

R E S O L U T I O N

WHEREAS, Manekin is the owner of a 442.30-acre parcel of land known as Tax Parcel 30, said property being in the 7th Election District of Prince George's County, Maryland, and being zoned Residential Suburban Development (R-S), Light Industrial (I-1) Zone, and Residential-Agriculture (R-A); and

WHEREAS, on June 16, 2021, Manekin filed an application for approval of a Preliminary Plan of Subdivision for 36 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-20032 for National Capital Business Park 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 September 9, 2021, 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 September 9, 2021, 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 TCP1-004-2021-01, and APPROVED a Variance from Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-20032 for 36 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Provide dimension of all sidewalks on each plan sheet as minimum 5-foot wide.
 - b. Delete all parking, front, and building setback lines and labels from all plan sheets.
 - c. Revise General Note 6 to provide corrected acreages for existing environmentally regulated and unregulated areas.
 - d. Revise General Note 19 to provide the approval date of the applicable stormwater management concept plan.
 - e. Revise General Note 26 with the Type 1 tree conservation plan number associated with this Preliminary Plan of Subdivision 4-20032.

- f. Revise General Note 39 to include dedication for I-300 (Prince George's Boulevard) and road improvements, as required as part of the development of this project.
- g. Remove approval blocks from the lower right corner of the plan sheets.
- h. Have the plans signed and sealed by a licensed land surveyor or a property line surveyor who prepared them.
- i. Remove the two parcels labeled as Parcel 22 and incorporate their area into an adjoining parcel having frontage on a public street. The total approved parcel count shown on the plans shall be reduced accordingly.
- j. Include the unlabeled strip of land (show with a conceptual driveway), located to the east of Parcels 22 and 16, into the area of an adjoining parcel, so that all proposed parcels have frontage on and direct access to a public street.
- k. On Sheet 2, show dedication of I-300 as a 70-foot-wide right-of-way, and correct the boundaries of Parcels 33 and 34 accordingly.
- l. Revise the limit of disturbance as necessary after removing primary management area Impacts 6 and 15.
- m. Remove the delineated 40-foot-wide scenic buffer along Leeland Road.
- n. Provide an exhibit to demonstrate that at front street line widths for Parcels 7, 23, 2, 14, and 15 are adequate to provide a commercial driveway, in accordance with Prince George's County Department of Public Works and Transportation standard details.
- o. Revise the plans to assign a number to all development parcels and an alpha designation to all open space parcels. For example, designate all open space parcels to be dedicated to the Maryland-National Capital Park and Planning Commission as Parcel A, Parcel A2, and all open space parcels to be dedicated to a business owner's association as Parcel B1, Parcel B2.
- p. Remove the open space designation for parcels on which development is proposed and revise the Parcel Table on Sheet 2 of the plans accordingly.
- q. Correct the northern and western boundaries of proposed Parcel 21 to be a single line instead of a double line.
- r. Provide the conceptual layout of the recreational facilities for the 20-acre park, as approved by the Prince George's County Department of Parks and Recreation.

- s. Show and label the conceptual location of the master plan Collington Branch Stream Valley Trail, as approved by the Prince George's County Department of Parks and Recreation.
 - t. Provide bearings and distances for all boundary lines and label the distances on all proposed lot lines.
 - u. Revise General Note 47 on the cover sheet of the plans to require that any existing structures are to be razed and all existing wells and septic systems are to be properly abandoned, per Prince George's County Health Department regulations before approval of the grading permit.
 - v. Label the dedication of additional right-of-way along the property's frontage of Leeland Road to be a minimum of 50 feet from the road centerline.
2. Total development within the subject property shall be limited to uses which generate no more than 1,400 AM peak-hour trips and 1,400 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.
3. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision, prior to the approval of any building permits.
4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (42013-2020-00) and any subsequent revisions.
5. Prior to approval of a final plat:
- a. The applicant and the applicant's heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along the public rights-of-way, in accordance with the approved preliminary plan of subdivision.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a business owner's association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
 - c. The final plat of the subdivision shall contain a note reflecting denial of vehicular access along the frontage of Leeland Road, save and except for the public park proposed on the north side of Leeland Road and any temporary construction entrance(s) needed for the project.
 - d. The dedication of public right-of-way for Queens Court on adjoining Lot 5, Block D, shall be completed.

6. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the business owner's association land, as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
 - f. The covenants for the business owner's association shall contain adequate provisions to ensure retention and future maintenance of the property to be conveyed.
7. Prior to issuance of a use and occupancy permit for nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for each building.
 - b. Install and maintain automated external defibrillators (AEDs) at each building, in accordance with the Code of Maryland Regulations (COMAR) requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.
 - c. Install and maintain bleeding control kits next to fire extinguisher installation at each building, and no more than 75 feet from any employee.

These requirements shall be noted on the specific design plan.

8. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities and show these facilities on any submitted specific design plan, prior to its acceptance:
 - a. Minimum 5-foot-wide sidewalks along both sides of all internal roadways.
 - b. Perpendicular or parallel Americans with Disabilities Act accessible curb ramps at all intersections throughout the site.
 - c. Crosswalks crossing all legs of intersections, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - d. For any specific design plan containing a building, a separate and clearly marked pedestrian route from the public roadway to the entrance of each building.
 - e. Bus-shelter ready areas at each intersection and proximate to the ends of each cul-de-sac on Road A.
 - f. Shared-lane markings (sharrows), bikeway guide signs, D11-1/Bike Route and D1-1, D1-2, and D1-3/destination plates and R4=11/Bicycles May Use Full Lane signs be provided within all internal roadways that direct people bicycling to the proposed developments and the Collington Branch Trail, as well as highlight to motorists the potential presence of people bicycling along internal roads, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - g. For any specific design plan containing a building, short-term bicycle parking near the entrances of all buildings shall be required, and long-term bicycle parking and associated facilities at an appropriate location of larger buildings shall be considered.
 - h. A curb ramp connecting Road A and the shared-use path connecting to Leeland Road.
 - i. A minimum 10-foot-wide shared-use path along Leeland Road.
 - j. A minimum 10-foot-wide shared-use path connecting Leeland Road and Road A.
9. Prior to signature of approval of the preliminary plan of subdivision (PPS), the applicant shall:
 - a. Revise the roadway cross sections so that the sidewalk and the bike lane do not occupy the same space and show shared lane markings (sharrows), unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - b. Revise General Note 48 to read, "Standard sidewalks shall be provided along both sides of all internal roads unless modified by DPIE with written correspondence."

- c. Revise the label of the feeder trail on the submitted plans from “potential connection” to “Shared-Use Path Connection Leeland Road to Road A.”
 - d. Remove the label, “Asphalt Trail” along the railroad right-of-way on Sheet 12.
 - e. Provide the name of the roadway represented in typical Sections 1–5 on Sheet 14 and relabel the 10-foot sidewalk as a 10-foot-wide shared-use path.
10. Prior to approval of a building permit for each square foot of development, the applicant, and the applicant’s heirs, successors, and/or assignees shall pay to the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), a fee calculated as \$1.03 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at time of payment)/(Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index if necessary.

In lieu of the fee payment listed in the preceding paragraph, the applicant may provide improvements along US 301 (Robert Crain Highway), within the limits of US 301 that are covered by the Capital Improvement Program-funded improvements. The cost of these improvements shall not exceed \$3,593,100.00 (1989 dollars). Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Association and DPIE.

11. At the time of final plat, the applicant shall dedicate all rights-of-way, consistent with the approved preliminary plan of subdivision. The right-of-way extension for Popes Creek Drive shall only be dedicated if the final site plan design includes access to this roadway and, if the access is not included in the final design, all developable parcels shall be platted to have frontage on and direct access to an alternative public right-of-way.
12. Prior to approval of any building permit within the subject property, where the total density exceeds 1,475,000 square feet, 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. US 301 (Robert Crain Highway) at Leeland Road
 - (1) Provide three left turn lanes on the eastbound approach
 - (2) Provide two left turn lanes on the northbound approach
13. Prior to 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. Prince George's Boulevard and Queens Court-Site Access
 - (1) Provide a shared through and left and a shared through and right lane on the eastbound approach.
 - (2) Provide a shared through and left and a shared through and right lane on the westbound approach.
 - (3) Provide a shared through and left and a shared through and right lane on the northbound approach.

14. At the time of the first final plat, in accordance with Section 24-134(a)(4) of the Prince George's County Subdivision Regulations, approximately 113.28 +/- acres of parkland, as shown on the preliminary plan of subdivision, shall be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, Upper Marlboro, along with the application of first final plat.
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate any liens, leases, mortgages, or trusts have been released from the land to be conveyed to M-NCPPC.
 - c. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to application of the first building permit.
 - d. The boundaries, lot or parcel identification, and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - e. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.

- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. DPR shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.
 - g. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement, prior to issuance of grading permits.
 - h. In general, no stormwater management facilities, tree conservation, or utility easements shall be located on land owned by, or to be conveyed to, M-NCPPC. However, the Prince George's County Department of Parks and Recreation (DPR) recognizes that there may be need for conservation or utility easements in the dedicated M-NCPPC parkland. Prior to the granting of any easements, the applicant must obtain written consent from DPR. DPR shall review and approve the location and/or design of any needed easements. Should the easement requests be approved by DPR, a performance bond, maintenance and easement agreements may be required, prior to issuance of any grading permits.
15. The applicant shall be subject to the following requirements for development of the 10-foot-wide on-site feeder trail:
- a. The applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, the on-site feeder trail from the southern terminus of Public Road A to the shared-use path on Leeland Road.
 - b. The on-site feeder trail shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Prince George's County Park and Recreation Facilities Guidelines*, with the review of the specific design plan (SDP). Triggers for construction shall also be determined at the time of SDP.
 - c. Prior to submission of the final plat of subdivision for any parcel, the applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of the on-site feeder trail, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.
 - d. Prior to approval of building permits for a new building, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the on-site feeder trail.

- e. Prior to approval of the specific design plan for infrastructure, the applicant and the applicant's heirs, successors, and/or assignees shall submit to Prince George's County Department of Parks and Recreation, for review and approval, detailed construction drawings for the on-site feeder trail.
16. Recreational facilities to be constructed by the applicant shall be subject to the following:
- a. Prior to approval, the first specific design plan for the subject property (including for infrastructure) shall include the location and concept design details (as shown in the May 7, 2021 Concept Plan) for the 20-acre park and Collington Branch Stream Valley Trail.
 - b. The timing for the development of the 20-acre park and Collington Branch Stream Valley Trail shall be determined with the first specific design plan for development (not including infrastructure).
 - c. The location of the Collington Branch Stream Valley Trail shall be staked in the field and approved by the Prince George's County Department of Parks and Recreation, prior to construction.
 - d. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Prince George's County Department of Parks and Recreation.
 - e. The handicapped accessibility of all trails shall be reviewed during the review of the specific design plan.
 - f. The public recreational facilities shall be constructed, in accordance with the standards outlined in the Prince George's County *Park and Recreation Facilities Guidelines*.
 - g. Prior to submission of any final plats of subdivision, the applicant shall enter into a public recreational facilities agreement (RFA) with the Maryland-National Capital Park and Planning Commission for construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Prince George's County Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the Prince George's County Land Records and the recording reference shall be noted on the final plat of subdivision prior to recordation. The RFA may be subsequently modified pursuant to specific design plan approvals, or revisions thereto, which determine the timing for construction of the 20-acre park and Collington Branch Stream Valley Trail.
 - h. Prior to the approval of the first building permit for a new building, the applicant shall submit to the Prince George's County Department of Parks and Recreation (DPR)

a performance bond, a letter of credit, or other suitable financial guarantee, for construction of the public recreation facilities, including the Collington Branch Stream Valley Trail, in the amount to be determined by DPR.

17. The first specific design plan (including for infrastructure) shall show the conceptual location of the Collington Branch Stream Valley Trail and delineate a 16-foot-wide clear space centered along its alignment. The woodland conservation areas shall be shown to exclude this 16-foot-wide clear space.
18. Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. The specimen tree table shall be updated to note in the disposition box which trees were removed with the timber harvest approval and which trees are requested for removal with the PPS.
 - b. Add the standard Subtitle 25 variance note under the Specimen Tree Table or woodland conservation worksheet identifying with specificity the variance decision consistent with the decision of the Prince George's County Planning Board:

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) for the removal of the following specimen trees: 25, 26, 38, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77a, 78, 97, 98, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 149, 151, 152, 156, 157, 158, 201, 204, 205, 211, 213, 214, 239, 240, 241, 307, 308, 309, 311, 312, 314, 317, 318, and 319.”
 - c. The entire worksheet shall be shown on the plan and not be cut off.
 - d. Update the plan to graphically reflect which trees are to remain, which trees have been removed, and which trees are to be removed under the PPS variance approval.
 - e. Update the limits of disturbance line to the current development proposal.
 - f. Remove primary management area Impacts 6 and 15 from the TCP1 and revise the limit of disturbance and worksheet, as necessary.
 - g. Show the conceptual layout of the recreational facilities for the 20-acre park, as approved by the Prince George's County Department of Parks and Recreation.
 - h. Show and label the conceptual location of the master plan Collington Branch Stream Valley Trail, as approved by the Prince George's County Department of Parks and Recreation.

- i. Have the TCP1 worksheet signed by the qualified professional who prepared it.
 - j. Have the plans signed and dated by the qualified professional who prepared them.
19. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit a revised statement of justification and exhibit for the variance request for specimen tree removal, to reflect the correct number of specimen trees to be removed.
20. Prior to signature approval of the preliminary plan of subdivision, the applicant shall submit a revised letter of justification and exhibits for impacts to regulated environmental features, to reflect the correct limit of disturbance associated with the approved impacts.
21. Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan (TCP1-004-2021-01). 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 (TCP1-004-2021-01 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”
22. 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.”
23. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:

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

24. Prior to issuance of any permits which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
25. Prior to signature approval of the preliminary plan of subdivision, the final unmitigated 1.5 safety factor line shall be determined through revising the geotechnical report to address the following:
 - a. Include a table showing boring numbers, slope location (section numbers), slope height, and factor of safety in the report body.
 - b. It is not clear which borings were utilized to perform each of the slope stability analysis. Specify borings (at least two, one on top and one at the bottom of the slope) and delineate subsurface conditions (soil layers and groundwater) in cross section for each analysis.
 - c. The lab testing indicates that the residual friction angles derived from direct shear testing range from 8 to 14 degrees; however, only 11 degrees was used in the entire slope analyses. Reflect the lower shear friction angles on the property ranging from 8 to 10 degrees ,or provide adequate justification for the use of 11. The resulting unmitigated 1.5 safety factor line shall be updated on both the Type 1 tree conservation plan and the preliminary plan of subdivision.
 - d. Specify the purpose of 50 lb/ft² to 2000 lb/ft² of surcharge loads (that is, traffic load or building load).
26. Prior to acceptance of the first specific design plan (including for infrastructure), if conditions warrant, a detailed slope stability analysis shall be provided, and both the unmitigated and mitigated 1.5 safety factor lines shall be added to the Type 2 tree conservation plans.
27. Prior to approval of the first fine grading permit, the applicant shall post a rare, threatened, and endangered species monitoring bond with the Prince George's County Department of Permitting, Inspections and Enforcement, or the appropriate agency as determined by M-NCPPC, in accordance with the Habitat Protection and Management Program, as approved by the Maryland Department of Natural Resources.
28. All existing wells on-site must be backfilled and sealed, in accordance with COMAR 26.04.04, a licensed well driller as part of the grading permit. Location of the wells shall be located on the preliminary plan of subdivision.
29. Any existing septic tank and septic field on-site must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit.
30. A raze permit is required prior to removal of any of the structures on-site. Any hazardous materials located in any structures on-site must be removed and properly stored or discarded, prior to the structures being razed.

31. Prior to signature approval of the preliminary plan of subdivision, the public right-of-way dedication for the cul-de-sac extension of Popes Creek Drive shall be shown. The property boundaries of the adjoining parcels shall be adjusted accordingly. Any parcel fronting on the cul-de-sac shall be provided with an adequate front lot width to accommodate a standard commercial driveway.
32. The following road improvements shall be provided, and timing for construction of the road improvements shall be determined with the first specific design plan for development (not including infrastructure):
 - a. Queens Court and US 301 (Robert Crain Highway)
 - (1) Install a traffic signal
 - (2) Provide a double left turn and three through lanes on the northbound approach.
 - (3) Provide a double left turn and a free right turn on the eastbound approach.

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 is a 442.30-acre property known as Tax Parcel 30 and is further described as Parcels A and B by deed in the Prince George's County Land Records in Liber 35350 at folio 319. Parcel A is a larger tract of land, approximately 440.21 acres in area, and Parcel B is a 2.09-acre tract of land separated from Parcel A by the right-of-way of a railway line. The subject property has never been the subject of a final plat of subdivision. The subject property is located in multiple zones; 426.52 acres are located in the Residential Suburban Development (R-S) Zone, 15 acres in the Light Industrial (I-1) Zone, and 0.78 acre in the Residential-Agriculture (R-A) Zone. The property is subject to the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* (Bowie and Vicinity Master Plan and SMA).

This preliminary plan of subdivision (PPS) application includes 36 parcels for development of up to 3.5 million square feet of industrial use. The proposed development is in accordance with the provisions of the Prince George's County Zoning Ordinance, as modified by Prince George's County Council Bill CB-22-2020. This legislation was adopted by the Prince George's County District Council on July 14, 2020, for the purpose of permitting certain employment and institutional uses permitted by-right in the Employment and Institutional Area (E-I-A) Zone, to be permitted in the R-S Zone under certain specified circumstances, as defined by Footnote 38 in Section 27-515 of the Zoning Ordinance. The Council Bill also provided procedures for the amendment of approved basic plans to guide the development of such uses.

PPS 4-06066 for Willowbrook was approved by the Prince George’s County Planning Board on February 8, 2007 for the subject property, for residential use. The proposal to change the land use and quantities, lot configurations, and prior conditions of PPS 4-06066 (PGCPB Resolution No. 07-43(A)) relating to residential development requires the approval of a new PPS and a new determination of adequacy. This application supersedes PPS 4-06066 for the subject property and includes 36 parcels for industrial use.

3. **Setting**—The subject site is located on Tax Maps 76, 77, and 85 in Grids F3, F4, A2, A3, A4, B1, B2, B3, B4, C3, and C4, and is within Planning Area 74A. The site is located on the north side of Leeland Road, approximately 3,000 feet west of its intersection with US 301 (Robert Crain Highway), in Upper Marlboro. The site is bounded to the north by undeveloped properties in the Reserved Open Space, Open Space (O-S), and E-I-A Zones; to the west by a CSX railroad right-of-way, and undeveloped properties in the Residential Low Development, R-A, E-I-A and O-S Zones, including the Collington Branch Stream Valley; to the south by vacant E-I-A-zoned property and Leeland Road and beyond by Beech Tree, a residential subdivision in the R-S Zone, and undeveloped property in the R-A Zone; and to the east by the existing Collington Center, an employment center, in the E-I-A Zone, and two single-family dwellings in the Rural Residential Zone.

The site is currently undeveloped and predominantly wooded. The site is characterized by extensive environmental resources associated with the Collington Branch stream valley system. The PPS concentrates development in the northeast portion of the property, in order to avoid impacts to the more environmentally sensitive areas of the site.

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

	EXISTING	APPROVED
Zone	R-S/I-1/R-A	R-S/I-1/R-A
Use(s)	Vacant	Industrial
Acreage	442.30	442.30
Gross Floor Area	0	3.5 million
Parcels	2	36
Lots	0	0
Outlots	0	0
Variance	No	Yes Section 25-122(b)(1)(G)
Variation	No	No

It is noted that though the deed of recordation for the subject property, Liber 35350 folio 319, provides the total acreage to be 441.98 acres, the certified boundary survey submitted by the applicant reflects the total tract area as 442.30 acres. 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 (SDRC) meeting on July 9, 2021.

5. **Previous Approvals**—The site was rezoned from the R-A to the E-I-A Zone during the 1991 *Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A, and 74B* (Bowie-Collington-Mitchellville and Vicinity Master Plan and SMA). The rezoning was contained in Zoning Map Amendment (Basic Plan) A-9829.

Basic Plan A-9968

In 2005, A-9968 was filed to request a rezoning of the property from the E-I-A Zone to the R-S Zone. At that time, the approval of a new Bowie and Vicinity Master Plan and SMA was underway. A-9968 was approved by the District Council as part of the 2006 Bowie and Vicinity Master Plan and SMA by the adoption of CR-11-2006 on February 7, 2006, which rezoned the subject property from the E-I-A and R-A Zone to the R-S Zone.

Basic Plan Amendment A-9968-01

A-9968-01 was approved by the District Council on May 13, 2019, to increase the number of dwelling units by 313 units, to increase the allowed percentage of single-family attached dwelling units, to change the size and location of dwelling units, and to revise conditions and considerations of A-9968.

Council Bill CB-22-2020

On July 14, 2020, Council Bill CB-22-2020 was enacted for the purpose of permitting certain employment and institutional uses permitted by-right in the E-I-A Zone to be permitted in the R-S Zone under certain specified circumstances, and provided procedures for the amendment of approved basic plans to guide the development of such uses. These specified circumstances are provided in Footnote 38 of Section 27-515(b), which is the Table of Uses for Comprehensive Design Zones:

Footnote 38

Notwithstanding any other provision of this Subtitle, any use allowed in the E-I-A Zone (excluding those permitted by Special Exception) is permitted, provided:

- (a) **The use is located on a parcel, a portion of a parcel, or an assemblage of adjacent land that:**
- (i) **was rezoned from the E-I-A and R-A Zones to the I-1 and R-S Zones by a Sectional Map Amendment approved after January 1, 2006;**
 - (ii) **contains at least 400 acres and adjoins a railroad right-of-way; and**
 - (iii) **is adjacent to an existing employment park developed pursuant to the E-I-A Zone requirements.**

- (b) Regulations regarding green area set forth in Section 27-501(a)(2) shall not apply. The minimum green area (of net lot area) shall be 10%. All other regulations in the E-I-A Zone shall apply to uses developed pursuant to this Section.
- (c) Regulations in the R-S Zone shall not apply to uses developed pursuant to this Section.
- (d) Additional requirements for uses developed pursuant to this footnote shall include the following:
 - (i) Street connectivity shall be through an adjacent employment park; and
 - (ii) A public park of at least 20 acres shall be provided.

Basic Plan Amendment A-9968-02

Subsequent to the enactment of CB-22-2020, A-9968-02 for National Capital Business Park was approved for the subject property by the District Council on April 12, 2021 (Zoning Ordinance No. 2-2021), to delete all residential uses and replace them with uses permitted in the E-I-A Zone for the I-1, R-A, and R-S Zones of the subject property. Approval of A-9968-C-02 was subject to 17 Conditions and 2 comprehensive design plan (CDP) considerations. The following Condition 1 of A-9968-02 established the types and quantities of land use permitted for the subject property:

1. Proposed Land Use Types and Quantities

Total area:	442.30 +/- acres
Total area (I-1 Zone):	15 +/- acres (not included in density calculation)
Total area (R-A Zone):	0.78 +/- acres (not included in the density calculation)
Total area (R-S Zone):	426.52 acres per approved NRI
Land in the 100-year floodplain:	92.49 acres
Adjusted gross area (426 less half of the floodplain):	380.27 acres

Proposed Use: Warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses up to 3.5 million square feet*

Open Space

Public active open space:	20 +/- acres
Passive open space:	215 +/- acres

***100,000 sq. ft. of gross floor area may be located in the I-1 Zone property noted above**

Comprehensive Design Plan CDP-0505

CDP-0505 for Willowbrook was approved by the Planning Board on April 9, 2007 (PGCPB Resolution No. 07-273) for residential development on an area of 427 acres consisting of 818 total dwelling units including 110 multifamily units, 153 single-family attached units, and 555 single-family detached units in the R-S Zone. Of these dwelling units, 216 were for a mixed retirement component.

Comprehensive Design Plan Amendment CDP-0505-01

On April 15, 2021, the Planning Board approved CDP-0505-01 (PGCPB Resolution No. 2021-50), amending the previously approved CDP with five conditions. The amendment removed previously approved residential uses and replaced them with 3.5 million square feet of employment and institutional uses, in accordance with A-9968-02. The remainder of the subject property, consisting of 15 acres in the I-1 Zone and 0.78 acre in the R-A Zone, was not included in this amendment.

This PPS has been reviewed for conformance to the relevant conditions of A-9968-02 and CDP-0505-01, as further discussed within this resolution.

Preliminary Plan of Subdivision 4-06066

An overall PPS 4-06066 titled Willowbrook was approved on February 8, 2007 (PGCPB Resolution No. 07-43(A)) for 699 lots and 26 parcels for development of 539 single-family detached dwellings, 160 attached dwellings, and 132 multifamily dwellings. Development proposed via A-9968-02 and CDP-0505-01 requires a new PPS to establish the parcels for nonresidential development. PPS 4-20032 supersedes PPS 4-06066 for the subject property. The conditions of PPS 4-06066 remaining relevant to the subject property have been carried forward, or modified as needed.

Specific Design Plan SDP-1603

On March 30, 2017, Specific Design Plan SDP-1603 (PGCPB Resolution No. 17-144) was approved for Phase One of the residential development, which proposed 183 single-family detached and 93 single-family attached market-rate lots, 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture, subject to 15 conditions. The SDP conditions are not applicable to the review of this PPS. A new SDP application will be required to approve development, in accordance with A-9968-02, CDP-0505-02, and this PPS application.

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

Plan 2035

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established communities are most appropriate for context-sensitive infill and low- to medium-density development (Map 1, Prince George's County Growth Policy Map, pages 18-20).

Master Plan

The master plan for Planning Areas 71A, 71B, 74A, and 74B reclassified the subject property into the R-S Zone and recommends Residential, Low land uses on the subject property. This area is intended for suburban neighborhoods with single-family houses on lots ranging from 6,500 square feet to one acre in size and retirement or planned residential development.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, the District Council approved CB-22-2020 for the purpose of permitting certain employment and institutional uses permitted by-right in the E-I-A Zone to be permitted in the R-S Zone, rendering the land use recommendations of the master plan no longer applicable.

7. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Plan and Approval Letter (42013-2020-00) has been submitted, which will expire on June 28, 2024. The SWM concept plan shows the use of seven submerged gravel wetlands, four underground storage treatment facilities, and sand filters. The development will be subject to a site development fine grading permit and continuing reviews by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and the Prince George's County Soil Conservation District. Additional micro-scaled environmental site design (ESD) facilities will be evaluated at these later reviews.

In accordance with Section 24-130 of the Subdivision Regulations, development of the site shall conform with SWM concept approval and any subsequent revisions, to ensure that 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 nonresidential development. However, legislation was adopted by the District Council on July 14, 2020, for the purpose of allowing uses permitted in the E-I-A Zone on land in the R-S Zone, pursuant to Section 27-515(b). Footnote 38 of this provision contains conditions that apply to this property, including a requirement for the applicant to provide a public park of at least 20 acres. The applicant has been working with the Prince George's County Department of Parks and Recreation (DPR) to design a suitable park to meet the recreational needs of Prince George's County and provided a conceptual plan representative of these needs. The design of the park will be finalized with a mandatory referral, and the park will be developed by the applicant following established timeframes .

A-9968-02 mandates that the applicant dedicate additional land in the Collington Branch stream valley and construct the master plan Collington Branch Stream Valley Trail. This PPS shows a total of 113.28 acres to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC), inclusive of the 20-acre park, and includes a conceptual layout of the trail, which will be developed in concurrence with the 20-acre park. Exhibit B, showing the conceptual location of the master plan Collington Branch Stream Valley Trail, was provided with this application, and is incorporated by reference herein.

In addition, the applicant has proposed to construct a 10-foot-wide feeder trail extending from the southern terminus of Road A to the shared-use path on Leeland Road. This trail will be located on business owners association (BOA) lands.

Review of Previous Conditions of Approval

A-9968-02 was approved with 17 conditions and 2 considerations, of which the following conditions relate to the dedication of parkland to M-NCPPC:

- 4. At the time of Preliminary Plan of Subdivision, the Applicant shall dedicate 100+ acres of parkland to the Maryland-National Capital Park and Planning Commission, including the Collington Branch stream valley and 20 acres of developable land for active recreation, as shown on the Prince George's County Department of Parks and Recreation Exhibit A (Bates Stamped 62 of 63, Exhibit 28, A-9968-01).**

The PPS shows 113.28 acres to be dedicated to M-NCPPC, in conformance with this condition.

- 5. The land to be conveyed to the Maryland-National Capital Park and Planning Commission shall be subject to the conditions of Exhibit B, attached to the June 21, 2005 memorandum from the Prince George's County Department of Parks and Recreation (Bates Stamped 63 of 63, Exhibit 28, A-9968-01).**

The land area designated for dedication purposes complies with DPR's standard requirements for the conveyance of land, including the dedication of 20 acres for active recreation, as required by the relevant provisions of Section 27-515(b), Footnote 38.

- 6. The Applicant, the Applicant's heirs, successors, and/or assigns shall construct a minimum 10-foot-wide Master Plan hiker/biker trail located along the Collington Branch Stream Valley and a minimum 10-foot-wide feeder trail to the employment uses. The alignment and design details of both trails may be modified by the Prince George's County Department of Parks and Recreation, to respond to environmental constraints, with written correspondence.**

The conceptual location of the master plan Collington Branch Stream Valley trail and the feeder trail from the employment uses have been evaluated. A final master plan trail location will be determined with a mandatory referral, in conjunction with development of the 20-acre park. Since the areas to be dedicated to M-NCPPC shall be reviewed at the time of SDP for compliance to the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, an adequate area should be shown on the SDP to include the conceptual location of the master plan trail and associated clearing for construction and maintenance. The SDP should delineate a 16-foot-wide clear space centered along the conceptual trail alignment, so that any proposed woodland

conservation areas can be established to accommodate the trail. The final location and details of the feeder trail will be approved with the SDP for infrastructure.

7. **A revised Plan showing parkland dedication and master plan trail shall be reviewed and approved by the Prince George's County Department of Parks and Recreation staff at the time of Comprehensive Design Plan.**

A revised plan showing parkland dedication and the master plan trail was provided with the CDP.

8. **The Applicant shall construct recreational facilities typical for a 20-acre community park, such as ball fields, a playground, tennis or basketball courts, shelters, and restroom facilities. The list of recreational facilities shall be determined at the preliminary plan of subdivision and specific design plan stage.**

A list of recreational facilities including a dog park, pickleball courts, a cricket pitch, a playground, restrooms, trails, an exercise circuit, a picnic shelter, a baseball/softball field, and all associated infrastructure was provided with this application based on guidance offered by DPR staff.

The PPS shows a conceptual layout of the park as it was proposed with the Willowbrook subdivision and does not represent the listed facilities. Exhibit A, showing a conceptual layout of the park consisting of the listed recreational facilities was submitted by the applicant, and is incorporated by reference herein. The conceptual layout of recreational features, as described in the applicant's list, shall be shown on the PPS prior to certification.

CDP-0505-01 was approved with five conditions, none of which relate to parkland dedication.

Based on the preceding finding, the PPS conforms to the parks and recreation requirements of Council Bill CB-22-2020 and A-9968-02 adopted by the District Council.

9. **Pedestrian and Bicycle Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the area master plan, and the Subdivision Regulations to provide the appropriate pedestrian and bicycle transportation facilities.

Previous Conditions of Approval

There are multiple prior approvals on the subject property. These include CDP-0505, 4-06066, and SDP-1603. These applications do not have any bearing on the subject PPS and will be replaced by subsequent applications.

A-9968-02 and CDP-0505-01 were recently approved and are considered with this application.

A-9968-02

Approval of A-9968-C-02 is subject to the following conditions and considerations, which relate to pedestrian and bicycle transportation:

- 3. At the time of preliminary plan of subdivision, the applicant shall provide the dedication for one-half of the 100 feet of dedication required to build Leeland Road (MC-600) to its ultimate cross section, per the Prince George's County Department of Public Works and Transportation Standards.**

The submitted plans include a label for Leeland Road that notes, "Ultimate R/W to be 100." Notes on sheets 8, 12, 15, and 16 read, "Master Plan R/W Leeland Road MC-600 Variable Width." This is ambiguous in terms of providing one-half of the 100 feet of dedication required to build Leeland Road to its ultimate width. Dedication of 50-feet from the center line of the Leeland Road right-of-way shall be provided; this will provide sufficient space to construct the roadway and a shared use path.

- 6. The applicant, the applicant's heirs, successors, and/or assigns shall construct a minimum 10-foot-wide master plan hiker/biker trail located along the Collington Branch Stream Valley and a minimum 10-foot-wide feeder trail to the employment uses. The alignment and design of both trails may be modified by the Prince George's County Department of Parks and Recreation, to respond to environmental constraints, with written correspondence.**

The above noted feeder trail is shown as a shared-use path connecting Leeland Road and Road A on the PPS.

- 7. A revised plan showing parkland dedication and master plan trail shall be reviewed and approved by the Prince George's County Department of Parks and Recreation staff at the time of comprehensive design plan.**

This condition has been satisfied.

- 15. The applicant, the applicant's heirs, successors, and/or assignees shall construct a minimum 10-foot-wide master plan shared-use path along the subject site frontage of Leeland Road, consistent with AASHTO standards, unless modified by the Prince George's County Department of Permitting, Inspections, and Enforcement, with written correspondence.**

The details of the Leeland Road shared-use path shall be depicted on the SDP, prior to its acceptance.

- 16. The conceptual location of the Collington Branch Stream Valley Trail, its feeder trail connecting to the proposed employment uses, and the Leeland Road shared-use path shall be shown on the comprehensive design plan.**

This condition has been satisfied. The submitted plan shows a “potential connection” to Leeland Road from Road A on Sheet 15. This shall be revised to say, “Shared-Use Path Connection Leeland Road to Road A.”

CDP-0505-01

Approval of CDP-0505-01 is subject to the following conditions which relate to requirements of pedestrian and bicycle transportation:

- 1. Prior to certification of this comprehensive design plan (CDP), the applicant shall:**
 - c. Provide additional development standards governing pedestrian and bicycle facilities under Vehicular Access and Parking Section in the *National Capital Business Park-Design Guidelines* as follows:**
 - (1) A minimum 5-foot-wide sidewalk along both sides of all internal roadways.**
 - (2) Perpendicular or parallel ADA-accessible curb ramps at all intersections.**
 - (3) A separate and clearly marked pedestrian route from the public roadway to the entrance of each building.**
 - (4) Crosswalks crossing all legs of intersections.**
 - (5) Adequate right-of-way space to accommodate a bus shelter and bus shelter pads at all intersections, and both cul-de-sac ends of “Road A”.**
 - (6) Shared-lane markings (sharrows), bikeway guide signs D-11/Bike Route and D1-1, D1-2, and D1-3/destination signs and R-411/Bicycles May Use Full Lane signs be provided within all internal roadways that direct people bicycling to the proposed developments and the Collington Branch Trail as well as highlight to motorists the potential presence of people bicycling along internal roads, unless modified by the Department of Permitting, Inspections, and Enforcement with written correspondence at the time of Specific Design Plan.**
 - (7) Short-term bicycle parking near the entrance of all buildings.**
 - (8) Long-term bicycle parking including a changing room, shower, bicycle repair station, or other facilities, shall be considered at the time of SDP.**

(9) A direct connection between the proposed feeder trail and bicycle facilities on Road A.

The applicant complied with Condition 1.c. of PGCPB Resolution No. 2021-50 (CDP-0505-01) by adding the following language to the Vehicular Access and Parking Section in the National Capital Business Park-Design Guidelines, which was certified on June 11, 2021:

“Pedestrian and Multimodal Circulation

A well thought out pedestrian circulation plan has been provided. Pedestrian circulation will be safe, efficient, and convenient. Pedestrian access to the site is provided with a 5’ sidewalk connection to existing Collington Center along Queen’s Court Extension. All internal roads will have 5’ sidewalks on both sides (see Sketch C). Crosswalks and ramps will be provided at all intersections. Pedestrian connections to future buildings will be provided with clearly marked paths from the public right of way to the building entrances. Adequate room exists within the public right of way for future bus shelters. Exact number and locations to be determined. Sharrows, bikeway guide signs, bike route and destination signs shall be provided within all internal roadways, unless otherwise modified in writing by DPIE at the time of SDP. Short term bicycle parking near the entrances to all buildings will be provided. Long term bicycle parking including a changing room, shower, bicycle repair station, or other facilities shall be considered where appropriate. A direct connection between the proposed feeder trail and bicycle facilities on Road A shall be provided.”

These facilities will need to be provided as part of the SDP. Details of the proposed pedestrian, bicycle, and transit facilities shall be depicted on the SDP, prior to its acceptance.

Internal Sidewalks and Bike Infrastructure

The proposed development includes the following features:

- a. Note 48 on the cover sheet of PPS 4-20032 stating “Standard sidewalks shall be provided along both sides of all internal roads unless modified by DPIE.”
- b. Space for bus stop pads at all intersections and at both cul-de-sac ends of Road A.
- c. An exhibit showing bus shelter detail on Sheet 13.
- d. Depiction of a potential path connection between Leeland Road and Road A on Sheet 15.
- e. Depiction of a conceptual location of the required Collington Branch Trail on Sheet 2
- f. Depiction of the required M-NCPPC active recreation park on Sheets 2 and 12.

- g. An apparent mislabeling of the Pennsylvania Railroad track as an “Asphalt Trail” on Sheet 12.
- h. Location of the required master plan Leeland Road Trail on Sheet 15.
- i. Depiction of 5-foot-wide bike lanes in the industrial road cross sections, but also shows the bike lanes and the sidewalks occupying the same space.

General Note 48 on the PPS cover sheet shall be revised to state, “Standard sidewalks shall be provided along both sides of all internal roads unless modified by DPIE with written correspondence.” The cross sections on the submitted plans shall also be revised to show shared lane makings on the roadways and to eliminate the bicycle lanes that are shown to occupy the same space as the sidewalks. Lastly, the word “potential” shall be removed from the label for the feeder trail between Leeland Road and Road A.

Pursuant to Section 24-121(a)(9), the PPS provides sidewalks within right-of-way space, which is at least 10 feet wide through all blocks over 750 feet long.

Pursuant to Section 24-123(a)(6) of the Subdivision Regulations, the PPS indicates the location of all land for bike trails and pedestrian circulation systems that are indicated on a master plan, County trails plan, or abutting existing or dedicated trails.

Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to the Collington Business Park and is connected to this development by way of a proposed extension of Queens Court.

The provided pedestrian and bicycle improvements associated with the proposed development will support pedestrian, bicycle, and public transit travel to and within the National Capital Business Park. These improvements provide an extension of the Collington Branch Trail, construction of a segment of the master plan Leeland Road shared-use path, nonmotorized access to the subject site via a feeder trail connecting the proposed Leeland Road master plan trail with Road A.

On-site Improvements (Master Plan Compliance and Prior Approvals)

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

POLICY 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The master plan includes the following recommendations applicable to the subject site:

Provide a safe, affordable, and efficient multimodal transportation system that improves access within neighborhoods, communities, and the region (page 50).

Review and fully exploit opportunities to incorporate non-motorized transportation modes (such as pedestrian and bicycle trails) into the county's transportation system (page 50).

Incorporate appropriate pedestrian-oriented development (POD) features in all new development and improve pedestrian safety in existing development (page 51).

Develop bicycle-friendly roadways in conformance with the latest standards and guidelines (page 51).

The cross sections of the industrial roadways are not consistent with General Note 48 on the cover sheet of the PPS calling for standard-width sidewalks on both sides of all streets. The applicant shall provide updated street cross sections showing sidewalks on both sides of the roadways.

The following facilities shall be provided: minimum 5-foot-wide sidewalks on both sides of all roads, Americans with Disabilities Act (ADA) accessible curb ramps and crosswalks crossing all legs of all intersections, bus shelter ready areas near intersections and at the ends of each cul-de-sac on Road A, shared-lane markings and appropriate signage on all internal roads, and short- and long-term bicycle parking. These facilities will ensure consistency with the approved master plans. Lastly, the applicant shall clarify the name of the roadway represented in typical Sections 1–5 on PPS Sheet 14 and relabel the 10-foot sidewalk as a 10-foot-wide shared-use path.

Based on the preceding findings, adequate pedestrian and bicycle transportation facilities will exist to serve the PPS, as required, in accordance with Section 24-124 of Subdivision Regulations.

- 10. Transportation**—The applicant is proposing 3.5 million square feet of employment/ institutional uses (and any other use permitted in the E-I-A Zone). It is anticipated that a majority of the uses on the property will be warehouse uses.

Background

The property is the subject of A-9968-C-02, which was approved with two transportation-related conditions which are relevant to the review of this PPS, as shown below:

2. At the time of the submission of a Comprehensive Design Plan or Preliminary Plan of Subdivision, the Applicant shall provide a traffic study that analyzes the following intersections:

- a. US 301/MD 725
- b. US 301/Village Drive
- c. US 301/Leeland Road
- d. US 301/Trade Zone Avenue
- e. US 301 SB/Wawa Crossover
- f. US 301 NB/Wawa Crossover
- g. US 301/Queens Court
- h. US 301/Median Crossover
- i. US 301/Beechtree Parkway/Swanson Road
- j. US 301/Chrysler Drive
- k. Prince George's Blvd./Trade Zone Avenue
- l. Prince George's Blvd./Commerce Drive
- m. Prince George's Blvd./Queens Court

In conformance with this condition, the applicant provided a Traffic Impact Study (TIS) dated October 12, 2020 and revised on May 21, 2021.

3. At the time of Preliminary Plan of Subdivision, the Applicant shall provide the dedication for one-half of the 100 feet of dedication required to build Leeland Road (MC-600) to its ultimate cross section, per the Prince George's County Department of Public Works and Transportation standards.

This condition was carried over as Condition 2.c. of approved CDP-0505-01.

The property is the subject of CDP-0505-01, which was approved with several transportation-related conditions relevant to the review of this PPS, as shown below:

2. At time of preliminary plan of subdivision submission, the applicant shall:

- c. Show dedication for all rights-of-way for MC-600 (Leeland Road) and I-300, as identified by the Prince George's County Planning Department.

4. Prior to approval of a building permit for each square foot of development, the applicant, and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement, a fee calculated as \$1.33 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record

Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary. The fee set forth above shall be modified at the time of approval of the preliminary plan of subdivision to reflect the project cost in the adopted Prince George's County Public Works & Transportation Capital Improvement Program.

5. **Unless modified at the time of preliminary plan, prior to 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. **US 301 at Leeland Road**
 - (1) **Provide three left turn lanes on the eastbound approach.**
 - (2) **Provide two left turn lanes on the northbound approach.**
 - b. **Prince George's Boulevard at Queens Court-Site Access**
 - (1) **Provide a shared through and left and a shared through and right lane on the eastbound approach.**
 - (2) **Provide a shared through and left and a shared through and right lane on the westbound approach.**
 - (3) **Provide a shared through and left and a shared through and right lane on the northbound approach.**

Analysis of Traffic Impacts

The subject property is currently unimproved and is located within Transportation Service Area (TSA) 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 (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation per Section 24-124(a)(6) is permitted at signalized intersections within any TSA subject to meeting the geographical criteria in the 2012 Transportation Review Guidelines, Part 1 (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.

For two-way stop-controlled intersections, a three-part process is employed:
 (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.

For all-way stop-controlled intersections, a two-part process is employed:
 (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.

To evaluate the impact of the proposed development, the applicant provided a TIS dated October 12, 2020 and revised on May 21, 2021. The findings outlined below are based upon a review of these materials and analyses conducted, consistent with the Guidelines. The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions. It is worth noting that one of the provisions of recent Council legislation (CB-22-2020) is that no traffic from this proposed development should be oriented to and from Leeland Road to the south of the subject property. As a result of this mandate by the District Council, the TIS did not consider any intersections along Leeland. The following represents the intersections deemed critical for the proposed development:

EXISTING CONDITIONS		
Intersections	AM (LOS/CLV) delay	PM (LOS/CLV) delay
US 301 SB @ Wawa Crossover	A/838	C/1158
US 301 NB @ Wawa Crossover	A/934	B/1066
US 301 @ Trade Zone Avenue	A/895	B/1022
US 301 @ Queens Court: Right-in, Right-Out (RIRO)*	No delay	No delay
US 301 @ Median Crossover* Minor street volume	No delay <100 vehicles	No delay <100 vehicles
US 301 @ Leeland Road	A/668	A/818
US 301 @ Beechtree Parkway-Swanson Road	B/1012	D/1351
US 301 @ Village Drive	A/766	B/1021
US 301 @ MD 725	A/961	D/1312
US 301 @ Chrysler Drive	A/823	D/1357
Prince George's Boulevard @ Trade Zone Avenue*	<50 seconds	<50 seconds
Prince George's Boulevard @ Commerce Drive*	<50 seconds	<50 seconds
Prince George's Boulevard @ Queens Court*	<50 seconds	<50 seconds
* Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.		

The traffic study identified 13 background developments whose impact would affect some or all of the study intersections. In addition, a growth of 1.1 percent over six years was also applied to the traffic volumes. In addition to the inclusion of background developments and regional growth, the TIS assumed improvements involving the upgrade to US 301 between MD 214 in the north and MD 4 to the south. Specifically, the improvements would involve a widening of US 301 from 4 to 6 through lanes. This improvement appears in the current county Capital Improvement Program (CIP) with full funding within six years. There is a provision in the CIP that the overall cost of \$24.78 million will be borne by developer contribution. This applicant has agreed to provide his/her commensurate share, which will be addressed later in this referral. Using the trip rates from the Guidelines, the study has indicated that the subject PPS represents the following trip generation:

Table 1 - Trip Generation							
		AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Warehouse (FAR 0.3, County rates)	3,500,000 sq. ft	1,120	280	1,400	280	1,120	1,400
Total new trips		1,120	280	1,400	280	1,120	1,400

The table above indicates that the proposed development will be adding 1,400 trips during both peak hours. The analysis under existing conditions assumes several unsignalized intersections. Under future conditions, the following intersections are assumed to be signalized:

- US 301 SB @ Wawa Crossover
- US 301 NB @ Wawa Crossover
- US 301 @ Queens Court

A second analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS with CIP improvements		
Intersections	AM (LOS/CLV) delay	PM (LOS/CLV) delay
US 301 SB @ Wawa Crossover	A/976	C/1175
US 301 NB @ Wawa Crossover	A/872	B/1178
US 301 @ Trade Zone Avenue	A/984	D/1308
US 301 @ Queens Court	B/1132	C/1280
US 301 @ Median Crossover* Minor street volume	No delay <100 vehicles	No delay <100 vehicles
US 301 @ Leeland Road <i>With additional improvement</i>	C/1212 B/1145	E/1577** D/1427
US 301 @ Beechtree Parkway-Swanson Road	B/1070	D/1423

Intersections	AM	PM
US 301 @ Village Drive	A/859	B/1069
US 301 @ MD 725	A/987	D/1359
US 301 @ Chrysler Drive	A/776	D/1331
Prince George's Boulevard @ Trade Zone Avenue*	<50 seconds	<50 seconds
Prince George's Boulevard @ Commerce Drive*	<50 seconds	<50 seconds
Prince George's Boulevard @ Queens Court* Tier 1: HCS Delay test Tier 2: Minor Street Volume Tier 3: CLV	>50 seconds >100 vehicles A/833	>50 seconds >100 vehicles A/755
Prince George's Boulevard @ Popes Creek Drive*	<50 seconds	<50 seconds
Prince George's Boulevard @ 2 nd . Access* Tier 3: CLV	180.7 seconds A/853	224.6 A/775

* Unsignalized intersections. In analyzing two-way stop-controlled intersections, a three-step procedure is undertaken in which the greatest average delay (in seconds) for any movement within the intersection, the maximum approach volume on a minor approach, and the critical lane volume (CLV) is computed and compared to the approved standard. According to the Guidelines, all three tests must fail in order to require a signal warrant study.

** Inadequate intersection.

The results under total traffic conditions show that the intersections will all operate adequately with the exception of US 301 at Leeland Road. To that end, the applicant has agreed to provide an additional left turn lane (for a total of three lefts) on the eastbound approach, and an additional left turn on the northbound approach resulting in acceptable level of service for that intersection. It is worth mentioning that a sensitivity analysis was done for this intersection to determine at what point additional improvements are necessary. The result of that analysis concludes that up to 1,475,000 square feet of development can be built before these additional improvements are needed.

The TIS assumed improvements involving the upgrade to US 301 between MD 214 in the north and MD 4 to the south. Specifically, the improvements would involve a widening of US 301 from 4 to 6 through lanes. This improvement appears in the current (FY 2022-2027) county CIP with full funding within six years. There is a provision in the CIP (4.66.0047) that the overall cost of \$24,780,000.00 (1989 dollars) will be borne by developer contribution. The TIS provides a tabular representation of the applicant's pro-rata share of the CIP-funded improvements. For each intersection, a determination is made of the overall excess capacity that is created by the CIP improvements. The amount of that excess capacity that is needed to get to LOS D is then calculated and expressed as a percentage. The average percentage for both peak hours for all critical intersections along US 301 are then determined. The result of these analyses shows that an average of 14.5 percent of the total capacity created by the CIP improvements, will be required by this development to meet the department's adequacy threshold. This methodology and its conclusion are supported. Because the projected price tag in the current CIP is set at \$24,780,000, the applicant's pro-rata share will be $\$24,780,000 \times 0.145 = \$3,593,100.00$. Based on a proposed development of 3,500,000 square feet of gross floor area (GFA), the fee would be $\$3,593,100.00 / 3,500,000 = \1.03 per square foot of GFA. This amount is separate and apart from the cost of an additional improvement at the intersection of Leeland Road and US 301. The applicant will be required to provide triple left turn lanes on eastbound Leeland Road, as well as double left turns on northbound US 301, in order to achieve LOS D.

Planning Department Review and Comments

Having reviewed the traffic study, the Planning Board concurs with its findings and conclusions. The TIS was also referred out to County and State agencies for review and comment. A memo dated August 5, 2021 (Lord-Attivor to Barnett Woods), summarized DPIE's review of the TIS submitted by the applicant. The memo summarizes the improvements, safety study, and additional review of the TIS, which DPIE will require at various stages of project development. An August 4, 2021 letter from SHA to Mike Lenhart, the applicant's traffic consultant, was also submitted. In that letter, some of the reviewers within SHA offered no comments, while others required various clarifications of Mr. Lenhart. In an August 6, 2021 memorandum to Planning Department staff, Mr. Lenhart provided responses to all of the concerns expressed by SHA. Those responses are found to be reasonable and acceptable.

During the review period for the subject application, it was brought to the attention of Planning Department staff that the applicant was pursuing a possible second access to the proposed development. This secondary access could be realized under two scenarios:

Scenario 1:

This secondary access would be represented by a dedicated but unbuilt Popes Creek Drive that would create an intersection with existing Commerce Drive. The traffic consultant did a supplemental analysis based on this potential intersection.

An assumption was made that only 10 percent of the proposed site traffic will use this intersection. Based on that assumption, the result shows that the intersection will operate with a delay of less than 50 seconds and will be deemed to be adequate.

Scenario 2:

With this scenario, access would be provided with a second access directly onto Prince George's Boulevard, just south of the primary access of Queen's Court extended and Prince George's Boulevard. Like the previous option, this access will be secondary in nature, representing about the same 10 percent of total site traffic. The analysis shows that this access will also operate at delays greater than 50 seconds, however, when analyzed using the Tier 3 test, both peak periods operate below the 1,150 CLV threshold. Consequently, no further analysis is necessary, and the intersection is deemed to be adequate.

A secondary access, as proposed under Scenario 1, is depicted on the PPS by extending Popes Creek Drive, which is shown culminating in a cul-de-sac located on the subject property. However, the plans reflect the cul-de-sac located on a privately owned parcel. Popes Creek Drive is a public road which provides access to multiple properties. The right-of-way for this road is currently dedicated as a stub at the property edge, with the intention that it will be extended in the future into the subject property. Popes Creek Drive shall be properly extended into the property as a public right-of-way and terminated at a cul-de-sac or connect to another public street. The public right-of-way for the cul-de-sac extension of Popes Creek Drive shall be clearly shown and labeled on the PPS to be dedicated. If, at the time of final site plan, design access is not proposed from Popes Creek Drive, the cul-de-sac area may be incorporated into an abutting lot and all lots must be designed with frontage and direct access to an alternative public right-of-way. At this time, the applicant does not intend to pursue the second access proposed under Scenario 2.

Master Plan

The subject property is located on the north side of Leeland Road, a master-planned road that functions as a dividing line between two planning areas: the Bowie and Vicinity Master Plan and SMA and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*. The subject property is also governed by the MPOT. All plans recommend Oak Grove Road-Leeland Road be upgraded to a major collector (MC-600) standard. The PPS shows the location of this planned facility and right-of-way dedication that is generally consistent with both plans. I-300 is a planned industrial road recommended in all three existing master plans. This future road is planned as Prince George's Boulevard extended south to Leeland Road. Approximately two-thirds of this future road lies within the southeast section of the site. The applicant shall clearly show dedication for I-300 that is consistent with the MPOT recommendation. The applicant proposes to only improve a portion of the I-300 right-of-way, with a cul-de-sac at the end of the extension, to provide access to Parcel 19. However, the full dedication shall be provided to accommodate future extension. Ultimate buildout of the street section will be determined by DPIE/DPW&T. The property also fronts on Leeland Road and right-of-way dedication is required along this road, consistent with the MPOT recommendation. The submitted plans include various labels for Leeland Road, which are ambiguous and do not clearly denote provision of one-half of the 100 feet of dedication required to construct Leeland Road to its ultimate cross section. Dedication of 50-feet from the center line of the Leeland Road right-of-way shall be shown on the PPS.

Based on the preceding findings, adequate transportation facilities will exist to serve the PPS, as required, in accordance with Section 24-124.

11. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewer and police facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated June 22, 2021 (Thompson to Gupta), incorporated by reference herein. However, for fire and rescue facilities, the PPS did not pass the four-minute travel test from the closest fire/EMS station when applying the national standard, which has an associated total response time under five minutes from the closest fire/EMS station, Pointer Ridge Volunteer Fire/EMS Company 843. 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 (AEDs) in accordance with Code of Maryland Regulations (COMAR); and install and maintain hemorrhage kits next to fire extinguishers. In accordance with Section 24-122.01(e)(1)(C), the Fire/EMS Department provided a statement indicating that adequate equipment exists.
12. **Use Conversion**—The total development included in this PPS is proposed for 3.5 million square feet of industrial and commercial uses, as permitted in the E-I-A Zone. If residential development or a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.
13. **Public Utility Easement**—Section 24-122(a) requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10-foot-wide along both sides of all public rights-of-way. The subject site fronts on public right-of-way Leeland Road to the west. Rights-of-way of public streets Popes Creek Drive and Prince George’s Boulevard truncate along the eastern property line. Right-of-way for master-planned road I-300 is also to be dedicated within the boundaries of the subject property. To provide access and public street frontage to subdivided parcels, Queens Court will be extended approximately 1,750 feet from its intersection with Prince George’s Boulevard, through adjoining Lot 5, Block D into the property. Public Roads A and B are also provided for the subdivision.

The required 10-foot-wide PUE is correctly shown and labeled parallel, contiguous, and adjacent to the rights-of-way lines of all public streets and will be recorded with the final plat.

14. **Lot Layout**—The PPS depicts a configuration of parcels to enable development as proposed, to convey land to M-NCPPC for active recreation, and to preserve environmentally sensitive land by dedication to a BOA. The proposed lot layout was reviewed, and the following comments are provided:

- a. The northern and western boundaries of proposed Parcel 21 are depicted as double lines. The applicant clarified, in a meeting with staff, that the double lines are the result of a drafting error. This error should be resolved, and the boundaries of Parcel 21 shall be reflected with a single property line symbol.
- b. The PPS depicts two parcels along the northeast property line, both of which are labeled as Parcel 22. Neither of these parcels have frontage on a public street. Section 24-128(a) of the Subdivision Regulations requires that all parcels in a subdivision have frontage on and direct vehicular access to a public street. Both Parcel 22s shall be deleted, and their area be incorporated into an adjoining parcel having frontage on a public street.
- c. The PPS shows a narrow strip of land located to the east of Parcels 22 and 16, which is not assigned a parcel number. This area abuts the unimproved right-of-way for public street Popes Creek Drive, which is shown culminating in a cul-de-sac located on the subject property, in anticipation of an alternative access point to the site. The cul-de-sac for extension of Popes Creek Drive is proffered for a future access point to the site. However, the PPS does not label this area as a public right-of-way. The right-of-way for the cul-de-sac shall be clearly shown and labeled on the PPS to be dedicated to public use. All parcels are required to have frontage on and direct access to a public street. Therefore, any parcels which rely on the cul-de-sac of Popes Creek Drive for direct access shall be provided with adequate frontage on this cul-de-sac, capable of accommodating a standard commercial driveway. In the event that the applicant does not dedicate the right-of-way for Popes Creek Drive extension at the time of final plat, all parcels which depend on this right-of-way for frontage shall be reconfigured to have frontage on and direct access to another public right-of-way, or be deleted and their area incorporated into another parcel having frontage on and direct access to a public street.
- d. Master plan right-of-way for I-300, which is shown to be dedicated with this PPS, is shown correctly on Sheet 16 of the PPS. On Sheet 2 however, the western right-of-way line for I-300 is not reflected accurately, and the right-of-way width is incorrectly labeled to be 80 feet, instead of 70 feet. Both the right-of-way and width of I-300 shall be shown and labeled correctly on all sheets of the PPS.
- e. The parcels are located on both sides of an internal spine road (Road A), which is oriented in a north-south direction, with cul-de-sacs on both ends. Some of the parcels, including Parcels 7, 23, 2, 14, 15, and 29, are designed with frontage only on the right-of-way of these cul-de-sacs. The widths at front street line for these parcels is not dimensioned, and therefore it is not evident whether adequate frontage for these parcels exists to accommodate a commercial driveway meeting the standards of the Prince George's County Department of Public Works and Transportation (DPW&T). The applicant shall provide an exhibit prior to certification of the PPS, to demonstrate that widths of at front street line for Parcels 7, 23, 2, 14, and 15 are adequate to ensure that a standard DWP&T commercial driveway can be provided for these parcels. The PPS shall also reflect dimensions for all lot lines.

- f. In keeping with standard nomenclature, development parcels shall have a numbered designation and open space parcels shall have an alpha designation. There are two types of open space parcels proposed in this subdivision: Parcels 25, 26, 28, 30, 35, and 36, which are to be dedicated to M-NCPPC; and Parcels 10–24, 27, 29, and 31–34, which are to be dedicated to a BOA. The PPS shall be revised to assign a number to all development parcels (such as Parcel 1, Parcel 2) and an alpha designation to all open space parcels (such as Parcel A, Parcel B). In addition, all open space parcels to be dedicated to M-NCPPC shall be designated as Parcel A1, Parcel A2, and all open space parcels to be dedicated to BOA as Parcel B1, Parcel B2.

It is also noted that the PPS depicts Parcels 10–19, 22, and 23 with development such as structures and parking, but also lists these parcels to be dedicated to the BOA. The applicant shall clarify which parcels are development parcels, and which are open space parcels to be dedicated to the BOA, and revise the Parcel Table on Sheet 2 of the PPS accordingly.

Open space Parcels 25, 26, and 36, which along with Parcels 28 and 30 are to be dedicated to M-NCPPC, do not have direct frontage on a public street, in accordance with Section 24-128(a). Similarly, open space Parcels 24 and 27, which are to be dedicated to the BOA do not have direct frontage on a public street. These parcels are contiguous to other open space parcels with public street frontage and cannot be developed in isolation without further subdivision. In addition, the open space was divided into multiple parcels to ensure that they can be platted in their entirety. For these stated reasons, these open space parcels can be found to conform to Section 24-128(a).

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 was high. A Phase I archeology survey was completed on the property in 2006. No additional archeological investigations were required. A portion of a mill race was identified by Historic Preservation staff in the southwestern portion of the development on the north side of Collington Branch. This mill race was associated with a mill operated Daniel Clarke, a former owner of the property in the mid-1800s. The mill race is on a portion of the property that will be dedicated to M-NCPPC.

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.

16. **Environmental**—This PPS application (4-20032) and TCP1-004-2021-01 were received on June 17, 2021. Comments were provided in an SDRC meeting on July 9, 2021. Revised information was received on July 30, 2021 and August 2, 2021. Specimen tree dispositions were confirmed by the applicant on August 4, 2021. The following applications have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
A-9968	N/A	District Council	Approved	5/22/2006	Final Decision
CDP-0505	TCP1-010-06	Planning Board	Approved	8/8/2005	06-273
NRI-098-05	N/A	Planning Director	Signed	12/31/2005	N/A
CR-11-2006	N/A	District Council	Approved	2/7/2006	SMA Bowie and Vicinity
NRI-098-05-01	N/A	Planning Director	Signed	12/19/2006	N/A
NRI-098-05-02	N/A	Planning Director	Signed	1/11/2007	N/A
4-06066	TCP1-010-06-01	Planning Board	Approved	2/8/2007	PGCPB No. 07-43
SDP-1603	TCP2-028-2016	Planning Board	Approved	3/30/2017	PGCPB No. 17-44
A-9968-01	NA	District Council	Approved	5/13/2019	ZO No. 5-2019
NRI-098-05-03	N/A	Planning Director	Signed	2/9/2020	N/A
NRI-098-05-04	N/A	Planning Director	Signed	3/3/2021	N/A
A-9968-02	N/A	District Council	Approved	4/12/2021	ZO No. 2-2021
CDP-0505-01	TCP1-004-2021	Planning Board	Approved	4/29/2021	PGCPB No. 2021-50
4-20032	TCP1-004-2021-01	Planning Board	Pending	Pending	Pending

Proposed Activity

The current application is a PPS and revised TCP1 for development of warehouse/ distribution, office, light industrial/manufacturing and/or institutional uses, and a potential public park on a 442.30-acre site in the I-1, R-A, and R-S Zones.

Grandfathering

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

Site Description

The PPS is a for a 442.30-acre site in the I-1, R-A and R-S zone, and is located on the north side of Leeland Road, east of the railroad tracks, and west of US 301. There are streams, wetlands, and 100-year floodplains and associated areas of steep slopes with highly erodible soils and areas of severe slopes on the property. The Pope’s Creek Branch railroad, used by CSX, which is adjacent to the westernmost portion of the property, may be a source of noise and vibration. According to the Prince George’s County Soil Survey, the principal soils on the site are in the Adelpia, Bibb, Collington, Colemantown Elkton, Howel, Marr, Monmouth, Sandy Land,

Shrewsbury, and Westphalia series. Adelphi, Collington, and Marr soils are in hydrologic class B and are not highly erodible. Bibb and Shrewsbury soils are in hydrologic class D and pose various difficulties for development due to high water table, impeded drainage, and flood hazard. Colemantown and Elkton soils are in hydrologic class D and have a K factor of 0.43, making them highly erodible. Howell and Westphalia soils are in hydrologic class B and are highly erodible. Monmouth soils are in hydrologic class C and have a K factor of 0.43, making them highly erodible. Sandy Land soils are in hydrologic class A and pose few difficulties to development. Marlboro clay is found to occur extensively in the vicinity of and on this property. According to information obtained from the Maryland Department of Natural Resources (DNR), Natural Heritage Program, a Sensitive Species Project Review Area (SSPRA), as delineated on the SSPRA GIS layer is found to occur in the vicinity of this property. Further information received from the Wildlife and Heritage staff indicated known records related to three rare, threatened, or endangered (RTE) aquatic species in Collington Branch, and the possible presence of several RTE plants. Leeland Road is a scenic roadway that abuts this development. This property is located in the Collington Branch watershed in the Patuxent River basin and contains the mainstem of Collington Branch, along the western side of the property. The site is in the Developing Tier, according to the adopted General Plan. The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The site contains regulated areas and evaluation areas, as designated on the 2017 *Countywide Green Infrastructure Plan of the Approved Prince George's Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan).

Prior Approvals

The site was subject to several prior approvals (A-9968, CDP-0505, 4-06066, and SDP-1603), which proposed to develop a residential subdivision. This prior use will not be implemented with the development with 4-20032. Previous conditions of approval related to the residential use are not applicable to this application because the use and site design have changed.

Review of Environmental Conditions and Considerations of Approval for A-9968-02

An amendment to the basic plan was approved by the District Council by Zoning Ordinance No. 2-2021 to delete all residential uses and replace with employment and industrial uses, effective April 12, 2021. The approval conditions which are environmental in nature are shown in **BOLD** and are addressed below.

- 9. The submission package of the comprehensive design plan shall contain a signed natural resources inventory (NRI) plan. The signed NRI plan shall be used by the designers to prepare a site layout that minimizes impacts to the regulated areas of the site.**

A valid Natural Resources Inventory Plan, NRI-098-05-04, was approved on March 3, 2021, and was submitted with the 4-20032 review package.

10. A geotechnical study that identifies the location and elevation of the Marlboro clay layer throughout the site shall be submitted as part of the comprehensive design plan application.

A geotechnical report dated March 22, 2021, and prepared by Geo-Technology Associates, Inc. was included with this application and reviewed. The approximate locations of the unmitigated 1.5 safety factor lines are shown on the TCP1 based on this report; however, there are assumptions used within the report that need to be better supported. The report requires several technical updates as outlined in the recommended conditions. The technical corrections may result in a change to the location of the 1.5 unmitigated safety factor line. The final location of the unmitigated 1.5 safety factor line resulting from the revised report shall be shown on the PPS and the TCP1.

In addition to the Marlboro clay restrictions on the site, it has been noted that the site is located within a sediment total maximum daily load (TMDL), as established by the state. Watersheds within a sediment TMDL will typically require erosion and sediment control measures above and beyond the standard treatments. The site also contains RTE species, including fish located in the Collington Branch. Redundant erosion and sediment control measures are also required for protection of the RTE species. Additional information, as determined by DPIE and the Soil Conservation District in their respective reviews for SWM and erosion and sediment control, may be required.

11. A protocol for surveying the locations of all rare, threatened, and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources, prior to acceptance of the comprehensive design plan, and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.

The subject site contains five identified species of RTE plants and three State-listed threatened or endangered fish species within the Collington Branch and/or Black Branch watersheds. An RTE species Habitat Protection and Management Program was conceptually approved with the prior 4-06066 for the subject property, and the details of the program were approved with the prior SDP-1603. The original Habitat Protection and Management Program reports were prepared in 2007 for the specific sites, then referred to as Willowbrook and Locust Hill. In 2016 the reports were combined because the two projects came under a single ownership and were anticipated to move along similar timeframes for construction. The Locust Hill project has been under development, in accordance with the 2016 report; however, the subject site, previously known as Willowbrook, is now proposed for a significantly different development pattern from what was last evaluated.

An updated Habitat Protection and Management Program, dated April 23, 2021, was prepared for the current project, and submitted with this PPS application. On May 27, 2021, DNR approved the final version of the habitat protection and

monitoring plan. On June 4, 2021, the applicant notified this department that the pre-construction stream monitoring was completed in April 2021, and that the summer fish sampling was completed at all four stations June 1–2, 2021. After the stream monitoring and fish sampling data is processed, it is expected that the applicant will submit a pre-construction monitoring report to both DNR and M-NCPPC for review in Fall 2021.

While the applicant has provided information regarding monitoring per the updated Habitat Protection and Management Program established for the project, there is concern about the longer term and post construction monitoring requirements. A bond is needed to ensure the monitoring and any corrective action indicated by the monitoring is completed. The applicant shall post a monitoring bond with DPIE, prior to issuance of the fine grading permit.

12. Prior to acceptance of the preliminary plan of subdivision, a revised natural resources inventory plan shall be submitted and approved.

A revision to NRI-098-05-04 was approved on March 3, 2021, and was submitted with the 4-20032 review package.

17. In the event the Applicant elects to pursue an alternative access point(s) to the adjacent Collington Center vis Popes Creek Drive and/or Prince George's Blvd., the transportation and environmental impacts of any additional access point(s) shall be evaluated at time of Comprehensive Design Plan or Preliminary Plan.

Of the two alternative or additional access points described in the condition above, only the additional access point from Popes Creek Drive was provided with the current PPS for review. The transportation adequacy of this access is discussed in the Transportation finding of this resolution. The access point is located in an area where no regulated environmental features are delineated. No environmental impacts associated with the construction of this access point are shown. However, the proposed grading shown on the TCP1 does not account for construction of the cul-de-sac and the driveway located to the west of the property line. It appears likely that additional grading, with or without retaining walls, may be necessary to make this access point feasible. These details will be further reviewed with the SDP, should the final design include this access.

Considerations of Approval for A-9968-02

1. The natural aesthetic qualities of the site and all regulated environmental features shall be preserved to the fullest extent possible and shall seek to minimize any impacts to said features.

The development approved with 4-20032 has been determined in part by the environmental constraints of the site, including the regulated environmental features and the soils. Minimal impacts to the environmental features are proposed. The impacts are further analyzed in the Environmental Review Section of this finding.

Review of Environmental Findings, Conditions, and Considerations of Approval for CDP-0505-01

An amendment to the CDP was approved by the Planning Board (PGCPB Resolution No. 2021-50) to delete all residential uses and replace with employment and industrial uses, effective April 29, 2021. The approval conditions, which are environmental in nature, are shown in **BOLD** and are addressed below.

2. **At time of preliminary plan of subdivision submission, the applicant shall:**
 - a. **Submit a revision to the Habitat Management Program to the Development Review Division that reflects the current development proposal, existing hydrologic monitoring, timing of the analysis of Rare, Threatened and Endangered (RTE) species population counts and condition, habitat characterization and condition, and the details of the habitat management program for RTE fish species: water quality monitoring, pollution prevention measures, and corrective measures, shall be updated. The monitoring program shall meet all current requirements of the Maryland Department of Natural Resources, Wildlife and Heritage Service.**
 - b. **Submit a geotechnical report that reflects the current development proposal.**
 - c. **Show dedication for all rights-of-way for MC-600 (Leeland Road) and I-300, as identified by the Prince George's County Planning Department.**

This condition was addressed with the acceptance of the PPS. Both a revised Habitat Management Program and geotechnical report were included with the acceptance package. The location of the rights-of-way for MC-600 and I-300 shall be correctly shown and identified on all sheets of the PPS.

3. **Prior to certification of a Type 2 tree conservation plan for the subject development, which states specifically the location, acreage, and methodology of the woodland conservation credits, crediting of woodland conservation shown on any property to be dedicated to, or owned by the Maryland-National Capital Park and Planning Commission, is subject to written approval by the Prince George's County Department of Parks and Recreation.**

In a letter dated April 12, 2021 (Burke to Nickle), submitted with the CDP certification, the Parks Department consented to the placement of woodland conservation on land to be dedicated to M-NCPPC park property to be placed in easements, subject to the following considerations:

- a. The applicant will be dedicating substantially more parkland than the normal requirement under mandatory dedication of parkland.
- b. The woodland conservation easement(s) proposed are primarily located in areas which are not suitable for active recreation.
- c. The proposed woodland conservation easement(s) are in some cases adjacent to other protected lands or woodland conservation easements proposed by the applicant, in effect creating a larger net “forested area.”
- d. The proposed woodland conservation easement(s) will not be located within the right-of-way for the proposed hiker/biker trail when constructed.

The portions of the woodland conservation easement areas proposed to be conveyed to M-NCPPC are subject to the following conditions:

1. The details of the land to be dedicated to M-NCPPC, the areas of woodland conservation easement contained within that land, and the proposed hiker/biker trail will be evaluated with the review of the Type 2 tree conservation plan.
2. A 10-foot-wide clear area must be maintained from any woodland conservation to the edge of any future trails.
3. Only lands which normally qualify for woodland preservation and reforestation through the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance shall be placed in a woodland conservation easement.

This condition will be further reviewed with the Type 2 tree conservation plan.

Master Plan Conformance

The applicable master plan includes environmentally related policies and their respective strategies in the Environmental Infrastructure section.

The text in **BOLD** is the text from the master plan and the plain text provides comments on the plan conformance.

Policy 1: Protect, preserve, and enhance the identified green infrastructure network within the master plan area.

Strategies:

- 1. Use the designated green infrastructure network to identify opportunities for environmental preservation and restoration during the development review process.**
- 2. Protect primary corridors (Patuxent River and Collington Branch) during the development review process to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors (Horsepen Branch, Northeast Branch, Black Branch, Mill Branch, and District Branch) to restore and enhance environmental features and habitat.**
- 3. Carefully evaluate land development proposals in the vicinity of identified SCAs (the Beltsville Agricultural Research Center to the north, along with the Patuxent Research Refuge; Belt Woods in the western portion of the master plan area; and the Patuxent River) to ensure that the SCAs are not impacted, and connections are either maintained or restored.**
- 4. Target public land acquisition programs within the designated green infrastructure network in order to preserve, enhance, or restore essential features and special habitat areas.**

The subject site is neither within a Priority Preservation Area nor the Patuxent Rural Legacy Program; however, it is in the Collington Branch and Patuxent River watershed, which are primary corridors. The District Branch secondary corridor is mapped on-site. The site contains regulated environmental features and is located entirely within the 2017 Green Infrastructure network but is not within a special conservation area. Protection of green infrastructure elements and regulated environmental features of the site are further evaluated in the Environmental Review section of this finding.

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

Strategies:

- 1. Implement the strategies contained in the Western Branch Watershed Restoration Action Strategy (WRAS).**
- 2. Add identified mitigation strategies from the Western Branch WRAS to the countywide database of mitigation sites.**

3. **Encourage the location of necessary off-site mitigation for wetlands, streams, and woodlands within sites identified in the Western Branch WRAS and within sensitive areas that are not currently wooded.**
4. **Ensure the use of low-impact development techniques to the extent possible during the development process.**
5. **During the development review process evaluate streams that are to receive stormwater discharge for water quality and stream stability. Unstable streams and streams with degraded water quality should be restored, and this mitigation should be considered as part of the stormwater management requirements.**
6. **Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.**
7. **Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces.**
8. **Reduce the area of impervious surfaces during redevelopment projects.**

Development of the site will be subject to the current SWM regulations which require that ESD be implemented to the maximum extent practicable. Additional information regarding on-site regulated environmental features is evaluated in the Environmental Review section of this finding.

Policy 3: Protect and enhance tree cover within the master plan area.

Strategies:

1. **Encourage the planting of trees in developed areas and established communities to increase the overall tree cover.**
2. **Provide a minimum of ten percent tree cover on all development projects. This can be met through the provision of preserved areas or landscape trees.**
3. **Establish street trees in planting strips designed to promote long-term growth and increase tree cover.**
4. **Establish tree planting adjacent to and within areas of impervious surfaces. Ensure an even distribution of tree planting to provide shade to the maximum amount of impervious areas possible.**

Development of this site will be subject to the current woodland conservation ordinance requirements. Additional information regarding woodland

conservation and tree canopy coverage will be evaluated with future development applications; however, the TCP1 submitted with the PPS shows approximately 36 percent of the gross tract will remain in woodland (both in and outside of the floodplain).

Policy 4: Reduce overall energy consumption and implement more environmentally sensitive building techniques.

Strategies:

- 1. Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be reused and redesigned to incorporate energy and building material efficiencies.**
- 2. Encourage the use of alternative energy sources such as solar, wind, and hydrogen power. Provide public examples of uses of alternative energy sources.**

Information regarding the use of green building techniques and the use of alternative energy will be evaluated with future SDP applications which propose building details.

Policy 5: Reduce light pollution and intrusion into residential, rural, and environmentally sensitive areas.

Strategies:

- 1. Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations, and car lots so that light intrusion on adjacent properties is minimized. Limit the total amount of light output from these uses.**
- 2. Require the use of full cut-off optic light fixtures for all proposed uses.**
- 3. Discourage the use of streetlights and entrance lighting except where warranted by safety concerns.**

Information regarding the use of lighting will be evaluated with future applications. Light intrusion into the woodland and regulated environmental features must be avoided because of the sensitive nature of the habitat on-site containing RTE species.

Policy 6: Reduce adverse noise impacts to meet State of Maryland noise standards.

Strategies:

- 1. Evaluate development proposals using Phase I noise studies and noise models.**
- 2. Provide adequate setbacks for projects located adjacent to existing and proposed noise generators.**
- 3. Provide the use of appropriate attenuation measures when noise issues are identified.**

Residential development is not proposed with 4-20032. Leeland Road to the south is classified as a Master-Planned Major Collector MC-600.

Proposed Master-Planned Industrial Road I-300 is located on the eastern portion of the property. The location of the rights-of-way for MC-600 and I-300 are identified on the plans.

Policy 7: Protect wellhead areas of public wells.

Strategies:

- 1. Retain land uses that currently exist in the wellhead areas of existing public wells.**
- 2. Continue monitoring water quality.**
- 3. Consider the development of alternative public water provision strategies, such as public water connections, to eventually eliminate public wells.**

The site is not within a wellhead area. The applicant shall abandon all existing wells and septic fields, per all Prince George's County Health Department regulations, and provide public water connections for the proposed development.

Conformance with the Green Infrastructure Plan

The entire site is mapped within the Green Infrastructure Network as delineated in accordance with the Green Infrastructure Plan. The regulated area is mapped along the streams and regulated environmental features and the evaluation area is mapped on the remainder of the site due to the existing forest contiguous to the streams. The plans, as submitted, generally show the preservation of the regulated areas; however, more detailed information will be evaluated during the subsequent applications. The current PPS and revised TCP1 are found in general conformance with the Green Infrastructure Plan.

ENVIRONMENTAL REVIEW

Natural Resources Inventory

A signed NRI-098-05-04 was submitted with the application. The site contains streams, wetlands, and 100-year floodplains, and associated areas of steep slopes with highly erodible soils on the property that comprise the primary management area (PMA). The subject site contains five identified species of RTE plants and three State-listed threatened or endangered fish species with the Collington Branch and/or Black Branch watersheds, which are shown on the NRI. The NRI indicates the presence of seven forest stands labeled as stands 1, 2, 4, 5, 6, 7, and 8 (Forest Stand 3 was eliminated), and 224 specimen trees identified on the site. The TCP1 and PPS show all required information correctly in conformance with the NRI. No additional information is required regarding the NRI.

Woodland Conservation

This site is subject to the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application is for a new PPS. This project is subject to the WCO and the Environmental Technical Manual (ETM). TCP1-004-2021-01 has been submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The woodland conservation threshold (WCT) for this 442.30-acre property is based on 15 percent for the E-I-A, R-S, and I-1-zoned portions of the site, and 50 percent for the R-A Zone, for a weighted WCT requirement of 15.08 percent or 52.40 acres. There is an approved TCP1 and TCP2 on the overall development related to the prior residential subdivision, which were grandfathered under the 1991 Woodland Conservation Ordinance, but the prior TCP approvals are not applicable to the new development proposal. The National Capital Business Park project is subject to the WCO and the ETM. TCP1-004-2021 was approved with CDP-0505-01, and a revised TCP1-004-2021-01 was submitted with the PPS application.

The woodland conservation worksheet shows the clearing of 267.39-acres of woodland on the net tract area, and 1.09-acres in the floodplain, which results in a woodland conservation requirement of 120.34 acres. This requirement is proposed to be met with 71.04 acres of on-site woodland preservation, 21.51 acres of reforestation, and 27.79 acres of off-site woodland conservation credits.

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

Areas to be dedicated to M-NCPPC will be reviewed at the time of SDP for compliance to the WCO, focusing on preserving regulated environmental features and specimen trees to the greatest extent practicable.

Specimen Trees

TCPs are required to meet all requirements of Subtitle 25, Division 2, of the Prince George's County Code, which includes preservation of specimen trees, in accordance with Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the

Construction Tolerance Chart in the ETM for guidance on each species' ability to tolerate root zone disturbances).

If, after careful consideration has been given to preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance to the provisions of Division 2 of Subtitle 25, provided all the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by a statement of justification (SOJ) stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance Application and an SOJ in support of a variance, dated July 31, 2021 and August 2, 2021, were submitted.

A timber harvest permit was recently approved for the site utilizing the limits of disturbance (LOD) that were approved on a TCP2 for the previous residential development, Willowbrook. Within the limits of the timber harvest area were 52 specimen trees. No variance was required for the removal of these specimen trees because the TCP2 was approved under the 1993 Woodland Conservation Ordinance. The TCP2 is grandfathered from the variance requirements that were established in the current WCO.

The SOJ submitted for review with PPS 4-20032 requested the proposed removal of 38 specimen trees. However, after discussion and further clarification from the applicant, it was confirmed that the requested amount should be a total of 69 of the specimen trees located on-site. Specifically, the applicant seeks to remove trees 25, 26, 38, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77a, 78, 97, 98, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 149, 151, 152, 156, 157, 158, 201, 204, 205, 211, 213, 214, 239, 240, 241, 307, 308, 309, 311, 312, 314, 317, 318, and 319. The TCP and specimen tree removal exhibit generally show the locations of the trees proposed for removal. Technical corrections are required to show all the trees that are to be removed on this plan, as well as the TCP1 prior to certification. The specimen trees located within the proposed dedicated parkland will be analyzed with the SDP.

In general, the majority of these trees are in fair condition, with seven in poor condition, and eight specimen trees in good condition. Fifty of the specimen trees requested for removal are tulip poplar trees, which have weak wood and overall poor construction tolerance. The other species of trees requested for removal are silver maple (2), American beech (1), sycamore (1), northern red oak (2), white oak (6), southern red oak (6), and black oak (1), which range from a poor to good construction tolerance. The specimen trees requested for removal are located within the most developable part of the site and are not located in the regulated environmental PMA areas.

The variance for the removal of the 69 specimen trees requested by the applicant was approved, based on the findings below.

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

The property is 442.30 acres and contains approximately 186.15 acres of PMA comprised of streams, wetlands, 100-year floodplains, and associated areas of steep slopes with

highly erodible soils. This represents approximately 42 percent of the overall site area. These existing conditions are peculiar to the property. Specimen trees have been identified in both the upland and lowland PMA areas of the site. The applicant is proposing to remove the specimen trees located outside of the PMA. To further restrict development of the wooded upland areas of the site would cause unwarranted hardship.

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

The warehouse/distribution, office, light industrial/manufacturing and/or institutional uses, and a public park align with the uses permitted in the E-I-A (R-S), I-1, and R-A Zone, as well as the vision for such zones as described in the Bowie and Vicinity Master Plan. Based on the unique characteristics for the property, enforcement of these rules would deprive the applicant of the right to develop the property in a similar manner to other properties similarly zoned in the area.

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

If other constrained properties encounter trees in similar locations on a site, the same considerations would be provided during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are 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

The request to remove the trees does not arise from any condition on a neighboring property.

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

All proposed land development activities will require erosion and sediment control and SWM measures to be reviewed and approved by the County.

Regulated Environmental Features

The subject property contains PMA comprised of regulated environmental features, which include streams and associated buffers, 100-year floodplain, steep slopes, and wetlands with their associated buffers. Under Section 27-521(a)(11) of the Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible. The development proposes impacts to the PMA; a letter

of justification (LOJ) with exhibits was submitted by the applicant on August 2, 2021, for review with the PPS.

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

Impacts to the regulated environmental features should be limited to those that are necessary for 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 development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

An LOJ was received on June 17, 2021. Comments were provided in an SDRC meeting on July 9, 2021, requesting more detail justifying the proposed impacts. A revised LOJ was received on August 2, 2021, for the proposed impacts. The PPS includes impacts to the PMA. The impacts are for a roadway crossing, stormdrain outfalls, and utility connections. The impacts total approximately 3.59 acres. Corrections are required for both the submitted LOJ and the impact exhibits, prior to certification of the TCP1.

The current LOJ and associated exhibit reflect 16 impacts to regulated environmental features associated with the PPS totaling approximately 3.59 acres. After the submittal of this document, the applicant verbally confirmed that the proposed layout shown in the PMA impact exhibits did not match the proposed layout shown on the TCP1. As a result, the applicant provided an email confirming that impacts 12, 13, 14, and 16 are no longer included in the request and may be evaluated further at the time of SDP review. The LOJ shall be amended to reduce the total PMA impacts from 155,509 square feet, or 3.57 acres, to the adjusted square footage and acreage resulting from the removal of Impacts 12, 13, 14 and 16, and adjustments to the impact areas to reflect the current proposed layout.

The layout shown for Impact 3 does not follow the LOD and does not show the stormdrain outfall. Impact 4 is for a proposed sewer connection. The LOD shall be updated to address the revised location of the proposed sewer line and to remove the impact for grading to the west. All of the impacts are considered permanent. The LOJ requires updating to reflect whether proposed impacts are permanent or temporary.

The impact for an outfall is approved, but the information provided on the TCP1 and impact exhibits are not sufficient to show the full area of the impact. A revised impact exhibit for Impact Areas 3 and 4 shall be submitted to demonstrate the extent of the requested impacts.

The PMA impacts for road crossings and utilities are considered necessary to the orderly development of the subject property. These impacts cannot be avoided because they are required by other provisions of the County and state codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of PMA.

Impacts 1, 2, part of 9, and 10 – Road Crossings

These impacts total approximately 2.45 acres and are for the installation of three separate road crossings. A portion of Impact 9 includes a proposed sewer connection. Because of a zoning restriction, the project cannot use Leeland Road as its vehicular access and is limited to providing connections from Queens Court, Prince George's Boulevard, and Popes Creek Drive. Impact 1 is the initial connection to the existing Queens Court, and is entirely located off-site. Impact 2 is the continuation of the proposed Queens Court to access the site, with 0.17 acre of this impact being located off-site. The road impact portion of Impact 9 and the entirety of Impact 10 are located on-site. With the applicant's collaboration with both DPIE and the Soil Conservation District, these impacts are necessary to provide access to the site and are proposed in specific locations for minimal disturbance. Much of the site cannot be accessed without crossing the PMA. The applicant located the crossings at the points where the PMA is the narrowest and designed the road to result in the smallest impact.

Impacts 4, 5, and part of 9 – Sewer Connections

These impacts total 0.54 acres and are proposed sewer connections. These impacts were designed to limit disturbances to the PMA as much as possible.

Impacts 3, 7, 8, and 11 – Stormdrain outfalls and structures

These impacts total 0.25 acres. The stormdrain outfalls meet best management practices for discharging water back into the stream while limiting erosion at the discharge points.

Impacts 6 and 15 – Retaining Wall Clearance

These impacts total 0.10 acre and are related to clearing areas around proposed retaining walls for maintenance purposes. These impacts are not supported with this PPS, and Impacts 6 and 15 shall be removed from the TCP1 and PPS. At the time of individual SDPs for these areas, these impacts can be reevaluated if they cannot be reduced or eliminated.

Based on the level of design information available at the present time, and with the removal of proposed Impacts 6 and 15, the regulated environmental features on the subject property will have been preserved and/or restored to the fullest extent possible.

Scenic and Historic Roads

Leeland Road is designated as a scenic road in the MPOT and has the functional classification of a major collector. The MPOT includes a section on special roadways, which includes designated scenic and historic roads, and provides specific policies and strategies which are applicable to this roadway, including to conserve and enhance the viewsheds along designated roadways. Any improvements within the right-of-way of an historic road are subject to approval by the County under the Design Guidelines and Standards for Scenic and Historic Roads.

The 2010 *Prince George's County Landscape Manual* addresses the requirements regarding buffers on scenic and historic roads. These provisions will be evaluated at the time of review of the SDP. Adjacent to an historic road, the Landscape Manual requires a Section 4.6-2 landscape buffer (Buffering Development from Special Roadways) based on the development tier (now ESA 2). In ESA 2, the required buffer width along an historic road is a minimum of 20 feet wide, to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost-effective treatment, which provides a significant visual enhancement to the appearance of an historic road. The special roadway buffer must be located outside of the right-of-way and PUEs, and preferably by the retention of existing good quality woodlands, when possible.

Soils

According to the Prince George's County Soil Survey, the principal soils on the site are in the Adelphia, Bibb, Collington, Colemantown, Elkton, Howell, Marr, Monmouth, Sandy Land, Shrewsbury, and Westphalia series. Adelphi, Collington, and Marr soils are in hydrologic class B and are not highly erodible. Bibb and Shrewsbury soils are in hydrologic class D and pose various difficulties for development, due to high water table, impeded drainage, and flood hazard. Colemantown and Elkton soils are in hydrologic class D and have a K factor of 0.43, making them highly erodible. Howell and Westphalia soils are in hydrologic class B and are highly erodible. Monmouth soils are in hydrologic class C and have a K factor of 0.43, making them highly erodible. Sandy Land soils are in hydrologic class A and pose few difficulties to development. Marlboro clay is found to occur extensively in the vicinity of and on this property. The TCP1 shows the approximate location of the unmitigated 1.5 safety factor line, in accordance with a Geotech report dated March 22, 2021, and prepared by Geo-Technology Associates, Inc.

The approximate locations of the unmitigated 1.5 safety factor lines are shown on the TCP1 based on this report; however, there are assumptions used within the report that need to be better supported. The report requires several technical updates as outlined in the conditions of approval. The technical corrections may result in a change to the location of the 1.5 unmitigated safety factor line. The final location of the unmitigated 1.5 safety factor line resulting from the revised report shall be shown on the PPS and the TCP1.

Erosion and Sediment Control

It has been noted that the site is located within a sediment TMDL, as established by the State. Watersheds within a sediment TMDL will typically require erosion and sediment control measures above and beyond the standard treatments. The site also contains RTE species, including fish located in the Collington Branch. Redundant erosion and sediment control measures are also required for protection of the RTE species. Additional information, as determined by DPIE and the Soil Conservation District in their respective reviews for SWM and erosion and sediment control, may be required.

The County requires the approval of an erosion and sediment control plan. The TCP must reflect the ultimate LOD not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including erosion and sediment control measures. A copy of the erosion and sediment control technical plan must be submitted so that the ultimate LOD for the project can be verified and shown on the TCP 2.

17. Urban Design—Conformance with the Zoning Ordinance (Subtitle 27) is evaluated, as follows:

This PPS is to subdivide deed Parcels A and B into 36 smaller parcels to support the future construction of up to 3.5 million square feet of employment and institutional uses. These are permitted on the property, in accordance with Section 27-511(a)(7) of the Zoning Ordinance and Section 27-515(b), Footnote 38, which notes that most uses allowed in the E-I-A Zone can be permitted in the R-S Zone, subject to specific criteria. Conformance with these criteria and other guidelines for building massing, materials, architecture, landscaping, and other design elements will be reviewed with a future SDP application.

In addition, conformance with the following Zoning Ordinance regulations is required for the proposed development and will be reviewed at the time of SDP, including but not limited to the following:

- Section 27-501 E-I-A Zone Regulations;
- Section 27-515(b), Footnote 38 criteria;
- Section 27-512 regarding the Table of Uses for the I-1 Zone;
- Section 27-513 regarding regulations in the I-1 Zone;
- Part 11 Off Street Parking and Loading; and
- Part 12 Signs.

Conformance with Previous Approvals

The property is the subject of multiple prior approvals, including CDP-0505-01 and A-9968-02. The conditions attached to the prior approvals that are relevant to the review of this PPS are discussed in the prior findings.

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development is subject to the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets;

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 SDP review.

Conformance with the Prince George’s County 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 proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties in the R-S Zone to be developed per Section 27-515(b), Footnote 38, are required to provide a minimum of 10 percent of the gross tract area in tree canopy coverage. Compliance with this requirement will be evaluated at the time of SDP review.

- 18. **Other Referrals**—The PPS application was referred to the City of Bowie on June 24, 2021, since the subject property is located within one mile of its geographical boundary. No referral or correspondence was received from the City of Bowie.

The PPS application was referred to the Health Department on June 24, 2021; however, no referral or correspondence was received from them. In their referral provided during review of PPS 4-06066, for Willowbrook, the Health Department noted that raze permits are required, prior to demolition of any structure on the site, and that wells and septic systems to be abandoned must be pumped, backfilled, and/or sealed, in accordance with COMAR 26.04.04. A note has been added to the PPS stating that all existing wells and septic fields will be capped, per all Health Department regulations. Appropriate conditions of approval for proper abandonment of the on-site well and septic system have been included.

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 Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, September 9, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of September 2021.

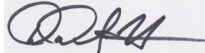
Elizabeth M. Hewlett
Chairman



By Jessica Jones
Planning Board Administrator

EMH:JJ:MG:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: September 16, 2021