothy Branch Trail runs along the western edge of the subject property. The trail is mostly located outside the property boundary; however, there are portions of the trail that enter the property. These portions fall within the designated primary management area (PMA) for the project. As part of PPS 4-16013 (PGCPB Resolution No. 17-113), Matapeake Business Park, Parcels 8 and 9 to the west of the subject site, the Prince George's County Department of Parks and Recreation (DPR) staff evaluated the feasibility of the Timothy Branch Trail. It was determined that DPR had no plans to take over operation and maintenance of this trail, to construct any extension of the trail, or to acquire land within this stream valley as a park trail corridor. Furthermore, north of the subject site, this trail is implemented as a shared-use path parallel to the portion of Mattawoman Drive within the Villages at Timothy Branch. This trail avoids the stream valley and will support pedestrian connections in the area. Staff finds that the Mattawoman Drive shared-use path shown on this application will adequately serve the trail network, in lieu of the Timothy Branch Trail.

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

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

**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 Transportation Systems Section of the Subregion 5 Master Plan and SMA makes the following recommendations:

**Encourage developers at employment destinations to provide new sidewalks, bicycle trails, lockers, bike friendly intersection improvements, and trail connections as part of their development proposals. (p.121).**

**Install bicycle signage and safety improvements along designated shared-use roadways when development occurs, or roadways are upgraded. Bikeway improvements may include paved shoulders, painted bike lanes, and bike signage. (p.121).**

The property falls in the developing tier and will require sidewalks on both sides of all new internal roads. The applicant has displayed the MPOT planned side path along one side of Mattawoman Drive.

Staff recommends pedestrian and bicyclist facilities to be shown on an exhibit, prior to issuance of the first building permit for the subject site. These facilities include: perpendicular ADA ramps and marked cross walks at all intersections, including a cross walk near the cul-de-sac on Mattawoman Drive; direct and separated pedestrian pathways from the sidewalk along the ROW to building entrances; short- and long-term bicycle parking at all proposed buildings, consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities*; and shared-use path signage consistent with the 2012 AASHTO *Guide* and the 2009 *Manual of Uniform Traffic Control Devices (MUTCD)*. Specifically, the shared-use path signage should be consistent with the guidance of Figure 5-13, “Mid-Block and Sidepath Crossings Relative to Intersection Function Area” (AASHTO), the discussions titled, “Determining Priority Assignment,” and “Use of Stop Signs” (AASHTO), and Section 9B.03, “Stop and Yield Signs (R1-1 and R1-2)” (MUTCD).

Upon the completion of Mattawoman Drive, which will feature a side path, access to the site by bike will be greatly improved. Staff recommends bikeway signage along Mattawoman Drive at the location where it enters the southernmost portion of the subject property, and bikeway signage along Mattawoman Drive at its western culmination adjacent to Parcel 14, consistent with the Subregion 5 Master Plan and SMA recommendation.

In addition, staff recommends that direct and separated pedestrian connections be provided from the street to all entrances of future buildings within the subject site, consistent with Policy 5 and the Complete Streets Principles of the MPOT.

Based on the preceding findings, adequate pedestrian and bicycle transportation facilities will exist to serve the proposed subdivision, as required, in accordance with Section 24-124 of Subdivision Regulations, if the application is approved with the conditions recommended at the end of this technical staff report.

7. **Transportation**—Transportation-related findings for adequacy are made with this application, along with any needed determinations related to dedication, access, and general subdivision layout.

Because the proposal is expected to generate more than 50 peak-hour trips, a traffic impact study (TIS) dated July 22, 2020 was submitted with this application. The traffic study was referred to DPW&T and DPIE, as well as the Maryland State Highway Administration (SHA).



The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

**Links and Signalized Intersections:** Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections, a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed.

For all-way stop-controlled intersections, a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

#### **Prior Approvals**

The plan was reviewed against prior plan CSP-12002, which was approved on July 31, 2014 (PGCPB Resolution No. 14-84). This CSP proposed a solar powered electric generating facility on existing Parcels 6 and 7. The CSP was required because the parcels are in the I-3 Zone. There are no traffic-related conditions associated with the CSP, but the plan includes the following note:

**Vehicular access for the site is via an easement through the abutting properties to the south (Parcels 8 and 10) connecting to Mattawoman Drive pursuant to Section 24- 128(b)(9)). The access easement is reflected on the Applicant's Ingress/Egress Easement Exhibit, to be authorized by the Planning Board with the approval of final plats prior to building permit approval.**

Given that the area of this CSP is now proposed to become developable industrial parcels, staff believes that the eventual use of public industrial streets to serve these parcels is a better means of access than an easement, and supports the access shown on the subject PPS.

There is also a prior PPS 4-90027, which covers the I-2 portion of this property. That plan never proceeded to recordation, and so will be superseded by the subject application.

#### **Analysis of Traffic Impacts**

The table below summarizes trip generation in each peak hour that will be used for the analysis and for formulating the eventual trip cap for the site. The applicant has two potential scenarios for developing the site. In order to provide the most conservative analysis and to allow for flexibility for the ultimate site design, the TIS has analyzed the higher of the trip generation among the two options for the AM and PM peak hours. These two scenarios are shown in the table below, with the higher total in each peak reflected in

the potential trip cap. The proposed uses have the following trip generation (with the use quantities shown in the table, as described in the submitted TIS). The trip generation is estimated using trip rates and requirements in the "Transportation Review Guidelines, Part 1" (Guidelines) and *Trip Generation* (Institute of Transportation Engineers):

<b>Trip Generation Summary: 4-20011: ELP DC</b>								
<b>Land Use</b>	<b>Use Quantity</b>	<b>Metric</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
			<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
<b>Scenario 1:</b>								
High-Cube Fulfillment Center Warehouse (ITE Land Use Code 155)	1,020,000	sq. ft.	482	120	602	279	1118	1397
Warehouse (Guidelines rates)	1,301,000	sq. ft.	416	104	520	104	416	520
<b>Total Proposed Trips, Scenario 1</b>			<b>898</b>	<b>224</b>	<b>1122</b>	<b>383</b>	<b>1534</b>	<b>1917</b>
<b>Scenario 2:</b>								
Warehouse (Guidelines rates)	3,240,000	sq. ft.	1037	259	1296	259	1037	1296
<b>Total Proposed Trips, Scenario 2</b>			<b>1037</b>	<b>259</b>	<b>1296</b>	<b>259</b>	<b>1037</b>	<b>1296</b>
<b>Recommended Trip Cap (greater of the two scenarios)</b>					<b>1296</b>			<b>1917</b>

The traffic generated by the proposed PPS would impact the following intersections, interchanges, and links in the transportation system:

- US 301/MD 5 and McKendree Road/Cedarville Road (signalized)
- Cedarville Road and Mattawoman Drive (unsignalized)

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic and existing lane configurations, operate, as follows:

<b>EXISTING TRAFFIC CONDITIONS</b>					
<b>Intersection</b>		<b>Critical Lane Volume (AM &amp; PM)</b>		<b>Level of Service (LOS, AM &amp; PM)</b>	
US 301/MD 5 and McKendree Road/Cedarville Road		1,080	1,640	B	F
Cedarville Road and Mattawoman Drive		8.6*	8.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.					

**Background Traffic:** None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation's Consolidated Transportation Program or the Prince George's County Capital Improvement Program. Background traffic has been developed for the study area using 15 approved, but unbuilt developments within the study area. A 2.0 percent annual growth rate for a period of 6 years has been assumed. A second analysis was done to evaluate the impact of background developments. The analysis revealed the following results:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and McKendree Road/Cedarville Road	1,646	2,331	F	F
Cedarville Road and Mattawoman Drive	9.2*	9.6*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The following critical intersections, interchanges, and links identified above, when analyzed with total future traffic as developed using the Guidelines, including the site trip generation as described above, operate, as follows:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and McKendree Road/Cedarville Road	2,086	2,946	F	F
Cedarville Road and Mattawoman Drive (standards for passing are shown in parentheses)				
Delay Test (50 seconds or less)	62.7*	317.5*	Fail	Fail
Minor Street Volume Test (100 or fewer)	339	299	Fail	Fail
Critical Lane Volume Test (1150 or fewer)	1,167	941	Fail	Pass
*In analyzing two-way stop-controlled intersections, a three-step procedure is employed in which the greatest average delay in seconds for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume is computed and compared to the approved standards. According to the Guidelines, all three tests must fail in order to require a signal warrant study.				

Regarding the US 301/MD 5 and McKendree Road/Cedarville Road intersection, the subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. Specifically, Prince George's County Council Resolution CR-9-2017 indicates the following:

1. Establishes the use of the Brandywine Road Club for properties within Planning Areas 85A and 85B as a means of addressing significant and persistent transportation deficiencies within these planning areas.

2. Establishes a list of projects for which funding from the Brandywine Road Club can be applied.
3. Establishes standard fees by development type associated with the Brandywine Road Club to be assessed on approved development.

This resolution works in concert with Prince George's County Council Bill CB-22-2015, which permits participation in roadway improvements as a means of demonstrating adequacy for transportation, as required in Section 24-124. Specifically, CB-22-2015 allows the following:

1. Roadway improvements participated in by the applicant can be used to alleviate any inadequacy as defined by the Guidelines. This indicates that sufficient information must be provided to demonstrate that there is an inadequacy.
2. To be subject to CB-22-2015, the subject property must be in an area for which a road club was established, prior to November 16, 1993. In fact, the Brandywine Road Club was included in Council Resolution CR-60-1993, adopted on September 14, 1993, and it was developed and in use before that date.

Pursuant to CR-9-2017, the Brandywine Road Club fee for the subject application will be \$2.07 per gross square foot of floor area, to be indexed by the appropriate cost indices to be determined by DPIE. Pursuant to CB-22-2015, once the appropriate payment is made to the satisfaction of DPIE, no further obligation will be required of the applicant regarding the fulfillment of transportation adequacy requirements of Section 24-124(a).

The applicant proposes improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection, to provide a restriping on the Cedarville Road approach (resulting in a left-turn lane, a shared left-turn/through lane, and a right-turn lane) and split-phase signal operations for the east-west movements. Those changes would result in a CLV of 1,899 in the AM peak hour and a CLV of 2,150 in the PM peak hour, with both peak hours at LOS F. The applicant makes this proposal contingent on SHA and DPIE concurring with these improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection, with the applicant entering into an agreement with SHA and DPIE to utilize the applicant's Brandywine Road Club fees toward the construction of these off-site improvements.

The table above notes an inadequacy at the Cedarville Road/Mattawoman Drive intersection in one or both peak hours. Consistent with standard practices, it is recommended that the applicant perform a traffic signal warrant study at this location and install a signal or other improvement that is deemed warranted by the operating agency (in this case, the County). This signal study shall be tied to the initial building permit, and any installation, if warranted, shall be bonded and permitted with DPIE with an agreed-upon timetable for the construction/installation.

#### **Master-Planned Roadway and Site Access Variation**

Mattawoman Drive (A-55) is a master plan arterial facility with a minimum proposed width of 120 feet. Staff has determined that the alignment and the use of the roundabout are consistent with the planned function of A-55, and that the alignment is acceptable, as shown on the PPS.

The A-55 facility is proposed to provide access to the southern 60 percent of the property, and the applicant proposes a number of private driveways and easements directly from this roadway for access to individual parcels. A variation request for access from A-55 has been supplied and reviewed. Section 24-121(a)(3) requires that lots proposed on land adjacent to an existing or proposed planned roadway of arterial or higher classification be designed to front on either an interior street or service roadway.

Proposed Parcels 14 through 25 been deemed to not meet this requirement. The applicant requested a variation, pursuant to Section 24-113 of the Subdivision Regulations. They submitted a Statement of Justification (SOJ) dated October 8, 2020, incorporated by reference herein, in favor of the request. As shown on Exhibit A, attached to the SOJ, 10 driveway entrances are proposed to serve the 12 parcels. Of the 12 parcels, 10 actually have an entrance on them and would therefore be subject to the variation. The two remaining parcels (15 and 22), would be accessed only by easement, as shown on the PPS. It is noted that easement access to the parcels can be approved by the Planning Board under Section 24-128(b)(9) of the Subdivision Regulations, given the potential hazards of accessing an arterial roadway. Staff recommends the proposed easements be approved.

There are four criteria that must be met for the variation to be approved (a fifth criterion does not apply), pursuant to Section 24-113(a). The criteria, with discussion, are noted below:

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

This proposal has been reviewed by DPIE as the responsible operating agency, and DPIE has not identified any detrimental impacts of this access proposal. There are two reasons to have planning staff evaluate access along arterial and higher facilities: arterial roadways have greater operating speeds, and the presence of medians can create issues with vehicles making U-turns. While A-55 is being constructed with a lower design speed, the medians are still present and so safety can be an issue. The applicant contends that the use of the private driveways will help to separate large truck traffic from passenger vehicle traffic, and staff agrees with this assertion. The applicant also contends that the use of the driveways, instead of two or three public street connections, will distribute traffic rather than concentrating it at a limited number of locations, and staff also agrees with this. Given the size of this property, more points of access can help to improve emergency response. The request is not injurious to other property because A-55 is bounded by this property on both sides of the roadway through the entirety of the property.

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

In requesting this finding, the applicant cites the environmental features of the property, and notes that these features are most prevalent in the southern half of the property where the variations are being requested. And while staff agrees that the environmental features are prevalent and are important, nearly every undeveloped property has environmental features that impose constraints; this fact

does not alone create uniqueness. What is unique, however, is the overall size of the property; there is nearly 4,500 linear feet of frontage of the subject property along each side of A-55. Given the arrangement of the environmental features, it becomes clear that some access is necessary and that new public streets are not always the best solution. To answer the question of how much access is appropriate, staff has prepared the following table to examine each of the 10 driveways being proposed;

<b>Analysis of Each Variation Requested: 4-20011: ELP DC</b>		
Driveway Location	Turning Movements Accommodated (RIRO = right in right out)	Function
West side, Parcel 14	RIRO	To be used by general vehicle traffic accessing parking for Parcels 14 and 15
Between Parcels 14 and 16	All movements	Provides access to a truck court at the rears of Parcels 14–20; is opposite a public street serving Parcels 1–13
Between Parcels 16 and 17	RIRO	To be used by general vehicle traffic accessing parking for Parcels 16 and 17
Between Parcels 18 and 19	RIRO plus left-turn in	To be used by general vehicle traffic accessing parking for Parcels 18, 19, and 20
South side, Parcel 20	RIRO	Provides egress from a truck court at the rears of Parcels 14-20
South side, Parcel 25	All movements	To be used primarily by trucks entering and leaving Parcels 24 and 25
North side, Parcel 24	RIRO	To be used primarily by general vehicle traffic accessing Parcels 24 and 25
South side, Parcel 23	RIRO	To be used primarily by trucks to access a truck court at the rear of Parcels 21, 22, and 23
Parcel 21	RIRO	To be used by general vehicle traffic accessing parking for Parcels 21, 22, and 23
Between Parcels 10 and 21	All movements via roundabout	To be used by trucks to access truck courts at the rear of Parcels 10, 21, 22, and 23; this comprises the east leg of the roundabout

It should be further noted that all driveways are at least 400 feet apart. If the primary safety argument for this system of driveways (the separation of truck traffic from general vehicle traffic) is to be accepted, then all of these driveways serve a unique function under that argument. Perhaps one of the three driveways serving the parking for Parcels 16 through 20 might be marginal in its function, but these

are three driveways over 0.25 mile of frontage and are needed to keep access to each of the five parcels convenient without being circuitous.

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

It does not appear that the access would violate any law, ordinance, or regulation. The approval of a variation is unique to the Subdivision Regulations and under the sole authority of the Planning Board. Further, driveway access from A-55 is regulated by DPIE. That agency has reviewed this access in detail and has determined that it will be acceptable.

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

To assert that they would be subject to a hardship as opposed to a mere inconvenience, the applicant provided Exhibit C, attached to the SOJ, which shows the potential impacts of using a public industrial street in the area between Parcels 14 and 16. Incorporating ROW with appropriate setbacks and landscaping requirements, the applicant believes that they would lose the potential development of 136,000 square feet on the adjoining parcels. The same exercise could be conducted for Parcels 21–23 and Parcels 24–25, and such an exercise would likely depict a loss of development potential (although probably not as great in each case). Staff agrees this represents a particular hardship to the applicant.

**(5) In the R-30, R-30C, R-18, R-18C, R-10A, 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 in the I-2 and I-3 Zones, and therefore this criterion is not applicable.

By virtue of positive findings for each of the criteria for variation approval, staff finds that a variation from Section 24-124(a)(3) for access onto A-55 is supportable and recommends approval of the variation. The applicant has put forth a reasonable circulation plan that neither results in congestion within the site, nor detrimental impacts along A-55 or off-site. Staff believes that a proposed circulation plan improves safety by separating truck access and egress from vehicle movements by passenger cars and other smaller vehicles.

Based on the findings presented in this section, staff concludes that adequate transportation facilities will exist to serve the proposed subdivision, as required under Section 24-124, subject to the conditions provided in this technical staff report.

**8. Schools—**Pursuant to Section 24-122.02 of the Subdivision Regulations, this PPS is exempt from review for impact on school facilities because the proposal consists of nonresidential development.

9. **Public Facilities**—In accordance with Section 24-122.01, public facility adequacy is evaluated, as follows:

**Water and Sewer**

Section 24-122.01(b)(1) 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 the subject property in the following categories:

- Parcel 6 is in Water and Sewer Category 5, Future Community System, not adequate for PPS approval. At minimum, approval for Category 4 must be completed before subdivision approval. Therefore, staff recommends that this portion of the site be designated as an outparcel, not approved for subdivision with this PPS. A new PPS shall be required for the outparcel, prior to approval of any development.
- Parcel 7 is in Water and Sewer Category 4, Community System Adequate for Development Planning. Approval for Category 3 must be completed before final plat approval.
- Parcels 8 and 10 are in Water and Sewer Category 3, Community System.

Parcel 6 is in Sustainable Growth Tier II. Parcels 7, 8, and 10 are in Sustainable Growth Tier I.

**Police Facilities**

The subject property is served by Police District VII, Fort Washington, located at 11108 Fort Washington Road in Fort Washington. There is 267,660 square feet of space in all the facilities used by the Prince George’s County Police Department and the July 1, 2017 (U.S. Census Bureau) county population estimate is 912,756. Using the national standard of 141 square feet per 1,000 residents, it calculates to 128,698 square feet of space for police. The current amount of space 267,660 square feet is within the guidelines. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

**Fire and Rescue**

The subject property is served by Brandywine Volunteer Fire/EMS Co. 840, located at 13809 Brandywine Road, in Brandywine. A five-minute total response time is recognized as the national standard for Fire/EMS response times. The five-minute total response time arises from the 2016 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of nonresidential subdivision applications. According to NFPA 1710, Chapter 3 Definitions, the total response time and travel time are defined, as follows:

**3.3.53.6 Total Response Time.** The time interval from the receipt of the alarm at the primary public safety answering point, to when the first emergency response unit is initiating action or intervening to control the incident.



**3.3.53.7 Travel Time.** The time interval that begins when a unit is in route to the emergency incident and ends when the unit arrives at the scene.

According to NFPA 1710, Chapter 4 Organization:

4.1.2.1 The fire department shall establish the following objectives:

- (1) Alarm handling time to be completed in accordance with 4.1.2.3.  
(4.1.2.3.1 The fire department shall establish a performance objective of having an alarm answering time of not more than 15 seconds for at least 95 percent of the alarms received and not more than 40 seconds for at least 99 percent of the alarms received, as specified by NFPA 1221).
- (2) 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response.
- (3) 240 seconds or less travel time for the arrival of the first arriving engine company at a fire suppression incident.

Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email dated October 14, 2020) that if the only access to the proposed project is via Mattawoman Drive, the project fails the 4 minute travel time test for commercial development from the closest or first due station, Station 840 – Brandywine. It is recommended that, prior to issuance of a use and occupancy permit, the applicant shall contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility; install and maintain automated external defibrillators (AEDs), in accordance with Code of Maryland Regulations and install and maintain hemorrhage kits next to fire extinguishers. In accordance with Section 24-122.01(e)(1)(C), the fire department provided a statement that adequate equipment exists.

10. **Use Conversion**—The total development included in this PPS is proposed to be 3,240,000 square feet of industrial development on 32 parcels in the I-2 and I-3 Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses or any residential development shall require approval of a new PPS, prior to approval of any building permits.
11. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public ROWs. The PPS proposes dedication of public ROW for Mattawoman Drive, as well as two other new roads labeled Road A and Road B. The 10-foot-wide PUE is provided along both sides of all

of the new ROWs. The property's only existing street frontage is on Mattawoman Drive's current terminus; a PUE is not required here because the street is to be extended.

- 12. Historic**—A Phase I archeological survey was conducted on the northern parcels (Parcels 6 and 7) in 2013. Two archeological sites were identified: 18PR1061 was the site of a mid-twentieth century dwelling, and 18PR1062 was the site of an early-nineteenth century dwelling. Neither site retained sufficient integrity to provide significant information and no further work was recommended. Historic Preservation staff concurred with the report's findings and conclusions that no further archeological investigations were necessary.

The remainder of the subject property was later mined for sand and gravel, which would have destroyed any other archeological resources that may have been present on the site. No additional archeological investigations are recommended, due to the extensive ground disturbance on the subject property. The subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or significant archeological sites.

- 13. Environmental**—This PPS application and TCP1-017-2020, stamped as received on September 15, 2020, were reviewed and comments were provided in a meeting on October 2, 2020. Revised information was received on October 8, 2020. The following applications have been previously reviewed for the subject site:

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-90027	TCP1-058-90	Planning Board	Approved	5/31/1990	90-229
NRI-039-12	N/A	Staff	Approved	8/24/2012	N/A
CSP-12002	TCP2-011-13	Planning Board	Approved	7/31/2014	14-84
DSP-12033	TCP2-011-13	Planning Board	Approved	7/31/2014	14-85
NRI-039-2012-01	N/A	Staff	Approved	6/25/2020	N/A
4-20011	TCP1-017-2020	Planning Board	Pending	Pending	Pending

#### **Proposed Activity**

The applicant is requesting approval of PPS 4-20011 and TCP1-017-2020 for 32 parcels for warehouse development. The TCP1 shows the proposed lotting pattern and associated infrastructure (road layout, water and sewer lines, SWM facilities, woodland and conservation areas, specimen trees, and proposed clearing).

#### **Grandfathering**

This project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

#### **MASTER PLAN CONFORMANCE**

##### **Plan Prince George's 2035 Approved General Plan (2014)**

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, the Established Communities of the General Plan Growth Policy Map and an employment/ industrial designation of the general plan generalized future land use.

### ***Subregion 5 Master Plan and Sectional Map Amendment Section V: Environment***

The site is located within the area of the Subregion 5 Master Plan and SMA. The Subregion 5 Master Plan and SMA section on environment contains eight subsections (A–H), each of which contain policies and strategies. The text in **BOLD** is the policy text from the master plan and the plain text provides comments on plan conformance.

#### **A. Green Infrastructure**

- **Implement the master plan’s desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

The Countywide Green Infrastructure Plan has identified the Mattawoman Creek Stream Valley as a special conservation area (number 10 in the plan). These are areas of countywide significance in need of special attention because they contain unique environmental features that should be carefully considered when land development proposals are reviewed in the vicinity, to ensure that their ecological functions are protected or restored, and that critical ecological connections are established and/or maintained.

In addition to being identified as a special conservation area in the Green Infrastructure Plan, the Mattawoman Creek is also identified in the Subregion 5 Master Plan and SMA as a primary corridor. These corridors include the main stems of the major waterways within the study area and are identified for conservation and preservation. Also identified in the Subregion 5 Master Plan and SMA as a secondary corridor is the Timothy Branch, which is located on the site and runs from the north to the south along the western portion of the site and drains into the Mattawoman Creek. Secondary corridors are areas where connectivity is critical to the long-term viability and preservation of the green infrastructure network, and they are critical to preserving the subregion’s water quality.

The site contains mapped regulated areas within the Green Infrastructure Plan along the stream valleys. The woodland adjacent to the regulated areas is mapped as Evaluation Area within the Green Infrastructure Plan. These areas are the highest priority for preservation of regulated environmental features and woodland.

The WCO requires priority be placed on the preservation and planting of floodplain, wetlands, and stream corridors, and emphasizes the preservation of large contiguous woodland within the green infrastructure network. The site contains mapped forest interior dwelling species habitat, which is

another high priority for preservation and enhancement of on-site woodland.

Mattawoman Creek is designated by the state as a Tier II waterway, which are those waters that have an existing water quality that is significantly better than the minimum water quality standards. The TCP1 must be revised to show the required Tier II buffer.

The on-site woodlands are proposed for retention except for clearing impacts to connect to an existing water line and roadway access. The Timothy Branch is not proposed to be otherwise impacted with this application; however, a master-planned roadway (A-55), which is an extension of Mattawoman Drive is required to be dedicated. The master plan roadway alignment requires connection to the west over Timothy Branch, which will require impacts. Reforestation will occur along preserved woodlands and floodplain areas to expand the riparian stream buffer to the stream and to meet the entire woodland conservation requirement on-site.

The site is required to provide an approved SWM concept. Impacts to this sensitive area should be limited to those required, or only necessary for development, such as the proposed waterline connection and roadway crossings.

This site is located on the Timothy Branch, it contains areas of high priority for preservation of both the PMA, as well as woodland conservation. The applicant has minimized the impacts to the PMA and is proposing reforestation toward meeting the woodland conservation requirements. The minimization of impacts and reforestation on-site satisfy the environmental policies and strategies outlined in the Subregion 5 Master Plan and SMA and the Green Infrastructure Plan.

#### **B. Water Quality, Stormwater Management, and Groundwater**

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

The SWM design is required to be reviewed and approved by DPIE to address surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. This requires that environmental site design be implemented to the maximum extent practicable. The site has two previously approved SWM Concept Plans, 12726-2003 and 24467-2012-01, which were submitted with the subject application. A new SWM concept plan for the proposed site is under review by DPIE. The application proposes a waterline connection and roadway that will impact the 100-year floodplain, stream, and wetland buffers.

**C. Watersheds**

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**
- **Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

This proposal is for construction of light industrial uses (warehouse/distribution) on formerly graded land with environmentally sensitive woodlands along the western boundary. These woodlands contain the Timothy Branch along the western boundary. The open PMA areas are proposed to be planted with native plants to the fullest extent possible. No woodlands in this area are proposed to be removed other than 1.09 acres, which is necessary for a proposed waterline connection crossing the Timothy Branch and the roadway crossing.

The subject property is located within the Environmental Strategy Area 2, which was formerly the developing tier. All of the proposed development will be outside the environmentally sensitive areas except for the waterline connection crossing the Timothy Branch and the roadway impact. The remaining sensitive areas will be preserved. The use of environmentally sensitive design should be included with the SWM concept plan.

**D. Chesapeake Bay Critical Area**

- **Enhance the County's Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

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

**E. Air Quality and Greenhouse Gas Emissions**

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote "climate-friendly" development patterns through planning processes and land use decisions.**

- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

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

This site was formerly a Soil Safe, Inc. facility, which had an air quality permit with the State's Air and Radiation Administration (ARA). An email from the ARA dated January 6, 2020 was submitted with the application stating that all registered equipment from the site has been removed.

### **Conformance with the Countywide Green Infrastructure Plan**

According to the 2017 *Countywide Green Infrastructure Plan*, of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains both Regulated and Evaluation Areas within the designated network of the plan. The conceptual design, as reflected on the PPS and the TCP1, is in keeping with the goals of the Green Infrastructure Plan and focuses development outside of the most sensitive areas of the site. A detailed evaluation of major Green Infrastructure Plan components has been provided in the Subregion 5 Master Plan and SMA conformance section of this finding, above.

## **ENVIRONMENTAL REVIEW**

### **Natural Resources Inventory Plan/Existing Features**

A Natural Resources Inventory, NRI-039-12-01, was approved on June 25, 2020, and provided with this application. The site contains 100-year floodplain, wetlands, streams, and their associated buffers which comprise the PMA. There are 19 specimen trees scattered throughout the woodland areas of the property. The TCP1 and the PPS show all the required information correctly, in conformance with the NRI. No revisions are required for conformance to the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. TCP1-017-2020 was submitted with the PPS application.

Based on the worksheet shown on the TCP1 as submitted, the site is 283.51 acres within the I-2 and I-3 Zones. A total of 40.94 acres of existing woodlands are on the net tract and 8.49 acres are within the existing floodplain. The site has a Woodland Conservation Threshold of 41.17 acres, or 15 percent of the net tract, as tabulated. Off-site clearing is shown on the plan on privately owned property for 0.37 acre associated with the waterline connection. The worksheet on the TCP1 shows a total woodland conservation requirement of 50.19 acres based on the amount of clearing shown on the plan; however, staff's calculations indicate a requirement of 58.84 acres. The worksheet shows the woodland conservation requirement will be met by providing 26.24 acres of on-site woodland preservation, and 27.25 acres of on-site afforestation/reforestation for a total of 53.49 acres; however, this amount of woodland conservation may not be sufficient to meet the requirements generated by the proposal. The worksheet on the plan shows 14.54 acres of woodland retained not credited; however, the plan does not graphically show this area.

The TCP1 must be revised to graphically show areas not credited using the standard symbols found in the Environmental Technical Manual.

The TCP1 must be revised to show the master plan ROW (A-55), as dedicated with this application. Section 25-122(b)(1)(N)(v) requires that "land dedicated or to be dedicated shall not be counted toward meeting the requirements," and that "land areas dedicated or to be dedicated for future road construction shall be counted as cleared if the associated development is required to construct the road." The applicant is required to show the road as dedicated with this application, and account for the woodland within the ROW on the TCP1, in accordance with the County Code.

The forest stand delineation has identified 19 specimen trees on-site. Four on-site specimen trees are proposed to be removed as part of this application.

Technical revisions are required to the TCP1, which is included in the recommended conditions of this technical staff report.

### **Specimen Trees**

Section 25-122(b)(1)(G) requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

The site contains 19 specimen trees with the ratings of poor to excellent. The removal of four specimen trees is requested.

### **Review of Subtitle 25 Variance Request**

A Subtitle 25 variance application, an SOJ in support of a variance, and a tree removal plan were received for review on July 9, 2020.

Section 25-119(d)(1) of the WCO contains six required findings be made before a variance can be granted. The SOJ submitted seeks to address the required findings for the four specimen trees, and details specific to individual trees have also been provided in the following chart.

### **SPECIMEN TREE SCHEDULE SUMMARY FOR 4 TREES PROPOSED FOR REMOVAL ON TCP1-017-2020**

ST #	COMMON NAME	DBH (in inches)	CONDITION	APPLICANT'S PROPOSED DISPOSITION
17	Tulip Poplar	34	Fair	Remove
18	American Beech	32	Good	Remove
25	White Oak	30	Excellent	Remove
31	White Oak	30	Good	Remove

### **Statement of Justification Request**

A variance to Section 25-122(b)(1)(G) is requested for the clearing of the four specimen trees on-site. The site consists of 283.51 acres and is zoned I-2 and I-3. The current proposal for this property is to develop the site with light industrial facilities

(warehouse/distribution) and a master-planned roadway with associated infrastructure. This variance is requested to the WCO, which requires that, under Section 25-122, “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle 25 Division 2 Variance Application form requires an SOJ of how the findings are being met.

The text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

**(A) Special conditions peculiar to the property have caused the unwarranted hardship.**

This site is zoned I-2 and I-3 and proposes light industrial use (warehouse/distribution). Specimen Trees 17 and 18 are located in the alignment of Mattawoman Drive, which is the only means of ingress and egress to the proposed business park. Specimen Tree 25 is located on Lot 2 in an area that will be occupied by an access driveway that will provide access to the rear loading area of the proposed building. Specimen Tree 31 is in the area of a proposed public roadway. The four specimen trees and their root zones will be impacted, due to their location relative to the required roadway and proposed buildings. To effectively develop the site with the necessary ROW and structural improvements, the four specimen trees (ST-17, 18, 25, and 31) must be removed. The retention of the four specimen trees, (ST-17, 18, 25 and 31) would cause an unwarranted hardship and directly impact the development of this site to current standards.

**(B) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

Based on the various site constraints (PMA and 100- year floodplain), the granting of this variance will allow the project to be redeveloped in a functional and efficient manner. If other properties encounter trees in a similar condition and in a similar location on a site, the same considerations would be provided during the review of the required variance application.

**(C) The request is not based on conditions or circumstances which are the result of actions by the applicant.**

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The applicant proposes to remove four specimen trees primarily due to the location of the trees to the proposed large industrial buildings and to allow access to the site. The remaining trees will be retained through protective measures. The request is not the result of actions by the applicant.

**(D) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

This request is not based on conditions related to land or a building use on a neighboring property.



**(E) Granting of the variance will not adversely affect water quality.**

The removal of four specimen trees will not adversely affect water quality. The proposed development will not adversely affect water quality because the project is subject to the requirements of the Maryland Department of the Environment (MDE), the Prince George's County Soil Conservation District related to sediment and erosion control, and approval of SWM by DPIE. The applicant is proposing to meet the woodland conservation threshold with on-site preservation and reforestation.

The required findings of Section 25-119(d) have been adequately addressed for the removal of Specimen Trees 17, 18, 25, and 31.

**Preservation of Regulated Environmental Features/Primary Management Area (PMA)**

Impacts to the regulated environmental features should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage 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 regulated environmental features. SWM outfalls may also be considered necessary if the site has been designed to place the outfall at a point of least impact. The types of impacts that should be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

Two PMA impacts are proposed; one for water pipe connection and the other for a roadway crossing. An SOJ in support of a variation for impacts to regulated environmental features was received with the application dated July 9, 2020, and a revised SOJ was received on October 8, 2020 for the proposed impacts to the PMA. The request remains the same in both documents.

The waterline connection and roadway crossing are needed, and staff supports the requested PMA impacts.

**Statement of Justification**

The SOJ includes a request to impact 1.04 acres (45,636 square feet) of on-site PMA for the installation of a roadway crossing and one waterline connection impacting 0.05 acre (2,066 square feet). This waterline connection will service the entire 25 lot development.

**Analysis of Impacts**

Based on the SOJ, the applicant is requesting a total of two impacts, as described below:

**Master-Planned Road Impact**—PMA impacts totaling 1.04 acres is requested for construction of a master-planned roadway crossing for Mattawoman Drive, which

will provide access to the entire 25 lot subdivision. The impacts are the minimum required for the construction of this road, which is not only necessary for development of the property, but is a master plan ROW approved in the Subregion 5 Master Plan and SMA and the MPOT. The impact area will disturb stream and wetland buffers.

**Waterline Impact**—PMA impacts totaling 0.05 acre is requested for construction of a waterline crossing over the Timothy Branch west of Lot 14. The impact area is to the stream, wetland buffers, and the 100-year floodplain.

The site contains significant regulated environmental features, which are required to be protected under Sections 24-129 and/or 24-130 of the Subdivision Regulations. Based on the level of design information currently available, the limits of disturbance shown on the TCP1, and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. Staff finds that the impacts necessary for the master-planned roadway and a waterline connection are reasonable for the orderly and efficient redevelopment of the subject property.

### **Soils**

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are the Beltsville silt loam, Croom gravelly sandy loam, Grosstown gravelly silt loam, Aquasco silt loam, Croom-Marr Complex, and Potobac-Issue complex, frequently flooded. Marlboro clay and Christiana complexes are not found on or near this property.

This site was previously cleared, in conformance with approved Grading Permit 4460-2011-00. The site was also previously a Safe Soil Inc. facility, which cleans contaminated soils. This facility was permitted by MDE. In a letter dated September 19, 2019 from MDE regarding of the closure of the facility, it states that “No oil-contaminated soil remains on site.” The post-treatment soil was to be used to complete the grading of the facility. There are three monitoring wells, which are to continue to be sampled annually for five years from September 19, 2019. The samples are to be tested for full-suite volatile organic compounds and total petroleum hydrocarbons. It is recommended that a geotechnical report be presented at the time of any building permits.

14. **Urban Design**—The proposed development of 3,240,000 square feet of industrial will be subject to CSP and DSP approval, only for the portion of the property zoned I-3.

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

The subject property straddles the I-2 and I-3 Zones, with most of the land in the I-2 Zone. Based on the submitted plans, the applicant is proposing warehouse use on the subject property. Warehousing is permitted by right in the I-2 Zone; in the I-3 Zone, warehousing is subject to additional requirements given in Section 27-471(g) of the Zoning Ordinance. Furthermore, it is noted that development in the I-3 Zone requires the approval of a CSP, prior to approval of a DSP.

Conformance with the Zoning Ordinance regulations is required for the proposed development, at the time of either site plan or permit plan review, including but not limited to the following:

- Section 27- 470, I-2 Zone,
- Section 27- 471, I-3 Zone,
- Section 27-473(b), regarding the Table of Uses for the I-2 and I-3 Zones,
- Section 27-474, regarding regulations in the I-2 and I-3 Zones,
- Part 11, Off Street Parking and Loading, and
- Part 12, Signs, respectively.

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

The proposed development is subject to the 2010 *Prince George's County Landscape Manual*. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of DSP, or at the time of permit if a DSP is not required.

**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area of disturbance and requires a grading permit. Properties in all industrial zones are required to provide a minimum of 10 percent of the gross tract area, which equals to approximately 28.3 acres for this site, to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of DSP, or at the time of permit if a DSP is not required.

**RECOMMENDATION**

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:
  - a. In General Note 1, state that Parcel 6 is recorded under Liber 42454 Folio 487. List Tract 1 instead of Parcels 8 and 10; Tract 1 may have two tax ID numbers.
  - b. In General Note 2, add Tax Map 155, Grids A-2, A-3, A-4, B-4, C-2, and C-3 to the list of grids in which the property has land area.
  - c. In General Note 4, specify that the purpose of the subdivision is to subdivide the property into 32 parcels for industrial development.
  - d. In General Note 18, specify that the property is not within the Military Installation Overlay Zone.
  - e. In General Note 20, specify that there is 1,400 square feet of existing floor area to be removed.

- f. In General Note 21, specify that the latest Stormwater Management Concept Plan for the north portion of the site is 24467-2012-01. Give the approval date for each plan.
  - g. In General Note 22, specify that the existing water and sewer category designations are W-3/S-3 for Tract 1, W-4/S-4 for Parcel 7, and W-5/S-5 for Parcel 6.
  - h. In General Note 27, add the Type 1 Tree Conservation Plan number (TCP1-017-2020).
  - i. Add revisions to the revision box.
  - j. Include the applicant (Elion Acq. LLC) name and address next to the owner (BW Landco LLC) name and address on the cover sheet.
  - k. In the legend, identify the line type shown on the plan as an “M” followed by four dashes.
  - l. The revised PPS submitted on October 8, 2020 lacked many required features previously shown on the PPS submitted for acceptance, including but not limited to the metes and bounds of the outer property boundary, some internal property lines for both existing and proposed parcels, existing easements, and property lines and labels for adjacent properties. These features must be re-added to the plan.
  - m. Label the access easements shown on the plan for proposed Parcels 14 to 25.
  - n. Indicate the area of existing Parcel 6 as a single outparcel, eliminating proposed Parcels 1 and 2. The remaining parcels shall be renumbered accordingly, and the applicable plan notes revised to reflect the new parcel count. This outparcel shall require the approval of a new PPS, prior to approval of any development.
  - o. Label the existing truck scale and trailer as to be removed.
  - p. Ensure that the shading for existing topography with over 15 percent does not obscure the labels or lines on the plan.
  - q. Along Mattawoman Drive, label denial of access for Parcels 10, 14, and 16–25 in the locations where no access points are proposed.
- 2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision, prior to approval of any building permits.
  - 3. Total development within the subject property shall be limited to uses that would generate no more than 1296 AM and 1917 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
  - 4. Prior to approval of a building permit for each nonresidential structure, a fee calculated as \$2.07 per gross square foot of space multiplied by (Engineering News Record Highway

Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown in accordance with Prince George's County Council Resolution, CR-9-2017, shall be determined. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.

5. With the caveat that the Brandywine Road Club payment, as described in the previous condition, shall be the applicant's sole financial responsibility to satisfy Section 24-124 of the Subdivision Regulations, the applicant proposes the following improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection:

- a. Provide a restriping on the Cedarville Road approach, resulting in a left-turn lane, a shared left-turn/through lane, and a right-turn lane; and
- b. Retime the signal to provide split-phase signal operations for the east-west movements.

These improvements shall be conditional upon the Maryland State Highway Association (SHA) (as the permitting agency for the improvements) and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) (as the agency managing the collection of road club fees) concurring with these improvements at the US 301/MD 5 and McKendree Road/Cedarville Road intersection, with the applicant entering into an agreement with SHA and DPIE to utilize the applicant's Brandywine Road Club fees (as described in the previous condition) toward the construction of these off-site improvements. Proof of such agreement, along with a timetable for implementation and a schedule documenting the impact of such agreement on Brandywine Road Club fee payments, shall be provided prior to issuance of any building permit within the site. If concurrence and a resulting agreement cannot be achieved with both SHA and DPIE, such documentation shall be provided prior to issuance of any building permit within the site, and this condition shall be deemed satisfied.

6. Prior to issuance of any building permit within the site, the applicant shall submit an acceptable traffic signal warrant study to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and/or the Prince George's County Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Cedarville Road and Mattawoman Drive. The applicant should utilize a new 12-hour count and should analyze signal warrants under total future traffic, as well as existing traffic at the direction of the County. If signalization or other traffic control improvements are deemed warranted at that time, the applicant shall bond the improvements with DPIE/DPW&T, prior to release of any building permits within the site, and complete installation at a time when directed by DPIE/DPW&T.
7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant, and the applicant's heirs, successors, and/or assignees shall provide the following improvements, and shall provide an exhibit showing the following improvements, prior to the first building permit for the subject site:

- a. Marked crosswalks crossing all legs of each intersection, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
  - b. A marked crosswalk near the cul-de-sac of Mattawoman Drive (A-55), unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
  - c. Perpendicular Americans with Disabilities Act ramps at all intersections, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
  - d. A 10-foot-wide shared-use path along the entire extent of Mattawoman Drive (A-55) through the subject site consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities*, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
  - e. Sidewalks along both sides of all internal roadways.
  - f. Direct and separated pedestrian pathways from the sidewalk, along the right-of-way to building entrances.
  - g. Bikeway signage on Mattawoman Drive (A-55) near the southern and western access points to the subject site, indicating that "bikes may use full lane," unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
  - h. Short- and long-term bicycle parking at all proposed buildings consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities*.
  - i. Shared-use path signage consistent with the 2012 AASHTO *Guide for the Development of Bicycle Facilities* and the 2009 *Manual of Uniform Traffic Control Devices*, specifically the guidance of Figure 5-13, "Mid-Block and Sidepath Crossings Relative to Intersection Function Area" (AASHTO), the discussions titled "Determining Priority Assignment" and "Use of Stop Signs" (AASHTO), and Section 9B.03 "Stop and Yield Signs (R1-1 and R1-2)" (MUTCD), unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
8. Development of this site shall be in conformance with the approved Stormwater Management Concept Plans 24467-2012-01 for the northern portion of the site, and 12726-2003-00 for the southern portion and any subsequent revisions.
  9. Prior to approval of a final plat, approval shall be obtained for placing the remaining portion of the property in Water and Sewer Categories 4 and 5 into Water and Sewer Category 3.
  10. Prior to issuance of a use and occupancy permit for the development, the applicant and the applicant's heirs, successors, and/or assignees shall:

- a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility.
- b. Install and maintain automated external defibrillators (AEDs), in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.
- c. Install and maintain bleeding control kits next to fire extinguisher installation and no more than 75 feet from any employee.

These requirements shall be noted on the site plan for the development.

- 11. Prior to approval of a grading permit, the applicant and the applicant's heirs, successors and/or assignees shall provide a final report detailing the Phase I investigations and ensure that all artifacts are curated, in accordance with the Guidelines for Archeological Review.
- 12. Prior to approval of a final plat:
  - a. The final plat shall grant 10-foot-wide public utility easements, in accordance with the approved preliminary plan of subdivision.
  - b. The final plat shall note the Prince George's County Planning Board's approval of a Variation from Section 24-121(a)(3) of the Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision 4-20011, for the 10 parcels taking direct access to Mattawoman Drive.
  - c. The applicant and the applicant's heirs, successors, and/or assignees shall provide a draft access easement agreement or covenant, to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Development Review Division, for approval. The easement agreement shall contain the rights of M-NCPPC, be recorded in land records, and the Liber/folio shown on the final plat prior to recordation. The final plat shall reflect the location and extent of the access easement(s), in accordance with the approved preliminary plan of subdivision.
  - d. The final plat shall expunge all the existing easements, which are proposed to be removed.
  - e. The final plat shall label denial of access along Mattawoman Drive for Parcels 10, 14, and 16-25 in the locations where no access points are proposed.
- 13. Prior to approval of a final plat, the applicant and the applicant's heir, successors, and/or assignees shall demonstrate that a business owner's association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
- 14. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the business owner's association land, as identified on the

approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:

- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division.
  - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
  - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
  - f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
15. Prior to signature approval of the preliminary plan, an approved stormwater concept plan(s) for the current proposal shall be submitted. The concept plan, preliminary plan, and its associated Type 1 tree conservation plan shall show the same site layout.
16. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
- a. Show bottom and top of wall elevations for all retaining walls
  - b. Provide an approval block on all sheets.
  - c. Add TCP1-017-2020 to all approval blocks.
  - d. Clearly label woodlands preserved, but not counted.
  - e. In the Site Statistic table, correct the line for riparian wooded buffer to read 300 feet, not 300 inches.
  - f. Adjust the plan and worksheet, as necessary to:



- (1) Ensure no woodland conservation areas are within 5 feet of the curb.
- (2) Ensure no woodland conservation areas are within 10 feet of the top and bottom of retaining walls.
- g. Ensure no woodland conservation areas are within 20 feet from all sides of the proposed buildings.
- h. Woodlands shown over all easements shall be shown as woodland assumed cleared, which includes, but is not limited to, water, sewer, stormwater management, and stormdrain pipes. Adjust plan and worksheet, as necessary.
- i. There is an existing sewer easement shown on the southwestern portion of the property that does not appear to contain an existing or proposed sewer line. The proposed disposition of this easement (to be abandoned or to remain) shall be labeled on the plan.
- j. Show any future or existing road dedications on the TCP1 and account for the woodland conservation, in accordance with Section 25-122(b)(1)(N)(v) of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- k. Completely show all off-site clearing with its acreage on the TCP1 plan, accounting for it in the TCP worksheet and in any associated tables. This includes but is not limited to clearing and grading associated with the off-site water connection.
- l. The woodland conservation worksheet shows 14.54 acres of woodland retained but not part of requirements; however, this acreage is not shown on the plan. Revise the plan to graphically show these areas using the standard symbol found in the Environmental Technical Manual. Include a summary table for these areas.
- m. Complete and submit a copy of the TCP1 checklist, as required.
- n. All proposed stormwater management features shall be shown and labeled on the plan.
- o. Label the gap in woodland conservation next to WPA5.
- p. Make the following corrections to the TCP1 Standard Notes:
  - (1) On Note 9, correct the note stating the site does have a Master Plan roadway.
  - (2) On Note 10, correct the note stating this project is not grandfathered.
  - (3) On Note 11, add the stormwater management concept number.
- q. Replace the General Information Table with the current updated version.
- r. Verify whether this site will need to be phased for construction purposes and update the worksheet, if necessary, to reflect phasing.

- s. Show the Tier II buffer.
  - t. Show the three monitoring wells, as mentioned in the Maryland Department of the Environment letter, dated September 19, 2019.
  - u. Reconcile the total site acreage shown on the TCP1 (283.51 acres) with that shown on the PPS (283.21 acres).
  - v. Label the parcels as parcels instead of lots, and show the designation of an outparcel encompassing the area of existing Parcel 6.
17. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for 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.”
18. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-017-2020). The following notes shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-017-2020), or as modified by a future 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 Conservation/Tree Preservation Policy.”
19. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:
- “This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved.”
20. Prior to issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-20011
- Approval of Type 1 Tree Conservation Plan TCP1-017-2020

- Approval of a Variation from Section 24-121(a)(3)
- Approval of a Variance to Section 25-122(b)(1)(G)