



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

No. 2022-128

File No. 4-21050

R E S O L U T I O N

WHEREAS, 12405 Crain Holdings, LLC is the owner and successor in interest of a 6.03-acre parcel of land known as Parcel 30, recorded in the Prince George's County Land Records in Liber 48235 at folio 363, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Industrial, Employment (IE); and

WHEREAS, on June 22, 2022, the previous owner, Renard Lakes Holdings, LLC, filed an application for approval of a Preliminary Plan of Subdivision for one parcel; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21050 for Renard Industrial was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 8, 2022; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 of the Prince George's County Subdivision Regulations, subdivision applications submitted before April 1, 2024, may be reviewed and decided in accordance with the prior Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, on December 8, 2022, 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 TCP1-012-2022, and further APPROVED Preliminary Plan of Subdivision 4-21050, including a Variation from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, for one parcel with the following conditions:

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

- a. Remove the existing driveway shown situated at the southern corner of the property along US 301 (Robert Crain Highway), including the two-way arrow, and show it located on abutting Parcel 29.
2. Development of this site shall be in conformance with the approved stormwater management concept plan (49398-2021-00) and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
 - a. The grant of a 10-foot-wide public utility easement along the abutting public right-of-way, in accordance with the approved preliminary plan of subdivision.
 - b. A note indicating the Prince George's County Planning Board's approval of a variation from Section 24-121(a)(3) of the prior Prince George's County Subdivision Regulations, in accordance with the approving resolution for Preliminary Plan of Subdivision 4-21050, approving one right-in/right-out access driveway to US 301 (Robert Crain Highway).
 - c. Right-of-way dedication along US 301 (Robert Crain Highway), in accordance with the approved preliminary plan of subdivision, if required, in accordance with Condition 1b.
4. The building permit plans shall show, and the applicant and the applicant's heirs, successors, and/or assignees shall construct, a limited right-in/right-out access driveway along US 301 (Robert Crain Highway), along the property's frontage, no less than 400 feet from the US 301 northbound crossover immediately south of the site, subject to the approval and modifications by the Maryland State Highway Administration, with written correspondence.
5. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Correct Line 6 in the woodland conservation worksheet to indicate TCP1-012-2022 without a revision number.
 - b. Correct General Note 10 to state "This plan is not grandfathered by CB-27-2010, Section 25-119(g)".
 - c. The general information table shall be reflective of the table shown on Natural Resources Inventory Plan NRI-085-2021-01.
 - d. Indicate the percentage of critical root zone impacts for all impacted trees in the specimen tree table.
6. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-012-2022). 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 (TCP1-012-2022 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.”

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

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

8. At the time of final plat of subdivision, 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."

9. Prior to the issuance of any permits which impact 100-year floodplain, wetlands, wetland buffers, streams or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
10. Prior to the issuance of a grading permit, a copy of the approved Final Erosion and Sediment Control Plan shall be submitted. The limits of disturbance shall be consistent between the Final Erosion and Sediment Control Plan and the Type 2 tree conservation plan.

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

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George’s County Code and the Land Use Article of the Annotated Code of Maryland.

2. **Background**—The subject site consists of one parcel known as Parcel 30, recorded in the Prince George’s County Land Records in Liber 48235 at folio 363. The property is 6.03 acres, located in the Industrial, Employment (IE) Zone, and was previously zoned Light Industrial (I-1). This application was reviewed in accordance with the prior Prince George’s County Zoning Ordinance and prior Prince George’s County Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. The site is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan). In accordance with Section 24-1904(c) of the Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to Certificate of Adequacy ADQ-2022-016.

This PPS is for one parcel, for development of 38,000 square feet of industrial use on the property, including a 30,000-square-foot warehouse and an 8,000-square-foot maintenance building. The property is currently vacant.

Section 24-121(a)(3) of the prior Subdivision Regulations requires that lots adjacent to an existing or planned roadway of arterial or higher classification shall be designed to front on either an interior street or a service road. The subject site fronts on US 301 (Robert Crain Highway), which is a roadway of freeway classification. The applicant requested a variation from the access requirements to allow direct vehicular access to US 301. This request is discussed further in the Transportation finding of this resolution.

3. **Setting**—The site is located on Tax Map 135 in Grids D3 and E3. The subject property is located on the southbound side of US 301, approximately 1,800 feet north of its intersection with Dyson Road, in Planning Area 85A. The following development abuts the subject site: vacant land in the IE Zone to the north, a surface mining operation in the Legacy Comprehensive Design Zone to the west, commercial use in the IE Zone to the south, and US 301 to the east, with vacant land in the Residential Estate Zone beyond.
4. **Development Data Summary**—The following information relates to the subject PPS and the approved development.

	EXISTING	APPROVED
Zone	IE	IE
Use(s)	Vacant	Industrial
Acreage	6.03	6.03
Dwelling Units	0	0
Gross Floor Area	0	38,000 sq. ft.
Parcels	1	1
Lots	0	0
Outlots	0	0
Variance	No	No
Variation	No	Yes, Section 24-121(a)(3)

Pursuant to Section 24-119(d)(2) and Section 24-113(b) of the prior Subdivision Regulations, this case and the associated variation request were heard at the Subdivision and Development Review Committee (SDRC) meeting on July 8, 2022.

5. **Previous Approvals**—There are no prior development approvals that apply to the subject site. The subject PPS is required for the proposed development, in accordance with Section 24-107 of the prior Subdivision Regulations. A final plat will be required, before any permits can be approved for the subject site.

The 2013 *Approved Subregion 5 Sectional Map Amendment* retained the I-1 Zone on the subject property. The 2022 *Approved Countywide Map Amendment* reclassified the subject property in the IE Zone.

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

Plan 2035

This property is located within the Established Communities growth policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development (page 20).

Master Plan

The master plan recommends the future land use for the subject property as industrial, which includes manufacturing and industrial parks, warehouses and distribution and may also include other employment such as office and service uses (Refer to Table IV-1: Future Land Use Map Designations, Descriptions, and Applicable Zones, page 31).

Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, the PPS conforms to the master plan's recommended industrial land use for the subject property.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or an indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An approved SWM concept plan (49398-2021-00) was submitted with this application. The SWM concept plan shows the use of a submerged gravel wetland and payment of fee-in-lieu for water quality treatment on the site. The SWM concept plan and letter were approved March 28, 2022 and are valid until March 28, 2025.

The development of the site, in conformance with the SWM concept approval and any subsequent revisions to ensure that no on-site or downstream flooding occurs, will satisfy the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—In accordance with Section 24-134(a) of the prior Subdivision Regulations, the subject PPS is exempt from mandatory dedication of parkland requirements because it consists of non-residential development.

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

Conformance with Applicable Plans

Right-of-Way

The subject property has frontage on US 301 (F-10) along the eastern bounds of the site. Per the MPOT and master plan, the portion of US 301 that fronts the subject property is designated as a 6–8 lane freeway, with an ultimate right-of-way width of 300–450 feet. The PPS displays the portion of US 301 as having a variable width right-of-way, which is consistent with the MPOT recommendation.

Pedestrian and Bike Facilities

In the MPOT, there are no recommended master plan bicycle and pedestrian facilities located on the subject property or along its frontage.

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

Policy 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 area surrounding the subject site is currently not improved with any pedestrian and bicycle facilities and, in also considering the industrial nature of the proposed use, the MPOT recommended pedestrian and bicycle goals and policies may not be suitable for the proposed development. However, the need for on-site pedestrian amenities, specifically between the various uses and buildings, will be further evaluated at the time of site plan or building permit review, as applicable.

Variation from Section 24-121(a)(3)

The PPS depicts a driveway near the property's southern corner, accessing US 301, and partially located on an abutting parcel (Parcel 29). This driveway provides access from US 301 to a certified nonconforming use operating on abutting Parcel 25. Both Parcels 25 and 29 are shown

on the site plan for the approved nonconforming use (NCU-6071-88-U). The applicant has also clarified that this existing driveway is located on Parcel 29, which is a separate and distinct parcel from the subject property. However, the PPS shows this existing driveway located on the subject property, instead of correctly locating it on abutting Parcel 29. An appropriate condition is included in this resolution to rectify this error and show the driveway on the abutting property. The subject property will be served by a new access driveway from US 301 and will not share the existing driveway on Parcel 29.

The PPS includes direct access to US 301, a master-planned freeway road. Section 24-121(a)(3) states the following:

- (3) When lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.**

Section 24-113(a) of the prior Subdivision Regulations sets forth the required findings for approval of variation requests, as follows:

- (a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:**

- (1) The granting of the variation will not be detrimental to the public safety, health, welfare, or injurious to other property;**

The portion of US 301 that fronts the subject site is a designated freeway and is divided by a median, and all trips accessing the site will only use the right-in/right-out driveway. As part of the PPS submission, the applicant submitted an operational analysis which evaluated the feasibility and safety of direct access from US 301. The operational analysis is discussed under Transportation Planning Review in more detail, but the analysis shows that the number of vehicles utilizing the site are nominal. Also, the PPS shows the location of the right-in/right-out access driveway at the northern most point of the site, which will not impact traffic operations along this roadway.

Therefore, the granting of the variation will not be detrimental to the public safety, health, welfare or injurious to others or other property.

- (2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The subject site has sole frontage on US 301, which is classified in the MPOT as a freeway, and no other public street. This condition is unique to the property, given that the property is currently vacant, and access to a public street is necessary for the development of the property. Given the unique location of this site, and the fact that adequate access is not available to the site from a lower classification roadway, the factors on which the variation is based are unique to this property and not generally applicable to other properties.

- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

The approval of a variation from Section 24-121(a)(3) of the prior Subdivision Regulations is unique to the Subdivision Regulations and under the sole approval authority of the Planning Board. No other known law, ordinance, or regulation was found that would be violated by this variation. The PPS shows the access along US 301 to the site as a right-in/right-out connection, which meets the Maryland State Highway Administration (SHA) access management requirements. In addition, email concurrence was received from SHA, indicating their support for the variation.

- (4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if strict letter of these regulations is carried out;**

The site is unusually situated, since the only frontage the property has to a public street is to a master-planned freeway. In addition, there are no known development plans for abutting properties which could provide the subject site primary access to a public street. These factors constitute the particular physical surroundings applicable to this property. These factors create a particular hardship to the owner in meeting the standard requirement.

- (5) In the R-30, R-30C, R-18, R-18C, R-10, R-10, and R-H Zones, where multi-family dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a) above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above**

the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The site is not located in any of the listed zones. Therefore, this criterion does not apply.

Based on the proceeding findings, the variation from Section 24-121(a)(3) is approved, for one direct access driveway to US 301, a master-planned freeway.

Transportation Planning Review

This application is supported by an approved Certificate of Adequacy, ADQ-2022-016, indicating that all intersections will operate at an acceptable level of service and that the existing road network will not be adversely impacted by traffic generated by the site.

An operational analysis was received to evaluate the feasibility of a limited right-in/right-out access connection along US 301. The analysis showed that majority of trips accessing the site via the right-in/right-out access driveway from the north and south along US 301 will have to make U-turn movements to the immediate intersection to the north of the site (at Bunting Way), and immediately to the south at the US 301 northbound crossover, to enter and exit the site along US 301. As part of the operational analysis, a weaving analysis was requested to ensure vehicles exiting the site could safely change lanes, in order to make a U-turn at the US 301 median break at the southeast bounds of the site. The applicant provided a Highway Capacity Software Freeway Weaving Report, which indicates that the placement of the access point provides at least 350 feet of space for vehicles to change lanes along US 301 to reach the median brake. However, the PPS shows that the optimal location of the access point will be at least 400 feet, based on various site features and correspondence with SHA. The location of the access connection is adequate to provide sufficient space for vehicles to safely navigate in order to reach the median break to make a U-turn. As a condition of approval, the applicant will be required to construct a limited right-in/right-out access point that is located no less than 400 feet from the northbound crossover immediately south of the site for vehicles to make a successful lane change to access the location to make a U-turn, subject to modification by SHA, with written correspondence.

A queuing analysis was also requested to ensure that the access point would not cause any queuing. The applicant provided Highway Capacity Software two-way stop-control worksheets to analyze queuing for the site access point along US 301 for both AM and PM peak periods, which was studied with the traffic impact analysis as Intersection 1. The queuing analysis for this location showed a maximum of one vehicle queuing to exit the access point along US 301. The applicant also provided these worksheets to analyze queuing at the existing driveway on abutting Parcel 29 along US 301, which was studied with the traffic impact analysis as Intersection 2. The queuing analysis for this location showed a queue of less than one vehicle. This demonstrates that the current proposal will not result in any unsafe queuing and that access to and from the site is sufficient.

Lastly, a right-turn analysis was also provided to assess the need for a right-turn lane to provide access to the right-in/right-out access connection along US 301 and offset any potential

operational impediments with the increased volume of traffic entering a single access point directly off a high classification roadway. In addition, if a right-turn lane is needed, the applicant will need to demonstrate that sufficient right-of-way is provided along the property's frontage to facilitate this improvement. However, no specific right-turn lane analysis or lane configuration along this portion of US 301 was provided. The applicant stated that the right-turn lane into the site will be provided and coordinated with SHA through the access permit process and will be designed and permitted according to their guidelines. SHA is the ultimate operating agency for US 301, and for the ultimate specifications and design of the access point.

Based on the preceding findings, the transportation facilities are in conformance with the MPOT, the master plan, and the Subdivision Regulations.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan in accordance with Section 24-121(a)(5). The master plan provides goals and policies related to public facilities (pages 129–143). However, these are not specific to the subject site or applicable to the proposed development. The proposed development does not impede achievement of the master plan goals as “Needed public facilities are provided at locations that effectively and efficiently serve the existing and future population” and “Priority is given to funding public facilities to support development in the Developing Tier policy area.” There are no police, fire and emergency medical service facilities, schools, parks, or libraries proposed or designated on the subject property by the master plan. This PPS is further supported by an approved Certificate of Adequacy (ADQ-2022-016), which ensures adequate public facilities to support the proposed land use.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities. This plan indicated the relocation of Fire/EMS Co. 840, the station serving the project site, to the vicinity of Brandywine Road and Dyson Road as high priority. The address of the current station is 13809 Brandywine Road, in Brandywine, MD 20613, indicating this relocation has occurred.

Water and Sewer

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.” The 2018 Water and Sewer Plan placed this property in the Water and Sewer Category 4, Community System Adequate for Development Planning. Category 4 comprises “properties inside the envelope eligible for public water and sewer for which the subdivision process is required.” The Water and Sewer Plan states:

2. **Redesignation from Category 4 to Category 3 may be requested through the Administrative Amendment process. In addition to the final plat requirements, the redesignation will require that (1) the development proposal is consistent with the County's development policies and criteria (Section 2.1.4) and the State Growth Act; (2) adequate capacity exists; and (3) the projects for necessary system improvements are included in the**

approved WSSC Capital Improvement Program (CIP). Inconsistencies or inadequacies with the above criteria shall be eliminated prior to redesignation to Category 3.

Redesignation of the subject property to Category 3, Community System, through the Administrative Water and Sewer Category Change process will be necessary, prior to final plat approval. In addition, the property is within Tier 2 of the Sustainable Growth Act. The description of Tier 2 reads “all lots shall be served by public sewer; or if the subdivision is a minor subdivision, it may be served by on-site sewer disposal systems” and comprises property currently planned for public sewer service.

11. **Use Conversion**—The total development included in this PPS is for industrial development in the I-1 Zone. Any residential development or a substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings will require approval of a new PPS, prior to approval of any building permits.
12. **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 feet wide along both sides of all public rights of way. The subject site fronts on public right-of-way of US 301 to the east.

The required 10-foot-wide PUE is correctly shown and labeled parallel, contiguous, and adjacent to the US 301 right-of-way line. The required PUE, as shown on the PPS, will be recorded with the final plat.

13. **Historic**—The master plan includes goals and policies related to historic preservation (pages 155–159). However, these are not specific to the subject site or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
14. **Environmental**—This PPS application was accepted on June 22, 2022. Comments were provided to the applicant at the SDRC meeting on July 8, 2022. Revised plans and documents were received on November 4, 2022. A revised letter of justification (LOJ) was submitted by the applicant on November 14, 2022 (dated November 11, 2022), to address revisions to primary management area (PMA) impacts, in response to a request from SHA to relocate the site access. The following applications and associated plans have been previously reviewed for the subject site:

Development Review Case Number	Associated Tree Conservation Plan or Natural Resources Inventory Number	Authority	Status	Action Date	Resolution Number
E-002-09	N/A	Staff	Approved	01/15/2009	N/A
NRI-085-2021	N/A	Staff	Approved	07/14/2021	N/A
NRI-085-2021-01	N/A	Staff	Approved	03/28/2022	N/A
4-21050	TCP1-012-2022	Planning Board	Approved	12/8/2022	2022-128

Grandfathering

This project is subject to the environmental regulations contained in Subtitle 25, and in prior Subtitles 24 and 27 that came into effect on September 1, 2010 because the application is for a new PPS.

Site Description

This 6.03-acre property in the prior I-1 Zone is located on the north side of US 301, 1,800 feet north of its intersection with Dyson Road. The property features woodlands along the northern property edge and is currently unimproved. A review of available information, as shown on the approved natural resources inventory (NRI), indicates that streams and steep slopes are found to occur on the property, although the majority of the site is flat and slopes towards US 301. The site does not contain any Wetlands of Special State Concern, as mapped by the Maryland Department of Natural Resources (DNR). Floodplain is recorded on the northeastern corner of the site. The Prince George's County Department of the Environment watershed map shows the entire site is within Piscataway Creek of the Middle Potomac River basin. The site features several areas of steep slopes along the northern wooded edge. The site is within a stronghold watershed area, identified by DNR as Piscataway Creek. A stream is indicated on-site at the northeastern corner where the stream is channelized and flows under US 301. According to available information from the Maryland Department of Natural Resources Natural Heritage Program, rare, threatened, and endangered species are not found to occur on-site. The property does not abut any historic or scenic roads. US 301 is a designated master-planned freeway. According to the 2017 *Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the site contains both regulated and evaluation areas. 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.

Conformance With Applicable Plans

Master Plan

In the master plan, the chapter on Environment contains eight sections (A–H), each of which contains policies and strategies.

The following sections and their associated policies have been determined to be applicable to the PPS. The text in **bold** is the text from the master plan, and the plain text provides comments on plan conformance.

A. Green Infrastructure

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmentally sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

The subject property contains regulated environmental features, woodland areas, and elements of the Green Infrastructure Plan. Conformance with the Green Infrastructure Plan will be discussed in a later section of this finding.

B. Water Quality, Stormwater Management, and Groundwater

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

This proposal is for the construction of a warehouse and maintenance facility. The SWM concept design is required to be reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement, to address surface water runoff issues, in accordance with Subtitle 32, Water Quality Resources and Grading Code. This requires that the environmental site design be implemented to the maximum extent practicable. The site has an approved SWM concept plan and letter (49398-2021-00), which was submitted with the subject application. The SWM plan proposes to construct a submerged gravel wetland with an associated outfall.

C. Watersheds

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**
- **Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**
- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine**

Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.

This site is within the Piscataway Creek watershed. One impact to the PMA is approved with this PPS. Impact 1 is for a connection to an existing sewer line and for a SWM outfall associated with the submerged gravel wetland.

D. Chesapeake Bay Critical Area

- **Enhance the County’s Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

E. Air Quality and Greenhouse Gas Emissions

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**
- **Promote “climate-friendly” development patterns through planning processes and land use decisions.**
- **Increase awareness of the sources of air pollution and greenhouse gas emissions.**

F. Green Building and Energy Efficiency

G. Noise Intrusion

H. Sand and Gravel Mining

The site is not located within the Chesapeake Bay Critical Area. Green building techniques should be employed to the extent practicable and avenues to reduce greenhouse gas emissions to preserve air quality should be explored.

Green Infrastructure Plan

The site contains evaluation areas and regulated areas within the Green Infrastructure Plan. There are regulated environmental features on-site consisting of a stream system at the northeastern edge of the property. According to the Green Infrastructure Plan, the site is mostly within evaluation areas, with the PMA identified as Regulated Area.

The following policies and strategies are applicable to the subject PPS. The text in **bold** is the text from the master plan, and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George’s 2035.

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
 - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**
- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**
 - a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is in the Middle Potomac River basin and is not within a Tier II catchment area. The site contains a stream system at the northeastern edge. This stream is currently channelized and flows under US 301. While floodplain is recorded on-site, no wetlands are indicated on-site.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The PPS indicates clearing of existing woodland on-site. The site abuts an area of woodland conservation to the north, and the proposed clearing does not create a network gap.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.

- a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No fragmentation of regulated environmental features is proposed with this PPS. Approved impacts to the PMA are for a stormwater outfall and connection to an existing sewer line. The stream at this location is currently channelized in a culvert, which flows under US 301.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No trail systems or proposed master-planned trails currently exist on-site or are proposed with this PPS.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

This site is subject to Subtitle 25, and an on-site woodland conservation area is proposed.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.

The site has received stormwater concept approval. The approved SWM Concept Plan, 49398-2021-00, shows the use of a submerged gravel wetland to satisfy the current requirements of environmental site design to the maximum extent practicable. The site features PMA, and no SWM features, with the exception of an outfall, which is placed in environmentally sensitive areas.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

A Type 1 tree conservation plan (TCP1) was provided for review with this PPS. Existing woodlands are located along the northern edge of the site. Woodland conservation is proposed on-site between the outfall and proposed water and sewer utility connections. This area shall be evaluated to ensure the non-woody buffer requirements by Prince George's Soil Conservation District for SWM have been met, and that the proposed woodland conservation area can be achieved in this location. Tree canopy coverage requirements will be evaluated at the time of site plan or building permit review, as applicable.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodland is proposed with this application. This site does not contain potential forest interior dwelling species. Green space is encouraged in compact developments to serve multiple environmental functions.

POLICY 12: Provide adequate protection and screening from noise and vibration.

12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.

This application does not approve residential development, which may require mitigation from noise and vibration.

Environmental Review

Natural Resource Inventory

An approved Natural Resource Inventory Plan (NRI-085-2021-01) was submitted with the application. The site contains streams, woodlands, floodplain, and PMA. No wetlands or specimen trees are identified on-site.

Woodland Conservation

The site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property contains more than 10,000 square feet of woodland and has no previous tree conservation plan approvals. A TCP1 was submitted for review with this PPS. Clearing of 0.93 acre of woodland is proposed with 0.02 acre of clearing within the floodplain. The woodland conservation threshold is 0.89 acre, or 15 percent. The total woodland conservation required for this site is 2.57 acres. This requirement is proposed to be met with 0.07 acre of on-site woodland preservation and 2.50 acres of off-site credits. The applicant is encouraged to meet as many of the requirements on-site. Minor technical corrections to the TCP1 are required.

Specimen Trees

The requirements for the preservation of specimen trees are contained in Subtitle 25. All specimen trees with relation to this site are located off-site to the north. The TCP1 shall provide the specimen tree table and indicate the proposed critical root zone impact percentage for each tree. The applicant shall strive to minimize impacts to specimen trees to the extent practicable.

No specimen trees are proposed for removal with this application because no specimen trees were identified on the site.

Regulated Environmental Features

This site contains regulated environmental features that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the prior Subdivision

Regulations. The on-site regulated environmental features include streams, stream buffers, wetlands, wetland buffers, and steep slopes.

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.

PMA Impacts

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or those that are required by the County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

Two impacts to the PMA were originally proposed with this application. A PMA impact statement of justification and exhibit was provided with the June 22, 2022, submission. A revised LOJ was submitted by the applicant on November 14, 2022 (dated November 11, 2022) to address revisions to PMA impacts deleting Impact 2. A summary of each proposed impact in detail follows.

Impact 1

Originally, this impact proposed 1,417 square feet (0.03 acre) of PMA impact and 695 square feet (0.02 acre) of 100-year floodplain impacts for a sewer connection. This impact connected the site to an existing sewer line located in the northern portion of the site. In the revised LOJ dated November 11, 2022, Impact 1 expanded to 1,926 square feet (0.04 acre) of PMA with 688 square feet (0.02 acre) of 100-year floodplain impacts. In an email response from the applicant dated November 15, 2022, this impact was enlarged due to an additional stormdrain outfall under the proposed driveway entrance. SHA required the proposed site entrance to relocate further north to

allow for safe vehicular access in crossing over the travel lanes of US 301 and make a U-turn to head onto the northbound lanes. In order to safely convey stormwater off-site from the stormwater pond and for the additional stormdrain outfall under the relocated driveway access, this impact increased in size. This impact, as described in the revised LOJ, is approved.

Impact 2

Originally, this impact proposed 1,258 square feet (0.03 acre) of PMA impacts for an outfall associated with the submerged gravel wetland. In the revised LOJ dated November 11, 2022, this impact was no longer shown or requested. Therefore, no approval of this impact is required.

Summary of Impacts

In the revised LOJ for impacts to the PMA dated November 11, 2022, Impact 1 was expanded, and Impact 2 is no longer requested. The location of the site access off US 301 required an additional outfall to safely convey stormwater off-site which resulted in an increase in square footage. As shown on the initial PPS submittal, the entrance was further south of its ultimate location. The prior submittal also proposed a different orientation for the stormwater outfall. SHA's request to relocate the site access further north resulted in an expansion of a requested PMA impact. Due to the relocation of this access point further north, the SWM facility was modified. This change removed the previously proposed PMA Impact 2.

Based on the level of design information currently available, the limits of disturbance shown on the TCP1, and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, with the approval of Impact 1.

Soils

According to the United States Department of Agriculture, Natural Resource Conservation Service Web Soil Survey, soils present include Croom-Marr complexes, Downer-Hammonton complexes, Udorthents highway, Udorthents reclaimed gravel, and Widewater and issue soils. Marlboro and Christiana clays are not found to occur on this property.

Erosion and Sediment Control

The County requires the approval of an Erosion and Sediment Control Plan, which is reviewed for conformance with the Maryland Standards and Specifications for Soil Erosion and Sediment Control.

15. **Urban Design**—Conformance with the Zoning Ordinance was evaluated, as follows:

The development will be required to demonstrate conformance with the applicable requirements of the Zoning Ordinance at the time of site plan or building permit review (as applicable), including, but not limited to the following:

- Section 27-465 requirements for fences and walls in industrial zones;
- Section 27-469 requirements for the I-1 Zone, as applicable;

- Part 11, Off-Street Parking and Loading, and
- Part 12, Signs.

Conformance with the 2010 Prince George's County Landscape Manual

This development, in the I-1 Zone, is subject to the requirements of the 2010 *Prince George's County Landscape Manual*. Specifically, the site is subject to 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 Landscaping Requirements. Conformance with these requirements will be evaluated at the time of site plan or building permit 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 tree canopy coverage (TCC) on projects that require building and grading permits that propose 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned I-1 are required to provide a minimum of 10 percent of the gross tract area in TCC. The subject site is 6.03 acres in size and is required to provide a minimum of 0.6 acre of the tract area in TCC. Conformance with this requirement will be evaluated at the time of site plan or building permit review.

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

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PGCPB No. 2022-128

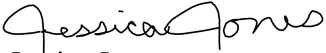
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, and Shapiro voting in favor of the motion, and with Commissioners Bailey and Washington absent at its regular meeting held on Thursday, December 8, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:MG:rpg



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 12/28/22