

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone; and

WHEREAS, pursuant to Section 27-1703 of the Zoning Ordinance, development applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, may be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of submission and acceptance of the application; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on May 5, 2022, regarding Comprehensive Design Plan CDP-0505-02 for National Capital Business Park (formerly known as Willowbrook), the Planning Board finds:

1. **Request:** The subject comprehensive design plan (CDP) application seeks to increase the total gross floor area of the permitted employment and institutional uses from previously approved 3.5 million to 5.5 million square feet, in accordance with Basic Plan Amendment A-9968/03-C, and as permitted in the prior Employment and Institutional Area (E-I-A) Zone, and as authorized pursuant to Section 27-515(b), Footnote 38, of the prior Prince George's County Zoning Ordinance.

In addition, the applicant also proposes revisions to Condition 4 regarding fee rate, as attached to the approval of CDP-0501-01([Brackets] and ~~strikethrough~~ represents deleted language and underlining represents new language), as follows:

4. ***Unless modified at time of preliminary plan, [P]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 \$0.92 [~~\$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.

2. Development Data Summary:

	PREVIOUSLY APPROVED	PROPOSED
Zone(s)	LCD (R-S)	LCD (R-S)
Use(s)	Residential	Employment and Institutional
Gross Acreage	426.52	426.52
Employment and Institutional Uses (Gross Floor Area)	3.5 million sq. ft.	5.5million sq. ft.*

Note: *100,000 square feet of gross floor area may be located in the Light Industrial (I-1) Zone property.

3. **Location:** The subject property is a large tract of land that consists of wooded and undeveloped land, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway). The site is also in Planning Area 74A and Council District 4.
4. **Surrounding Uses:** All uses are based on the Zoning Ordinance adopted on April 1, 2022, unless stated otherwise. The site is bounded to the north by undeveloped properties in the Reserved Open Space (ROS) and Agricultural and Preservation (AG) Zones; to the west by a CSX railroad right-of-way and undeveloped properties in the Legacy Comprehensive Design (LCD) Zone (prior Residential Low Development) and Agricultural-Residential (AR) Zones, including the Collington Branch Stream Valley; to the south by Leeland Road and beyond by Beech Tree, a residential subdivision in the LCD (prior Residential Suburban Development (R-S)) Zone and undeveloped property in the AR Zone; and to the east by the existing Collington Center, an employment center, in the LCD (E-I-A) Zone.
5. **Previous Approvals:** The site was rezoned from the Residential-Agricultural (R-A) Zone to the E-I-A Zone during the 1991 *Approved Master Plan and Adopted Sectional Map Amendment for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A, and 74B* (Bowie and Vicinity Master Plan and SMA). The rezoning was contained in Zoning Map Amendment A-9829. 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 recommended for approval by the Prince George’s County Planning Board (PGCPB Resolution No. 05-178) and was transmitted to the Prince George’s County District Council for incorporation into the Bowie and Vicinity Master Plan and SMA.

The Bowie and Vicinity SMA was approved by Prince George's County Council Resolution CR-90-2005, which was reconsidered by CR-11-2006. The District Council then adopted CR-11-2006 on February 7, 2006, which rezoned the subject property from the E-I-A and R-A Zones to the R-S Zone (CR-11-2006, Amendment 7, pages 18 and 31-34), subject to 13 conditions and 3 considerations.

On January 4, 2007, CDP-0505 and Type I Tree Conservation Plan TCPI-010-06 were approved by the Planning Board (PGCPB Resolution No. 06-273) for a total of 818 residential dwelling units, of which 602 were market rate (97 townhouses and 505 single-family detached units) and 216 units were in a mixed-retirement component (50 single-family detached, 56 townhomes, and 110 multifamily units), on approximately 427 acres of land with 34 conditions. The Planning Board's decision with conditions was affirmed by the District Council on April 9, 2007.

On March 15, 2007, Preliminary Plan of Subdivision (PPS) 4-06066 and TCPI-010-06-01 was approved by the Planning Board (PGCPB Resolution No. 07-43) subject to 31 conditions. Subsequently, a number of extensions, waivers, and reconsiderations were approved by the Planning Board. The last of which the Planning Board approved on March 8, 2018 (PGCPB Resolution No. 07-43(A)), a reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road, and convert the roundabout to a four-way, signal-controlled intersection. The PPS conditions are not applicable to the review of the current application, but the modification of the intersection is noted for informational purposes.

On March 30, 2017, Specific Design Plan SDP-1603 and associated Type II Tree Conservation Plan TCPII-028-2016, (PGCPB Resolution No. 17-144), 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, was approved subject to 15 conditions. No construction has been started on the property.

On May 13, 2019, the District Council (Zoning Ordinance No. 5-2019) approved a revision to A-9968 to add 313 dwelling units, with 23 conditions and 5 considerations. The originally approved dwelling unit range was 627–826 total dwelling units. The approved dwelling unit range of A-9968-01 increased to 624–1,139 dwelling units.

On March 23, 2021, the Zoning Hearing Examiner (ZHE) approved A-9968-02, which is a revision to A-9968 and A-9968-01, to replace the previously approved residential land use patterns on the subject site, with employment and institutional uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b), in the R-S Zone, with 16 conditions and 2 considerations. A-9968-02 supersedes the approvals of both A-9968 and A-9968-01 and governs the future development of the subject site for employment and institutional uses, as generally permitted in the E-I-A Zone, without any residential component. On April 12, 2021, the District Council approved Zoning Ordinance No. 2-2021, affirming the ZHE's decision with 17 conditions and 2 considerations.

On June 4, 2021, the District Council waived its right to review the Planning Board's approval of CDP-0505-01, which is to remove all residential uses and replace them with up to 3.5 million square feet of employment and institutional uses, as permitted in the E-I-A Zone, as authorized pursuant to Section 27-515(b), Footnote 38, subject to five conditions. CDP-0505-01 supersedes the prior approval of CDP-0505.

On February 10, 2022, the Planning Board recommended approval of A-9968-03, which is to increase previously approved total gross floor area by two million square feet for National Capital Business Park project, from 3.5 million square feet to 5.5 million square feet. The ZHE approved A-9968-03 on February 23, 2022. Although the District Council has not approved A-9968-03, a condition has been added to this resolution requiring that approval before CDP-0505-02 is certified.

6. **Design Features:** This CDP amendment is to increase the gross floor area of the permitted employment and institutional uses from previously approved 3.5 million square feet to 5.5 million square feet, in accordance with A-9968-03, in the future development of the 426.52-acre property known as National Capital Business Park. The entire tract of land is in three different zones, including approximately 15 acres of land in the I-1 Zone, 0.78 acre of land in the R-A Zone, and 426.52 acres of land in the R-S Zone, but this CDP is only applicable to the R-S Zone. The proposed development of up to 5.5 million square feet of employment uses such as warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses will be mainly on the R-S-zoned section in the middle of the larger property. Only a small portion (approximately 100,000 square feet) of the above uses may be on the I-1-zoned property in the southeast portion of the site, of which many are permitted by-right.

This application will have no additional impact on the previously approved open space, which will occupy most of the I-1-zoned section of the subject site. In addition, approximately one third of the entire site, surrounding the Collington Branch Stream Valley in the west, will be preserved in open space, with a potential 20-acre public park identified adjacent to the CSX railroad tracks in the west, as approved in CDP-0505-01.

The previously approved vehicular access to the subject site will remain the same, and will be provided via an extension of existing Queens Court within the adjacent Collington Center. Queens Court intersects with Prince George's Boulevard, which is a spine road running through Collington Center, and then connects beyond to US 301 in the east.

The CDP phase of the three-phase comprehensive design zone process requires the submission of a plan that establishes the general location, distribution, and sizes of buildings and roadways. The application is solely to increase the total gross floor area to 5.5 million square feet, in accordance with A-9968-03. Those previously approved drawings, the schedule for development of all or portions of the proposal, and standards for height, open space, public improvements, and other design features as approved in CDP-0505-01 remain the same.

The regulations for any of the comprehensive design zones are at the same time more flexible and more rigid than those of other zones in Prince George's County. The zones are more flexible in terms of permitted uses, residential densities, and building intensities. They are more rigid because some of the commitments made by a developer carry the force and effect of zoning law once approved by the Planning Board and the District Council. This application, however, does not have any residential components and only proposes employment and institutional uses permitted in the E-I-A Zone. Given the R-S Zone was envisioned for residential development only, there are not any standards in the prior Zoning Ordinance that are applicable to the proposed development. All development standards, including density (which is in total gross floor area in this application), were previously established through the approval of CDP-0505-01 (Comprehensive design guidelines, entitled *National Capital Business Park-Design Guidelines*, as included in Exhibit A attached to CDP-0505-01). This application does not propose any major changes to the governing design standards. However, the applicant can request amendments to those design guidelines/development standards and the Planning Board can approve alternative design options at the time of SDPs, if the Planning Board can find that the alternative designs are beneficial to the development project and will not be detrimental to the approved CDP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9968 and amendments:** A-9968 was approved by the Planning Board and was included in the approval of the Bowie and Vicinity Master Plan and SMA by CR-11-2006, which has 13 conditions and 3 considerations, for a residential development up to 826 dwelling units, including both a market-rate and mixed-retirement components. All prior conditions and considerations are related to residential development and not applicable to the current CDP amendment.

The District Council approved a revision to A-9968 on May 13, 2019, with 23 conditions and 5 considerations. A-9968-01 was to increase the number of dwelling units, to increase the 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, pursuant to Section 27-197(c) of the Zoning Ordinance. Once again, all conditions and considerations are related to residential development and not applicable to this CDP amendment.

A-9968-02 proposes to remove all previously approved residential uses in both A-9968 and A-9968-01, and to allow up to 3.5 million square feet of employment and institutional uses, generally permitted in the E-I-A Zone. A-9968-02 was heard by the ZHE on March 10, 2021, and the ZHE issued an approval with 17 conditions and 2 considerations. On April 12, 2021, the District Council approved Zoning Ordinance No. 2-2021, affirming the ZHE's decision with 17 conditions and 2 considerations, and that decision supersedes both A-9968 and A-9968-01. The applicable conditions in A-9968-02 were satisfied at the time of CDP-0505-01 approval.

A-9968-03 proposes to increase employment and institutional use by two million square feet. The amendment will result in a maximum of 5.5 million square feet of warehouse, distribution, office, light industrial, manufacturing, and institutional uses. The amendment will also revise certain

conditions and/or considerations approved in A-9968-02 and seeks to demonstrate compliance with the required criteria for zoning map amendments in Section 27-195(b)(1)(A)(iii) of the Zoning Ordinance, for regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b). The ZHE approved A-9968-03 on February 23, 2022, and the following conditions and considerations attached to that approval are relevant to the review of this CDP:

1. Proposed Land Use Types and Quantities

Total Area: 442.30 acres

Total in (I-1 Zone): 15± acres (not included in density calculation)

Total area (R-A Zone): 0.78± acres (not included in density calculation)

Total area (R-S Zone): 426.52 acres per approved natural resource inventory

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 5.5 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**

This CDP proposes up to 5.5 million square feet of employment uses, including warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses that are generally permitted in the E-I-A Zone and meets this condition.

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 south bound/Wawa Crossover**
- f. **US 301 north bound/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 Boulevard/Trade Zone Avenue**
- l. **Prince George's Boulevard/Commerce Drive**
- m. **Prince George's Boulevard Queens Court**

A traffic impact study has been submitted that includes all relevant/appropriate intersections as part of this application. Further evaluation will be carried out at the time of PPS review.

- 5. The land to be conveyed to 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).**

In accordance with the statement of justification (SOJ), the applicant is committed to dedicating 20 acres of suitable land for active recreation purposes, as required by the relevant provisions of Section 27-515(b), Footnote 38. The specific details about the dedication will be further evaluated at the time of PPS review.

- 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 general locations of the two trails have been shown on the submitted circulation and utility plan, which is a component of the CDP-0505-01 approval. Detailed alignment and the design details will be determined at the time of either PPS or SDP.

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.**

The conceptual locations for the 10-foot-wide master plan hiker/biker trail along the Collington Branch Steam Valley, and the 10-foot-wide feeder trail to the employment uses are properly reflected on the CDP-0505-01. Prince George's County Department of Parks and Recreation (DPR) staff met with the applicant in the field and are in the process of determining a final alignment.

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 signed Natural Resources Inventory Plan, NRI-098-05-03, has been submitted with this CDP, and a revision to NRI-098-05-04 was approved on March 3, 2021, during the review period of CDP-0505-01, satisfying this condition.

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.**

This condition has been met with the approval of CDP-0505-01.

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.**

This condition has been fully addressed with the approval of CDP-0505-01.

13. **At the time of comprehensive design plan review, specific acreage of parkland dedications shall be determined. This area may include a 1.7± acre parcel of land which was not previously committed for parkland dedication. The conditions of conveyance shall be determined by appropriate staff of the Maryland-National Capital Park and Planning Commission.**

The 1.7± acre parcel is an isolated section of the property on the west side of the railroad right-of-way and is not currently included as part of the parkland dedication. The CDP shows the 20-acre community park is consistent with requirements of Section 27-515(b), Footnote 38.

- 14. At the time of comprehensive design plan, the applicant shall address its plan to grade a 10-acre developable portion of the dedicated parkland (including a 1.7± acre parcel of land from the Willowbrook project area which was not previously committed for parkland dedication) on the western side of the property, east of the Pennsylvania Railroad right-of-way to accommodate ball fields and a parking lot.**

This condition has been fully addressed with the approval of CDP-0505-01. The applicant and DPR staff have participated in public meetings with two community's homeowner's associations (Beech Tree and Oak Creek) to obtain input on specific park facility needs for local residents. DPR staff are currently evaluating this input and the needs for this section of the County. Further details will be reviewed with future PPS and SDP.

- 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 fully addressed with the approval of CDP-0505-01. Details of those facilities will be further reviewed at the time of either PPS or SDP.

- 17. In the event the Applicant elects to pursue an alternative access point(s) to the adjacent Collington Center vis [sic] 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.**

The approved CDP-0505-01 includes a circulation and utility plan that shows access to a development area in the I-1-zoned portion of the property via Prince George's Boulevard. Transportation and environmental impacts for this access point will be further reviewed with the PPS.

- 19. The applicant shall provide a network of pedestrian and bikeway facilities internal to the site unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement with written correspondence. The exact location and design of said facilities shall be evaluated with future applications.**

The prior approved development guidelines include the requirements for provision of an internal network of pedestrian and bikeway facilities. This condition will be evaluated with future applications.

Comprehensive Design Plan Considerations:

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.**

This consideration has been evaluated at the time of CDP-0505-01. Minimal impacts to the environmental features are proposed and they will be further analyzed with the PPS.

2. **All proposed internal streets and developments should follow complete streets principles and support multimodal transportation as well as facilities to encourage walking, bicycling, and transit use, such as short- and long-term bicycle parking, including shower facilities and changing facilities, covered transit stops, crosswalks, etc.**

This condition has been fully addressed with the approval of CDP-0505-01, which includes a condition to require the applicant to provide additional development standards related to pedestrian and bicycle facilities under the Vehicular Access and Parking Section in the *National Capital Business Park-Design Guidelines*.

8. **Prince George's County Zoning Ordinance:** This application has been reviewed for conformance with the requirements of the Zoning Ordinance governing development in the R-S Zone, as follows:

- a. **Uses:** The R-S Zone, which is one of the nine comprehensive design zones, is envisioned as a moderate-density suburban residential zone that will provide flexibility and imaginative utilization of the land to achieve a balance and high-quality residential development that cannot be achieved through conventional zoning designation. The general principle for land uses in this zone is that uses should be either residential in nature, or necessary to serve the dominant residential uses. These latter uses shall be integrated with the residential environment without disrupting the residential character or residential activities. All prior approvals under the project name of Willowbrook were obtained to fulfill the residential vision of the zone.

Through the adoption of Prince George's County Council Bill CB-22-2020, the District Council expanded the uses permitted in the R-S Zone to allow nonresidential uses that are generally permitted in the E-I-A Zone, specifically in accordance with the following:

Section 27-511 (a)

- (7) **Allow qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone pursuant to Section 27-515(b) of this Code.**

The subject CDP was filed in accordance with this provision to introduce up to 5.5 million square feet of employment and institutional uses generally permitted in the E-I-A Zone, as listed on the use table of Section 27-515(b), and in accordance with Footnote 38, which reads as follows:

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.**

The subject property is more than 400 acres, is adjacent to the Collington Trade Center (an employment park developed pursuant to the E-I-A Zone), and was rezoned by the Bowie and Vicinity Master Plan and SMA.

- (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.**

The subject CDP notes it will provide 10 percent green area and shows conformance to all applicable E-I-A Zone regulations.

- (c) Regulations in the R-S Zone shall not apply to uses developed pursuant to this Section.**

The subject CDP does not adhere to the R-S Zone regulations, as allowed by CB-22-2020.

- (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.**

The subject CDP shows a public park dedication in excess of 20 acres and shows street connectivity through the adjacent Collington Trade Center.

- b. **Density Increments:** Since no nonresidential uses were previously envisioned in the R-S Zone, there are no density increment factors for any nonresidential uses in the R-S Zone. This CDP does not request any density increments and is consistent with A-9968-03, in terms of the total gross floor area of the proposed development, which is permitted up to 5.5 million square feet.
- c. **Development Standards:** A comprehensive set of development standards has been included in the approval of CDP-0505-01 for the entire development. The proposed increment of two million square feet of the development will be following the development standards as approved that will guide the future development of the National Capital Business Park.
- d. Section 27-521, Required Findings for Approval in Comprehensive Design Zones, of the Zoning Ordinance, requires the Planning Board to find conformance with the following findings for approval of a CDP:
 - (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The proposed CDP amendment is in conformance with A-9968-03, which was heard by ZHE on February 23, 2022 and is pending final approval by the District Council. The proposed increment of two million square feet of employment and institutional uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b) is within the development cap approved in A-9968-03.
 - (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The proposed CDP will provide for a balanced land development that will respect existing environmental conditions on the site, while creating an employment area adjacent to the Collington Center immediately to the north and east of the property. The proposed 5.5 million square feet of employment and institutional uses will create additional vitality to the existing employment center that cannot be achieved under other regulations of the Zoning Ordinance.

(3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;

The CDP application will follow the comprehensive design guidelines consisting of nine sections that provide guidance to the design of all facilities, buildings, and amenities on the larger employment campus, as approved in CDP-0505-01. The CDP proposes a land use pattern that will include all the necessary facilities to meet the needs of employees and guests of the National Capital Business Park project.

(4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;

The proposed development is an organic extension of the existing uses in the Collington Center, which is located to the east of the proposed National Capital Business Park site. The proposed uses are compatible with existing land uses, zoning, and facilities in the immediate surroundings. The development of the site with such uses as permitted in the E-I-A Zone will also create additional synergy with the existing Collington Center.

(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

(A) Amounts of building coverage and open space;

(B) Building setbacks from streets and abutting land uses; and

(C) Circulation access points;

The land uses and facilities covered by this CDP will be the same as approved in CDP-0505-01. The proposed CDP amendment shows planned building and parking envelopes to support the creation of a maximum of 5.5 million square feet of employment and institutional uses. These uses will potentially include warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses, and will be a natural extension of the existing adjacent Collington Center. The National Capital Business Park will be accessed by the extension of Queens Court from the adjacent Collington Center. The proposed internal street network,

and the design guidelines as approved with CDP-0505-01, will allow for the forthcoming uses within the National Capital Business Park to be compatible with one another both in scale and appearance.

- (6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;**

The proposed National Capital Business Park is planned to include up to three phases ranging in size from approximately 400,000 square feet to approximately 4.0 million square feet each. The actual phasing will be determined by market demand. Each phase will potentially include the following amount of employment and institutional uses:

Phase 1: 3.5–4.0 million square feet

Phase 2: 400,000–800,000 square feet

Phase 3: 500,000–700,000 square feet

According to the SOJ provided by the applicant, it is estimated that these phases in totality will create at least 6,000 new jobs within the County. The aforementioned phasing program is subject to change at the time of SDP when specific uses and site information are available.

- (7) The staging of development will not be an unreasonable burden on available public facilities;**

The CDP application will not be an unreasonable burden on public facilities because the applicant will construct the extension of Queens Court leading directly into the adjacent Collington Center, in order to start the development. This CDP amendment will also result in a significant reduction of vehicular trips using Leeland Road. As discussed in the approval of CDP-0505-01 the conversion of the predominant uses on this site from residential to employment and institutional uses has eliminated impacts to the public school system, while at the same time significantly increasing the County's commercial tax base. The applicant will also be required to contribute financially to the improvements of the US 301/Queens Court intersection and to construct a 20-acre park.

- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**

- (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**

- (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

This project does not include an adaptive reuse of any historic site. Therefore, this criterion does not apply.

- (9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d); and**

This CDP will follow the comprehensive design guidelines, as approved in CDP-0505-01, governing the development of this project. There is no residential use included in this application.

- (10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

The CDP also includes TCP1-004-2021-02. In accordance with the review by the Environmental Planning Section (Nickle to Zhang, April 4, 2022), this CDP is in conformance with the applicable requirements of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), if revised as conditioned herein.

- (11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5);**

The CDP is consistent with the approved land use quantities as included in A-9968-03 to preserve more than half of the entire site in the natural state. As such, this CDP meets this finding at this time. However, with more detailed information regarding the development of this site to be provided at the time of PPS and SDP, conformance with this finding will be further evaluated.

- (12) Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Section 27-226(f)(4) of the Zoning Ordinance is the District Council procedure for approving a comprehensive design zone application as part of an SMA. This provision is not applicable to the subject application because the property was rezoned through a zoning map amendment (basic plan) application, not through the SMA process.

(13) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.

This provision is not applicable to the subject application because National Capital Business Park is not a regional urban community.

9. **Comprehensive Design Plans CDP-0505 and CDP-0505-01:** The District Council approved the original CDP-0505 for 818 residential dwelling units, of which 602 were market rate (97 townhouses and 505 single-family detached units) and 216 units were in a mixed-retirement component (50 single-family detached, 56 townhomes, and 110 multifamily units), in the R-S Zone, on property known as Willowbrook, on April 9, 2007, with 34 conditions. Since no nonresidential uses were included in the original approval, most of the conditions are not applicable to the review of this CDP. Only a few of the conditions related to this site are relevant to the review of this CDP amendment, as follows:

2. Applicant and the applicant's heirs, successors, and/or assignees shall construct the master plan trail along the subject site's portion of Collington Branch. Park dedication and alignment of the trail shall be coordinated with the Department of Parks and Recreation.

The applicant is fully aware of this condition and the said trail has been shown conceptually on the CDP-0505-01 plan. Specific alignment and design details of the trail will be decided at the time of future review of either PPS or SDP.

4. Standard sidewalks shall be provided along both sides of all internal roads, unless modified by DPW&T.

This condition has been included in the condition of approval for CDP-0505-01 that requires the applicant to add new development standards related to pedestrian and bicycle facilities under the Vehicular Access and Parking Section in the *National Capital Business Park-Design Guidelines*.

The Planning Board approved CDP-0505-01 on April 15, 2021, with five conditions. The District Council waived its right to review this applicant and affirmed the Planning Board approval with the same five conditions on June 4, 2021. None of the five conditions is relevant to the review of this CDP. However, the applicant requested to revise Condition 4 regarding fee rate that was approved with the PPS 4-20032, after a complete adequacy test of the public facilities. As such, the applicant requests to modify Condition 4, as follows:

4. **Unless modified at time of preliminary plan of subdivision, 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 \$0.92 (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.**

After the approval of this CDP, a new PPS will be required to further evaluate the increment of two million square feet of gross floor area on the public facilities. As stated by the applicant, this revised amount in the approved PPS was predicated, in part, upon the revised Capital Improvement Program (CIP) budget total for US 301. To this end, Condition 4 in CDP-0505-01 should also be slightly amended (as set forth above) to be consistent with the National Capital Business Park's currently calculated contribution per square foot for the US 301 CIP project.

Specifically, based on the County CIP for Fiscal Years 2022–2027, the cost estimate for the entire US 301 CIP project is \$24,780,000 (in 1989 dollars). Any additional improvement for this development is estimated to cost \$2,522,250 (in 1989 dollars), resulting in a total CIP cost of \$27,302,250 (in 1989 dollars). The additional trips generated by the proposal for the National Capital Business Park would utilize 5.6 percent (as an average of the AM and PM) of the capacity created by the US 301 project. The applicant proffers this pro-rata calculation as a CIP fee of \$1,516,622 (in 1989 dollars). Note that this is in addition to the \$3,517,354 (in 1989 dollars), as approved in PPS 4-20032. This results in total CIP contribution by the applicant of \$5,033,976 for the overall development. With the proposed 5.5 million square feet, the per square foot fee is calculated at 0.92 ($\$5,033,976 / 5.5 \text{ Million Square Feet} = \$0.92/\text{SF}$).

Said amount may also be modified further at the time of PPS to capture any increase in proposed square footage for the National Capital Business Park. The Planning Board approves this proposed change, subject to further evaluation at the time of PPS.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the provisions of the WCO because the subject property is more than 40,000 square feet in size, has more than 10,000 square feet of woodland on-site, and has previously approved tree conservation plans for the overall property. TCP1-004-2021-02 was submitted with the CDP application.
 - a. A valid Natural Resources Inventory Plan, NRI-098-05-04, was submitted with this application. The PPS and TCP1 reflect the environmental conditions. No further information is needed regarding the NRI.

- b. The requested change in use will not result in a change to the woodland conservation threshold, which is currently 15 percent for the R-S and I-1-zoned portions of the site and is 50 percent for the R-A Zone. There is an approved TCPI and TCPII on the overall development related to the prior residential subdivision, which are grandfathered under the 1991 Woodland Conservation Ordinance. The prior tree conservation plan approvals are not applicable to the new development proposal for the National Capital Business Park. This project is subject to the WCO and the Environmental Technical Manual. A revision to TCP1-004-2021-02 was submitted with the CDP application.

The TCP1 describes the site with 339.73 acres of existing woodland in the net tract area and 82.93 acres in the floodplain. The woodland conservation threshold shown on the TCP1 is 15.08 percent, or 52.40 acres. The woodland conservation worksheet shows the removal of 259.70 acres of woodland on the net tract area, and 1.09 acres in the floodplain, which results in a woodland conservation requirement of 118.42 acres. This requirement is proposed to be met with 80.03 acres of on-site woodland preservation, 18.75 acres of reforestation, and 19.64 acres of off-site woodland conservation credits. During the multiple reviews of the National Capital Business Park development proposal, the overall proposed woodland conservation has improved significantly.

Since the prior CDP amendment review, the area of proposed woodland clearing has reduced by 7.54 acres, the on-site woodland preservation has increased by 8.63 acres, the reforestation total has increased by 0.45 acre, and the off-site woodland conservation credit requirement was decreased by 10.96 acres.

Prior to the issuance of the fine grading permit for this project, the off-site woodland conservation requirements shown on the TCP2 shall be met in accordance with the Conservation Method Priorities, established in Section 25-122(c) of the County code.

Because of this site's prominent location on the Collington Branch as a significant flyway linking the Belt Woods, located to the north, to the Patuxent River, and the high quality of woodland present on the site, additional effort should continue to be made to provide the woodland conservation requirements on-site, particularly along the Collington Branch stream valley.

Overall, the plan addresses the spirit of the WCO and the *Green Infrastructure Plan* by providing for the conservation of large contiguous woodlands along the stream valleys and in priority conservation areas. In addition, woodland conservation is proposed on lands to be dedicated to the DPR. Woodland conservation cannot be shown on land to be dedicated to DPR without prior written permission. DPR provided a letter dated April 12, 2021 (Burke to Nickle), consenting to the placement of woodland conservation easements on lands to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC), subject to considerations and conditions. Prior to signature approval of the CDP, the applicant shall include a copy of DPR's consent letter into the record for CDP-0505-02.

This project is subject to a Habitat Protection and Management Program, dated April 23, 2021 and revised on May 7, 2021, as a method for monitoring the rare plant and fish species on and in the vicinity of the property that was approved as part of CDP-0505-01 (per condition). The subject site contains five identified species of rare, threatened, or endangered species plants and three State-listed threatened or endangered fish species within the Collington Branch and/or Black Branch watersheds. On May 27, 2021, the Maryland Department of Natural Resources (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 was processed, the applicant submitted the 2021 *During Construction Monitoring Report* to M-NCPPC and DNR on February 4, 2022. The During Construction Monitoring of the rare, threatened, or endangered species, plant and fish species will end with the completion of the site grading activities and the stabilization of all disturbed areas. The post-construction monitoring phase will commence for a period of five years. Annual monitoring reports are required to be filed with both M-NCPPC and DNR. This application does not alter the prior approved plan.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Community Planning**—The Planning Board adopts a memorandum dated March 25, 2022 (Lester to Zhang), included herein by reference, which provided that pursuant to Section 27-521(a)(4) of the Zoning Ordinance, the proposed development will be compatible with existing land use, zoning, and facilities in the immediate surrounding because 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 of Prince George’s County, under certain specified circumstances.

General Plan: This application is in the Established Communities. The vision for the Established Communities is to create the most appropriate for context-sensitive infill and low-to medium density development (page 20).

Master Plan: The 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* recommends Industrial/Employment land uses on the subject property. The property is included in the Collington Local Employment Area, where the goal is to attract light industrial and office land uses. Other relevant policies and strategies include:

Policy EP 11: Strengthen the Collington Local Employment Area as a regionally competitive transportation, logistics and warehousing employment center.

Strategy TM 21.2: Construct active transportation infrastructure including sidewalks, crosswalks, bus shelters, bicycle facilities, and other amenities for pedestrians, bicycles, and transit riders on all streets within and connecting to the Collington Local Employment Area.

Policy PF 12.1: Secure 20-acre parkland dedication from National Capital Business Park development along Leeland Road, with trail connections north through the Collington Branch Stream Valley Park, and to the future South Lake and Liberty Sports Park Developments.

The master plan carried forward the recommended 2009 *Approved Countywide Master Plan of Transportation* (MPOT) right-of-way for I-300 (Prince George's Boulevard) and the shared-use path facility for Collington Branch Trail.

SMA/Zoning: The 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity* rezoned the subject property to R-S. In 2020, the District Council approved CB-22-2020 permitting certain employment and institutional uses 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 the approved basic plans to guide the development of such uses. The 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* did not include a concurrent sectional map amendment. However, it did recommend Industrial, Heavy zoning for the subject property.

- b. **Environmental Planning**—The Planning Board adopts a memorandum dated April 4, 2022 (Nickle to Zhang), included herein by reference, which provided a comprehensive review of this CDP application's conformance with prior conditions of approval, applicable environmental planning regulations and governing plans. Some comments have been included in the findings above and additional summarized findings are as follows:

Specimen Trees

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

There are 224 specimen trees identified on the property. The proposed development shown on the TCP1 proposes the conceptual removal of specimen trees; however, no variance application was submitted with the CDP. A variance request for the removal of specimen trees shall be submitted with the acceptance of the PPS or SDP, as appropriate.

Regulated Environmental Features

There is primary management area (PMA) comprising 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 conceptually proposes impacts to the PMA; however, no SOJ was submitted with the CDP. A letter of justification, with exhibits, shall be submitted for review prior to acceptance of the PPS.

Stormwater Management

A Stormwater Management (SWM) Concept Plan (42013-2020-00), approved on June 28, 2021, was submitted and 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 Soil Conservation District. The SWM concept approval letter indicates that additional micro-scaled environmental site design facilities will be evaluated when details of the development pads are proposed with later reviews.

Erosion and Sediment Control

The site is located within a watershed regulated for a total maximum daily load (TMDL) for sediment, as established by the Maryland Department of the Environment. Watersheds within a TMDL for sediment will typically require erosion and sediment control measures above and beyond the standard treatments. The site also contains rare, threatened, or endangered species, including fish located in the Collington Branch. Redundant erosion and sediment control measures are also required for protection of the rare, threatened, or endangered 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.

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 a 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* (Landscape Manual) addresses the requirements regarding buffers on scenic and historic roads. These provisions will be evaluated at the time of the review of the SDP. Adjacent to a historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways), based on the Developing Tier (now Environmental Service Area (ESA) 2). In ESA 2, the required buffer along a 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. The Special Roadway buffer must be located outside of the right-of-way and public utility easements, and preferably fulfilled 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, 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. The TCP1 shows the location of the unmitigated 1.5 safety factor line, in accordance with a geotechnical report dated February 1, 2021, and revised August 6, 2021, and prepared by Geo-Technology Associates, Inc. Additional information may be required at the time of SDP of the individual tenants to analyze the development proposed.

During the review of the PPS, the configuration of parcels and location of structures and applicable site features shall be designed to be outside of the unmitigated 1.5 safety factor line, or the proposed grading shall be such that the 1.5 safety factor line has been mitigated to eliminate potential slope failure areas.

The Planning Board concluded that the regulated environmental features on the subject property have been preserved and/or restored, to the fullest extent possible, based on the level of detail provided with CDP-0505-02, and recommended approval of this CDP with two conditions that have been included in this resolution.

- c. **Subdivision**—The Planning Board adopts a memorandum dated March 18, 2022 (Gupta to Zhang), included herein by reference, which noted that this proposed amendment to CDP-0505 will require a new PPS. There are no other subdivision issues at this time.
- d. **Transportation Planning**—The Planning Board adopts a memorandum dated April 8, 2022 (Yang to Zhang), included herein by reference, which provided a review of the background and prior approvals and plans governing this application, as well as the traffic impact study based on the predetermined scope that includes previously identified intersections, with the following summarized comments:

Design Guidelines

The applicant should revise the *National Capital Business Park-Design Guidelines* (see Exhibit A attached to CDP-0505-01), according to the comments below:

In response to the design guidelines for CDPs, the applicant states “All internal streets, sidewalks, and crosswalks will be identified on future specific design plans and will allow for barrier-free access. Further, driveway entrances will be appropriately located to

allow for safe movement of vehicles and pedestrians. All vehicular and pedestrian circulation on the site will be designed in accordance with the above requirements and will, therefore, be safe, efficient, and convenient for both pedestrians and drivers (page 15).”

Section 27-274(a)(2)(A) reads: “Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars.” Section 27-274 (a)(2)(A)(iv) reads: “Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual...” Yet the illustrations in Exhibit A, on pages 3, 5, 7, and 8, are inconsistent with the above cited Zoning Ordinance sections. These illustrations should be replaced with illustrations consistent with the zoning code. Attached are photos labeled Pacific Plaza I and II Landscaping that are more consistent with the landscaping requirements of the zoning code, for reference.

Sketches B, C, and E of Exhibit A show roadway cross sections with illustrations of cars to provide context but images of pedestrians and bicyclists are missing, contrary to the intent of providing multimodal transportation accessibility. Pedestrians should be depicted within all the sidewalks in Sketches B and C. A sidewalk cross section with pedestrians should be shown in Sketch E. Bicyclists should be shown using the roadways in Sketches B, C, and E.

A bus stop shelter should be shown in Exhibit A consistent with condition 1c(3). Attached to the referral is a photo of a bus stop shelter for inclusion consideration.

The heading “VEHICULAR ACCESS AND PARKING” on page 9 in Exhibit A should be revised to read, “VEHICULAR ACCESS, PEDESTRIAN CIRCULATION, AND PARKING”. This is further emphasizing the multimodal nature of the transportation system of the National Capital Business Park.

On page 11 of Exhibit B the subheading, Pedestrian and Multimodal Circulation should be revised to read, Pedestrian Circulation. The portion of the paragraph below beginning with “Sharrows, bikeway guide signs, bike route and destination signs...” should be deleted.

This sentence on page 11 of Exhibit A should be revised as follows; “Bicycle shared lane markings (i.e., sharrows) and bikeway signs shall be provided within all internal roadways.” This sentence should be inserted as a one sentence paragraph following the end of the text under the subheading, “Internal Roadways” on page 10 of Exhibit A. Illustrations of shared-use lane markings, R4-11/Bicycles May Use Full Lane sign, and D11-1 Bicycle Route sign/destination plate assemblies should be included in Exhibit A and should be included with the above revised sentence. Attached is an illustration of a R4-11 sign labeled as MD MUTCD Figure 9B-2 and an example of a D11-1/Bicycle Route sign with destination assembly for reference.

The two sentences on page 11 that refer to bicycle parking facilities should be relocated to the Parking and Loading section. The last sentence on page 11, under the heading of Pedestrian and Multimodal Circulation, should be relocated to the Internal Roadways section.

Transportation Planning Review

Transportation-related findings related to adequacy are made with this application, along with any determinations related to dedication, access, and general subdivision layout. Access is proposed by means of existing public collector roadway.

The subject property is located within Transportation Service Area 2, as defined in the 2014 *Plan Prince George's 2035 Approved General Plan (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 of 1,450 or better.

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 critical lane volume 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 critical lane volume is computed.

The application is a CDP that includes industrial use. The trip generation is estimated using the Planning Board's "Transportation Review Guidelines, Part 1" (Guidelines) and the higher amounts from *Trip Generation Manual* (Institute of Transportation Engineers) and the user provided information. The table below summarizes trip generation in each peak-hour that will be used in reviewing traffic for the site. It is noted that the high cube sortable warehouse use allows for multiple levels of storage based on the ground floor footprint, per the *Trip Generation Manual*.

Trip Generation Summary: CDP-0505-02: National Capital Business Park								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Warehousing	2,087.42	ksf	688	167	835	167	668	835
High-Cube Fulfillment Center Warehouse – Sortable (ITE-155)	650.78	ksf	458	108	566	305	476	781
	User Provided Data		505	45	550	447	453	900
	Higher of ITE and User Provided Data		458	108	566	447	453	900
Recommended Trip Cap (sum of bold numbers)			1126	275	1401	614	1121	1735

The traffic generated by the proposed PPS would impact the following intersections in the transportation system:

- Southbound US 301 at Wawa Crossover (signalized in future)
- Northbound US 301 at Wawa Crossover (signalized in future)
- US 301 at Trade Zone Avenue (signalized)
- US 301 at Queens Court (signalized in future)
- US 301 at Median Crossover between Queens Court and Leeland Road (unsignalized)
- US 301 at Leeland Road (signalized)
- US 301 at Beechtree Parkway / Swanson Road (signalized)
- US 301 at Village Drive (signalized)
- US 301 at MD 725 (signalized)
- US 301 at Chrysler Drive (signalized)
- Prince George’s Boulevard at Trade Zone Avenue (unsignalized)
- Prince George’s Boulevard at Commerce Drive (unsignalized)
- Prince George’s Boulevard at Queens Court (unsignalized)

The following tables represent results of the analyses of the critical intersections under existing, background and total traffic conditions:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
	SB US 301 at Wawa Crossover	990	1248	A
NB US 301 at Wawa Crossover	1275	1279	C	C
US 301 at Trade Zone Avenue	1288	1161	C	C
US 301 at Queens Court	0 sec*	0 sec*	--	--
US 301 at Median Crossover	<100 veh.	<100 veh.		--
US 301 at Leeland Road	924	866	A	A
US 301 at Beechtree Parkway / Swanson Road	1330	1321	D	D
US 301 at Village Drive	1086	1144	B	B
US 301 at MD 725	1204	1343	C	D
US 301 at Chrysler Drive	1045	1063	B	B
Prince George's Boulevard at Trade Zone Avenue	15.0 sec*	15.1 sec*	--	--
Prince George's Boulevard at Commerce Drive	9.5 sec*	9.8 sec*	--	--
Prince George's Boulevard at Queens Court	9.5 sec*	12.5 sec*	--	--
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The Prince George's County CIP includes adding a third US 301 through lane north and south bound between MD 214 and MD 4 and further widening, as needed, at Trade Zone Avenue, MD 214, and MD 725. Significant portions of the third through lane have already been constructed. Approved but unbuilt developments and their proposed improvements at the study intersections have been identified within the study area, background traffic has been developed. A 1.1 percent annual growth rate for a period of six years has been assumed.

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
	SB US 301 at Wawa Crossover	1083	1253	B
NB US 301 at Wawa Crossover	1604	1913	F	F
US 301 at Trade Zone Avenue	1638	1842	F	F
US 301 at Queens Court	1208	1458	C	E
US 301 at Median Crossover	<100 veh.	<100 veh.	--	--
US 301 at Leeland Road	1491	1631	E	F
US 301 at Beechtree Pike / Swanson Road	1854	1936	F	F
US 301 at Village Drive	1571	1573	E	E
US 301 at MD 725	1642	1891	F	F
US 301 at Chrysler Drive	1435	1410	D	D
Prince George's Boulevard at Trade Zone Avenue	16.7 sec*	20.4 sec*	--	--
Prince George's Boulevard at Commerce Drive	12.2 sec*	11.6 sec*	--	--
Prince George's Boulevard at Queens Court	1044	1147	B	B
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The applicant proposes to reconstruct US 301 at Queens Court intersection including a full-movement signal, a third northbound through lane, a fourth southbound through lane, northbound double left turn lane, and eastbound double left turn lane. The applicant also proposes a fourth southbound through lane along US 301 at Leeland Road and a third eastbound left turn lane along Leeland Road. The critical intersection identified above, when analyzed with the total future traffic as developed using the Guidelines including the site trip generation as described above, operates as shown in the following table. The total traffic condition includes the CIP and US 301 at Leeland Road and Queens Court intersection improvements.

TOTAL TRAFFIC CONDITIONS (with CIP and additional Intersection Improvements)				
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)	
SB US 301 at Wawa Crossover	1084	1290	B	C
NB US 301 at Wawa Crossover	1127	1338	B	D
US 301 at Trade Zone Avenue	1138	1427	B	D
US 301 at Queens Court	1078	1363	B	D
US 301 at Median Crossover	<100 veh.	<100 veh.	--	--
US 301 at Leeland Road	1409	1350	D	D
US 301 at Beechtree Pike / Swanson Road	1291	1392	C	D
US 301 at Village Drive	1109	1219	B	C
US 301 at MD 725	1207	1446	C	D
US 301 at Chrysler Drive	980	1327	A	D
Prince George's Boulevard at Trade Zone Avenue	16.7 sec*	20.4 sec*	--	--
Prince George's Boulevard at Commerce Drive	12.2 sec*	11.7 sec*	--	--
Prince George's Boulevard at Queens Court	1044	1353	B	D
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The traffic impact study report has been forwarded to the operating agencies. The Maryland State Highway Administration (SHA) has not provided feedback at the time that this referral was drafted. It should be noted that the applicant has the ability to request that master-planned roadway I-300 not be shown for dedication at the time of PPS, based on the requirements of DPIE, with written correspondence. The extension of I-300 to Leeland Road may potentially cause significant impacts to sensitive environmental areas. The applicant met with representatives of the Transportation Planning Section on May 3, 2022, and all parties agreed that further determinations about the ultimate disposition/dedication of any portion of the I-300 right-of-way will occur at the time of PPS.

The Planning Board concludes that the staging of development will not be an unreasonable burden on available public facilities and is, therefore, in accordance with Section 27-521(a)(7), subject to the three conditions that have been included in this resolution.

- e. **Special Projects**—The Planning Board adopts a memorandum dated April 4, 2022 (Thompson to Zhang), included herein by reference, which found that the subject application will not be an unreasonable burden on available public facilities, including water and sewer, police, fire and rescue. Further adequate public facilities tests for the proposed development will be carried out at the time of PPS review.

The Special Projects Section also discussed fire/EMS response time, which is not within the recommended four-minute travel test as follows:

Prince George's County Fire/EMS Department representative, James V. Reilly, stated in writing (via email) that, as of March 16, 2022, the subject project does not pass the four-minute travel test from the closest Prince George's County Fire/EMS Station, Pointer Ridge Volunteer Fire/EMS Company 843 in Bowie. The proposed amendment may impact fire facilities; a recommendation may be made to contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for the facility; install and maintain automated external defibrillators, in accordance with the Code of Maryland Regulations; and install and maintain hemorrhage kits next to fire extinguishers. This will be further evaluated at the time of PPS review.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board adopts a memorandum dated April 6, 2022 (Quattrocchi to Zhang), included herein by reference, in which DPR reviewed this CDP application for conformance with the governing prior approvals. This development project is required to dedicate 20 acres of the property for a public park, in addition to provision of the master plan trails along the Collington Branch Stream Valley. The details of the parkland dedication, the master plan trail, and the feeder trail will be reviewed in detail at the time of PPS and SDP. The Park Planning and Development Division of DPR recommends approval of CDP-0505-02.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts a memorandum dated April 27, 2022 (Giles to Zhang), included herein by reference, in which DPIE stated that Comprehensive Design Plan CDP-0505-02 is consistent with the Site Development Concept Plan, 42013-2020-0, approved by DPIE on June 28, 2021. DPIE also provided comments on many other issues that will be enforced through their separate permitting process.
- h. **Prince George's County Police Department**—At the time of preparation of this resolution, comments regarding the subject project have not been received from the Police Department.
- i. **Prince George's County Health Department**—At the time of preparation of this resolution, comments regarding the subject project have not been received from the Health Department. However, the Health Department did provide comments at the time of CDP-0505-01, that have been included in the approval.
- j. **Maryland State Highway Administration (SHA)**—At the time of preparation of this resolution, comments regarding the subject project have not been received from SHA.
- k. **City of Bowie**—The Planning Board adopts a memorandum dated March 10, 2022 (Meinert to Zhang), included herein by reference, in which the City of Bowie indicated that, despite the potential building square footage increase, this CDP amendment does not propose any increase in the developable land area previously approved in CDP-0505-01. The building blocks of the National Capital Business Park are identical to those approved in CDP-0505-01. The 1991 Master Plan text referred to this land area as the

“Willowbrook Business Center.” The basic plan for this previously planned center (A-9829) was approved as part of the 1991 Master Plan and allowed a total of 3,900,000–5,000,000 square feet of “light manufacturing, warehouse/distribution, ancillary office and retail commercial” uses.

The City has no comments regarding the CDP revision. Although the City was opposed to increasing the amount of employment land uses during review of the 1991 Master Plan, the land use types and intensity proposed in CDP-0505-02 appear to have been taken into account in the master plan transportation network and have been anticipated for this property for decades.

12. **Public Hearing on May 5, 2022:** The Planning Board held a public hearing on this application for a CDP amendment. At the hearing, and in rendering its decision, the Board considered all written and oral testimony, along with all exhibits submitted according to the Board’s procedures. During the hearing, the Planning Board received nine opposition exhibits (OE), one applicant exhibit (AE), and two staff exhibits (SE):

- OE-1- CB-22-2020 Report (2 pages)
- OE-2- Office of Law memo (1 page)
- OE-3- PB Analysis of CB-22-2022 (2 pages)
- OE-4- PB Signed Voters Letter on CB-22-2020 (3 pages)
- OE-5-Prince George’s County Council Meetings Video on CB-22-2020 (1 page)
- OE-6-Terry Nuriddin Opposition letter
- OE-7-Jenet Gingold, Prince George’s Sierra Club, Opposition Letter
- OE-8- Jenet Gingold, Forest at Leeland Road, A collection of photos taken by Ms. Gingold
- OE-9- Dr. Henry Code Opposition Statement

- AE-1- Proposed revisions to the recommended conditions.

- SE-1- DPIE Final Memorandum
- SE-2- ZHE Decision on A-9968-03 Basic Plan approval.

The Board heard testimony from individual citizens and argument from an attorney representing other citizens and organizations. While the opponents raised important issues, much of the testimony and argument was not germane to considerations for approval of this CDP amendment.

Several opponents, along with People’s Zoning Counsel, questioned whether this CDP amendment could be considered before the District Council approved A-9968-03. Section 27-478(c) of the prior Zoning Ordinance allows a basic plan, comprehensive design plan, and a specific design plan to be considered concurrently; therefore, there is no requirement that a basic plan be approved before a CDP. Nonetheless, the Planning Board has conditioned that the application receive final approval of A-9968-03 before CDP-0505-02 is certified.

The exhibits submitted by the attorney representing multiple opponents, along with much of his argument, focused on CB-22-2020, the bill that allowed the warehouse use on the subject site in the R-S Zone. Opponents' counsel asserted that CB-22-2020 is an "illegal special law" and cited the Court of Special Appeals' decision in *Howard Cnty v. McClain*, 254 Md. App. 190 (2022). *Howard Cnty v. McClain*, however, was a declaratory-judgment action filed in Circuit Court as a direct challenge to a text amendment adopted in Howard County. The Planning Board considered CB-22-2020 approximately two years ago, at its meeting on May 28, 2020, and transmitted its comments to the District Council in a letter with the same date. The Council enacted the legislation on July 14, 2020. The sections of the prior Zoning Ordinance that were changed, as a result of CB-22-2020, did not include the required findings for approval of an amendment to a CDP, which are the focus of the Planning Board's decision in this application. Furthermore, no court has determined that CB-22-2020 is an illegal special law.

Opponents' counsel claimed that the Court of Appeals' decision in *Maryland Reclamation Assocs., Inc. v. Harford Cnty.*, 468 Md. 339, 227 A.3d 230 (2020), which addressed whether a party was required to first raise inverse condemnation claims before a board of appeals, allowed a challenge to CB-22-2020 during the Board's consideration of a CDP amendment; however, opponents' counsel did not elaborate on that case's applicability.

Opponents' counsel also asserted that this CDP amendment conflicts with Plan 2035, the County's General Plan, but he did not cite any law that requires denial of a CDP amendment for conflicting with the General Plan, nor did he cite the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan*, which amended the General Plan. Opponents' counsel also made conclusory claims without providing sufficient support to deny the application, such as asserting that this CDP did not comply with the criteria set forth in Section 27-521 for approval of a CDP, the application did not comply with the CDP review process set forth in Section 27-478, the application conflicts with the Green Infrastructure Plan, staff did not articulate how the application satisfies the Woodland and Wildlife Habitat Conservation Ordinance, and the record lacks substantial evidence that the application complies with the requirements of the Landscape Manual. Opponents' counsel also pointed out that there has been no application for a variance to remove specimen trees; however, none is required at this stage.

Other citizens raised general issues concerning climate change, the County's Climate Action Plan, federal environmental laws, and traffic concerns, all of which were sufficiently addressed to approve the application, were unrelated to approval of this CDP amendment, or will be evaluated as part of a future application.

For example, citizens raised concerns and issues about tree and bird habitat conservation, greenhouse gas emission, air pollution, traffic impact, stormwater runoff, and erosion and sediment control. Given the scope and nature of the CDP, those issues will be further evaluated at the time the Board considers the PPS and any specific design plan, when detailed information is available.

People's Zoning Counsel raised several additional issues that were addressed at the hearing. First, he questioned why CDP-0505-02 was accepted; however, the application met all requirements for

acceptance and no legal grounds existed to withhold acceptance of the application. Second, People's Zoning Counsel asserted that exhibits should be allowed to be submitted during the virtual hearing, but doing so would conflict with the Board's procedures that were properly established over two years ago in order to conduct orderly virtual hearings during the Covid-19 pandemic. Finally, he questioned whether the Chair of the Prince George's County Sierra Club should be allowed to testify on behalf of herself and her organization. People's Zoning Counsel cited no law or rule preventing the Board from allowing the Sierra Club's Chair from proceeding with testifying in both capacities at the administrative hearing.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-004-2021-02, and further APPROVED Comprehensive Design Plan CDP-0505-02 for the above-described land, subject to the following conditions:

1. Prior to certification of this comprehensive design plan (CDP), the applicant shall:
 - a. Update the *National Capital Business Park-Design Guidelines* with the modifications proposed by the applicant and approved with this CDP.
 - b. Provide a copy of the letter dated April 12, 2021 (Burke to Nickle), consenting to the placement of woodland conservation easements on lands to be dedicated to the Maryland-National Capital Park and Planning Commission, to be part of the record for CDP-0505-02.
 - c. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) Revise the plan to graphically show that the master planned right-of-way area for I-300, currently shown on the TCP1 as "Woodland Retained – Assumed Cleared," to be incorporated into adjoining preservation areas, and account for the added preservation in the worksheet and in the tables.
 - (2) In the Environmental Planning Section approval block, revise the case number in the heading from "TCP1-004-2021-02" to "TCP1-004-2021."
 - (3) Add a note under the specimen tree table on Sheet 1 to account for the specimen trees that were approved for removal with Specific Design Plan SDP-1603-01.
 - (4) Add the following to the Notes: No additional impacts to regulated environmental features were approved with CDP-0505-02.
 - (5) Update the streamline type to the standard line type in the Environmental Technical Manual.
 - (6) Add the Marlboro clay lines to the plan. Show as black, not gray.

- (7) Revise the proposed grading on the plan to be solid black, not gray lines. Add proposed contours and other proposed symbols to the legend.
 - (8) Revise the specimen tree table headings to provide one column to list the specimen trees approved for removal with Preliminary Plan of Subdivision 4-20032, and a separate column to list the specimen trees approved for removal with Specific Design Plan SDP-1603-01.
 - (9) In the standard TCP1 notes, remove Note 12.
 - (10) Have the revised plan signed and dated by the qualified professional preparing the plan.
 - d. Obtain final approval of A-9968-03 from the District Council.
2. This comprehensive design plan has modified Condition 4 attached to CDP-0505-01, as follows:
 4. **Unless modified at the time of preliminary plan of subdivision (PPS), 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 \$0.92 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at the 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 PPS, to reflect the project cost in the adopted Prince George's County Public Works and Transportation Capital Improvement Program. In lieu of the fee payment listed in this condition, 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. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.**
3. Total development within the subject property shall be limited to uses that would generate no more than 1,401 AM and 1,735 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.
4. The following road improvements shall be phased at the time of future specific design plan applications, and a determination shall be made as to when said 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
 - b. Prince George’s Boulevard and Queens Court–Site Access, unless modified at the time of preliminary plan of subdivision:
 - (1) Provide a shared through and left lane and a shared through and right lane on the eastbound approach.
 - (2) Provide a shared through and left lane and a shared through and right lane on the westbound approach.
 - (3) Provide a shared through and left lane on the northbound approach and a shared through and right lane on the southbound approach.
5. At the time of preliminary plan of subdivision, the applicant shall demonstrate adequate right-of-way dedication, in accordance with the 2009 *Approved Countywide Master Plan of Transportation*.
6. At the time of specific design plan, the applicant shall show all proposed on-site transportation improvements on the plans.
7. Prior to issuance of each building permit for this 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 per square foot, to be determined at the time of preliminary plan of subdivision.

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 Capital Improvement Program-funded improvements. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.


BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Doerner, seconded by Commissioner Geraldo, with Commissioners Doerner, Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, May 5, 2022, in Upper Marlboro, Maryland.

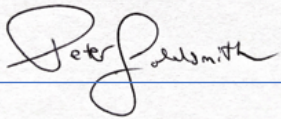
Adopted by the Prince George's County Planning Board this 19th day of May 2022.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:HZ:rpg

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: May 16, 2022