



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

Critical Area Conservation Plan

CP-90019-01

Airgas USA, LLC Facility

Stormwater Management Pond Retrofit

REQUEST	STAFF RECOMMENDATION
Revision of a conservation plan to retrofit an existing stormwater management pond.	APPROVAL

Location: On the west side of 52nd Avenue, approximately 750 feet south of its intersection with MD 201 (Kenilworth Avenue).

Gross Acreage: 15.61

Zone: I-2/I-D-O

Gross Floor Area: 32,650 sq. ft.

Lots: N/A

Parcels: 1

Planning Area: 69

Council District: 05

Election District: 02

Municipality: N/A

200-Scale Base Map: 204NE04

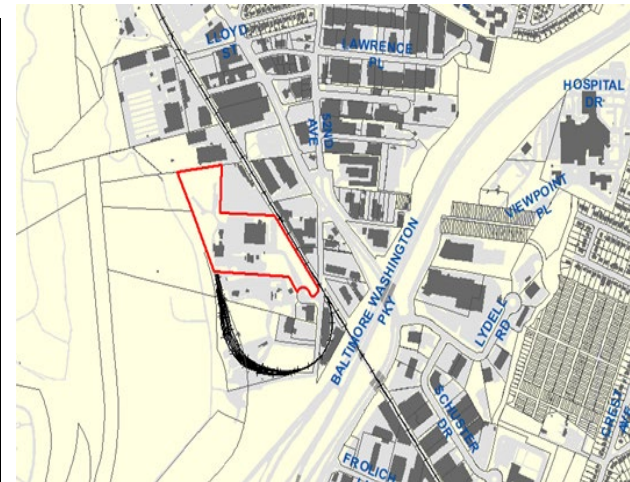
Applicant/Address:

Thomas Hanus
Airgas USA, LLC an Air Liquide Company
400 West Basin Road
New Castle, DE 19720

Staff Reviewer: Sherri K. Conner

Phone Number: 301-952-3168

Email: Sherri.Conner@ppd.mncppc.org



Planning Board Date:	N/A
Planning Board Action Limit:	N/A
Staff Report Date:	01/14/2020
Date Accepted:	11/08/2019
Informational Mailing:	N/A
Acceptance Mailing:	N/A
Sign Posting Deadline:	12/21/2019



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PLANNING DIRECTOR DECISION

Minor Chesapeake Bay Critical Area Conservation Plans

Application No: Chesapeake Bay Critical Area Conservation Plan CP-90019-01

Project Name: Airgas USA, LLC Facility Stormwater Management Pond Retrofit

Reviewer's Name: Sherri Conner, Planning Supervisor, Subdivision and Zoning Section
Development Review Division

1. **Request:** The subject site is 15.61 acres entirely within the Heavy Industrial (I-2) Zone. The site is also partially located in the Chesapeake Bay Critical Area (CBCA) Intense Development Overlay (I-D-O) Zone. The applicant proposes to retrofit an existing stormwater management (SWM) pond, which is within the I-D-O-zoned portion of the site. The SWM pond is increasing from 0.53 acre to 0.85 acre, of which 0.70 acre is located within the I-D-O Zone. This proposal includes the removal of 0.04 acre of existing impervious surface, in order to increase the existing pond size.
2. **Site Description:** The subject property is located on the west side of 52nd Avenue, approximately 750 feet south of its intersection with MD 201 (Kenilworth Avenue). The property currently houses an industrial business with several buildings, parking lots, storage areas, one stormwater pond with maintained lawn, and no developed woodlands present. There are no streams, wetlands, or their associated buffers located on-site, but the site contains a small area of floodplain just northwest of the proposed SWM pond impact area.

The predominant soil type found to occur, according to the US Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, is the Urban land-Elsinboro complex. According to available information, neither Marlboro clay nor Christiana complex are found to occur on this property. The site is not located within a Sensitive Species Protection Review Area. No scenic or historic roads are affected by this proposal. According to the approved 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's Resource Conservation Plan*, a small portion of the property is within a Regulated Area in the network area. The site is located in Environmental Strategy Areas 1 and 4 of the Regulated Environmental Protection Areas Map, as designated by the 2014 *Plan Prince George's 2035 Approved General Plan*.

3. **History:** The original conservation plan CP-90019 was approved by the Prince George's County Planning Board on December 20, 1990 for the purpose of retrofitting the existing SWM pond. This plan covered the subject site, Parcel C, and the neighboring parcels now

known as Parcels A and B recorded in Plat Book VJ 181-43. However, the SWM pond and associated disturbance approved via CP-90019 were only located on Parcel C of the subject site, previously known and shown on the approved conservation plan as Parcel F.

A Preliminary Plan of Subdivision (PPS) 4-96073 was approved by the Planning Board on November 14, 1996 (PGCPB Resolution No. 96-340) for 500,000 square feet of heavy industrial development for the subject site. The final plat for Parcel C was approved by the Maryland-National Capital Park and Planning Commission on June 19, 1997 and recorded in the Prince George's County Land Records in Plat Book VJ 181-43 pursuant to PPS 4-96073. There are no conditions of the PPS and final plat approvals that affect this proposal to retrofit an existing SWM pond.

4. **2010 Prince George's County Landscape Manual:** This application is exempt from Sections 4.1, 4.2, 4.3, 4.6, 4.7, 4.8, 4.9, and 4.10 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), in accordance with Section 1.1(d), Applicability, because the proposal does involve an increase of impervious surface or gross floor area. Section 4.4, Screening Requirements of the Landscape Manual does not apply to the proposed SWM pond improvements. However, the existing site and improvements should remain in conformance with any prior landscape plan approvals applicable to the subject site.

The applicant has submitted an approved SWM concept plan, in accordance with Section 4.5, Stormwater Management Facilities of the Landscape Manual, demonstrating the County-approved landscaping that will be provided for the SWM pond. The landscaping is consistent with the proposed SMW pond landscaping shown on the conservation plan, submitted with this application.

5. **Recommended Findings:**

- a. Comments were received from the Critical Area Commission by letter dated November 26, 2019, incorporated by reference herein. The Commission had no comments regarding this application. There are no woodlands or trees removed or Habitat Protection Areas being impacted. The 10 percent pollutant reduction requirement will be met with the reduction of 0.04 acre of impervious area.
- b. The plan set is appropriately labeled as a Chesapeake Bay Critical Area Conservation Plan and contains all required information, such as existing and proposed conditions, lot coverage calculations, 10 percent calculations, and required notes.
- c. This application does not require a CBCA variance for the proposed development.
- d. A Woodland Conservation Ordinance Exemption Letter (S-082-2018) and a Natural Resources Inventory Equivalence Letter (NRI-091-2018) were reviewed and approved for the subject site.
- e. A Chesapeake Bay Conservation and Planting Agreement will not be required for this site. An agreement was completed as part of the approval for CP-90019 on December 20, 1990 and is still valid.

In the I-D-O Zone, there is no maximum allowable impervious surface ratio. According to the Prince George's County Zoning Ordinance, I-2-zoned properties do

not have any restrictions for maximum building coverage; therefore, there are no impervious surface restrictions applicable to this site. However, the conservation plan proposes to reduce the existing impervious surfaces by 3,738 square feet (0.04 acre) within the critical area.

- f. A Conservation Easement will not be required for this site. The site does not contain any woodland that is to remain.
- g. The minimum percentage of green area required by the Zoning Ordinance (Section 27-474, Table IV) is 10 percent, or 67,988 square feet, for this lot. The proposed percentage of green area provided on the conservation plan is 67,988 square feet.
- h. The minimum front, side, and rear yard setbacks required by Section 27-474, Table I, were reviewed and approved with prior applications. This application does not include the review and approval of any new structures.
- i. A copy of the approved SWM Concept Plan and Letter (58273-2017-00), dated October 2, 2018 were submitted with the subject application. The project involves retrofitting an existing SWM pond. The concept plan shows the existing stormwater pond being upgraded. No SWM fee for on-site attenuation/quality control measures is required.

The area being impacted by this limited improvement has 0.11 acre of existing impervious surfaces and proposes the removal of 0.04 acre, leaving 0.07 acre of impervious surfaces. The 10 percent pollutant reduction calculations have been met.

- j. The proposed conservation plan is in conformance with Subtitle 5B and Subtitle 27 of the Prince George's County Code. The following referrals were received in support of this application and are incorporated by reference herein:

- (1) Environmental Planning Section dated December 17, 2019 (Schnieder to Conner)
- (2) Urban Design dated December 16, 2019 (Bossi to Simon)
- (3) Prince George's County Department of Permitting, Inspections and Enforcement dated December 13, 2019 (Giles to Davis)

- 6. **Recommendation:** APPROVAL of Chesapeake Bay Critical Area Conservation Plan CP-90019-01, Airgas USA, LLC Facility Stormwater Management Pond Retrofit.

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APPROVED BY AUTHORITY OF:

Date: _____

By: _____
Andree Green Checkley, Esq.
Planning Director