



The Maryland-National Capital Park and Planning Commission

PRINCE GEORGE'S COUNTY
Planning Department

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Preliminary Plan of Subdivision Brightseat Tech Park

4-23024

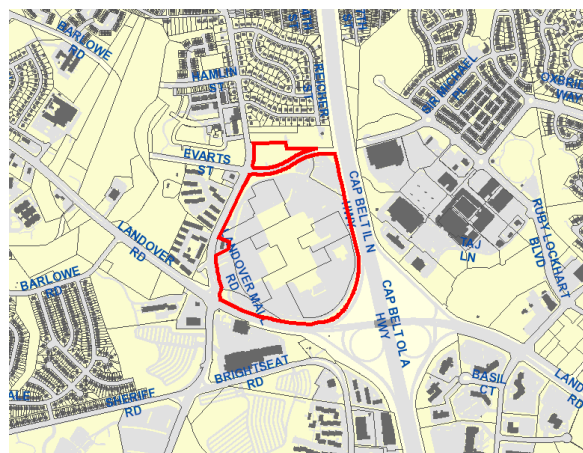
REQUEST	STAFF RECOMMENDATION
Three parcels for 4,132,500 square feet of industrial development.	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none"> • Approval of Preliminary Plan of Subdivision 4-23024 • Approval of Type 1 Tree Conservation Plan TCP1-002-2024 • Approval of a Variation from Section 24-121(a)(3)

Location: West of I-95/495 (Capital Beltway), on the north side of MD 202 (Landover Road) at its intersection with Brightseat Road.

Gross Acreage:	86.62
Zone:	TAC-C/RSF-65
Prior Zone:	M-X-T/R-55
Reviewed per prior Subdivision Regulations:	Section 24-1900
Gross Floor Area:	4,132,500 sq. ft.
Dwelling Units:	N/A
Lots:	0
Parcels:	3
Planning Area:	72
Council District:	05
Municipality:	N/A

Applicant/Address:
Brightseat Associates, LLC
2000 Tower Oaks Blvd, Eighth Floor
Rockville, MD 20852

Staff Reviewer: Mridula Gupta
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Planning Board Date:	03/14/2024
Planning Board Action Limit:	03/20/2024
Mandatory Action Timeframe:	70 days
Staff Report Date:	03/07/2024
Date Accepted:	01/10/2024
Informational Mailing:	08/23/2023
Acceptance Mailing:	01/02/2024
Sign Posting Deadline:	02/13/2024

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/. 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 4-23024
Type 1 Tree Conservation Plan TCP1-002-2024
Variation from Section 24-121(a)(3)

OVERVIEW

The subject site consists of eight parcels known as Parcels A, B, D, E, F, and H, recorded in the Prince George's County Land Records in Plat Book WWW 75 Plat 48; Parcel G-1, recorded in Plat Book WWW 77 Plat 17; and Parcel C-1, recorded in Plat Book VJ 161 Plat 47. The property is 86.62 acres. Parcels A, B, C1, D, E, F, and H are located in the Town Activity Center-Core (TAC-C) Zone and were previously zoned Mixed Use-Transportation Oriented (M-X-T). Parcel G-1 is located in the Residential, Single-Family-65 (RSF-65) Zone, and was previously zoned One-Family Detached Residential (R-55). This application is being reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. The site is subject to the 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment* (sector plan). In accordance with Section 24-1904(c) of the Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to Certificate of Adequacy ADQ-2023-045.

This PPS proposes three parcels for development of 4,132,500 square feet of industrial use on the property. The property is currently vacant. The property was previously developed for commercial use, namely Landover Mall, which was razed about 17 years ago.

Section 24-121(a)(3) of the prior Subdivision Regulations requires that lots adjacent to an existing or planned roadway of arterial or higher classification shall be designed to front on either an interior street or a service road. The subject site fronts on Brightseat Road, which is a roadway of arterial classification. The applicant is requesting a variation from the access requirements to allow one direct vehicular access to Brightseat Road. This request is discussed further in the Transportation finding of this technical staff report.

Staff recommend **APPROVAL** of the PPS, with conditions, and **APPROVAL** of the requested variation, based on the findings contained in this technical staff report.

SETTING

The subject site is located on Tax Map 60 in Grids B2, B3, C2, and C3; and is within Planning Area 72. Evarts Street bisects the site to the north, and the properties beyond consist of the Henry P. Johnson Park and single-family detached dwellings in the RSF-65 Zone. To the east lies I-95/495 (Capital Beltway) with the Woodmore Town Centre development in the Town Activity Center-Edge (TAC-E) Zone beyond. MD 202 (Landover Road) abuts the site to the south, and properties beyond consist of commercial development in the TAC-C Zone and a place of worship in the Commercial, General and Office (CGO) Zone. The property fronts Brightseat Road to the west and properties beyond consist of multi-family dwellings and commercial development within the TAC-C Zone, and vacant land in the TAC-E 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	EVALUATED
Zone	TAC-C/ RSF-65	M-X-T/ R-55
Use(s)	Vacant	Industrial
Acreage	86.62	86.62
Lots	0	0
Parcels	8	3
Dwelling Units	0	0
Gross Floor Area	0	4,132,500 square feet
Variance	No	No
Variation	No	Yes, Section 24-121(a)(3)

The subject PPS was accepted for review on January 10, 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 January 19, 2024, where comments were provided to the applicant. Pursuant to Section 24-113(b), the request for a variation from Section 24-121(a)(3) was submitted on January 10, 2024, and was also reviewed at the SDRC meeting on January 19, 2024. Revised plans were received on February 8, 2024, which were used for the analysis contained herein.

- 2. Previous Approvals**—The permit records and aerial imagery indicate that the subject property had been in use as an integrated shopping center since 1970. The subject property was previously platted in October 1970, on a plat of Landover Mall Regional Shopping Center, recorded in Plat Book WWW 75 Plat 48, as Parcels A through H. Prior PPS 4-70087 (approved on May 27, 1970) and PPS 4-71076 (approved on June 23, 1971) are applicable to the subject property.

PPS 4-91113 was approved by the Prince George's County Planning Board on December 12, 1991, for subdivision of Parcel C into two parcels. Subsequently, a final plat of subdivision 5-91296 was approved and recorded in the Land Records as Parcels C-1 and

C-2 in Plat Book VJ 161 Plat 47. Parcel C-1 is included in the subject PPS. Parcel C-2 is located between the subject property and Brightseat Road, is currently improved with a commercial use, and shares an access driveway with the subject property.

Special Exception SE-4357 was approved by the Prince George's County District Council on February 25, 2000, for the addition of a vehicle and trailer rental display use on approximately 1.19-acres of land, located within the Landover Mall, and close to the intersection of I-95/495 and MD 202.

Access to existing parcels, which made up the Landover Mall Regional Shopping Center, was provided from a perimeter ingress/egress easement (recorded in Liber 3810 folio 16), in accordance with Section 24-128(b)(9) of the prior Subdivision Regulations. This easement continues to provide access to abutting Parcel C-2. The applicant has not indicated whether this easement will remain, be abandoned, or be modified. Regardless, adequate and continuous access for Parcel C-2 should be ensured. The PPS depicts an outline of an access easement which covers the driveway access to Brightseat Road, driveway to Parcel C-2, and extents of parking area serving the current use on Parcel C-2. It is not clear, however, whether this easement is existing or proposed. The PPS should be revised to label this easement as existing, with its recording reference, or as proposed.

All structures on the subject property were razed in 2006 and 2014, and the property has since been vacant. Approval of PPS 4-23024 will supersede all prior preliminary plans of subdivision for the subject property. A new final plat of subdivision will be required, in accordance with 4-23024, before any permits can be approved, for further development of the subject site.

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

Plan 2035

Plan 2035 places this subject site within the Landover Gateway Town Center (Map 1. Prince George's County Growth Policy Map, page 18).

Plan 2035 designates Local Centers as “focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available. Town Centers will often be larger in size and may rely more on vehicular transportation.” (page 19. Also refer to Map 1. Prince George's County Growth Policy Map, page 18).

Sector Plan

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS is required to conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, no longer applicable, or the District Council has not imposed the recommended zoning.

The sector plan recommends the following uses on the subject property: Government/ Office/ Educational/ Hotel/ Cultural/ Retail, Medium Density Residential, High Density Residential, Office/Hotel and Office/ High Density Residential and Open Space Link (Map 6: Land Use Plan, page 19). The proposed use is for data centers, which does not conform with the sector plan's recommended land uses.

However, on March 16, 2021, the Prince George's County District Council adopted Council Bill CB-001-2021, permitting qualified data center uses in the M-X-T Zone. Staff find the District Council's decision to allow such uses to be an event that renders the relevant land use recommendations in the sector plan no longer appropriate, satisfying the requirements of Section 24-121(a)(5).

While the sector plan identifies design guidelines for development applications in the Landover Gateway Sector Plan area, CB-001-2021 included design requirements for data centers, which are applicable as contained in Section 27-548.01.07 of the prior Zoning Ordinance.

While the proposed use is allowed and specific design requirements are set forth in Section 27-548.01.07, staff find that the PPS is still required to conform to other relevant goals, policies and strategies of the sector plan that remain relevant to the subject property.

Due to the unique circumstance of this application, staff have identified the following relevant policies and strategies, that the proposed development shall conform to, in order to advance the vision, purpose, and intent of the sector plan:

“Following the goals of the 2002 General Plan, the Development Pattern Element of the Sector Plan seeks to promote economic vitality, promote a sustainable pattern of development that encourages a balanced use of existing and proposed public facilities, enhances the quality and character of communities and neighborhoods, and protects environmentally sensitive lands.” (page 25)

The Vision Elements for the sector plan that are relevant to the property include (pages 18 and 23):

- **Economic development and a vital economic mix.**
- **An enhanced and expanded network of open space and civic places.**
- **Improved pedestrian, bicycle, and trail connections.**
- **A model of environmentally sensitive site design that preserves, enhances, and restores the environment and ecological functions.**

The development helps in diversifying the county's tax base, and will contribute to the economic mix in the sector plan area. For the proposed development to achieve the other vision elements of the sector plan, staff recommend conformance to the goals, policies, and strategies, which are provided below.

The sector plan identifies the following goals that are relevant to the subject property:

Chapter 3: Development Pattern Elements

Overall Sector Plan Area- Areawide Development

Goals (page 26):

- **Ensure that Landover Gateway can be effectively served by mass transit and that future development is transit-supportive.**
- **Ensure transit-supportive and transit serviceable development.**
- **Require pedestrian-oriented and transit-oriented design.**

The sector plan recommends the following policies and strategies to achieve these goals:

Policy 2: Improve connectivity in the sector area by creating a compact network of pedestrian friendly streets (page 26).

Strategies (page 26):

- **Encourage a walkable, connected pattern of streets throughout the area.**
- **Upgrade Brightseat Road and MD 202 as pedestrian-friendly thoroughfares, employing traffic-calming measures and improving the safety and comfort of pedestrian crossings on Brightseat Road and MD 202.**

Pedestrian oriented design where “people can and will walk safely and pleurably” (page 29) is one of the three fundamental design principles that is the basis for the urban design policies and strategies identified by the sector plan. Policy 4, under Urban Design in the sector plan, also recommends to “[i]ncorporate traffic-calming techniques to promote a pedestrian-friendly character” (page 31) and incorporating “raised or flush crosswalks into paving programs to encourage crossing at designated intersections or crossing areas, to alert drivers to pedestrian activity” is listed as one of the strategies to achieve this (page 31).

The PPS should be designed to allow for pedestrian-friendly thoroughfares inside and around the property.

The applicant is proposing to provide the required space for ultimate development of the master-planned roadways abutting the subject property as urban streets. The Prince George’s County Department of Public Works and Transportation (DPW&T) Standard Details 100.20 and 100.22 (proposed street sections for Brightseat Road and Evarts Street, respectively) provide clarity on the applicant’s intent to provide pedestrian- and bike-friendly infrastructure that include improved sidewalks, designated bike lanes, a street buffer, and a sidewalk buffer for Brightseat Road and Evarts Street. While this proposal is

supported, the improvements along Brightseat Road, Evarts Street, and along MD 202 will be subject to the approval of the operating agencies.

Chapter 5: Infrastructure Elements

Transportation System – Roads

“The proposed roadway system consists of the recommended improvements to the existing roadways and construction of planned transportation facilities that support the development pattern envisioned by the sector plan” (page 82).

Policy 1: Provide roadway improvements that are fully integrated with land use recommendations in the sector plan to achieve accessibility, circulation, and development goals. (See Map 19: Transportation Functional Classification on page 84).

The sector plan recommends the following road improvements on the subject site for master plan roads MC-419, MC 420, and MD 202:

Roadway Name	Limits	Number of Through Lanes	Rights-of Way (feet)
MC-419: New North/South Boulevard	Evarts Street to Brightseat Road south of MD 202	4 Divided	90-110
MC-420 Main Street	West of I-95/I-495 to Brightseat Road north of MD 202	4 Divided	90-110
E-6: Landover Road (MD 202)	St. Joseph Drive to Barlowe Road	6	150-200

Strategies

- **Create a balanced, multifunctional network of streets and highways.**
- **Provide attractive and safe shared road spaces that accommodate pedestrians, bicyclists, transit vehicles (bus, fixed guideway transit), and other motorized vehicular traffic.**

Trails and Pedestrian Access (Map 25, page 94)

Policy 1: Provide opportunities for residents to make some trips by walking or bicycling.

Strategies (page 96):

- **Provide standard sidewalks along both sides of all internal roads within the study area. The provision of sidewalks and trail connections will enhance the walkability of the neighborhood, as well as ensure that adequate pedestrian facilities exist to schools. Brightseat Road and Evarts Street are designated as priority sidewalk corridors due to their access through and around the planned regional center and their access to local community facilities. For the sector plan area to be**

walkable, pedestrian facilities and safety need to be improved along these corridors.

- **Provide continuous sidewalks/wide sidewalks and on road bicycle accommodations along Brightseat Road. Brightseat Road is a major north-south connection through the sector plan area, and currently, facilities for pedestrians are fragmented. The road currently does not include striping for bicycle facilities. However, due to the speed and volume of vehicles along the road, its connectivity through the sector plan area, and its connection to FedEx Field, designated bike lanes are recommended. Brightseat Road should also include accommodations for bicycles and pedestrians at the planned interchange with MD 202.**

Policy 2: Incorporate appropriate pedestrian, bicycle, and transit-oriented design and transit-supporting design features in all new development within centers and corridor nodes.

Strategies (page 96):

- **A primary goal of the sector plan is to improve pedestrian safety across MD 202. Traffic calming, pedestrian refuges, improved crosswalks, curb extensions, and other safety features should improve the safety of pedestrians crossing MD 202. These improvements may also include countdown lights, contrasting crosswalk materials, and other safe crossing devices for key crosswalks at all major intersections. Improvements along MD 202 should have a primary goal of improving the safety of the at-grade pedestrian crossings.**

Policy 3: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, commercial areas, and employment centers

Strategies (page 97):

- **Provide a connector trail through the M-NCPPC Henry P. Johnson Park from Reicher Street to Evarts Street. Connector trails may also be appropriate to any future recreational facilities from Brightseat Road.**

The sector plan/master plan of transportation recommendations relevant to the property will be subject to the approval of operating agencies.

Policy 4: Integrate open spaces, green connections, and public focal places into Landover Gateway's neighborhoods (page 27).

Strategies (page 27):

- **Ensure that all public open space and neighborhood focal places are fully integrated with and connected to the street system.**
- **Create a distinct public focal place for each neighborhood.**

- **Ensure that all focal places remain in the public domain.**
- **Collaborate with the private sector to build and maintain these focal places.**
- **Ensure that all open spaces and focal places are bounded by streets on at least two sides.**

Policy 6, under Urban Design in the sector plan, also recommends to “create a network of trails and open spaces with clearly delineated connections, safe pedestrian and bicycle routes, and places for public gatherings” (page 31), and lists integrating “open spaces with other amenities and attractions, including sidewalks, seating, landscaping, and lighting” as one of the strategies to achieve this. Chapter 5 Infrastructure Elements – Parks and Recreation under Policy 1: “[d]evelop recreational facilities on existing and future parkland”, provides a strategy to “[e]xpand Henry P. Johnson Park to the west, adding an additional 4-acre parcel (at the intersection of Evarts Street and Brightseat Road) and a 1.5-acre parcel north of the existing park to create an 11.2-acre park” (page 108). This parcel is now a part of the proposed development and is shown as Parcel A on the PPS.

Considering the proposed use, and the necessity for security, providing an internal public focal place may not be achievable; however, the applicant should consider providing public open space along exterior roads, for the benefit of the public. These public open spaces should be improved to include public amenities, providing passive recreation, and aiding visually appealing streetscapes.

The applicant proposes two areas on the PPS that are suitable for public open space along the exterior roads. They are located along Brightseat Road (Public Amenity Space A), north of the area reserved for the master-planned right-of-way (ROW), and at the north side of the intersection of Brightseat Road and Evarts Street (Public Amenity Space B). The location along Brightseat Road will aid in providing the required pedestrian facilities and improving the streetscape along Brightseat Road. The sector plan recommends to “[e]xpand Henry P. Johnson Park to the west, adding an additional 4-acre parcel (at the intersection of Evarts Street and Brightseat Road)”, however, this parcel (Parcel A) is part of the PPS. The proposed location of Public Amenity Space B will be beneficial in advancing this recommendation of the sector plan and can also act as a suitable location to provide any wayfinding aid that can guide pedestrians and bikers to the Henry P. Johnson Park. The proposed location for public open spaces is, therefore, appropriate.

The applicant has provided the conceptual layout of the public open spaces - Public Amenity Space A and Public Amenity Space B, with details of the public amenities being proposed. The conceptual layout meets the policy and strategies “to integrate open spaces, green connections, and public focal places into the Landover Gateway’s neighborhoods” (page 27) in the sector plan. The applicant should maintain these spaces. At the time of permitting, a site plan detailing the proposed public spaces should be submitted for review.

Policy 8: Encourage the application of environmentally sensitive and sustainable site design techniques to all future development (page 28).

Strategies:

- **Ensure that stormwater has an opportunity to be filtered back into the local water table prior to its collection into the regional stormwater management system.**
- **Incorporate stormwater management functions as part of attractive and accessible public amenities.**
- **Filter street runoff in streetscape features, street medians and planted open spaces.**
- **Employ the techniques for environmentally sensitive design and green infrastructure preservation and enhancement, as described in the Environmental Infrastructure section in Chapter 5.**

There are several strategies listed in the Environmental Infrastructure section in Chapter 5 (page 78-80) to achieve this. The applicant should accommodate environmentally sensitive and sustainable site design techniques for this development, especially considering the environmental impact of this project to the sector plan area.

Policy 9: Improve public safety by encouraging development that helps reduce the perception and reality of crime in the area (page 28).

Strategies (page 28):

- **Incorporate defensible space and Crime Prevention through Environmental Design (CPTED) principles into all new developments.**
- **Enhance the pedestrian environment with good street lighting, clear sight lines, and strategic orientation of buildings for views into parks and other public spaces.**

Crime prevention through environmental design (CPTED) is also one of the three fundamental design principles that is the basis for the urban design policies and strategies identified by the sector plan. CPTED is defined as the “proper design and effective use of the built environment in ways that reduce the incidence and fear of crime and improve overall quality of life” (page 29). While clear delineation of public and restricted areas may be essential considering the nature of the project, enhancing pedestrian environment around the property, through proper design of streetscape and public amenities and ensuring adequate lighting, will be vital for the perception of safety and to encourage pedestrian movement. The applicant should consider such design elements in the design of the periphery of the property to prevent crime and improve public safety.

The applicant proposes that, at the time of permit site plan, specific crime prevention techniques like enhanced lighting and streetscape design using CPTED strategies will be identified and implemented. The proposed CPTED techniques will be subject to review at the time of permitting.

The sector plan, on page 104, Map 26: Public Facilities, proposes a pre K-8 school (a future Pre-K-8 school with a LEED silver, or the equivalent rating, adjacent to Henry P. Johnson Park incorporating urban school design features, page 103), a library (a 100,000-square-foot signature central library within the urban core of the sector plan area, page 105), and a fire station (construct a new Fire/EMS station in the Landover Gateway urban core near Brightseat Road, page 106) on the subject property. This proposal was based upon the anticipated increased demand, as the Landover Gateway area was envisioned to be a vibrant 24-hour activity center with a dense urban form and a mix of uses. The applicant is proposing a use on the subject property that may not increase demand for these facilities.

Zoning

The sector plan reclassified the part of the subject property south of Evarts Street into the M-X-T Zone and retained the part of the subject property north of Evarts Street as R-55 Zone. On November 29, 2021, the District Council approved CR-136-2021, the Countywide Map Amendment (CMA), which reclassified the part of the subject property south of Evarts Street from M-X-T to TAC Zone, and the part of the subject property north of Evarts Street from R-55 to RSF-65 Zone, effective April 1, 2022.

4. **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. An unapproved SWM Concept Plan (22857-2023) was submitted with this application. The unapproved plan shows the use of a pond and two underground storage facilities. This plan is reflective of the proposed layout and will be further reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPiE). Submittal of an approved SWM concept letter and plan will be required, prior to signature approval of the Type 1 tree conservation plan (TCP1). No further information pertaining to SWM is required, at this time.

Staff find that development of the site, in conformance with SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the sector plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations, as they pertain to public parks and recreational facilities.

Subdivision Regulations Conformance

Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private recreational facilities to meet the park and recreation needs of the residents of the subdivision. This application is exempt from the Prince George's County Subdivision Regulations Section 24-134, the parkland dedication requirement, because it is a non-residential development.

Sector Plan Conformance

The sector plan emphasizes the development of recreation facilities on existing and future parkland, specifically the expansion of Henry P. Johnson Park (page 108). The applicant owns the adjoining 4-acre parcel, identified on the PPS as Parcel A, at the intersection of Evarts Street and Brightseat Road. Henry P. Johnson Park is owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and operated by the Prince George's County Department of Parks and Recreation (DPR). The sector plan recommends the acquisition of Parcel A for public space and the location of an urban park at the intersection of Brightseat Road and Landover Road. This PPS is exempt from the parkland dedication requirement because it is for non-residential development. However, the applicant, as part of satisfying the pedestrian and bikeway adequacy requirements under Section 24-4506 of the Subdivision Regulations, has proffered to provide a bicycle connection to the Henry P. Johnson Park, and bicycle/pedestrian improvements including bike racks, trail exercise equipment, and benches for users within the Henry P. Johnson Park. These improvements are required per approved ADQ-2023-045.

In addition, the applicant is providing two public open space amenities, one along Brightseat Road and the other located at the corner of Brightseat and Evarts Street, that satisfy the public space requirement of the sector plan (page 27). Staff support the development of the two public amenity spaces shown in an exhibit submitted by the applicant and labeled as "Conceptual Public Amenity Space A" and "Conceptual Public Amenity Space B." The applicant should coordinate with DPR staff, at the time of permitting, for the installation of bicycle/pedestrian improvements including bike racks, trail exercise equipment, and benches at the Henry P. Johnson Park.

The proposed development is in alignment with the sector plan's intention to improve upon the existing neighborhood and community parks, while providing enhanced facilities to the community.

6. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the development plan, the Prince George's County Zoning Ordinance, and the prior Subdivision Regulations, to provide the appropriate transportation recommendations.

Master Plan Right-of-Way

This application is subject to the MPOT and the sector plan. The site is bounded by three master plan roads - MD 202 (E-6) (Landover Road), identified as an expressway with an ultimate ROW of 150–200 feet; Brightseat Road (A-31), an arterial roadway with an ultimate ROW of 120 feet; and Evarts Street (MC-417), a major collector with an ultimate ROW of 90–110 feet. Evarts Street culminates at the eastern bounds of the subject site where it intersects with I-95/495.

The PPS accurately identifies the ROW width along Evarts Street as 100 feet, and includes areas on both sides of Evarts Street for dedication (0.224-acre portion along the north side and 0.285-acre portion along the south side), which are found acceptable. Dedication is also shown along the property's frontage along MD 202 (0.24 acre near the intersection with Brightseat Road and 0.14 acre near the intersection with I-95/495) and found to be acceptable. No ROW dedication is proposed or required along Brightseat Road. However, staff recommend that the ultimate ROW widths for MD 202 and Brightseat Road should be properly labeled on the PPS, in accordance with the MPOT. Further, General Note 12 on the

PPS states that the acreage of road dedication is 0.65 acre. However, based upon the information provided on the PPS, this acreage adds up to 0.89 acre, and the general note should be corrected.

In addition, the subject property has two master-planned major collector roadways that have a proposed alignment through the site and an ultimate ROW width of 90–110 feet. MC-419 is proposed as a north to south alignment, while MC-420 is proposed as an east to west alignment through the subject site. At this time, staff do not recommend MC-419 and MC-420 to be built or dedicated with this PPS.

Section 24-121(a)(5) of the prior Subdivision Regulations discusses PPS conformance to applicable master plans, and is listed below:

(a) The Planning Board shall require that proposed subdivisions conform to the following:

(5) The preliminary plan and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, is no longer applicable, or the District Council has not imposed the recommended zoning. Notwithstanding any other requirement of this Section, a proposed preliminary plan or final plat of subdivision may be designed to conform with the land use policy recommendations for centers, as approved within current County general plan. In such cases, the Planning Board may approve a preliminary plan application as may be designed to conform with the land use policy recommendations for centers, as duly approved within the current General Plan.

The recommendations contained within the sector plan foresaw the re-development of the subject site as a mixed-use town center, whereby MC-419 and MC-420 would provide vehicular, bicycle, and pedestrian movement through the site. However, staff find that the proposed layout and intention of MC-419 and MC-420 are not practical or appropriate with the design of the subject application for a data center. The major collector designation allows for a heavy volume of traffic to circulate, which would not be appropriate for the subject development proposal.

In a letter dated January 31, 2024, M-NCPPC staff requested comments from DPIE to determine if the reservation of these roads was desirable. In a response letter dated February 8, 2024, DPIE confirmed with staff that a reservation was not being pursued due to the nature of the proposed development. Staff concur with this finding and do not recommend placing MC-419 or MC-420 in reservation at this time. Should the site redevelop in a manner in which the recommendations for MC-419 and MC-420 are more appropriate with the proposed land use, staff will evaluate the application to determine the construction of these roadways as included in the sector plan.

Staff find that the master-planned roadways, MC-419 and MC-420, are not appropriate for this development and subject application, and would not require conformance at this time for construction or dedication.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following master-planned facilities:

- Planned Side Path: MD 202
- Planned Bicycle Lane: Brightseat Road, Evarts Street

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, page 10):

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

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.

Additionally, the site is subject to the sector plan, which recommends on-road bicycle lanes along Evarts Street and Brightseat Road.

The applicant included the recommended sidewalk and bicycle lanes along the frontage of Evarts Street and Brightseat Road and side path along the frontage of MD 202 as part of the off-site improvements for the subject site. However, these facilities are considered frontage improvements and would not be eligible for off-site improvements subjected to a cost cap.

The subject property falls within the Landover Gateway Town Center, as established by Plan 2035. Development within this center requires use of the DPW&T, Urban Street Design Standards (USDS) for ROW recommendations, as well as bicycle and pedestrian improvements within these roadways.

The proposed USDS for Evarts Street is Standard 100.20, which recommends a mixed-use boulevard (A) with two travel lanes. This standard requires a 99-foot minimum ROW, which is accurately shown on plans. Standard 100.20 also requires a minimum 8-foot-wide sidewalk and a 6.5-foot bicycle lane, with a 6-foot-wide buffer between the roadway and the bicycle lane, and a 2-foot-wide buffer between the bicycle lane and the sidewalk.

The recommended USDS for Brightseat Road is Standard 100.22, which recommends a mixed-use boulevard (B) with four travel lanes. This standard requires a 119-foot minimum ROW. Staff have requested that the PPS be updated to display this ROW along the site's frontage of Brightseat Road. In addition, and identical to Standard 100.20, Standard 100.22 also requires a minimum 8-foot-wide sidewalk and a 6.5-foot bicycle lane, with a 6-foot-wide buffer between the roadway and the bicycle lane, and a 2-foot-wide buffer between the bicycle lane and the sidewalk.

Staff recommend the PPS be updated and provide a minimum 8-foot-wide sidewalk and a 6.5-foot bicycle lane, with a 6-foot-wide buffer between the roadway and the bicycle lane, and a 2-foot-wide buffer between the bicycle lane and the sidewalk, along the site's frontage of Evarts Street and Brightseat Road, per DPW&T, USDS Standard 100.20 and Standard 100.22, unless modified by the operating agency with written correspondence.

On-site Circulation

The applicant's SWM concept plan shows vehicular movement through the site. The internal driveways have been designed in a manner that provides safe vehicular circulation throughout the site. Sidewalks are shown along all building frontages except those on the eastern portion of the development. Staff find the applicant has conceptually provided a sufficient internal pedestrian network, which allows for separate pedestrian movement throughout the site. The applicant has elected utilization of the prior zoning ordinance, which does not have a specific bicycle parking requirement. However, the site is located in the TAC-C Zone, which prioritizes bicycle and pedestrian movement. The applicant should provide four bicycle racks (inverted-U style or a similar model that provides two points of contact for a parked bicycle) at a location convenient to the entrance of each building. Five buildings are conceptually proposed on site, which equates to 20 total bicycle racks, and which provides parking for 40 parked bicycles.

Variation from Section 24-121(a)(3)

The applicant has filed a variation request from Section 24-121(a)(3) of the prior Subdivision Regulations. The PPS proposes direct access to Brightseat Road, a master-planned arterial road. Section 24-121(a)(3) states the following:

- (3) When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

Section 24-113(a) of the prior Subdivision Regulations sets forth the required findings for approval of variation requests, 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;**

Staff find that granting access to the site along Evarts Street and Brightseat Road would not have a detrimental impact on public safety. In conjunction with DPIC and DPW&T, staff evaluated potential points of access and found that it is sufficient and would not produce any harm or have a negative impact in relation to public safety. Therefore, the granting of the variation will not be detrimental to the public safety, health, welfare or injurious to others or other 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;

This PPS proposes three parcels, two (Parcels 1 and 2) of which are proposed for development. Parcels 1 and 2 are approximately 30 and 51 acres, respectively. Together they are bound on all sides by public ROWs. Access for Parcel 1 is proposed to Evarts Street. However, Parcel 2 is only proposed to have frontage on Brightseat Road (arterial), MD 202 (expressway), and I-95/495 (freeway). Regardless of the parceling proposed, given the large area of the site, which is approximately 81 acres, for 4,132,500 square feet of development, secondary access for site circulation is appropriate. The access from Brightseat Road also serves to maintain the existing access rights for abutting parcel C-2. These conditions are unique to the property, given that the property is currently vacant, and access to a public street is necessary for the development of the property.

The applicant therefore proposes one direct vehicular access to Brightseat Road, which is a lower classification road as compared to the other available roadways, from Parcel 2. The subject property was previously developed as a regional shopping center with one vehicular access to Evarts Street, two driveways to Brightseat Road, and right-in only access from MD 202. This PPS proposes to close the existing access from MD 202 and one of the two existing access points to Brightseat Road. Given the unique location and size of this site, the factors on which the variation is based are unique to this property and not generally applicable to other properties.

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

The approval of a variation from Section 24-121(a)(3) of the prior Subdivision Regulations is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. Staff are not aware of any other law, ordinance, or regulation that would be violated by this request. The PPS shows the proposed access along Brightseat Road and Evarts Street to the site, which is necessary for site access and circulation.

(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 proposed access along Evarts Street represents the only possible vehicular access point to a roadway with a functional classification lower than arterial. The prior M-X-T zoning of the property does allow for shared access driveways in accordance with Section 24-128(b)(9) of the prior Subdivision Regulations, in cases where direct vehicular access from a public street could create a potentially hazardous or dangerous situation. However, at least two vehicular access driveways are required for the subdivision, considering the type and amount of the proposed development. Providing one vehicular access from Parcel 1 to Evarts Street and one vehicular access from Parcel 2 to Brightseat Road would satisfy this requirement. The access from Brightseat Road also serves to maintain the existing access rights for abutting Parcel C-2.

The location of the access is aligned with the existing median break within Brightseat Road. As stated earlier, the applicant proposes to close two of the four existing access points from the subject property. In addition, there are no abutting properties which could provide the subject site primary access to a public street. Any proposed development to the site would require a variation for vehicular access. These factors constitute the particular physical surroundings applicable to this property. These factors create a particular hardship to the applicant in meeting the standard requirement.

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

The site is not located in any of the listed zones and the subject PPS does not propose multifamily dwellings. Therefore, this criterion does not apply.

Based on the preceding findings, staff recommend approval of the variation from Section 24-121(a)(3), for one direct access driveway to Brightseat Road, a master-planned arterial ROW.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the proposed subdivision; meet the findings required of Subtitles 24 and 27; and conform to the sector plan and MPOT, with the recommended conditions.

- 7. Public Facilities**—This PPS was reviewed for conformance to the sector plan in accordance with Section 24-121(a)(5).

In the sector plan, the vision for this area is an activity center with a dense urban form, and a downtown area centered around the former Landover Mall site and extending along Brightseat Road. The sector plan has a chapter on Infrastructure Elements (Chapter 5) which contains a Public Facilities section encompassing schools, police/fire/EMS, and library facilities (page 98). The goals for this area are:

- **Provide public facilities that efficiently serve the existing and future population.**
- **Provide the residents of the Landover Gateway sector plan area and surrounding communities with schools that are not overcrowded, feature cutting-edge technological and instructional opportunities, and serve as focal points.**
- **Provide state-of-the-art library facilities in the sector plan area.**
- **Provide needed public safety facilities in locations that efficiently serve Landover Gateway.**

Given the vision of the sector plan, and the effort to create an activity center with increased density, the Infrastructure Element chapter envisions public facilities keeping track with future growth and development. Page 104 of the sector plan contains a map (Map 24) of existing and proposed public facilities within the sector plan boundary area. There are three floating symbols on the map, all located within or adjacent to the subject site, which designate the location for proposed public facilities. These facilities are a new Pre-K to 8 elementary school, a new fire/EMS station, and a new library.

Table 10 on page 112 (“Proposed Acquisitions for Public Facilities”) of the sector plan provides more detail on the proposed fire/EMS station and the library. The table provides the following approximate locations and site requirements for these facilities:

Facilities	Approximate Locations	Site Requirements
Landover Gateway Fire/EMS Station	Along Brightseat Road north of Landover Road and south of Evarts Street	12,500 square feet or more of operational and storage space including 4 apparatus bays and other support space and access to parking and transit
Central Library	At the Brightseat Road/Landover Road interchange quadrant closest to transit stop	100,000 square feet of library space with on-site or adjacent public parking and transit

The proposed project could preclude the ability to secure sites for the facilities identified in the sector plan. However, given the nature of the proposed use (data center), the intensity of development may be far less than that associated with the sector plan vision and therefore reduce or eliminate the need for these facilities.

The subject property is located in Planning Area 72 – “Landover & Vicinity.” The *2023–2028 Fiscal Year Approved Capital Improvement Program* (CIP) budget identifies one new facility proposed for construction, the Shady Glen Fire/EMS Station located at Shady Glen Drive and Central Avenue.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect this 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. Tier 1 includes those properties served by public sewerage systems.

8. **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 frontage on I-95/495, MD 202, Brightseat Road, and Evarts Street. The PPS shows PUEs along all of these streets at a minimum of 10 feet wide. However, near the intersection of Brightseat Road and Evarts Street, the PUE is non-standard, and is shown offset from the street ROW due to the presence of an existing Washington Suburban Sanitary Commission (WSSC) easement. The applicant did not request a variation to Section 24-122(a), for review and approval of this non-standard PUE. Therefore, prior to signature approval, the PPS shall be revised to show the PUE in conformance with this section of the Subdivision Regulations. In review comments provided to staff and incorporated herein by reference, WSSC stated that no dry utilities are to be placed within the WSSC easement for public water and sewer, except to cross perpendicular to the public water and sewer mains, and that these may be permitted within the WSSC easement under certain conditions. The applicant will need to obtain necessary approvals from WSSC to permit the location of dry utilities within the WSSC easement near the intersection of Brightseat Road and Evarts Street. If these approvals are not obtained, the applicant shall, at the time of final plat, request a variation to Section 24-122(a) to relocate the PUE in this area to be offset from the property frontage and not overlap with the WSSC easement.

The PUE is shown and labeled as existing along the frontage of Brightseat Road, MD 202, and I-95/495. The PPS also shows PUE's along planned master plan ROW alignments of MC-419 and MC-420. While the ROWs for these master plan roadways should be shown and labeled on the PPS, the PUE's along these roads are not required to be shown or dedicated because these ROWs are not being pursued. Prior to signature approval of the PPS, the PUE's shown along master plan ROW alignments of MC-419 and MC-420 should be removed.

9. **Historic**—The sector plan contains minimal goals and policies related to historic preservation and 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. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.

10. **Environmental**—Staff recommend approval of 4-23024 and TCP1-002-2024, subject to the recommended conditions. The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-002-10	N/A	Staff	Approved	5/28/2010	N/A
NRI-002-10-01	N/A	Staff	Approved	7/29/2011	N/A
NRI-002-10-02	N/A	Staff	Approved	9/28/2023	N/A
4-23024	TCP1-002-2024	Planning Board	Pending	Pending	Pending

Grandfathering

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

Environmental Site Description

The 82.62-acre site is partially wooded. A review of the approved Natural Resources Inventory Plan NRI-002-10-02 indicates that a stream, wetlands, and steep slopes occur on the property. According to information obtained from 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. The site has a stream system that runs along the northern portion of this site. This site is located within the Lower Beaverdam Creek of the Anacostia River watershed.

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

Sector Plan

The sector 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 sector plan, and the plain text provides comments on the plan's conformance.

Policy 1: Protect, preserve, and enhance the identified local green infrastructure network within the Landover Gateway planning area.

The submitted TCP1 proposes to provide woodland conservation and reforestation within the critical green infrastructure and habitat corridors within the site. All proposed development is contained outside of the regulated environmental features

(REFs), with the exception of necessary infrastructure such as sewer line connections.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

The TCP1 proposes to place the majority of the sensitive environmental features within woodland preservation and reforestation. SWM will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District (SCD). No stream restoration or mitigation requirements have been identified for this project.

Policy 3: Require the use of environmentally sensitive stormwater management techniques in order to control and/or reduce volumes of urban stormwater runoff and improve water quality.

The SWM concept plan has not yet been approved for this project. A draft of the SWM concept plan was provided, which shows the use of a SWM pond and underground storage facilities. A SWM plan showing the use of environmentally sensitive SWM techniques shall be reviewed and approved by DPIE, which will be required at the time of permit.

Policy 5: Preserve and enhance the existing urban tree canopy.

The use of conservation landscaping techniques, including the use of native species for on-site planting, should be encouraged to reduce water consumption and the need for fertilizers or chemical applications. Tree canopy coverage (TCC) requirements shall be addressed at the time of permitting.

Policy 6: Reduce light pollution into residential communities and environmentally sensitive areas.

The minimization of light intrusion from this site into the on-site environmentally sensitive areas is important to protect the health of the stream valley and associated wildlife. The use of alternative lighting technologies and the limiting of total light output should be demonstrated at the time of permitting.

2017 Green Infrastructure Plan

The 2017 *Countywide 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 approved *Countywide Green Infrastructure Plan*, this site contains regulated and evaluation areas.

The following policies and strategies are applicable to the subject application. The text in **BOLD** is the text from the master plan and the plain text provides staff 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.**

The property is within the Lower Beaverdam Creek of the Anacostia River watershed and is not within a Tier II catchment area. The site contains a stream system, which is within the regulated area of the green infrastructure network. The current plan proposes to leave the majority of the stream system undisturbed and to provide woodland preservation within the stream buffer and primary management area (PMA). There is an existing PMA impact on-site for a sanitary sewer line. No additional impacts to the PMA are proposed. The applicant is proposing reforestation and woodland preservation around the on-site stream systems, to further buffer the sensitive areas and protect downstream habitats. Sensitive species habitat is not identified on this site, and this area is not in a Special Conservation Area (SCA). Stormwater management will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the SCD. The limits of disturbance shown on the SWM plan, and the sediment and erosion control plan shall be consistent with the limits of disturbance on the future Type 2 tree conservation plan (TCP2).

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

Strategies

- 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.**

No new PMA impacts to the green infrastructure network will occur with this project. The regulated areas are proposed to be protected by woodland conservation and will be placed within an easement.

A TCP1 was provided with this application, which shows that the required woodland conservation requirement will be met through woodland preservation, reforestation, and off-site credits.

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

Strategies

- 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 transportation related impacts are proposed with the subject application.

- 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 proposed with this application.

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

Strategies

- 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.**

On-site woodland conservation shall be placed in a woodland and wildlife habitat conservation easement, prior to the approval of the TCP2.

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

The proposal has not received stormwater concept approval, but the SWM concept plan is currently in review with DPIE. The unapproved draft SWM concept plan submitted with this application shows use of a pond and underground storage facilities. All SWM facilities have been designed to avoid impacts to REFs. The applicant is proposing reforestation and woodland preservation around the on-site stream systems, to further buffer the sensitive areas and protect downstream habitats. The TCP2 shall match the SWM concept plan, when approved.

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.

Woodland exists on-site along the stream systems. This application proposes to provide on-site preservation, on-site reforestation, and off-site credits. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM), and the 2010 *Prince George's County Landscape Manual*, which can count toward the TCC requirement for the development. TCC requirements will be evaluated at the time of permit.

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 proposed with the subject application; however, the woodland conservation threshold of 20 percent is proposed to be met with on-site woodland preservation, reforestation, and off-site woodland credits. Woodland conservation is to be designed to minimize fragmentation and reinforce new forest edges. Green space is encouraged to serve multiple eco-services.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

An approved Natural Resources Inventory (NRI-002-10-02) was submitted with the application. The site is partially wooded and contains REFs, steep slopes, a stream, wetlands, and their associated buffers, which comprise the PMA. The site statistics table on the NRI shows 1.44 acres of PMA, with 330 linear feet of regulated streams. No additional information is required for conformance to the NRI.

Woodland Conservation

The site is subject 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 contains more than 10,000 square feet of woodland. TCP1-002-2024 was submitted with this application.

Based on the TCP1 submitted with this application, the site is 86.62 acres, contains 4.47 acres of woodland in the net tract, and has a woodland conservation threshold of 17.32 acres (20 percent). The woodland conservation worksheet proposes the removal of 0.25 acre of woodland, for a woodland conservation requirement of 13.24 acres. According to the TCP1 worksheet, the requirement is proposed to be met with 2.46 acres of on-site woodland preservation, 9.67 acres of reforestation, and 1.11 acres of off-site woodland conservation credits. The woodland reforestation area north of Evarts Street will be cleared of an invasive plant species and the area will be replanted with native species.

Section 25-122(c)(1) prioritizes methods to meet woodland conservation requirements. The applicant submitted a statement of justification (SOJ) dated February 2, 2024, demonstrating why the woodland conservation requirements could not be met on-site. The applicant attempted to meet all of the woodland conservation on-site but was unable to do so because of the location of utility easements and locations of the SWM facilities on-site. The woodland conservation worksheet on the submitted TCP1 shows a majority of the woodland conservation being met on-site, but 1.11 acres of the requirement is being met using off-site woodland conservation credits. Staff support the on-site woodland clearing and the request to use off-site woodland mitigation credits.

Any forest mitigation banks used to satisfy off-site woodland conservation requirements for this project must conform to Subtitle 25 of the Prince George's County Code and Sections 5-1601 through 5-1613 of the Natural Resources Article of the Maryland Code (the Maryland Forest Conservation Act), as amended. In accordance with Subtitle 25, Division 2, Section 25-122, *Methods for Meeting the Woodland and Wildlife Conservation Requirements*, if off-site woodland conservation is approved to meet the requirements, then the following locations shall be considered in the order listed: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Prince George's County Planning Director (or designee) due diligence in seeking out opportunities for off-site woodland conservation locations, following these priorities. All woodland conservation is required to be met within Prince George's County.

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 (REF)/Primary Management Area (PMA)

The site contains REF including streams, stream buffers, wetlands, wetland buffers, and steep slopes which comprise the PMA.

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

Impacts to the REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or 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 REF. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. Impacts to REF must first be avoided and then minimized.

No PMA impacts are proposed with this application; however, an existing sanitary sewer line does run through the PMA. This is an existing impact that does not require Planning Board consideration.

Erosion and Sediment Control

The County requires the approval of an erosion and sediment control plan. The tree conservation plan must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including erosion and sediment control measures. A copy of the erosion and sediment control technical plan must be submitted at the time of permits, so that the ultimate limits of disturbance for the project can be verified and shown on the TCP2.

Soils

The predominant soils found to occur according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Adelphia Holmdel-Urban land complex, Christiana-Downer-Urban land complex, Collington-Wist-Urban land complex, Russett-Christian-Urban land complex, Sassafras-Urban land complex, Udorthents, highway, Urban land-Adelphia, complex, Urban land-Collington-Wist complex, Urban land Russett-Christian, and Woodstown-Urban land complex. According to available mapping information, unsafe soils containing Marlboro clay do not occur on this property; however, Christiana clay does exist.

- 11. Urban Design**—The subject PPS proposes three parcels for the development of a 4,132,500-square-foot qualified data center, which is a permitted use in the prior M-X-T Zone, subject to the provisions of Section 27-548.01.07 of the prior Zoning Ordinance.

This development is not required to file a conceptual site plan (CSP) or a detailed site plan (DSP) in accordance with Section 27-548.01.07(b). The proposed subdivision will be required to demonstrate conformance with the applicable requirements of the prior Zoning Ordinance at the time of permit site plan review, including but not limited to, the following:

- Section 27-543 regarding Uses in the M-X-T Zone,
- Section 27-548.01.07(d) regarding standards for Qualified Data Centers,

- Part 11 Off-Street Parking and Loading, and
- Part 12 Signs.

2010 Prince George's County Landscape Manual

This development in the prior M-X-T Zone and will be subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), in accordance with Section 27-548.01.07(d)(5). Specifically, the site is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscape Requirements. Conformance with applicable landscaping requirements will be determined at the time of permitting.

Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of TCC on projects that require a grading permit or propose 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned TAC are required to provide a minimum of 10 percent of the gross tract area in TCC and properties that are zoned RSF-65 are required to provide a minimum of 15 percent of the gross tract area in TCC. Conformance with this requirement will be evaluated at the time of permit review.

- 12. Citizen Feedback**—At the time of the writing of this technical staff report, staff have not received any written correspondence from members of the community regarding this project. Two community groups, Greater Capitol Heights Improvement Corporation, Inc. and Coalition for Smarter Growth, contacted staff requesting information regarding the project. However, no additional correspondence has been received from these groups to date.

- 13. Referral to Municipalities**—The subject property is located within one mile of the municipal boundaries of the City of Glenarden. The PPS application was referred to the adjacent municipalities for review and comment on January 12, 2024. Staff received a memorandum from the City of Glenarden Council President dated February 26, 2024, incorporated by reference herein. The City Council provided five conditions for consideration, which are summarized below with staff response:

- The City Council cites existing traffic congestion as needing to be addressed, including traffic from Woodmore Town Centre and future development, and recommends the County pursue a comprehensive traffic study for the entire area, with consideration of more through lanes on St. Joseph's Drive at Ruby Lockhart Boulevard.

Adequate transportation facilities specific to this project were evaluated and approved under ADQ-2023-045, in accordance with the required level of service standards. Comprehensive analysis for larger areas and future growth is outside the scope of this project but may be considered by the County.

- The City Council recommends the connection of Evarts Street to Woodmore Town Centre, by an overpass, to relieve traffic from MD 202.

Adequate transportation facilities specific to this project were evaluated and approved under ADQ-2023-045, in accordance with the required level of service

standards. This overpass is addressed under the development approvals for Woodmore Town Centre.

- The City Council recommends that additional analysis be included in the traffic study prepared for the subject site and provides questions regarding transportation improvements.

Adequate transportation facilities specific to this project were evaluated and approved under ADQ-2023-045, in accordance with the required level of service standards. However, the recommendations and questions provided from the City were forwarded to the Planning Department's Transportation Planning staff for further coordination.

- The City Council recommends a bus connection/stop at the site to accommodate employees and visitors, to assist in getting cars off the road.

There are two existing bus stops along the site frontage, along Brightseat Road, which are available to service the site.

- The City Council recommends the County assist in relocating the existing auto repair business abutting the subject site, along the frontage of Brightseat Road.

This recommendation is not germane to the approval of the subject PPS.

Staff received a memorandum from the City of Glenarden Mayor dated February 26, 2024, incorporated by reference herein. The mayor provided six recommendations for consideration, which are summarized below with staff response:

- The mayor recommends expanding the traffic study to a 50-mile radius around the subject site, to include the study of additional road intersections and the entire length of Brightseat Road between MD 202 and Ardwick Ardmore Road. The mayor notes that currently, traffic uses Brightseat Road as a short-cut to travel between MD 704 (Martin Luther King Jr Highway) and MD 202.

Adequate transportation facilities specific to this project were evaluated and approved under ADQ-2023-045 in accordance with the required level of service standards. Comprehensive analysis for larger areas is outside the scope of this project but may be considered by the County.

- The mayor recommends a bus connection/stop at the site to accommodate employees and visitors, to assist in getting cars off the road.

There are two existing bus stops along the site frontage, along Brightseat Road, which are available to service the site. A specific bus route or service was not provided in the recommendation; however, a specific desired bus route may be further coordinated with the transportation service provider and the County.

- The mayor recommends the connection of Evarts Street to Woodmore Town Centre by an overpass, to relieve traffic from MD 202.

Adequate transportation facilities specific to this project were evaluated and approved under ADQ-2023-045, in accordance with the required level of service standards. This overpass is addressed under the development approvals for Woodmore Town Centre.

- The mayor recommends that the traffic studies include mitigation of overcrowding and insufficient access/egress for emergency vehicles within residential developments surrounding the subject site. The mayor also recommends the addition of a travel lane on Brightseat Road, between MD 202 and Ardwick Ardmore Road.

Adequate transportation and fire/emergency medical services (EMS) facilities specific to this project were evaluated and approved under ADQ-2023-045, in accordance with the required level of service standards. Access for other developments is outside the scope of this project but may be coordinated further with those developments and the County for any necessary fire access upgrades.

- The mayor cites concerns regarding ageing water and electricity infrastructure and stresses the importance of utility grids which are designed against failure.

Adequate water supply and availability of utilities, including electricity, was evaluated for the subject site. The PPS was referred to the Washington Suburban Sanitary Commission (WSSC) and the public utility companies for review and comment. Comments received from WSSC indicate that there are existing active water and sewer mains around and within this site. As part of developing this site, WSSC will require the applicant to perform system integrity review, and upgrade water and sewer mains, as necessary. At the time of the writing of this technical staff report, no correspondence has been received from the public utility companies, however, other utility connections will also be evaluated at the time of permitting with the various agencies.

- The mayor recommends that the applicant provide additional site amenities (benches) for future employees of the project and consider indoor environmental quality.

Two public sitting areas are proposed on the project site. Plaza A contains six benches and Plaza B includes a seat wall. However, these plazas do not establish the only seating that may be provided on-site. A PPS does not include approval of building design and other on-site details. These will be proposed with the permit site plan. The applicant should consider providing outdoor spaces with site amenities for future employees in context to the future buildings. Quality of indoor building spaces such as air quality, daylighting, and thermal comfort should also be considered at the time of building permit.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be modified as follows:
 - a. Relocate the 10-foot-wide public utility easement near the intersection of Brightseat Road and Evarts Street, to be adjacent to the public right-of-way line, in accordance with Section 24-122(a) of the prior Subdivision Regulations. The location may be modified at the time of final plat with a requested variation.
 - b. Revise General Note 8 to list the existing use of the property as vacant.
 - c. Label the master plan right-of-way alignment of MC-419 as “MC-419 (Master Plan Alignment).”
 - d. Label the master plan right-of-way alignment of MC-420 as “MC-420 (Master Plan Alignment).”
 - e. Remove the 10-foot-wide public utility easements shown along master plan right-of-way alignments of MC-419 and MC-420.
 - f. Label the public amenity spaces, in accordance with the applicant’s exhibits, as Public Amenity Space A and Public Amenity Space B.
 - g. Identify the limits of public use access easements to include the extent of Public Amenity Space A and Public Amenity Space B, as shown on applicant’s exhibits, for any portions that are not located in the public rights-of-way.
 - h. Label the ultimate 150–200-foot right-of-way width for MD 202 along the subject property’s frontage, in accordance with the 2009 *Approved Countywide Master Plan of Transportation*.
 - i. Label the ultimate 120-foot right-of-way width for Brightseat Road along the subject property’s frontage, in accordance with the 2009 *Approved Countywide Master Plan of Transportation*.
 - j. Revise General Note 4 to correct the square footage of the proposed gross floor area to 4,132,500 square feet.
 - k. Delete General Note 33, which proposes reservation of master-planned roadways, MC-419 and MC-420.
 - l. Revise General Note 12 to provide the correct acreage of the road dedication as 0.89 acre.
 - m. Add a general note, stating that a private easement is provided for access to Parcel C-2, in accordance with Section 24-128(b)(9) of the prior Subdivision Regulations.

- n. Revise the Site Statistics Table on the cover sheet, to provide the acreage of the primary management area consistent with that provided in General Note 6.
 - o. Revise General Note 31 to list Brightseat Associates, LLC as the applicant.
 - p. Revise the title block on all sheets to correct the name of the applicant.
 - q. Revise General Note 5 to list Preliminary Plan of Subdivision 4-91113 and Special Exception SE-4357 as prior approvals applicable to the property.
 - r. Label the private easement to Parcel C-2 as existing or proposed. If this is an existing easement, label the recording reference on the plans.
2. The applicant and the applicant's heirs, successors and/or assignees shall provide the following facilities, and shall show these improvements on the permit site plan, at the time of the first building permit for this subdivision:
- a. A minimum 8-foot-wide sidewalk and a 6.5-foot bicycle lane, with a 6-foot-wide buffer between the roadway and the bicycle lane, and a 2-foot-wide buffer between the bicycle lane and the sidewalk, along the frontage of Evarts Street and Brightseat Road, per the Prince George's County Department of Public Works and Transportation, Urban Street Standards 100.20 and 100.22, unless modified by the operating agency with written correspondence.
 - b. A separated side path along the site's entire frontage of MD 202, which should cross over the existing ramp and connect with the sidewalk along Brightseat Road, unless modified by the operating agency with written correspondence.
3. The applicant and the applicant's heirs, successors and/or assignees shall provide the following facilities, and shall show these improvements on the permit site plan at the time of each building permit for this subdivision:
- a. A minimum of four bicycle racks at a location convenient to the entrance of each building. Provide a detail sheet showing these bicycle racks as Inverted-U style or a similar model that provides two points of contact for a parked bicycle.
4. Prior to signature approval of the preliminary plan of subdivision, a copy of the approved stormwater management concept plan shall be submitted, showing a limit of disturbance consistent with the Type 1 tree conservation plan.
5. Prior to approval, the final plat of subdivision shall include:
- a. Dedication of 10-foot-wide public utility easements along all abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.
 - b. Dedication of all rights-of-way, consistent with the approved preliminary plan of subdivision.
 - c. Show and label the access easement to Parcel C-2 with its recording reference.

6. Development of this site shall be in conformance with Stormwater Management Concept Plan 22857-2023-0, and any subsequent revisions.
7. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made on the Type 1 tree conservation plan (TCP1):
 - a. Correct the TCP1 plan worksheet by placing each zone type of the site into an individual column.
 - b. Correct the TCP1 worksheet to reflect that the property is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance and is located in a PFA (Priority Funding Area).
 - c. Correct TCP1 Note 10 to reflect that this application is not grandfathered.
 - d. Adjust the TCP1, as necessary, to reflect any changes to the master plan roadways MC-419 and MC-420 as reflected on approved Preliminary Plan of Subdivision 4-23024.
 - e. Have the revised plan signed and dated by the qualified professional who prepared it.
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan TCP1-002-2024. The following note shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan TCP1-002-2024, or most recent revision, or as modified by the Type 2 tree conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
9. 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 and wildlife habitat 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.”
10. At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section of the Development Review Division of the Prince George’s

County Planning Department 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."

11. Prior to issuance of the first permit, a copy of the approved final erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent between the final erosion and sediment control plan and the Type 2 tree conservation plan.
12. Prior to issuance of the first permit, the applicant shall submit a copy of the approved final stormwater management (SWM) plan. The limits of disturbance shall be consistent between the final SWM plan, the preliminary plan of subdivision, and the Type 1 tree conservation plan.
13. Prior to issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall include on the permit site plan detailed design for Public Amenity Space A and Public Amenity Space B, in accordance with the applicant's exhibits. The permit site plan shall include scaled plans showing hardscape materials and landscaping. The design shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting.
14. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to the business owner's association, 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 Section of the Development Review Division of the Prince George's County Planning Department.
 - 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 operations 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 of the Prince George's County Planning Department.
 - 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, the applicant shall submit evidence that the property is not encumbered by any prescriptive or descriptive easements that are to the benefit of other properties and not already provided on the preliminary plan. The applicant shall submit evidence that the rights and privileges associated with those easements will not be interrupted with the development of this property, or the applicant shall provide evidence of the agreement of those benefited properties to the abandonment or relocation of said easements. Prior to approval of the final plat, the applicant shall submit a copy of the recorded abandonment of said easement(s).
16. Prior to approval of a final plat, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Public Use Access Easement Agreement or Covenant, for Public Amenity Space A and Public Amenity Space B, to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Department of Parks and Recreation, for approval. The easement agreement shall contain the rights of the Prince George's County Planning Board, 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 easement, in accordance with the approved preliminary plan of subdivision.
17. Prior to approval of a final plat, the applicant and the applicant's heirs, 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 Section to ensure that the rights of the Prince George's County Planning Board are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.

STAFF RECOMMEND:

- Approval of Preliminary Plan of Subdivision 4-23024
- Approval of Type 1 Tree Conservation Plan TCP1-002-2024
- Approval of a Variation from Section 24-121(a)(3)