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

PGCPB No. 2020-79(C) File No. 4-19035

C O R R E C T E D R E S O L U T I O N

WHEREAS, Waste Management Capitol Facility is the owner of a 7.77-acre parcel of land known as Liber 17657, said property being in the 15th Election District of Prince George's County, Maryland, and being zoned Light Industrial (I-1), Heavy Industrial (I-2), and Military Installation Overlay (M-I-O); and

WHEREAS, on March 13, 2020, Waste Management of Maryland, Inc. filed an application for approval of a Preliminary Plan of Subdivision for 1 parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-19035 for Waste Management Capitol Facility 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 May 14, 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 May 14, 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 *[~~TCP1-007-2019~~] TCP1-007-2020, and further APPROVED Preliminary Plan of Subdivision 4-19035 for 1 parcel with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plans shall be revised, as follows:

   a. Label the 10-foot-wide public utility easement along D'Arcy Road.

   b. Indicate the revised development square footage, as confirmed by email dated April 21, 2020 (Hatcher to Conner).

2. 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 issuance of any permits.

*Denotes Correction
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

3. Development of this site shall be in conformance with an approved stormwater management concept plan and any subsequent revisions. Prior to approval, the final plat shall note the stormwater concept approval number.

4. Prior to approval of a final plat:

   a. The final plat shall include the grant of a 10-foot-wide public utility easement along the public right-of-way.

   b. The final plat shall include the necessary dedication of right-of-way for D'Arcy Road as determined by the Department of Permitting, Inspections and Enforcement.

5. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised to meet all the requirements of Subtitle 25 of the Prince George's County Code. Required revisions include but are not limited to:

   a. Identify the location of all proposed stormwater easements and all existing stormwater easements to remain on-site.

   b. Show all existing and proposed easement areas (with the exception of surface drainage easements) that overlap existing woodlands to remain, as being woodland retained counted as cleared on the plan; not as woodland preservation, afforestation/reforestation, or natural regeneration.

   c. Add the TCP number to the approval block *([~~TCP1-007-2019~~] TCP1-007-2020) on each sheet of the TCP1.

   d. Update the TCP worksheet, as necessary once the above changes have been made.

   e. Have the qualified professional sign and date the TCP worksheet, as required.

6. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (*[~~TCP1-007-2019~~] TCP1-007-2020). The following note shall be placed on the final plat of subdivision:

   "This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-007-2019 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject

to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department."

7. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

8. Prior to acceptance of a detailed site plan submission, an invasive species management plan shall be included as part of the application on the Type 2 tree conservation plan.

9. In conformance with the 2009 *Approved Countywide Master Plan of Transportation,* the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

a. A shared-lane marking (sharrow) on D'Arcy Road, along the frontage of the subject site, unless modified by the Prince George's County Department of Permitting, Inspections, and Enforcement with written correspondence.

b. Two inverted-U style bicycle racks at a location that is convenient to the entrance of the building.

10. Prior to approval of a building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a $420.00 bikeway signage fee to the Prince George's County Department of Permitting, Inspections, and Enforcement for a "Share the Road" bikeway signage assembly to be installed along D'Arcy Road at the subject site.

11. Prior to construction, the applicant shall contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility; install and maintain automated external defibrillators, in accordance with COMAR, install and maintain hemorrhage kits next to fire extinguishers. This requirement shall be noted on the final plat and permit site plans.

12. Total development within the subject property shall be limited to uses which generate no more than 44 AM peak-hour trips and 46 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.

13. Prior to issuance of each building permit, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of Prince George's County Council Resolution CR-66-2010 and the MD 4/Westphalia Road Public Facilities Financing and Implementation Program, pay to Prince George's County (or its designee) a fee of $7.00 (in 2010 dollars)

per square foot, pursuant to the Memorandum of Understanding (MOU) required by CR-66-2010. The MOU shall be recorded in the Prince George's County Land Records. These unit costs will be adjusted based on an inflation cost index factor to be determined by the Prince George's County Department of Permitting, Inspections, and Enforcement at the time of issuance of each permit.

14. Prior to approval of any final plat for this project, pursuant to Prince George's County Council Resolution CR-66-2010, the owner/developer and its heirs, successors, and/or assignees shall execute a Memorandum of Understanding (MOU) with the County that sets forth the terms and conditions for the payment of fees by the Owner/Developer and its heirs, successors, and/or assignees, pursuant to the Public Facilities Financing and Implementation Program. The MOU shall be executed and recorded among the Prince George's County Land Records, and the Liber/folio noted on the final plat of subdivision.

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 7.77 acres, recorded in the Prince George's County Land Records in Liber 17657 at folio 670. The Maryland State Department Assessments and Taxation identifies the site as Parcel 202. The site is located along the east side of D'Arcy Road, at the confluence of D'Arcy Road and Sansbury Road, and is within the Light Industrial (I-1), Heavy Industrial (I-2), and Military Installation Overlay (M-I-O) Zones.

   The subject site is currently improved with an existing office and vehicle maintenance building totaling 5,628 square feet, which is to be razed; a community building totaling 553 square feet, which is to remain; and associated parking areas. The subject application includes one parcel for a total of 25,659square feet of industrial and institutional development.

3. **Setting–** The site is located on Tax Map 82, Grids D-3 and E-3, and is within Planning Area 78. The subject site is bounded to the west by D'Arcy Road, with vacant and residential uses in the Rural Residential Zone beyond, to the north and south by industrial uses in the I-1 and I-2 Zones, and to the east by Residential-Agricultural (R-A) zoned property.

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

	EXISTING	APPROVED
Zones	I-1 (5.12 acres) I-2 (2.65 acres) M-I-O (7.77 acres)	I-1 (5.12 acres) I-2 (2.65 acres) M-I-O (7.77 acres)
Use(s)	Industrial/Institutional	Industrial/Institutional
Acreage	7.77	7.77
Gross Floor Area	6,181 square feet	25,659 square feet
Dwelling Units	0	0
Parcels	1	1
Lots	0	0
Outlots	0	0
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee meeting on April 3, 2020.

5. **Previous Approvals**—No prior development applications apply to the subject site. A PPS is required in order to develop more than 5,000 square feet of gross floor area on the subject site, in accordance with Section 24-107 of the Prince George's County Subdivision Regulations.

6. **Community Planning**—The subject site is within the area of the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA), which retained the property in the I-1 Zone. Conformance with Plan 2035 and the sector plan are evaluated, as follows:

Plan 2035
This application is in an Established Communities Growth Policy area. According to Plan 2035, "Established Communities are most appropriate for context-sensitive infill and low-to-medium density development" (page 20).

Sector Plan
The Westphalia Sector Plan and SMA retained the subject property in the I-1 Zone and recommends industrial land uses on the site. In addition, the Sector Plan also recommends the following strategies for the subject property:

Policy 6 – Industrial Areas Strategies (Pg. 32)

- **Separate industrial areas from residential areas by use of buffering designed and placed to minimize sight, sound and dust.**

- **Provide screening for outdoor storage areas and truck parking or loading areas for industrial properties bordering roads.**

- **Design access roads to industrial areas to border or pass around, not through, residential neighborhoods.**

- **Provide access to industrial sites by means of pedestrian trails and public transit, as well as public roads.**

- **Redevelop existing industrial uses located within residential communities with redesigned or new uses that are highly compatible with a residential living environment:**

  - **Enclose, buffer, or otherwise modify business activities to reduce noise, traffic, or unattractive views.**

  - **Redevelop incompatible industrial uses with more compatible types of business land use.**

  - **Rezone incompatible industrial areas to allow for redevelopment with compatible nonindustrial land uses.**

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

This application is located within the Imaginary Surface E (Conical Surface) of the M-I-O Zone. Pursuant to Section 27-548.54 of the Prince George's County Zoning Ordinance, requirements for height, the maximum height for structures in this area is 495 feet.

7. **Stormwater Management**—Pursuant to Section 24-130 of the Subdivision Regulations, a Stormwater Management (SWM) Concept Plan (25803-2019) currently under review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) was submitted with this application. According to the SWM concept plan, the private system will utilize a combination of three micro-bioretention facilities and one submerged gravel wetland, to improve the water quality of runoff that will discharge off-site via an existing engineered ephemeral swale that discharges to the north, flowing eventually into an existing stormwater easement located on Parcel A. No further information is required at this time.

   Development of the site shall conform with the approved SWM concept plan 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 Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Westphalia Sector Plan and SMA to provide the appropriate pedestrian and bicycle transportation recommendations.

Existing Conditions, Sidewalks and Bike Infrastructure
The subject property is located on D'Arcy Road, which is a planned MPOT shared roadway. The subject property features an existing 5-foot-wide sidewalk along its frontage within a landscape median, which will remain in place. There are no bike lanes fronting the subject property.

Review of Master Plan Compliance
This development case is subject to the MPOT, which recommends the following facilities:

- Planned bicycle lane along D'Arcy Road
- Planned shared roadway along D'Arcy Road and Sansbury Road

The planned bicycle lane along D'Arcy Road and shared roadways along Sansbury Road are beyond the scope of this development.

The MPOT designation of D'Arcy Road changes from a shared roadway to a planned bike lane, approximately 0.45 miles northwest of the subject property. The MPOT provides policy guidance regarding multimodal transportation, and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling, as follows:

> **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 applicant's submission features an existing sidewalk along D'Arcy Road. The applicant shall provide a "Share the Road with a Bike" bikeway signage assembly along the frontage of the subject site and a shared lane marking (sharrow) on D'Arcy Road, along the frontage of the subject site. Bicycle parking is an important component of a bicycle-friendly roadway network and the applicant shall provide bicycle parking at a location convenient to the building entrance.

The Transportation Systems Section of the Westphalia Sector Plan and SMA makes the following recommendations:

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

The applicant shall provide a "Share the Road" bikeway signage assembly, along the frontage of the subject site and a shared lane marking (sharrow) on D'Arcy Road, along the frontage of the subject site.

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. The findings outlined below are based upon a review of the transportation analysis and traffic counts submitted by the applicant, and analyses conducted consistent with the "Transportation Review Guidelines, Part 1," (Guidelines).

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

> **Links and Signalized Intersections:** Level of Service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation per Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier, subject to meeting the geographical criteria in the Guidelines.
>
> **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 CLV 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 CLV is computed.

Analysis of Traffic Impacts

The application is a PPS for a building where various uses will be accommodated. At the time of conducting the traffic study, the size of the proposed new development was 24,676 square feet. Subsequently, the size of the proposed new development was slightly increased to 25,106 square feet during the review of this PPS. This change does not substantially impact the outcome of the traffic impact study (TIS) or the conditions of this approval. For consistency in this analysis, the square footage and associated generated trips provided in the traffic analysis prepared by the

applicant were used. The table below summarizes trip generation in each peak hour that will be used in reviewing traffic and developing a trip cap for the site:

Trip Generation Summary							
	AM Peak Hour			PM Peak Hour			
Land Use	In	Out	Total	In	Out	Tot	Daily
Auto Car Center (ITE-942) - 14,280 sq. ft.	21	11	32	21	23	44	339
Less Internal Trip Capture per ITE	*-6*	*-3*	*-9*	*-8*	*-9*	*-17*	*-112*
General Office (county) – 10,396 sq. ft.	19	2	21	4	15	19	146
Total trip	**34**	**10**	**44**	**17**	**29**	**46**	**373**

There is a building on the site that currently hosts community-based activities. This use is likely to continue under the new proposal. However, these functions will continue to occur outside the normal peak-hour periods, consequently, these uses were not considered in preparing the trip analyses.

Using traffic data collected less than 12 months ago, the following represents peak-hour analyses under existing, background, and total conditions:

EXISTING CONDITIONS		
Intersection	AM	**PM**
	LOS/CLV	LOS/CLV
Westphalia Road and MD 4	**E/1489**	D/1310
D'Arcy Road and Site Access north*	0.3 seconds	10.6 seconds
D'Arcy Road and Site Access south*	9.6 seconds	14.2 seconds
Westphalia Road and D'Arcy Road*	22.3 seconds	23.3 seconds
Sansbury Road and D'Arcy Road*	13.4 seconds	13.9 seconds
Sansbury Road and Ritchie Marlboro Road	B/1078	A/996
*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.		

In evaluating the effect of background traffic, background developments in the area were included. Based on the regional growth, a second analysis was done. The table below shows the results:

BACKGROUND CONDITIONS		
Intersection	**AM**	**PM**
	LOS/CLV	LOS/CLV
Westphalia Road and MD 4	**F/2087**	**F/2112**
D'Arcy Road and Site Access north*	5.0 seconds	10.6 seconds
D'Arcy Road and Site Access south*	9.7 seconds	14.2 seconds
Westphalia Road and D'Arcy Road* *Tier 3 - CLV Test*	**85.9 seconds** B/1091	**>300 seconds** A/777
Sansbury Road and D'Arcy Road*	16.4 seconds	18.3 seconds
Sansbury Road and Ritchie Marlboro Road	B/1084	D/1441
*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.		

Total traffic analysis indicates the following results:

TOTAL CONDITIONS		
Intersection	**AM**	**PM**
	LOS/CLV	LOS/CLV
Westphalia Road and MD 4	**F/2103**	**F/2120**
D'Arcy Road and Site Access north*	5.7 seconds	12.6 seconds
D'Arcy Road and Site Access south*	9.9 seconds	14.9 seconds
Westphalia Road and D'Arcy Road* *Tier 3 - CLV Test*	**85.9 seconds** B/1096	**>300 seconds** A/777
Sansbury Road and D'Arcy Road*	16.4 seconds	18.3 seconds
Sansbury Road and Ritchie Marlboro Road	B/1087	D/1448
*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.		

Results from the total traffic revealed the following:

- The Westphalia Road/D'Arcy Road unsignalized intersection will operate adequately when analyzed under the Tier 3 CLV test. This intersection will operate with a CLV in each peak hour that is below the 1,150 threshold. Pursuant to the Guidelines, no further action will be required.

- The intersection of MD 4 (Pennsylvania Avenue) and Westphalia Road was found to be operating inadequately at all phases of the adequacy evaluations. This intersection has a previously approved Public Facilities Financing and Implementation Program (PFFIP) funding mechanism in place that will ultimately provide for an upgrade to a grade separated interchange, with interim improvements occurring until that point. It is recommended in the TIS that a condition be approved allowing the applicant to contribute funds to the PFFIP in lieu of off-site improvements at this intersection. This issue will be discussed further.

Westphalia Public Facilities Financing and Implementation Program (PFFIP)
Given the inadequate levels of service calculated for the intersection of MD 4 and Westphalia Road-Old Marlboro Pike, the applicant shall provide a monetary contribution towards the construction of the planned interchange at the MD 4/ Westphalia Road intersection. With this contribution, the development meets the requirements for transportation adequacy, pursuant to Subtitle 24 of the County Code.

On October 26, 2010, the Prince George's County Council approved CR-66-2010, establishing a PFFIP district for the financing and construction of the MD 4/Westphalia Road interchange. Pursuant to CR-66-2010 (Sections 6, 7, and 8), a cost allocation table was prepared that allocates the estimated $79,990,000 cost of the interchange to all the properties within the PFFIP district. CR-66-2010 also established $79,990,000 as the maximum cost on which the allocation can be based. The allocation for each development is based on the proportion of average daily trips (ADT) contributed by each development passing through the intersection, to the total ADT contributed by all developments in the district passing through the same intersection. The ratio between the two sets of ADT becomes the basis on which each development's share of the overall cost is computed.

Using data from the *Trip Generation Manual, 10th edition* (Institute of Transportation Engineers), this development is projected to generate 373 ADTs. Based on turning movement counts taken at the north and south entrances to the site, it has been determined that 46 percent of the site traffic is oriented to and from the south of D'Arcy Road. Consequently, in applying the same distribution to the future operation on-site, it has been determined that the total ADT that will pass through the MD 4/Westphalia intersection will be 373 x 0.46 = 172. Based on 172 daily trips, this site's contribution for PFFIP was computed as $172,654.18 (2010 dollars). Given the total area of the proposed building(s) as 24,676 square feet, the unit cost computes as approximately $7.00 per square foot. A spreadsheet provides greater detail of this computation, which is incorporated by reference herein.

Master Plan and Site Access
The property is in an area where the development policies are governed by the Westphalia Sector Plan and SMA, as well as the MPOT. The subject property currently fronts on D'Arcy Road, which is designated as a master plan collector (C-627) road within an 80-foot right-of-way. The section of D'Arcy Road on which the property fronts is currently built with two travel lanes, within right-of-way that is less than 80 feet wide. Consequently, the applicant will be required to dedicate 40 feet from the centerline of D'Arcy Road, along the property frontage, unless a lesser dedication is required in accordance with the recommendation of Department of Permitting, Inspections and Enforcement in accordance with Section 24-123(a)(4). 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**—Pursuant to Section 24-122.02 of the Subdivision Regulations, this PPS is exempt from review for impact on school facilities because the proposal consists of nonresidential development.

12. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, and police facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated April 7, 2020 (Thompson to Diaz-Campbell), incorporated by reference herein. An analysis of fire and rescue facilities revealed response time inadequacies as follows:

Fire and Rescue
The subject property is served by Forestville Fire/EMS Co. 823, located at 8321 Old Marlboro Pike, in Upper Marlboro. Per Section 24-122.01(d)(1)(A), a 5-minute total response time is recognized as the national standard for Fire/EMS response times. The 5-minute total response time arises from the 2016 Edition of the National Fire Protection Association (NFPA) 1710 Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. This standard is being applied to the review of nonresidential subdivision applications.

According to NFPA 1710, Chapter 3 Definitions, the total response time and travel time are defined, as follows:

> **3.3.53.6 Total Response Time. The time interval from the receipt of the alarm at the primary PSAP (Public Safety Answering Point) to when the first emergency response unit is initiating action or intervening to control the incident.**
>
> **3.3.53.7 Travel Time. The time interval that begins when a unit is in route to the emergency incident and ends when the unit arrives at the scene.**

According to NFPA 1710, Chapter 4 Organization:

4.1.2.1 The fire department shall establish the following objectives:

(1) Alarm handling time to be completed in accordance with 4.1.2.3.

(4.1.2.3.1 The fire department shall establish a performance objective of having an alarm answering time of not more than 15 seconds for at least 95 percent of the alarms received and not more than 40 seconds for at least 99 percent of the alarms received, as specified by NFPA 1221).

(2) 80 seconds turnout time for fire and special operations response and 60 seconds turnout time for EMS response.

(3) 240 seconds or less travel time for the arrival of the first arriving engine company at a fire suppression incident.

Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of March 31, 2020, the project fails the four-minute travel test from the closest Prince George's County Fire/EMS Station when applying the national standard, an associated total response time under five-minutes from the closest Fire/EMS Station Forestville Fire/EMS Co. 823. While mitigation is not required, it is recommended that sprinklers are installed, or other fire suppression methods are installed in any future commercial development. Prior to construction, the applicant shall contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility; install and maintain automated external defibrillators, in accordance with COMAR, and install and maintain hemorrhage kits next to fire extinguishers. In accordance with Section 24-122.01(e)(1)(C), the Fire Department provided a statement that adequate equipment exists.

13. **Use Conversion**—The total development included in this PPS is proposed to be 25,659 square feet of industrial and institutional development in the I-1, I-2, and M-I-O Zones. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses or any residential development shall require approval of a new PPS, prior to approval of any building permits.

14. **Public Utility Easement (PUE)**—Section 24-122(a) 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, D'Arcy Road, to the west. The required PUE along the public street is delineated on the PPS and shall be labeled.

15. **Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase 1 archeology survey is not required.

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

Development Review Case	Associated Tree Conservation Plan or Natural Resources Inventory	Authority	Status	Action Date	Resolution Number
--	E-050-03	Staff	Expired	8/25/2005	N/A
--	E-050-03-01	Staff	Expired	8/05/2011	N/A
--	E-050-03-02	Staff	Superseded	3/13/2020	N/A
--	NRI-077-2019	Staff	Approved	7/16/2019	N/A
4-19035	*[~~TCP1-007-2019~~] TCP1-007-2020	Planning Board	Approved	5/14/2020	2020-79

A Natural Resources Inventory (NRI) was approved on July 16, 2019. The previous numbered letter of exemption is superseded with this Type 1 tree conservation plan (TCP1) application.

Proposed Activity
The current application is for one parcel for industrial development.

Grandfathering
This project is not grandfathered with respect to the environmental regulations contained in Subtitles 24 and 27 that came into effect on September 1, 2010 because the application is for a new PPS. This project is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Environmental Technical Manual.

*Denotes Correction
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

Master Plan Conformance

Plan 2035
The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035, the Established Communities area of the General Plan Growth Policy.

Westphalia Sector Plan
The site is located in the area of the Westphalia Sector Plan and SMA. The sector plan includes applicable goals, policies, and strategies. The following policies are applicable to the current project with regard to natural resources preservation, protection, and restoration. The text in **BOLD** is the text from the Sector Plan and the plain text provides comments on plan conformance.

Environmental Infrastructure Section Recommendations:

Policy 1: Green Infrastructure. Protect, preserve, and enhance the identified green infrastructure network within the Westphalia sector planning area.

The eastern site edge is mapped as being part of the Regulated Area within the Westphalia sector planning areas Green Infrastructure network. It is also mapped as being at the western edge of a secondary corridor known as the Turkey Run wildlife corridor. Priority for conservation and restoration of habitat along this eastern property edge is a priority. The green elements of the site are proposed to be protected and enhanced through a combination of woodland preservation, reforestation/afforestation, and natural regeneration.

Policy 2: Water Quality and Quantity: Restore and enhance water quality of receiving streams that have been degraded and preserve water quality and quantity in areas not degraded.

Implementing conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications is encouraged. The capture and reuse of stormwater for grey water should be considered with the site's final design, to the fullest extent possible.

The SWM Concept Plan (25803-2019) uses a combination of three micro-bioretention facilities and one submerged gravel wetland to improve the water quality of runoff that will discharge off-site.

Policy 3: Energy Consumption: Reduce overall energy consumption and implement environmentally-sensitive building techniques.

The use of green building techniques and energy conservation techniques are encouraged, as appropriate. The use of alternative energy sources such as solar, wind, and hydrogen power are also encouraged.

***Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017)**

According to the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan* (Green Infrastructure Plan), the majority of the subject property is not within the network. Only the easternmost wooded portion of this site is within designated regulated and evaluation areas of the network. However, no regulated environmental features exist on-site.

All regulated areas within the Green Infrastructure Plan are to be protected or enhanced with this application. There are also portions of evaluation areas that have direct links to the preserved regulated areas that are also shown for preservation and enhancement. This PPS and Type 1 tree conservation plan (TCP1) focuses on preservation and expansion through woodland preservation, reforestation/afforestation, and natural regeneration along the regulated network areas, in conformance with the objectives of the Green Infrastructure Plan.

Environmental Review

Existing Conditions/Natural Resources Inventory

The site has an approved Natural Resources Inventory Plan (NRI-077-2019), which correctly shows the existing conditions of the property. No specimen or historic trees are associated with this development. No regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, and PMA are located on-site. There are two forest stands that exist on-site according to the forest stand delineation totaling 0.38 acre, both of which are heavily dominated by invasive species and considered low quality. The existing conditions are correctly shown on the TCP1 and PPS.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (*[~~TCP1-007-2019~~] TCP1-007-2020) has been submitted for review that covers the area of this PPS.

According to the worksheet shown on the TCP1 as submitted, the site split-zoned I-1 (5.12 acres) and I-2 (2.65 acres), for a total of 7.77 acres. A total of 0.38 acre of existing woodlands are on the net tract. The site has a woodland conservation threshold of 1.17 acres, or 15 percent of the net tract, as tabulated. A total of 0.02 acre of on-site clearing and no off-site clearing are proposed on the plan. The TCP1 shows a total woodland conservation requirement of 1.19 acres. The TCP1

shows this requirement will be met by providing 0.36 acre of on-site woodland preservation, 0.46 acre afforestation/ reforestation, 0.16 acre of natural regeneration, and 0.21 acre of off-site credits on another property.

Due to the poor quality of the existing woodlands on-site, an invasive species management plan will be required at time of TCP2 review.

Soils
The predominant soils found to occur on-site, according to the US Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Beltsville silt loam (2-5 percent slopes); Udorthents, refuse substratum (0–50 percent slopes); Udorthents-Urban land complex (0–5 percent slopes); and Widewater and Issue soils frequently flooded.

According to available information, no unsafe soils containing Marlboro clay or Christiana complexes are mapped on this property.

No further action is needed as it relates to this application. A soils report may be required by DPIE in future phases of development.

17. **Urban Design**—Based on the submitted plans, the applicant is proposing construction of a new 20,391-square-foot building with industrial uses; however, in an email dated April 21, 2020 (Hatcher to Conner), the development proposal was confirmed to be 25,106 square feet for industrial uses (vehicle maintenance shop and administrative office) and 553 square feet of existing institutional use (community building). Many industrial uses could be permitted on this property per Section 27-473(b) of the Zoning Ordinance. Some of these uses require detailed site plan (DSP) approval and others are allowed by right with a permit approval.

Conformance with the Requirements of the Prince George's County Zoning Ordinance
Conformance with the following Zoning Ordinance regulations is required for the proposed development at the time of either DSP or permit plan review, including but not limited to, the following:

- Section 27-469 of the Zoning Ordinance, I-1 Zone;
- Section 27- 470 of the Zoning Ordinance, I-2 Zone;
- Section 27-473(b) regarding the Table of Uses for the I-1 and I-2 Zones;
- Section 27-474 of the Zoning Ordinance, regarding regulations in the I-1 and I-2 Zones;
- Part 10 C of the Zoning Ordinance (Subtitle 27), regarding the M-I-O Zone; and
- Part 11, Off Street Parking and Loading, and Part 12 of the Zoning Ordinance (Subtitle 27), Signs, respectively.

It is noted that while a vehicle maintenance shop (for trash trucks) could be permitted, a trash removal service within 1,000 feet of residentially zoned property is not permitted in the I-1 Zone, in accordance with Section 27-475.06. A trash removal service is defined in Subtitle 27 as a business involving the dispatching and storage of trucks or dumpsters for the purpose of trash removal.

In a correspondence dated April 8, 2020, the applicant has submitted information indicating that trash trucks will be parked on the property which depart the site early in the morning and return throughout the day. The applicant has also put forth information indicating why their trash hauling operation should not be considered a trash removal service at this location, including that no trash is brought to or stored on the site and that dispatching is the instructing of vehicles (per their interpretation) which is conducted off-site via electronic communication.

Although conformance with permitted use requirements are to be demonstrated at the time of DSP or permitting, it is noted that a trash removal service does not allow trash to be brought to the site pursuant to Section 27-475.06 of the Subdivision Regulations, and so this would not be a determining factor regarding use as a trash removal service. In addition, the applicant seems to set forth that dispatching comes from a dispatcher located off-site. However, the definition of a trash removal service only indicates dispatching of trucks and makes no reference to a dispatcher's location. Notwithstanding the information provided regarding the proposed uses, the determination of uses to be ultimately permitted for the site is not made with this application. Any proposed uses must be within the capacity analysis established with this PPS.

Conformance with the 2010 Prince George's County Landscape Manual
The proposed development is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of future site plan review.

Conformance with the Tree Canopy Coverage Ordinance
Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. Properties in all commercial zones are required to provide a minimum of 10 percent of the gross tract area, which equals to approximately 0.78 acre, to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of future site plan review.

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, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 14, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of June 2020, and corrected administratively on July 15, 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: July 20, 2020

*Denotes Correction
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language