

R E S O L U T I O N

WHEREAS, American Resource Management Group Limited Partnership is the owner of a 38.17-acre parcel of land known as Parcel A, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned Light Industrial (I-1) and Heavy Industrial (I-2); and

WHEREAS, on July 9, 2018, American Resource Management Group Limited Partnership filed an application for approval of a Preliminary Plan of Subdivision for 9 lots and 2 outlots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-17041 for Prince George's Business Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 13, 2018, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on December 13, 2018, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-028-91-02, and further APPROVED Preliminary Plan of Subdivision 4-17041 for 9 lots and 2 outlots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to make the following technical corrections:
  - a. Add the existing use as a General Note.
  - b. Add a general note that vehicular access to Lot 18 is authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations and reflect that access is denied along Cabin Branch Drive.
  - c. Label Outlot 1 and 2 to be conveyed to the Business Owners Association.
2. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan shall be revised as follows:

- a. Correct the Woodland Conservation Worksheet and the Site Statistics Table to represent the two phases on this site.
  - b. Correct Note 7 to add "...within ESA 1, formerly..."
  - c. Correct Note 11 to update the stormwater plan number to '-02.'
  - d. Show the bottom of wall (BW) elevations along with the top of wall elevations.
  - e. Have the qualified professional who prepared the plan sign and date it and update the revision box with a summary of the revision.
3. Total development within the subject property shall be limited to uses which generate no more than 323 AM peak-hour trips and 323 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a revision to the PPS with a new determination of the adequacy of transportation facilities.
  4. A substantial change to the uses or site layout on the subject property that affects Subtitle 24 of the Prince George's County Code adequacy findings, shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.
  5. Development of this site shall be in conformance with an approved Stormwater Management Concept Plan No. 14566-2001-02 and any subsequent revisions. The final plat shall note the stormwater management concept plan number and approval date.
  6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-001-13-01). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-001-13-01), 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 Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
  7. Prior to final plat or signature approval of a Type 2 Tree Conservation Plan (TCP2), whichever comes first, the applicant shall provide a geotechnical report and a grading plan. If deemed necessary, a global stability analysis of the proposed wall and mitigation plan shall be required and referred to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), to determine whether the measures proposed are sufficient to protect the health and safety

of future occupants. The proposed mitigation, if required, shall be reflected on all development plans prior to approval.

8. Prior to approval of the final plat:
  - a. A conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
  - b. If recommended by DPIE, an appropriate plat note shall be provided requiring that the owner(s) of any property on which unsafe soil conditions have been found, shall notify any potential purchaser of such condition. The plat shall show the location of the mitigated safety factor line and 25-foot building restriction line from the safety factor line, if applicable, pursuant to Section 24-131(a)(1) of the Subdivision Regulations.
  - c. The final plat shall note that vehicular access to Lot 18 is authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations and reflect that access is denied along Cabin Branch Drive.
  - d. The applicant and the applicant’s heirs, successors, and/or assignees shall demonstrate that a business owners’ association has been established. The draft covenants shall be submitted to the Subdivision and Zoning Section, to ensure the rights of the Maryland-National Capital Park and Planning Commission (M-NCPPC) are included. The Liber and folio of the declaration of covenants shall be noted on the final plat prior to recordation.
9. The applicant and the applicant’s heirs, successors, and/or assignees shall not extinguish or modify the existing access easement recorded in Liber 4735 folio 133, which provides sole vehicular access to Lot 18, without the approval of M-NCPPC. This requirement shall be noted on the final plat.
10. Prior to approval of building permits, the applicant, their heirs, successors, and/or assignees, shall submit a copy of the recorded deed of conveyance to business owners’ association (BOA) for the land as identified on the approved preliminary plan of subdivision and final plat.
11. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall convey to the BOA land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:

- a. A copy of the deed for the property to be conveyed shall be submitted to the M-NCPPC Planning Department, Subdivision Review Section of the Development Review Division (DRD), Upper Marlboro, Maryland.
  - b. All waste matter of any kind shall be removed from the property prior to conveyance, 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, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to the BOA, shall be in accordance with an approved site 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. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
12. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall grant a 10-foot-wide public utility easement along the public right-of-way of Claybrick Road.
  13. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the applicant and the applicant's heirs, successors, and/or assignees shall provide a standard sidewalk along both sides of the subject site's portion of Claybrick Drive extended, unless modified by DPW&T/DPIE.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is 38.17 acres and is known as Parcel A, recorded in Plat Book PM 232–64 on June 1, 2010. The site is located within two industrial zones with 13.73 acres in the Light Industrial (I-1) Zone and 24.44 acres in the Heavy Industrial (I-2) Zone. The site currently contains two industrial buildings, which are proposed to be razed.

This application is a subdivision of the existing Parcel A into 9 lots (Lots 10–18) and 2 outlots for the development of 375,000 square feet of industrial uses. The two outlots consist of existing stormwater management ponds, which will serve the development. The outlots shall be conveyed

to a Business Owner’s Association, to ensure retention and future maintenance of the property. Lots 10–17 will have frontage and direct access to Claybrick Road a 70-foot-wide public right-of-way, which shall be extended further into the subject site from its existing terminus. The application includes the dedication of this extension for public use with the subject application. Lot 18 has frontage on but no direct access to Cabin Branch Drive. Due to severe environmental features located within the site, the applicant requested access via a private easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations for Lot 18 and the requested access is discussed further in the Transportation finding.

Section 24-128(b)(12) of the Subdivision Regulations requires that public utility easements (PUEs) be contiguous to either side of a private road. The applicant submitted a variation request on September 28, 2018 from this requirement. However, the proposed lots will not be served by any private roads, obviating the need for a variation request. Consequently, the variation request was withdrawn on November 9, 2018.

3. **Setting**—The site is located on Tax Map 59 in Grid A-4 and Tax Map 66 in Grid A-1, approximately 1,300 feet north of the intersection of Claybrick Road and Sherriff Road in Planning Area 72. To the north, the property is bounded by vacant land in the I-1 and I-2 Zones. The subject site is bounded by Marblewood Avenue to the west with single family detached dwellings in the R-55 Zone and contractor’s offices along with storage in the I-1 Zone beyond. Industrial uses abut the site to the south and east of the site, all within the I-2 Zone.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	I-1 I-2	I-1 (13.73) I-2 (24.44)
Use(s)	Industrial	Industrial (375,000 sq. ft)
Acreage	38.17	38.17
Lots	0	9
Outlots	0	2
Parcels	1	0

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on July 27, 2018.

5. **Previous Approvals**—On March 6, 2008, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-07070 (PGCPB Resolution No. 08-35) for 71.5 acres, which included the subject property (existing Parcel A), for the development of five lots and two outlots. The application was approved subject to 14 conditions. The subject property was platted as Parcel A pursuant to PPS 4-07070 and recorded in Plat Book PM 232—64 on June 1, 2010. PPS 4-07070

will be superseded for the area of Parcel A and a new final plat of subdivision will be required in accordance with this PPS 4-17041.

6. **Community Planning**—This application is located in the Established Communities Growth Policy Area of the *Plan 2035 Prince George's Approved General Plan* (Plan 2035). The vision for Established Communities is context-sensitive infill and low to medium-density development.

#### **Master Plan and Sectional Map Amendment/Zoning**

The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA) retained the subject property in the I-1/I-2 (Light/Heavy Industrial) Zones and recommends industrial land uses on the subject property. Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the area master plan, as discussed further, below.

7. **Stormwater Management**—In accordance with Section 24-130 of the Subdivision Regulations, a Stormwater Management (SWM) Concept Plan and Letter (14566-2001-02), approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), were submitted with the subject application, which expire on May 9, 2021. The plan shows the two existing stormwater management retention ponds. Development shall conform to the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding does not occur.
8. **Parks and Recreation**—Pursuant to Section 24-134 of the Subdivision Regulations, mandatory dedication of parkland is not required because this application is not a residential subdivision.
9. **Trails**—The subject property is covered by the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 Subregion 4 Master Plan and SMA (area master plan). The site is not located in a designated center or corridor and therefore, is not subject to Section 24-124.01 or the "Transportation Review Guidelines – Part 2, 2013."

#### **Master Plan Compliance and Prior Approvals**

The MPOT and area master plan include three master plan trail recommendations that impact the subject site. A stream valley trail is recommended along Cabin Branch, a bikeway/sidepath is recommended along Cabin Branch Drive, and continuous sidewalks and designated bicycle lanes are recommended along Marblewood Avenue. Text from the MPOT and area master plan regarding each facility is copied below.

**Cabin Branch Stream Valley Trail: This park trail will provide needed recreational opportunities in the Landover and Seat Pleasant areas. It will provide access to numerous park and school facilities, as well as to the Cheverly and Addison Road Metro Stations (MPOT, page 25).**

A stream valley trail is recommended along Cabin Branch. However, the Department of Parks and Recreation (DPR) has no land acquisition on this segment of the stream valley and due to the industrial zone of the subject site, no mandatory dedication is applicable. At this time, it appears that DPR is not interested in acquiring the stream valley at this location. Due to the lack of a public agency willing to take on the maintenance and operation of the trail at this location, no trail construction is required. In the vicinity of the subject site, trail access can be accommodated with the planned trail along Cabin Branch Drive.

**Cabin Branch Drive Shared-Use Sidepath or Wide Sidewalk: This facility will provide better multimodal access through an employment area and to the Cheverly Metro Station. It may also serve as a segment of the trail facility planned along Cabin Branch (MPOT, page 35).**

**Marblewood Avenue: Implement bike lanes from Sheriff Road to Reed Street (area master plan, page 102).**

Although the subject site has frontage along both Cabin Branch Drive and Marblewood Avenue, it does not have access to either road and frontage improvements are not appropriate as part of this application. The subject site will be served via Claybrick Road.

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**Policy 1:**

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

**Policy 2:**

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

Consistent with these policies, approved PPS 4-07070 (PGCPB Resolution No. 08-35) included the following condition regarding sidewalks along Claybrick Road:

- 1. The applicant shall provide a standard sidewalk along both sides of subject site's portion of Claybrick Road extended, unless modified by DPW&T.**

This condition has been carried forward as a condition of approval of this application. However, it has been amended to include "all internal roads" in the event that additional roads or road segments are constructed on-site.

10. **Transportation**—This application includes the subdivision of Parcel A into nine lots and two outlots. The plan proposes to construct buildings totaling 375,000 square feet for light industrial use.

**Traffic Study Analyses**

The applicant submitted a traffic study dated September 2018. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted consistent with the “Transportation Review Guidelines–Part 1, 2012.” The subject property is located within the Transportation Service Area (TSA) 1, as defined in the Plan 2035. As such, the subject property is evaluated according to the following standards:

**Links and Signalized Intersections:** Level-of-service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better;

**Unsignalized Intersections:** *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The traffic generated by this PPS would impact the following six intersections:

1. Columbia Park Road and Cabin Branch Drive
2. Sheriff Road and Addison Road
3. Sheriff Road and Claybrick Road (site)
4. Sheriff Road and Cabin Branch Drive
5. Sheriff Road and MD 704
6. Sheriff Road and Driveway Road (site)

The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

EXISTING CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Columbia Park Road and Cabin Branch Drive	A/697	A/654
Sheriff Road and Addison Road	B/1123	A/781
Sheriff Road and Claybrick Road (site) *	35.2 seconds	17.2 seconds
Sheriff Road and Cabin Branch Drive	A/933	A/819



Sheriff Road and MD 704	B/1038	A/819
Sheriff Road and Driveway (site) *	50.8 seconds	20.1 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

The traffic study identified two background developments whose impact would affect some or all of the study intersections. In addition, a growth of one percent over six years was also applied to the regional traffic volumes. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Columbia Park Road and Cabin Branch Drive	A/746	A/734
Sheriff Road and Addison Road	C/1279	A/899
Sheriff Road and Claybrick Road (site) *	A/966	A/678
Sheriff Road and Cabin Branch Drive	A/1079	C/1160
Sheriff Road and MD 704	B/1119	A/885
Sheriff Road and Driveway (site) *	<100 vehicles	33.7 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

Using trip rates from the “Guidelines” the study has indicated that the subject application represents the following trip generation:

		AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Proposed - Light Industrial	375,000 sq. ft.	259	64	323	64	259	323

The table above indicates that the proposed development will generate 323 (259-in; 64-out) AM peak-hour trips and 323 (64-in; 259-out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
Columbia Park Road and Cabin Branch Drive	A/822	A/823
Sheriff Road and Addison Road	C/1295	A/904
Sheriff Road and Claybrick Road (site) *	B/1119**	A/861**
Sheriff Road and Cabin Branch Drive	C/1265	D/1431
Sheriff Road and MD 704	B/1140	A/903
Sheriff Road and Driveway (site) *	<100 vehicles	<100 vehicles
<p>* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed. **If the CLV falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.</p>		

The results shown above indicate that both unsignalized intersections will operate with CLV's less than 1,150 which meet the "Guidelines" third-tier requirement for transportation adequacy at unsignalized intersections.

All of the signalized intersections were also found to be operating adequately. The traffic impact study (TIS) further concludes that the proposed application should be approved with a trip cap of 323 trips in both peak hours.

The Planning Board found the results of the TIS to be adequate. Additionally, the TIS was reviewed by the State Highway Administration (SHA), the Department of Permitting, Inspections, and Enforcement (DPIE), as well as the Department of Public Works and Transportation (DPW&T). In a memorandum from the DPW&T dated October 31, 2018 (*Mazzara to Masog*), several issues were raised by the DPW&T. Among the salient ones were the following which are numbered with the Planning Board's findings below each:

1. *Expanding the study area.*

The traffic study was consistent with the signed scoping agreement.

2. *Requesting the need for a signal warrant study.*

Beginning around 2012, the "Guidelines" now have a three-tier test for unsignalized intersections. The traffic impact analysis (TIA) for 4-17041 shows that this intersection passes the three-tier test and obviates the need for a signal warrant study.

3. *Requesting the need for additional operational analyses.*

An operating agency may request directly from an applicant any analysis that they deem necessary as part of their access permitting process. For a TIS however, analyses designed to demonstrate congestion can only be required.

4. *Increasing the percentage of trucks in the TIS analysis.*

It was agreed that the three percent truck traffic used in the TIS was too low. The traffic consultant revised the analyses reflecting a 13 percent increase of truck traffic in the traffic data. The revised analyses did not result in a lowering of the levels of service at any of the intersections. Consequently, the final conclusions identified in the TIS remains valid.

#### **Master Plan**

The property is located in an area where development policies are governed by the 2010 Subregion 4 Master Plan and SMA, as well as the 2009 MPOT. The subject property currently fronts on Marblewood Avenue, which is designated as a Master Plan Collector (C-404) road within an 80-foot right-of-way. To the south, the property fronts on Cabin Branch Drive, which is designated as a master plan industrial road (I-403) within a 70-foot right-of-way. The necessary right-of-way was previously dedicated; therefore, no further dedication is required.

#### **Access to Lot 18**

Lot 18 is located along the eastern boundary of the site and abuts Cabin Branch Drive (I-403). Pursuant to Section 24-128(b)(9) of the Subdivision Regulations, the application includes vehicular access to this lot via an existing ingress/egress easement recorded in Liber 4735 folio 133, which is located off-site and intersects Lot 18 at the southern property boundary. The subject property is granted the right to use this easement pursuant to the existing recorded document.

Steep slopes exist on Lot 18 and significant grade changes occur between the lot and Cabin Branch Drive. In addition, there are environmental features located within the lot that are proposed to be reserved via a conservation easement. Large trucks would have to use steep roadways in order to travel between Lot 18 and Cabin Branch Drive creating a hazardous and dangerous traffic situation.

Alternatively, Lot 18 is proposed to be finished at an elevation consistent with the existing ingress/egress easement. Access via this easement would allay the creation of a dangerous traffic situation while minimizing the impact to the primary management area (PMA) and significant environmental features located within Lot 18. The Planning Board approves the proposed access to Lot 18, via the existing access easement, pursuant to Section 24-128(b)(9) of the Subdivision Regulations.

All other aspects of the site regarding access and layout are deemed to be acceptable. Based on the preceding findings, adequate transportation facilities will exist to serve the proposed subdivision as required in accordance with Section 24-124 of the Subdivision Regulations.

11. **Public Facilities**—Public facilities for water and sewerage, police, and fire and rescue are adequate to serve the subdivision in accordance with Section 24-122.01 of the Subdivision Regulations, which are further outlined in memoranda dated July 11, 2018 (Branch to Onyebuchi) and July 25, 2018 (Mangalvedhe to Onyebuchi), incorporated by reference herein. In accordance with Section 24-122.02 of the Subdivision Regulations, this proposal will have no effect on public schools as it is a nonresidential use.
12. **Use Conversion**—The total development included in this PPS is nine lots and two outlots to accommodate 375,000 square feet of industrial uses. If a revision to the mix of uses or the site layout on the subject property is proposed that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, that revision shall require approval of a new PPS prior to approval of any building permits.
13. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the 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 PUEs is ten-foot-wide along both sides of all public rights-of-way. The PPS delineates a ten-foot-wide PUEs along all public rights-of-way. All PUEs will also be required to be reflected on the final plat prior to approval with the required statement in the owner’s dedication.

14. **Historic**—The subject property has been extensively graded, which has likely adversely impacted any archeological resources that may have previously existed on the site. A Phase I archeology survey was completed on the subject property in October 2007. Only a small area measuring 250 meters(m) by 300m on the northern end of the property that had not been previously disturbed was investigated.

The study area contained more than 50 percent ground cover and 74 shovel test pits (STPs) were excavated on portions of the property with slopes less than ten percent. Eleven of the STPs contained cultural material. A total of 24 artifacts were recovered from the STPs, including two historic artifacts and 22 prehistoric artifacts. A cluster of STPs containing prehistoric material was identified in the northeastern portion of the study area. The prehistoric artifacts collected include lithic flakes of quartz, rhyolite, quartzite, and chert. No diagnostic prehistoric artifacts were found. Site 18PR919 was defined as the cluster of prehistoric material in the northeastern portion of the property and measures 60m by 30m.

Due to the lack of diagnostic artifacts, intact features, and small size of the prehistoric site, no further work is required on site 18PR919. The Planning Board finds that no additional archeological investigations are necessary on the subject property. Four copies of the final archeological report were submitted and accepted by M-NCPPC on February 11, 2008.

The subject property does not contain and is not adjacent to any Prince George’s County Historic Sites or Resources. The development will not impact any historic sites, historic resources or known significant archeological sites.

15. **Environmental—**

**Background**

Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-05011	TCPI-028-91	Planning Board	Withdrawn	7/12/2007	N/A
4-07070	TCPI-028-91-01	Planning Board	Approved	3/06/2008	08-35
NRI-003-07-02	N/A	Staff	Approved	11/01/2017	N/A
4-17041	TCP1-028-91-02	Planning Board	Pending	Pending	Pending

**Grandfathering**

This project is subject to the current regulations of Subtitles 24, 25 and 27 of the Prince George’s County Code, that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new preliminary plan.

**Master Plan Conformance**

The Master Plan for this area is the 2010 Subregion 4 Master Plan and SMA. In the approved master plan and sectional map amendment, the Environmental Infrastructure Section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is from the master plan and the plain text provides comments on plan conformance.

**Policy 1: Protect, preserve and enhance the Green Infrastructure Network in Subregion 4.**

The property contains regulated and evaluation areas within the green infrastructure. The Regulated Area is associated with the stream and floodplain system, which run along the eastern boundary of the site. The evaluation area extends from the regulated area to include the associated buffers and steep slopes. Although impacts to the evaluation area are proposed, the stream, stream buffer, and floodplain are all encapsulated as the PMA,

and are proposed to be preserved with minor impacts detailed below in the discussion of preservation of regulated environmental features/primary management.

Based on the necessary disturbance inside the Green Infrastructure Network, this application meets the intent of protecting critical resources.

**Policy 2: Minimize the impacts of development in the Green Infrastructure Network and Special Conservation Areas (SCA).**

The impacts to the Evaluation Area have been minimized. The application proposes a minor impact to the Regulation Area for the installation of a stormwater outfall as shown in Applicant's Exhibit A. These impacts will not directly impact SCAs within Subregion 4.

**Policy 3: Restore and enhance water quality in degraded areas and preserve water quality in areas not degraded.**

This development currently has an approved SWM concept plan and letter (14566-2001-02), dated March 9, 2018. Approval of the concept plan demonstrates conformance with this goal.

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

The subject site has an approved Natural Resources Inventory (NRI-003-07-02) that provides an account of the existing conditions of the site. The plan includes grading within the stream buffer for a stormwater management outfall and impacts to the stream, stream buffer, wetland, and wetland buffer for the installation of a sewer and water line. The impacts do not warrant stream restoration or mitigation at this time.

**Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.**

The existing stream and associated stream buffer are located along the eastern boundary of the subject site. The plan includes preservation of the existing woodlands within the buffer, with the exception of minor impacts for the proposed stormwater outfall and water and sewer extension.

**Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.**

Residential uses are not proposed for this site; however, the construction plans should demonstrate that indoor decibel levels will be reduced by increasing insulation, using double pane windows and other common noise attenuation building standards.

**Policy 9: Implement environmental sensitive building techniques that reduce overall energy consumption.**

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible.

**Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.**

This site currently has a sidewalk along the entire frontage of Sheriff Road and a proposed sidewalk along the internal road. Bus transit is located on Sheriff Road, with a bus stop located near the entrance to the site. This application meets the intent of this policy.

**Policy 11: Increase the county's capacity to support sustainable development.**

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible.

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

Subtitle 25 Division 3 requires the site to provide 10 percent tree canopy coverage. Tree Canopy Coverage will be addressed by the Urban Design Section.

The site is subject to the Woodland and Wildlife Habitat Conservation Ordinance. The preliminary plan proposes to develop a large portion of the site; however, the majority of the woodland conservation requirement will be addressed on-site through retention and reforestation/afforestation.

**Environmental Review**

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

**Natural Resource Inventory Plan/Existing Features**

A Natural Resource Inventory, NRI-003-07-02, was approved on November 1, 2017. The TCP1 and the preliminary plan show all the required information correctly in conformance with the NRI.

No revisions are required for conformance to the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the 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 existing woodland. A Type 1 Tree Conservation Plan (TCP1-028-91-02) was submitted with the preliminary plan application.

The TCP1 submitted with this application comprises a 71.4-acre tract, which includes the parcels reviewed with PPS 4-07070. The site contains 8.12 acres of woodland in the net tract with 6.53 acres of woodland in the floodplain. The woodland conservation threshold for the I-1 and I-2 Zones is 15 percent, which calculates to 9.73 acres for this site. The woodland conservation worksheet proposes the removal of 1.63 acres of woodland in the net tract area and 0.16-acre in the floodplain resulting in a woodland conservation requirement of 14.42 acres. The requirement is proposed to be met with 6.28 acres of woodland preservation on-site, 2.29 acres of afforestation/reforestation, 0.62 acre of natural regeneration, 0.8 acre of fee-in-lieu, and 2.9 acres of off-site woodland conservation being provided on this property.

The TCP1 will require technical revisions to be in conformance with the applicable Woodland Conservation Ordinance (WCO).

### **Specimen Trees**

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

The site contains two living specimen trees. The current design does not include the removal of either of these specimen trees.

### **Preservation of Regulated Environmental Features/Primary Management Area**

Impacts to the regulated environmental features 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 stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. 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, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts



for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

The site contains regulated environmental features. According to the TCP1, two impacts to the PMA are proposed for the development of the site. Impact 1 is for a water and sewer connection to existing utility lines located beneath Cabin Branch Drive, to the east of the subject property. Impact 2 is for a stormwater outfall, adjacent to an existing stormwater outfall.

#### **Statement of Justification**

A Statement of Justification was received on November 6, 2018 and includes a request for PMA Impact 1 and Impact 2, totaling 9,659 square feet (0.22 acre).

#### **Analysis of Impacts**

Based on the revised statement of justification, the application includes the impacts described below:

**Impact 1** is a disturbance of 8,253 square feet (0.19 acre) to the PMA, which includes a stream, stream buffer, associated wetland, and wetland buffer. The impact is proposed for the installation of a sewer and water line connection from Cabin Branch Drive, located to the east of the subject property. The impact has been designed to minimize the impacts to the extent practicable, while still meeting the requirements of WSSC.

**Impact 2** is a disturbance of 1,406 square feet (0.03 acre) to the PMA. The impact is proposed for the installation of a stormwater outfall. The outfall is intended to safely transport overflow from a storm drain system directed to the existing stormwater management pond. The outfall is necessary for the safe, efficient conveyance of stormwater originating from the buildings and parking area. This impact is adjacent to a previous impact which was established with the installation of an existing storm drain and stormwater outfall.

The Planning Board approves PMA impacts 1 and 2.

#### **Soils**

The predominant soils found to occur according to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS) include Christiana-Downer complexes, Russel-Christian-Urban land complex, Udorthents reclaimed clay and gravel pits, Urban land complexes, and Zekiah and issue soils, frequently flooded. Marlboro clays are not mapped or in the vicinity of this property; however, Christiana complexes are mapped on-site.

Christiana complexes are considered unsafe soils that exhibit shrink/swell characteristics during rain events, which make it unstable for structures. Pursuant to Section 24-131 of the Subdivision Regulations, the Planning Board shall restrict or prohibit land found to be unsafe for development because of natural conditions such as unstable soils and high-water table.

The Planning Board may approve the platting of such land, upon recommendation of the County, provided that covenants are attached to incorporate the remedial actions. The Planning Board may also require that the owner(s) of any property on which unsafe conditions have been found to exist shall notify any potential purchaser of such conditions.

Based on the level of design information currently available, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the impact exhibits and the tree conservation plan.

16. **Urban Design**—Various industrial uses are permitted by-right in the I-1 and I-2 Zones. A detailed site plan (DSP) will not be required for this application; however, it will be subject to the requirements of the Prince George’s County Zoning Ordinance through the permit review process.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Doerner, seconded by Commissioner Geraldo, with Commissioners Doerner, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, December 13, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George’s County Planning Board this 10th day of January 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:JO:gh