

R E S O L U T I O N

WHEREAS, Liberty Properties, Inc. is the owner of a 17.90-acre parcel of land known as Parcel A of Briggs Tract, said property being in the 18th Election District of Prince George's County, Maryland, and being zoned Heavy Industrial (I-2); and

WHEREAS, on May 15, 2020, Liberty Property Trust filed an application for approval of a Preliminary Plan of Subdivision for 1 Outlot and 1 Parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19048 for Washington Gateway 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 July 16, 2020, 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 July 16, 2020, 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 TCP1-008-2019, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-19048 for 1 Outlot and 1 Parcel with the following conditions:

1. Prior to the signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
  - a. Correct General Note 15 to indicate the property is located in Sustainable Growth Tier 1.
  - b. Indicate the street name for C-404 as Marblewood Avenue.
  - c. Indicate that Outlot 1 is to be retained in ownership with Parcel 1 of this development or is to be conveyed the owner of Parcel A to the west (currently owned by the Town of Cheverly).
2. Prior to signature approval of the preliminary plan, the Type 1 tree conservation plan shall be revised as follows:
  - a. Revise approval block to add "4-19048" to initial DRD column.

- b. Revise the site statistics table to match the revised site statistic table submitted with statement of justification information.
  - c. Label the locations of the on-site surface sand filters.
  - d. Have the revised plan signed and dated by the qualified professional preparing the plan.
3. Prior to preliminary plan approval, the following note shall be placed on the Type 1 tree conservation plan, which reflects this approval, directly under the woodland conservation worksheet:
- “NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of four specimen trees (Section 25-122(b)(1)(G), ST-3, a 37-inch Eastern Cottonwood, ST-4, a 37-inch Silver Maple, ST-5, a 38-inch American Sycamore, and ST-6, a 32-inch American Sycamore.”
4. In conformance with the 2009 *Approved Countywide Masterplan of Transportation* the applicant and the applicant’s heirs, successors, and/or assigns shall provide the following, unless modified by the Prince George’s County Department of Permitting, Inspections and Enforcement with written correspondence:
- a. Standard bicycle lanes along the subject site’s frontage of Columbia Park Road.
  - b. Pedestrian ramps and crosswalks at the intersection of Columbia Park Road and Washington Gateway Boulevard, and at all entrance/exits along Columbia Park Drive and Washington Gateway Boulevard.
5. The applicant and the applicant’s heirs, successors, and/or assigns shall provide a minimum of two inverted u-style bicycle racks or a bicycle rack style that allows two points of secure contact at a location convenient to the building entrance, to be shown on the permit site plan prior to the approval of any building permit.
6. Total development within the subject property shall be limited to uses which generate no more than 177 AM peak-hour trips and 236 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
7. Prior to approval of the final plat of subdivision, the final plat shall reflect:
- a. Dedication of the right-of-way for the portion of C-404 within the property’s boundary.

- b. Grant of public utility easements, in accordance with the approved preliminary plan of subdivision, along the public rights-of-way.
- 8. Prior to the approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
  - a. Construct Washington Gateway Boulevard (C-404) within the property's boundary, as per the requirements of the Prince George's County Department of Permitting, Inspections and Enforcement.
- 9. Prior to the signature of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard Type 2 Tree Conservation Plan notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber \_\_\_\_\_ Folio \_\_\_\_\_. Revisions to this TCP2 may require a revision to the recorded easement.”
- 10. Prior to the issuance of the first grading permit, copies of the recorded easement documents with the approved liber and folio shall be provided to the Environmental Planning Section. The liber and folio of the recorded woodland conservation easement shall be added to the Type 2 tree conservation plan.
- 11. At time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River primary management area, except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

12. Development of this subdivision shall be in compliance with an approved Type 1 Tree Conservation Plan (TCP1-008-2019). The following notes shall be placed on the final plat of subdivision:

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-008-2019), or as modified by a future Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy.”

13. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to approval of any permits.
14. Development of this site shall be in conformance with Stormwater Management Concept Plan 8708-2019-00 and any subsequent revisions.
15. After completion of all woodland reforestation and afforestation of Outlot 1, but prior to the release of any bonds posted in association with the reforestation, the applicant, its successor and assigns, shall convey Outlot 1 to the Town of Cheverly if agreed to by the Town. If the Town of Cheverly does not accept conveyance, ownership shall be retained by the owner of Parcel 1. This requirement shall be noted on the final plat.

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 site consists of one existing parcel totaling approximately 17.90 acres, recorded in Plat Book WWW 35, Page 100, and is known as Parcel A of Briggs Tract. The site is located southwest of the intersection of Columbia Park Road and Cabin Branch Drive and is within the Heavy Industrial (I-2) Zone.

The subject application consists of one parcel for 172,200 square feet of industrial development, and one outlot. More specifically, the project proposes redevelopment of the subject property as a warehousing/industrial use, with a single, one-story 172,200-square-foot building and associated parking.

Section 25-122(b)(1)(g) of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) requires that the preservation of specimen trees, champion trees, or trees that are associated with an historic site or structure have their critical root zones protected

through judicious site design. The applicant requested approval of a variance for the removal of four specimen trees, which is discussed further.

3. **Setting**— The site is located on Tax Map 59, Grid B-3, and is within Planning Area 72. The subject site is bounded to the east by a strip of land in the Planned Industrial/Employment Park (I-3) Zone and Cabin Branch Drive beyond; to the north by the right-of-way of Columbia Park Road; to the west by an existing restaurant in the I-3 Zone, Town of Cheverly parkland in the One-family Detached Residential (R-55) Zone, and vacant property in the Light Industrial Zone; and to the south by vacant land in the I-2 and I-3 Zones.
4. **Development Data Summary**— The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	I-2	I-2
Use(s)	Industrial	Industrial
Acreage	17.90	17.90
Gross Floor Area	N/A	172,200 square feet
Dwelling Units	0	0
Parcels	1	1
Lots	0	0
Outlots	0	1
Variance	No	Yes 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Prince George's County Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee meeting on May 29, 2020.

5. **Previous Approvals**—The property was previously the site of a meat packing facility, with a 132,000-square-foot building, and approximately 201,000 square feet of asphalt and gravel pavement used for parking and loading. The building has since been demolished, but the foundation site paving remains.

The property was recorded by plat in August 1959, in Plat Book WWW 35, Page 100, and is known as Parcel A of Briggs Tract.

Zoning Map Amendment Application A-10035 rezoned the subject 17.9-acre property from the I-3 Zone to the I-2 Zone and was approved by the Prince George's County District Council on April 10, 2017, without any conditions.

The proposed development is subject to a PPS, in accordance with Section 24-107 of the Subdivision Regulations.

6. **Community Planning**—The subject site is within the area of the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (master plan) which retained the subject property in the I-2 Zone. Conformance with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and the master plan are evaluated, as follows:

**Plan 2035**

This application is located in the Employment Policy Area. The vision for the Employment Policy Area is to support business growth in four targeted industry clusters: healthcare and life sciences; business services; information, communication, and electronics (ICE); and Federal Government. The Plan 2035 generalized future land use is employment/industrial.

**Master Plan**

The master plan recommends industrial land use on the subject property. The property is zoned as I-2.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the master plan.

7. **Stormwater Management**—A Stormwater Management (SWM) Concept Approval Letter (3818-2016-01), and associated plan were submitted with the application for this site. The approval was issued on April 20, 2020, with this project from the Prince George County Department of Permitting, Inspections and Enforcement (DPIE). The SWM concept plan proposes to construct two surface sand filters. No SWM fee for on-site attenuation/quality control measures is required.

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

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations, the subject subdivision is exempt from Mandatory Dedication of Parkland requirements because it consists of non-residential development.

The master plan alignment of the Cabin Branch Stream Valley Trail is shown along the southern property boundary, running from Cabin Branch Drive north across to Washington Gateway Boulevard. The Prince George's County Department of Parks and Recreation (DPR) has determined that construction of the trail within the Cabin Branch Stream Valley on this property is not feasible, due to environmental constraints and the lack of available properties to complete this trail alignment beyond this property.

DPR is in concurrence with Prince George's County Planning Department Transportation Planning Section's recommendations to relocate the master planned trail alignment along Cabin Branch Drive, and then along Columbia Park Road. The master planned trail will be implemented

by providing an eight-foot-wide sidewalk along the entire frontage of Cabin Branch Drive and Columbia Park Road, along with on-road bicycle lanes, which is discussed further in the Trails finding below.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the master plan. The site is not subject to Section 24-124.01 (Adequacy of Bicycle and Pedestrian Facilities in Centers and Corridors) of the Subdivision Regulations, at the time of this PPS.

#### **Adequacy of On-Site Improvements**

The submitted plans include an eight-foot-wide shared-use path along the frontage of Columbia Park Road, and a five-foot-wide sidewalk along the east side of Washington Gateway Boulevard (C-404), including a pedestrian ramp at the intersection with Columbia Park Road. Per DPIE, sidewalk along the west side of Washington Gateway Boulevard will not be required, and the sidewalk is not required with this application. An existing sidewalk is also shown along a portion of Cabin Branch Drive.

#### **Connectivity to Adjacent/Nearby Properties**

The subject site is adjacent to residential and industrial areas connected via sidewalks along Columbia Park Road and a portion of Cabin Branch Drive.

#### **Master Plan of Transportation Compliance**

Multiple master plan trails impact the subject site, including planned on-road bicycle facilities along Columbia Park Road and Cabin Branch Drive, a wide or standard sidewalk along Columbia Park Road, a wide shared-use path along Cabin Branch Drive, and a portion of the planned Cabin Branch Trail. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9-10):

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

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

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

The subject site has frontage on both sides of Washington Gateway Boulevard, and on the south side of Columbia Park Road. While it appears that the subject site also has frontage along Cabin Branch Drive, there is a narrow property owned by Consolidated Rail Corporation between the subject site and Cabin Branch Drive. Therefore, frontage improvements to Cabin Branch Drive

exceed the scope of this application. The right-of-way for Cabin Branch Drive has been fully dedicated, so pedestrian infrastructure along the west side of the street and a bicycle lane can be installed by the Prince George's County Department of Public Works and Transportation (DPW&T) as a future capital improvement, or road re-pavement project.

Pedestrian ramps and crosswalks shall be provided at the intersection of Columbia Park Road and Washington Gateway Boulevard, and at all access points along Columbia Park Drive, and Washington Gateway Boulevard.

In addition, the bicycle lanes shall be striped along the frontage of Columbia Park Road, per the master plan recommendation. Designating space for bicycle parking is an important component of a bicycle friendly roadway and at least two Inverted-U shaped bicycle racks, or a style of bicycle rack that provides two points of contact to support and secure a parked bicycle, at a location convenient to the building's entrance.

The site is impacted by a portion of the planned Cabin Branch Trail. However, it was determined in prior approvals of properties surrounding the subject site, that the stream valley is not a practical or desirable location for a trail in the vicinity of the subject site. PPS 4-07070 and 4-17041 include recommendations to realign the master plan trail along Cabin Branch Drive. Realigning the trail to Cabin Branch Drive also requires the trail to be provided along Columbia Park Road, so that it can re-connect to the trail alignment near the Cheverly Metrorail Station. The submitted plans include an eight-foot-wide shared-use trail along Columbia Park Road, which is consistent with the master plan recommendation.

The recommended improvements fulfill the intent of the policies included above and is in compliance with the master plan, pursuant to Section 24-121(a)(5).

#### **Area Master Plan Compliance**

This development is also subject to the master plan, which includes the following recommendations for pedestrian and bicyclist facilities:

**Policy 2: Provide sidewalks and neighborhood trail connections within existing communities to improve pedestrian safety, allow for safe routes to Metro stations and schools, and provide for increased nonmotorized connectivity between neighborhoods (page 252)**

The approved pedestrian and bicycle facilities will create and enhance the connectivity to the adjacent properties, as well as the nearby Cheverly Metro, and fulfill the intent of the policy above.

Based on the findings presented above, adequate pedestrian and bicycle transportation facilities will exist to serve the subdivision, as required under Subtitle 24.

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



layout. This application is supported by a Traffic Impact Study (TIS) and Traffic Signal Warrant Analysis dated May 2020. The findings and recommendations outlined below are based upon a review of the materials and analyses conducted consistent with the “Transportation Review Guidelines, Part 1”.

### **Background**

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

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections:

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

### **Analysis of Traffic Impacts**

The application is a PPS for a warehouse facility. Based on application documents, this warehouse facility will be operated as an Amazon.Com facility. The Amazon franchises utilize warehouses with a wide array of functionalities. These operations produce different traffic generation based on the specific needs of a warehouse operation. Consequently, traffic data was required from the applicant, and received, based on warehouse operation that are comparable to the development being proposed. Traffic data were compared to trip generation rates from the *Trip Generation Manual, 10th edition* (Institute of Transportation Engineers). Recognizing that there are differences among the various trip rates, the higher rates were incorporated from both sources and a trip generation of 177 AM and 236 PM peak trips was used. These agreed-upon trip rates were represented in the applicant’s TIS.

<b>Table 1 - Trip Generation</b>						
<b>Land Use</b>	<b>AM Peak Hour</b>			<b>PM Peak Hour</b>		
	<b>In</b>	<b>Out</b>	<b>Tot.</b>	<b>In</b>	<b>Out</b>	<b>Tot.</b>
Delivery Service Provider (DSP) vans	82	22	104	101	118	219*
All other vehicles	59	14	73	8	9	17
<b>Total trip generation</b>	<b>141</b>	<b>36</b>	<b>177</b>	<b>109</b>	<b>127</b>	<b>236</b>
*This number represents 68 percent of the 323 peak trips that were previously approved and are being used as background condition.						

A May 2020 TIS was received, where the critical intersections were identified and analyzed under existing, background, and total conditions:

<b>EXISTING CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	LOS/CLV	LOS/CLV
MD 459 @ Cheverly Avenue-US 50 WB Ramp	A/872	A/883
MD 459-Columbia Park Road @ US 50 EB Ramp	B/1135	A/909
Columbia Park Road @ Cheverly Metro Entrance	A/561	A/899
Columbia Park Road @ 64 <sup>th</sup> Avenue	A/575	A/575
Columbia Park Road @ Cabin Branch Drive	A/688	A/757
MD 704 @ Columbia Park Road-Belle Haven Road	C/1289	C/1189

In evaluating the effect of background traffic, the TIS included three background developments in the area. Based on a regional growth rate of 2.4 percent per year for two years, a second analysis was done. The table below shows the results:

<b>BACKGROUND CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	LOS/CLV	LOS/CLV
MD 459 @ Cheverly Avenue-US 50 WB Ramp	A/924	A/980
MD 459-Columbia Park Road @ US 50 EB Ramp	C/1232	B/1018
Columbia Park Road @ Cheverly Metro Entrance	A/598	A/943
Columbia Park Road @ 64 <sup>th</sup> Avenue	A/614	A/600
Columbia Park Road @ Cabin Branch Drive	A/779	A/928
MD 704 @ Columbia Park Road-Belle Haven Road	C/1411	C/1314
Columbia Park Road @ Proposed Master Plan Road *	61.6 seconds	648.4 seconds
Columbia Park Road @ Proposed Right-in/Right-out *	10.4 seconds	13.7 seconds
<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 critical lane volume 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 critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.</p>		

Using projected trip generation identified in Table 1, the total traffic analysis indicates the following results:

<b>TOTAL CONDITIONS</b>		
<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	LOS/CLV	LOS/CLV
MD 459 @ Cheverly Avenue-US 50 WB Ramp	A/927	A/982
MD 459-Columbia Park Road @ US 50 EB Ramp	C/1250	B/1022
Columbia Park Road @ Cheverly Metro Entrance	A/603	A/945
Columbia Park Road @ 64 <sup>th</sup> Avenue	A/618	A/601
Columbia Park Road @ Cabin Branch Drive	A/803	A/932
MD 704 @ Columbia Park Road-Belle Haven Road	C/1411	C/1314
Columbia Park Road @ Proposed Master Plan Road ** <i>Tier 2 Minor Street Volume</i>	112.1 seconds <100 trips	759.7 seconds <100 trips
Columbia Park Road @ Proposed Right-in/Right-out	10.6 seconds	13.8 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 is computed. The approach volumes are projected to be 19 AM and 62 PM peak trips. This intersection passes the Tier 2 test for unsignalized intersection.

Results from the total traffic analysis revealed that all the critical intersections will operate within the Prince George's County Planning Board's requirement for adequate transportation facilities.

In addition, the TIS was referred out to county and state agencies for review and comment. As of this writing, response was not received from the Maryland State Highway Administration. However, a joint June 5, 2020 memorandum (Lord-Attivor to Barnett-Woods) from DPIE, as well as DPW&T was received. Below are some of the salient issues expressed by the County (*in italics*) along with responses from the traffic consultant:

- *TIS shows imbalance in traffic flow between the US 50 EB On/Off Ramps and the entrance to the Cheverly Metro Station. This imbalance must be addressed by the traffic consultant, resulting in a reevaluating of the intersections critical lane volumes.*

**TIS response:** Traffic counts were done on days that were months apart. Daily fluctuations in traffic flow can give rise to unbalance counts between intersections.

The Planning Board concurs with this explanation.

- *The TIS must re-distribute all traffic generated by the site including detailed site plans (DSP) that will be using the adjacent parking lots. This redistribution could affect the results in the TIS.*

**TIS response:** Traffic analyses are done for existing, background and future conditions. However, it is the analysis under future (Total Traffic) conditions that ultimately determines adequacy based on the Planning Board's policy. This was reflected in the TIS.

The Planning Board concurs with this explanation.

- *The TIS failed to include a northern leg of the intersection of Columbia Park Road @ 64<sup>th</sup> Avenue.*

The intersection is a "T" intersection. The Planning Board does not concur with this assessment.

#### **Master Plan and Site Access**

The property is in an area where the development policies are governed by the master plan, as well as the MPOT. The subject property currently fronts on Columbia Park Road to the north,

which is designated as a master plan collector road (C-411) within an 80-foot right-of-way. The property line is approximately 40 feet from the centerline of Columbia Park Road hence no additional right-of-way will be required. A portion of the property is bifurcated by a road indicated on the PPS as Washington Gateway Boulevard, a master planned collector road (C-404) within an 80-foot right-of-way. This master plan roadway will connect existing Marblewood Avenue with Columbia Park Road. The applicant has agreed to dedicate and construct the portion of C-404 that traverses the property. As previously stated, Washington Gateway Boulevard is intended to connect to existing Marblewood Avenue and should bear the same name. Therefore, the PPS shall be revised to reflect the dedication portion of C-404 as Marblewood Avenue.

All other aspects of the site regarding access and layout are deemed to be acceptable.

Based on the findings presented in this section, adequate transportation facilities will exist to serve the subdivision, as required under Section 24-124.

11. **Schools**—Per Section 24-122.02 of the Subdivision Regulations, and Prince George’s County Council Resolutions CR-23-2001 and CR-38-2002, *Adequate Public Schools Facility Regulations for Schools*, this subdivision was reviewed for impacts to school facilities and it is concluded that the commercial property is exempt from a review for schools because it is a non-residential use.
12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated May 28, 2020 (Thompson to Sievers), incorporated by reference herein.
13. **Use Conversion**—The total development included in this PPS is to be 172,200 square feet of industrial development in the I-2 Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses or any residential development shall require approval of a new PPS, prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—Section 24-122(a) of the Subdivision Regulations requires that when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on a public right-of-way, Columbia Park Road, to the north and Washington Gateway Boulevard in the western part of the site. The required PUEs along the public streets are delineated on the PPS.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicate the probability of archeological

sites within the subject property is low. A Phase I archeological survey is not required on the subject property. There are no historic sites or resources on or adjacent to the subject property. This proposal will not impact any Historic Sites or resources or significant archeological sites.

16. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site applicable to this case:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-255-2015	N/A	Staff	Approved	1/19/2016	N/A
NRI-255-2015-01	N/A	Staff	Approved	5/18/2020	N/A
4-19048	TCP1-008-2019	Planning Board	Pending	Pending	Pending

The subject property was previously developed with a large industrial warehouse structure with paved parking and maintained lawn areas. Woodland is present on the southern and western sections of the property. In 2018, the existing warehouse structure was razed, and the concrete flooring and paved parking areas were left remaining.

#### **Grandfathering**

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

#### **CONFORMANCE WITH GENERAL PLAN, MASTER PLAN AND FUNCTIONAL PLANS**

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

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 the Established Communities of the General Plan Growth Policy Map.

##### **Master Plan Conformance**

In the area master plan, 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 the text from the master plan and the plain text provides comments on plan conformance.

#### **Approved Subregion 4 Master Plan and Sectional Map Amendment (June 2010)**

##### **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 Cabin Branch stream and floodplain system,

which run along the western and northern boundary of the site. The evaluation area covers the remaining area outside floodplain and stream buffers except for a very small area not identified in any network area. A large portion of the regulated area was located within the previously developed and impacted area, and the evaluation area is located and comprised of the existing on-site woodlands. The impacts will disturb mostly previously disturbed areas along with a portion of the evaluation area. The impacts to the primary management area (PMA), and preservation of woodland are discussed in the Regulated Environmental Features/Primary Management Area section of this review.

The project, which is consistent with the I-2 zoning, preserves the high priority environmental features of the site within the network.

**Policy 2: Minimize the impacts of development in the Green Infrastructure Network and SCA's.**

The impacts to the Regulated Area are mostly to areas that have previously been impacted by industrial uses. The stream valley, associated buffer, and some floodplain within the

PMAs adjacent to the western property line are to be saved. The impacts will not directly impact Special Conservation Area's (SCA) within Subregion 4.

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

This development proposal has an approved SWM concept plan and letter (3818-2016-01), dated April 30, 2020 which demonstrates conformance with this goal. SWM is further discussed in the Environmental Review section in this memorandum.

**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-255-15-01) that provides an accounting of the existing conditions of the site. A majority of the site is within the 100-year floodplain, which is comprised of areas impacted by previous development and existing woodlands. The impacts do not warrant stream restoration, or mitigation at this time.

**Policy 5: Require on-site management of stormwater through the use of sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.**

This development proposal has an approved SWM concept plan and letter, 3818-2016-01, dated April 30, 2020, which demonstrates conformance with this goal.

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

Cabin Branch stream and its associated stream buffers are located along the western and northern boundaries of the subject property. The Type 1 tree conservation plan (TCP1) proposes to preserve existing woodlands and reforest open areas within the stream buffer, except for impacts for a stormwater outfall and the master planned roadway.

**Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.**

Air Quality is a regional issue that is addressed by the Metropolitan Washington Council of Governments (MWCOG).

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

The subject property is proposed for a large industrial warehouse. No residential uses are included for the site and interior and exterior noise standards are not applicable. The use is not anticipated to result in noise impacts.

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

The use of green building and energy conservation techniques is encouraged and should be implemented to the greatest extent possible. Development applications for the subject property should incorporate green and environmentally sensitive building and site design techniques, to reduce overall energy consumption to the fullest extent practical.

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

This site was previously developed with an industrial facility, which has since been razed and will be redeveloped as a larger industrial facility. Existing sidewalks along the entire frontage of Columbia Park Road, and partially down Cabin Branch Road, meets the intent of this policy.

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

The use of green building techniques, Sustainable Site design and energy conservation techniques which support sustainability are encouraged and should be 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 (TCC). TCC will be addressed at the time of building permit.

The site is subject to the WCO. Most of the woodland conservation requirement will be addressed with on-site reforestation which will enhance the TCC provided.

**Policy 14: Improve the county's capacity to support increases in the tree canopy.**

TCC will be addressed at the time of building permit.

**Conformance with the Countywide Green Infrastructure Plan**

According to the *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George's County Resource Conservation Plan; A Countywide Functional Master Plan*, most of the site is within Regulated Area or Evaluation Area within the designated network of the plan, and contains a perennial stream (Cabin Branch), associated stream buffers, 100-year floodplain and adjacent woodlands. Impacts are proposed within both the Regulated and Evaluation Areas for redevelopment of the site.

The following policies support the stated measurable objectives of the *Countywide Green Infrastructure Plan*:

**Policy 1: Preserve, protect, enhance, or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.**

The industrial redevelopment will impact the green infrastructure network. On-site preservation has been focused in the areas of highest priority (stream buffer).

**Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.**

The site has an approved SWM concept plan, which addresses surface water runoff issues, in accordance with Subtitle 32 Water Quality Resources and Grading Code. The PMAs associated with this application cover most of the site because of the extensive 100-year floodplain associated with Cabin Branch. Necessary impacts to the PMA for redevelopment of the site have been focused in area of previous impacts and required roadway and SWM improvements. The remaining PMA will be preserved, or reforested as on-site woodland conservation.

**Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.**

The 2002 General Plan has been superseded by Plan 2035. The property is subject to the WCO. The overall site contains a total of 2.98 acres of net tract woodlands and 2.18 acres of floodplain woodlands. The plan proposes to clear 2.33 acres of net tract woodland and 1.47 acres of floodplain woodlands. The resultant woodland conservation requirement is 2.57 acres which will be met with 0.64 acre of on-site preservation, 0.99 acre of on-site reforestation, and 0.94 acre of off-site woodland credits.

## **ENVIRONMENTAL REVIEW**

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

A Natural Resource Inventory, NRI-255-2015-01, was provided with this application. The TCP1 and the preliminary plan show the required information is in conformance with the NRI. No revisions are required for conformance to the NRI.

### **Woodland Conservation**

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 tree conservation plan (TCP1-008-2019) was submitted with the PPS application.

Based on the revised TCP1, the site contains 2.98 acres of net tract woodland and 2.18 acres of woodlands within the 100-year floodplain with a woodland conservation threshold of 0.52 acre (15 percent). The Woodland Conservation Worksheet includes the clearing of 2.33 acres in the net tract area, 1.47 acres in the floodplain, and zero acre off-site, resulting in a woodland conservation requirement of 2.57 acres. The TCP1 worksheet indicates the requirement is to be met with 0.64 acre of on-site woodland preservation, 0.99 acre of on-site reforestation (within the floodplain) and 0.94 acre of off-site woodland conservation. The Forest Stand Delineation has identified six specimen trees on-site. This application includes the removal of four specimen trees.

Technical revisions are required to the TCP1 which are included in conditions of approval.

### **Specimen Trees**

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

The site contains six specimen trees with the ratings of good (Specimen Trees 5 and 6), fair (Specimen Trees 2 and 4), and poor (Specimen Trees 1 and 3). The removal of four specimen trees is requested.

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

A Subtitle 25 variance application, a statement of justification (SOJ) in support of a variance, and a tree removal plan were received for review on December 16, 2019.

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

**Specimen Tree Schedule Summary**

ST #	COMMON NAME	Diameter (in inches)	CONDITION	DISPOSITION
1	Eastern Cottonwood	42	Poor	To be saved
2	Yellow Poplar	30	Fair	To be saved
3	Eastern Cottonwood	37	Poor	To be removed
4	Silver Maple	37	Fair	To be removed
5	American Sycamore	38	Good	To be removed
6	American Sycamore	32	Good	To be removed

**Statement of Justification Request:**

A variance from Section 25-122(b)(1)(G) was requested for the clearing of the four specimen trees on-site. The site consists of 17.90 acres and is zoned I-2. The current proposal for this property is to develop the site with an industrial facility and a master planned roadway with associated infrastructure. This variance was requested to the WCO which requires, under Section 25-122, that “woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case.” The Subtitle Variance Application form requires an SOJ of how the findings are being met.

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

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

The 17.90-acre site contains the concrete footprint of a former industrial facility (building and parking areas) along with woodlands. A revised floodplain study of the property shows that 14.43 acres is located within the 100-year floodplain. This site is zoned I-2 and proposes an industrial use. Only a small portion of the onsite woodlands are located outside of the 100-year floodplain. A master plan roadway along the western property line connecting Columbia Park Road to future developments is required with this development. The four specimen trees and their root zones will be impacted due to their location relative to the proposed building. To effectively develop the site with the necessary right-of-way and structural improvements the four specimen trees (ST-3,4 5 and 6) must be removed.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.**

A large portion of the property has environmental constraints and the floodplain area contains the previous industrial facility area and on-site woodlands. A floodplain waiver was approved by DPIE to allow redevelopment of the site. Four specimen trees and their root zones will be impacted due to their location relative to the proposed industrial building, but the applicant is proposing to retain the remaining two specimen trees located on the property. The proposed development of the site is in keeping with similar projects within the area.

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

Based on the various site constraints (PMA and 100- year floodplain), the granting of this variance will allow the project to be redeveloped in a functional and efficient manner.

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

This variance application is not based on conditions or circumstances which are solely the result of actions by the applicant. The application includes the removal of four specimen trees primarily due to the location of the trees and the proposed large industrial building and to retain the two remaining trees through protective measures. The requested variance is not the result of actions by the applicant.

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

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

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

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

The required findings of Section 25-119(d) have been adequately addressed by the applicant for the removal of Specimen Trees 3, 4, 5, and 6.

**Preservation of Regulated Environmental Features**

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 the County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary 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 the County Code.

The site contains regulated environmental features. According to the TCP1, impacts to the PMA are for development of an industrial facility and associated site facilities, a master planned roadway, and a SWM outfall. An SOJ was received with the revised application dated June 2, 2020 for impacts to the PMA (floodplain, stream, and stream buffer). Because this property is dominated by an extensive 100-year floodplain and was a previous industrial facility, (DPIE) reviewed all the impacts within the 100-year floodplain and on May 18, 2020, a waiver was granted for the impacts to the 100-year floodplain for the redevelopment.

#### **Statement of Justification**

The SOJ included a request for three separate PMA impacts totaling 11.8 acres of impacts to floodplain, stream, and stream buffer.

#### **Analysis of Impacts**

Based on the SOJ, a total of three impacts were requested as listed, then described below:

Master Planned Road Impact: PMA impacts totaling 7,260 square feet are requested for the construction of a master planned roadway. The road construction will start at Columbia Park Road accessing the proposed development and stop before crossing Cabin Branch. The impact area will disturb stream buffer and 100-year floodplain.

Building and Site Impacts: PMA impacts totaling 11.77 acres are requested within the 100-year floodplain for the construction of the industrial facility, including the master planned roadway impacts identified above. DPIE has reviewed the impacts to the 100-year floodplain and have granted a floodplain waiver for all the requested impacts

Outfall Impact: PMA impacts totaling 266 square feet (20 linear feet) for the construction of one SWM outfall structure are requested. The impacts are to stream and 100-year floodplain.

The site contains significant regulated environmental features, which are required to be protected under Section 24-129 and/or 130 of the Subdivision Regulations. Based on the level of design information currently available, the limits of disturbance shown on the

TCP1 and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible. The impacts necessary for road improvements, the industrial facility, the master-planned roadway and a SWM outfall are reasonable for the orderly and efficient redevelopment of the subject property.

### **Soils**

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS), Web Soil Survey (WSS) are the Urban land – Issue complex and Zekiah and Issue soils. Marlboro clay and Christiana complexes are not found on or near this property.

17. **Urban Design**—The proposed development consists of 172,200 square feet of industrial development for which a detailed site plan is not required.

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

The development proposal of this site in the I-2 Zone will be subject to the following sections of the Zoning Ordinance:

- a. Section 27-470 (I-2 Zone)
- b. Section 27-473, Permitted Uses
- c. Section 27-474, Regulations
- d. Part 11 Off Street Parking and Loading, and
- e. Part 12 Signage.

At the public hearing, the Board also heard and reviewed extensive testimony and advice from legal counsel on the issue of “permitted uses” for the purposes of the Zoning Ordinance.

### **Conformance with the 2010 Prince George’s County Landscape Manual**

Conceptual landscape plans submitted appear complete and in conformance with the applicable requirements of the Landscape Manual, specifically Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening; and Section 4.9, Sustainable Landscape requirements.

Buffer plantings (consisting of predominantly evergreen trees) should be provided on the west side of the master plan roadway within the site, to serve a similar function as a Section 4.7 buffer between incompatible uses (active city park to west and subject warehouse development).

Conformance with the requirements of the Landscape Manual must be demonstrated at the time of building permit.

### **Conformance with the 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. Properties that are zoned I-2 are required to

provide a minimum of 10 percent of the gross tract area in TCC. Conformance with this requirement will be evaluated at the time of building permit.

**Other Design Issues**

The subject property is bifurcated along the western boundary by the master plan right-of-way of C-404, leaving an outlot between the property's boundary and the right-of-way. The ownership of the outlot should be determined in accordance with Section 24-121(a)(7) of the Subdivision Regulations to ensure perpetual maintenance of the grounds.

18. **Planning Board Hearing**—At the Planning Board hearing on July 16, 2020, the applicant's attorney, Tom Haller, entered five items into the record. The Town of Cheverly Mayor, Laila Riazi, also entered five items into the record. The applicant's exhibits included an aerial photo, vehicles and circulation diagram, Town of Cheverly and Prologis future engagements memo, trip comparison analysis memo, and proposed revisions to the conditions. The Town of Cheverly's exhibits included two videos showing localized flooding, timeline of industrial area development, Town of Cheverly official testimony memo, and proposed recommendations and conditions in support of the project.

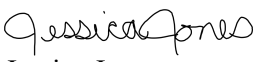
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 16, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of July 2020.

Elizabeth M. Hewlett  
Chairman

By   
Jessica Jones  
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY, David S. Warner /s/, M-NCPPC Legal Department, July 31, 2020