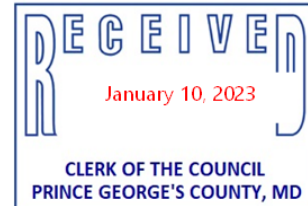


January 5, 2023

NCBP Property, LLC
5850 Waterloo Road, Suite 210
Columbia, MD 21045



Re: Notification of Planning Board Action on
Specific Design Plan SDP-1603-03
National Capital Business Park, Parcel 11

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **January 5, 2023**, pursuant to the Transitional Provisions of Section 27-1700 of the Prince George's County Zoning Ordinance and in accordance with the attached Resolution.

Pursuant to Section 27-528.01 of the prior Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of the final notice **January 10, 2023** of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291 of the prior Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Anne Fothergill
Reviewer

Attachment: PGCPB Resolution No. **2022-133**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with approval of Specific 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 (LCD) Zone; the Industrial, Employment (IE) Zone; and the Agricultural-Residential (AR) Zone; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, certain development applications 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 December 15, 2022, regarding Specific Design Plan SDP-1603-03 for National Capital Business Park, Parcel 11, the Planning Board finds:

1. **Request:** The subject application requests approval for development of a 301,392-square-foot warehouse distribution building.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	LCD (prior R-S)	LCD (prior R-S)
Use(s)	Vacant	Warehouse/Distribution
Total Gross Floor Area (GFA)	-	301,392 sq. ft.

OTHER DEVELOPMENT DATA

Parking and Loading Spaces

Use	Required	Approved
Total Parking Spaces	110	303*
Loading Spaces	133	133

Note: *Overflow parking areas may be provided to include 280 additional spaces, for a potential total of 583 spaces

- Location:** The subject site is 26.23 acres in an overall 442.30 acres of development called the National Capital Business Park (NCBP). The subject property is located on the north side of Leeland Road, approximately 3,000 feet west of its intersection with US 301 (Robert Crain Highway), in Planning Area 74A and Council District 04.
- Surrounding Uses:** The entire NCBP development is bounded to the north by properties in the Agricultural-Residential (AR) and Reserved Open Space Zones. Adjacent to the south are properties zoned AR and Legacy Comprehensive Design Zone (LCD).
- Previous Approvals:** The subject site was rezoned from the Employment and Institutional Area (E-I-A) and Residential-Agriculture (R-A) Zones to the Residential Suburban Development (R-S) and Light Industrial (I-1) Zones, as part of the 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity*. The subject property was included in Zoning Map Amendment (Basic Plan) A-9968-03, approved by the Prince George's County District Council on April 12, 2021, and in an amendment to a Comprehensive Design Plan, CDP-0505-01, approved by the Prince George's County Planning Board on April 29, 2021.

Preliminary Plan of Subdivision (PPS) 4-20032 was approved by the Planning Board on September 9, 2021 (PGCPB Resolution No. 2021-112), for a 442.30-acre property zoned R-S, I-1, and R-A. The PPS approved 36 parcels for development of a 3.5 million-square-foot industrial park.

SDP-1603-01 was approved by the Planning Board on January 13, 2022 (PGCPB Resolution No. 2022-10), for infrastructure for the overall development, including 35 parcels, street network, sidewalks, utilities, grading, stormwater management (SWM), retaining walls, and directional signage that will serve the employment and institutional uses approved for the property.

PPS 4-21056 was approved by the Planning Board on June 2, 2022, for 27 parcels for development of up to 5.5 million square feet of industrial use on the subject property. PPS 4-21056 supersedes 4-20032 and therefore, this application is reviewed for conformance with the conditions of approval for 4-21056.

On April 1, 2022, the approved Countywide Sectional Map Amendment rezoned the property to the LCD Zone. The property was previously in the R-S Zone, as part of the 2006 *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity*. Prior to that, the R-S portion of the property was zoned E-I-A. The E-I-A Zone is intended for a concentration of non-retail employment and institutional uses such as medical, manufacturing, office, religious, educational, and warehousing. The property had been placed in the E-I-A Zone as part of the 1991 *Bowie, Mitchellville and Vicinity Master Plan and Sectional Map Amendment*. The 1991 master plan text referred to this land area as the “Willowbrook Business Center.” Zoning Map Amendment A-9829 was approved as part of the 1991 master plan and allowed for a floor area ratio (FAR) between 0.3 and 0.38 for a total of 3,900,000 to 5,000,000 square feet of “light manufacturing, warehouse/distribution, ancillary office and retail commercial” uses.

Parcel 11 will be developed with warehouse/distribution uses permitted in the E-I-A Zone, per Section 27-515(b) of the prior Prince George’s County Zoning Ordinance and Prince George’s County Council Bill CB-22-2020.

On March 8, 2022, the District Council approved the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* by adopting Prince George’s County Council Resolution CR-18-2022. The 2022 master plan places the NCBP within a focus area known as the “Collington Local Employment Area.” The Planning Board and District Council approved an industrial zoning recommendation for the Collington Local Employment Area in the Comprehensive Zoning Section of the 2022 master plan

The subject property is zoned LCD (formerly R-S), but is subject to the uses permitted in the E-I-A Zone, not the R-S Zone, pursuant to the provisions of Council Bill CB-22-2020. In addition, pursuant to the provisions of Council Bill CB-105-2022, the subject property may develop in accordance with the standards and uses applicable to the E-I-A Zone because the property is identified within a designated employment area in a master plan or sector plan. Specifically, the property is zoned LCD and is identified as part of the “Collington Local Employment Area,” pursuant to the approved 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan*. Regardless, pursuant to Section 27-528 of the Zoning Ordinance, the Planning Board does not approve uses with an SDP application but, instead, reviews and approves the physical development of a property, including items such as buildings, architecture, landscaping, circulation, and the relationships between them.

The development approved with this SDP is for Parcel 11, as currently shown on 4-21056.

The site has an approved SWM Concept Plan, 214-2022-0, which was approved on July 7, 2022.

6. **Design Features:** The 301,392-square-foot warehouse and distribution building will be 41 feet, 2 inches tall. The building materials will include concrete panels, hollow metal doors and tempered safety glass, and a color combination of white and various shades of gray. There will be a solar panel array along portions of the building’s roof. There will be a 10-foot-wide by 3.5-foot-high monument sign at the entrance to the site and each tenant will have one building mounted sign. If a tenant has entrances on two sides of the building, they will have a sign along

each side of the building. The site will have access along Queens Court and there will be 303 (up to 583) parking spaces, 20 bike spaces, 62 loading docks, and 133 loading spaces.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The SDP application has been reviewed for compliance with the requirements of the E-I-A Zone of the Zoning Ordinance.

a. Section 27-500, Uses

(a) **The general principle for land uses in this zone shall be:**

(1) **To provide concentrated nonretail employment or institutional (medical, religious, educational, recreational, and governmental) uses which serve the County, region, or a greater area; and**

This development is for a warehouse and distribution building, which will result in nonretail employment, in keeping with this general principle of the zone.

(2) **To provide for uses which may be necessary to support these employment or institutional uses.**

The warehouse use will support nonretail employment, in keeping with this general principle of the zone.

(b) **The uses allowed in the E-I-A Zone are as provided for in the Table of Uses (Division 3 of this Part).**

The use is subject to the requirements of the E-I-A Zone, per Footnote 38 and CB-22-2020. The proposed warehouse use is a permitted use within the E-I-A Zone.

(c) **A Mixed-Use Planned Community in the E-I-A Zone may include a mix of residential, employment, commercial retail, commercial office, hotel or lodging, civic buildings, parks, or recreational uses, meeting all requirements in the definition of the use.**

The application is not for a mixed-use planned community. This application proposes a 168,480-square-foot warehouse and, as such, this requirement is not applicable.

- b. Section 27-501, Regulations (E-I-A Zone)
 - (a) **General standards.**

(1) Minimum size of zone (except as provided in Section 27-502)	5 adjoining gross acres
(2) Minimum open space to be improved by landscaping and design amenities, including the landscaping of parking lots, so that expanses of parking will be relieved by natural features and grade changes	20% of net lot area

This development is subject to the requirements of the E-I-A Zone and conforms to the regulations outlined in Section 27-501, as modified by CB-22-2020 and CB-105-2022. The subject property meets the minimum area required and exceeds the minimum green space and open space requirements for the zone.

- (b) **Other regulations.**

- (1) **Each lot shall have frontage on, and direct vehicular access to, a public street.**

The subject property will front on Queens Court, which is a public street and will allow vehicular access to the site.

- (2) **Additional regulations concerning development and use of property in the E-I-A Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The development meets all of the off-street and parking and loading requirements. The proposed signage is in conformance with Part 12 of the Zoning Ordinance and the application includes a landscape plan, in conformance with the requirements of the Landscape Manual.

- (c) **Mixed-Use Planned Community regulations.**

- (1) **A Mixed-Use Planned Community shall meet all purposes and requirements applicable to the M-X-T Zone, as provided in Part 10, and shall be approved under the processes in Part 10.**

There is no mixed-use planned community, as part of this application, and this requirement is not applicable.

- (2) **Where a conflict arises between E-I-A Zone requirements and M-X-T Zone requirements, the M-X-T requirements shall be followed.**

There are no conflicts between the zoning requirements, and this is not applicable.

- (d) **Adjoining properties.**

- (1) **For the purposes of this Section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.**

The SDP shows and labels all adjoining properties, as outlined by this definition.

- c. Section 27-528 of the Zoning Ordinance contains the following required findings for the Planning Board to grant approval of an SDP:

- (a) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

- (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The SDP has been reviewed by the Planning Board and determined to be in compliance with approved Comprehensive Design Plan CDP-0505-02. This application is for a warehouse use and there are no residential uses, and parts of this requirement are not applicable to this development.

- (1.1) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

There is no regional urban community on this site, therefore, this requirement is not applicable.

- (2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development...;**

A traffic impact analysis was provided with the PPS and reviewed by the Planning Board, and determined acceptable.

- (3) **Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The subject property has an approved SWM concept plan that has been approved by DPIE and satisfies this requirement.

- (4) **The plan is in conformance with an approved Tree Conservation Plan; and**

The subject application provided a Type 2 tree conservation plan (TCP2), which was reviewed by the Planning Board and determined to be consistent with the approved Type 1 tree conservation plan (TCP1), which satisfies this requirement.

- (5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible...**

This SDP has been reviewed by the Planning Board and determined that environmental features are preserved and/or restored, to the fullest extent possible.

- (b) **Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

The subject development conforms to CDP-0505-02. Off-site property damage, environmental degradation, economic well-being, reforestation, woodland conservation, drainage, and erosion and pollution discharge are not a concern for the subject property, and this application adequately addresses these issues with site design, CDP, and TCP conformance.

- (c) **The Planning Board may only deny the Specific Design Plan if it does not meet the requirements of Section 27-528 (a) and (b), above.**

The SDP has been reviewed and it has been determined that the proposed development meets the standards of Section 27-528.

- (d) **Each staged unit (shown on the Comprehensive Design Plan) shall be approved. Later stages shall be approved after initial stages. A Specific Design Plan may encompass more than one (1) stage.**

The phasing plan for this development was approved with CDP-0505-02 and conforms to this requirement.

- (g) **An approved Specific Design Plan shall be valid for not more than six (6) years, unless construction (in accordance with the Plan) has begun within that time period. All approved Specific Design Plans which would otherwise expire during 1994 shall remain valid for one (1) additional year beyond the six (6) year validity period.**

This SDP will have a six-year validity period.

- (h) **The Planning Board's decision on a Specific Design Plan shall be embodied in a resolution adopted at a regularly scheduled public meeting...The resolution shall set forth the Planning Board's findings.**

This SDP has an accompanying resolution that includes the Planning Board's decision.

- (i) **A copy of the Planning Board's resolution and minutes on the Specific Design Plan shall be sent to the Clerk of the Council for any Specific Design Plan for the Village Zones.**

The proposed development is not located within a village zone; therefore, this requirement is not applicable.

8. **Zoning Map Amendment (Basic Plan) A-9968-03:** The requirements of Basic Plan A-9968-03 have been reviewed and the SDP is in conformance with those approvals. The relevant conditions applicable to this SDP are, as follows:

1. Proposed Lane 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 NRI
Land in the 100-year floodplain:	92.49 acres

**Adjusted gross area
(426 less half of the floodplain): 380.27 acres**

Proposed use: Warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses up to 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 herein.**

This development proposes a warehouse use, and the site is within the land use types and quantities.

- 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 hiker trail located along the Collington Branch Stream Valley was approved with SDP-1603-01

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

The proposed community park was approved with SDP-1603-02.

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

The proposed shared-use path was provided with approved SDP-1603-01.

9. **Comprehensive Design Plan CDP-0505-02:** The Planning Board approved Comprehensive Design Plan CDP-0505-02 on May 19, 2022. The subject application is in conformance with the approved CDP and its associated design guidelines. The relevant conditions applicable to this SDP are, as follows:

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.**

This application has been reviewed by the Planning Board and determined that the development does not exceed the trip cap and conforms with this requirement.

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.**

This application was reviewed by the Planning Board and determined that the phasing plan and improvements are acceptable, and that this requirement has been satisfied.

6. **At the time of specific design plan, the applicant shall show all proposed on-site transportation improvements on the plans.**

All on-site transportation improvements are included in this SDP, and the Planning Board has reviewed and determined that this is acceptable.

10. **Preliminary Plan of Subdivision 4-21056:** PPS 4-21056 was approved, subject to 22 conditions, and the conditions relevant to the review of this SDP are listed below in **BOLD** text. The Planning Board's analysis of the project's conformance to these conditions follows each one, in plain text:

1. **Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:**

i. **Show a 10-foot-wide public utility easement along property frontage with Popes Creek Drive. The applicant may request a variation to this requirement at the time of final plat.**

The submitted plans include a 10-foot-wide public utility easement (PUE), along the site's frontage on Popes Creek Drive, in accordance with this condition.

2. **Total development within the subject property shall be limited to uses which generate no more than 1,401 AM peak-hour trips 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.**

A 301,392-square-foot gross floor area (GFA) warehouse/distribution building is proposed with this SDP. The Planning Board has reviewed and determined that the use is within the peak-hour trips.

3. **Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision, prior to the approval of any building permits.**

The development with this SDP is consistent with the land uses evaluated with the PPS, which does not include residential development. Conformance with this condition has been demonstrated.

4. **Development of this site shall be in conformance with the approved storm water management concept plan (42013-2020-00) and any subsequent revisions.**

With the application, the applicant submitted the above referenced approved SWM concept plan and letter, which covers the overall NCBP development. The approval was issued by DPIE on June 28, 2021 and expires on June 28, 2024. In addition, the applicant submitted a SWM Concept Plan (214-2022-0) and approval, specific to the subject site; this approval was issued on July 7, 2022 and expires on July 7, 2025. The Planning Board has reviewed and determined conformance with the approved SWM concept plan.

5. Prior to approval of a final plat:

- a. The applicant and the applicant's heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along the public rights-of-way, in accordance with the approved preliminary plan of subdivision.**

The submitted SDP shows PUEs along the site's frontages on Queens Court and Popes Creek Drive, both of which are public rights-of-way.

7. Prior to issuance of a use and occupancy permit for nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall:

- a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for each building.**
- b. Install and maintain a sprinkler system that complies with the applicable National Fire Protection Association standards for the installation of sprinkler systems.**
- c. Install and maintain automated external defibrillators (AEDs) at each building, in accordance with the Code of Maryland Regulations requirements (COMAR 30.06.01-05), so that any employee is no more than 500 feet from an AED.**
- d. Install and maintain bleeding control kits next to fire extinguisher installation at each building, and no more than 75 feet from any employee. These requirements shall be noted on the specific design plan.**

These requirements are noted on the SDP. as required, except the requirement in Condition 7b. This requirement shall be added to General Note 35.

8. At the time of final plat, the applicant shall dedicate all rights-of-way, consistent with the approved preliminary plan of subdivision.

The submitted SOP shows right-of-way for Queens Court, along the site frontage, consistent with the approved PPS.

9. The applicant shall submit a phasing plan (with adequate justification) as part of the first specific design plan for a building to show the phasing of the following transportation improvements to the development of the site. A determination shall be made at that time 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. **A signal warrant analysis and signalization of the intersection of Prince George's Boulevard and Queens Court-Site Access with the following lane configuration:**
 - (1) **A shared through and left and a shared through and right lane on the eastbound approach.**
 - (2) **A shared through and left and a shared through and right lane on the westbound approach.**
 - (3) **A shared through and left on the northbound approach and a shared through and right lane on the southbound approach.**

A phasing plan was submitted, as part of this application, and indicated that the eastbound Leeland Road Lane improvement does not need to be implemented, until the overall site is developed with the high-cube fulfillment center warehouse and 1,600,000 square feet of general warehouse uses. As previously stated, this SDP application proposes development of approximately 301,392 square feet of general warehouse and the total site development will not be more than the approved threshold and would not require the need for reconstruction of eastbound Leeland Road. However, the phasing plan indicates that the Prince George's County Capital Improvement Program (CIP) US 301 improvements will need to be implemented to offset the impacts generated by this phase of development at the US 301/Leeland Road intersection, specifically a third southbound through lane. As a condition of approval, the applicant shall pay the shared contribution for the US 301 CIP improvements or construct the improvements in lieu of the fee, as provided in the phasing plan.

The phasing plan also indicates that DPIE has approved the traffic signal warrant analysis for Prince George's Boulevard at the Queens Court intersection. The traffic signal plans will proceed under a separate street construction permit with DPIE, and the signal will be installed at a time as directed by DPIE.

10. **Prior to approval of a building permit for each square foot of development, the applicant, and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), a fee of \$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.**

In lieu of the fee payment listed in the preceding paragraph, prior to approval of a building permit for each phase of development, the applicant and the applicant's heirs, successors, and/or assignees shall provide improvements along US 301 (Robert Crain Highway), within the limits of US 301 that are covered by the Capital Improvement Program-funded improvements. The phasing of the of the US 301 improvements shall be submitted with each specific design plan application, prior to its acceptance, when this option is applied. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.

The applicant submitted, with the SDP, a memorandum dated June 15, 2022, which is intended to provide phasing plans, satisfying the requirements of Conditions 9 and 10. The Planning Board has reviewed and determined conformance with the condition.

- 18. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCPI-004-2021-03). 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 (TCPI-004-2021-03 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.”

- 19. Prior to the 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."**

A Type 2 Tree Conservation Plan (TCP2-026-2021-06) was submitted with the SDP. The Planning Board has reviewed and determined that the TCP2 conforms to approved TCPI-004-2021-03.

- 11. Specific Design Plan SDP-1603-01:** The Planning Board approved SDP-1603-01 on January 13, 2022, for infrastructure for the overall NCBP development, including 35 parcels, street network, sidewalks, utilities, grading, SWM, retaining walls, and directional signage that will serve the employment and institutional uses proposed for the property. The Planning Board has reviewed this application and determined that it is in conformance with the approved SDP.

12. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of the Landscape Manual, specifically Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. The Planning Board has reviewed this application and determined that it is in conformance with the Landscape Manual, and the required plantings and schedules are provided on the plan.
13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the project is subject to a PPS (4-21056). This project is subject to the WCO and the Environmental Technical Manual (ETM). Type 2 Tree Conservation Plan TCP2-026-2021-06 has been submitted with the application and requires revisions, to be found in conformance with Type 1 Tree Conservation Plan TCP1-004-2021-03 and the WCO.

The District Council amended the woodland conservation/afforestation threshold on land with prior R-S zoning, with permitted uses in the prior E-I-A Zone. The subject property shall be developed in accordance with the threshold requirements of the prior E-I-A Zone. The woodland conservation threshold (WCT) for this 442.30-acre property is based on 15 percent for the E-I-A (R-S) and I-1 portions of the site, and 50 percent for the R-A Zone, for a weighted WCT requirement of 15.08 percent, or 52.40 acres. There is an approved TCP1 and TCP2 on the overall development related to the prior residential subdivision, which were grandfathered under the 1991 Woodland Conservation Ordinance, but the prior TCP approvals are not applicable to the new development proposal.

NCBP is subject to the WCO and the ETM. A rough grading permit was approved for the site, utilizing the limit of disturbance (LOD) of TCP2-026-2021, which is in process. An amended rough grading permit, with an enlargement of the LOD to include area approved under 4-21056 and TCP1-004-2021-03, was recently approved for this site as TCP2-026-2021-05. Revisions to TCP2-026-2021 were submitted with SDP-1603-01, SDP-1603-02, and SDP-1603-04. Proposed clearing with the park dedication area shall be reflected in a future application. Details of the recreation facilities, impacts to the primary management area (PMA), and the variance request for specimen tree removal will be analyzed with the application proposing the development of the park.

Section 25-122(c)(1) of the WCO prioritizes methods to meet the woodland conservation requirements. On November 18, 2022, the applicant submitted a statement of justification (SOJ) dated September 19, 2022, requesting approval of a combination of on-site and off-site woodland conservation, as reflected on the TCP2 worksheet. The site contains 186.15 acres of PMA, approximately 15,622 linear feet of regulated streams, and 94.77 acres of 100-year floodplain. The applicant states that, although they are only preserving 85.38 acres of the 117.85 woodland conservation requirement on-site, they are proposing to preserve the highest quality of woodlands on-site within the PMA and contiguous to these areas, which has a priority of preservation. The WCT for the development is 52.40 acres, or 15.08 percent, which is proposed to be met on-site in

preservation. The central portion of the site was the subject of a timber harvest, which was implemented. The applicant states that, clearing of the central portion of the property is supported due to the implemented timber harvest, and that providing on-site afforestation/reforestation, connected to the on-site preservation, is a higher priority over preserving the central areas of woodlands impacted by the timber harvest. The applicant proposes to protect the woodland preservation areas, including areas of reforestation. Ninety-nine of the specimen trees on-site are located in the proposed woodland conservation easement. The applicant states that the site is not suitable for natural regeneration and the next logical step is to provide the remaining requirement off-site, within an approved tree bank. In review of the conservation method priorities of Section 25-122(c)(1), staff agrees that on-site afforestation/reforestation, connected to the on-site preservation, is a higher priority over preserving the central areas of woodlands impacted by the timber harvest, that are not directly connected to environmental features. The Planning Board supports the applicant's request to meet the woodland preservation requirements, as stated in the SOJ, through a combination of on-site and off-site preservation.

The overall woodland conservation worksheet shows clearing of 254.35 acres (prior approvals 260.75 acres) of woodland on the net tract area, and clearing of 1.86 acres (prior 1.09 acres) of woodland in the floodplain. Based on calculations, this results in a woodland conservation requirement of 117.85 acres (prior 118.68 acres). The requirement is proposed to be met with 85.38 acres of on-site woodland preservation, 16.81 acres of on-site reforestation, and 15.66 acres of off-site woodland conservation credits. Although this development has been part of several reviews, as individual applicants submit SDPs for development, future applicants should continue to look for opportunities to provide additional areas of woodland preservation and reforestation.

As submitted, it appears this application proposes to reduce the overall amount of woodland clearing, increasing the woodland preservation. The plan is not clear where the reduction of the clearing is occurring. Prior to certification of TCP2-026-2021-06, the applicant shall demonstrate the areas where woodland clearing was reduced and revise the plan and worksheet, as necessary.

The plan was previously approved for clearing within the 100-year floodplain for an entrance to the site and proposed to reforest certain areas of the impacted floodplain. The worksheet must be revised to add the acreage of reforestation in floodplain.

Technical revisions to the revised TCP2 are required and included in the conditions of this technical staff report.

14. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building or grading permit for 5,000 square feet or greater of gross floor area or disturbance. The TCC is based on the gross tract area and is required to provide a minimum of 10 percent in the prior E-I-A Zone. A schedule has been provided, which shows conformance to Section 25-128 of the County Code.

15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
- a. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated November 9, 2022 (Lester to Butler), in which it was noted that master plan conformance is not required for this application.
 - b. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated November 9, 2022 (Stabler and Smith to Butler), in which it was noted that there are no archaeological or historic resources on the site.
 - c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated November 15, 2022 (Yang to Butler), in which it was noted that the subject application is acceptable, subject to the conditions herein.
 - d. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated November 9, 2022 (Gupta to Butler), in which it was noted that the SDP is in substantial conformance with the PPS. Technical revisions are required and included as conditions.
 - e. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated November 17, 2022 (Nickle to Butler), in which it was noted that the environmental features have been preserved, to the fullest extent possible. Technical corrections are included as conditions herein.

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 2 Tree Conservation Plan TCP2-026-2021-06, and further APPROVED Specific Design Plan SDP-1603-03 for the above-described land, subject to the following conditions:

- 1. Prior to certification of this specific design plan (SDP), the applicant shall provide the specified information, or make the following revisions to the plans:
 - a. Remove the bearing and distance labels from the site boundary on the “Existing Conditions” plan sheets, as the property lines are not yet existing. The bearings and distances shall remain shown on the “Specific Design Plan” sheets.
 - b. In General Note 8 on the coversheet, revise line 8.1 to use the word “parcel,” instead of “lot.” Remove line 8.2, as the property neither has an address nor has been platted. Remove line 8.3, as it is inconsistent with General Notes 5 and 6.

- c. In the “Parcels Proposed for Development” table on Sheet C-004, revise the incorrect case number “SDP-2202-2022” to read “SDP-2202,” and case number “SDP-2206-2022” to read “SDP-2206.”
 - d. Add a general note showing the recording reference (liber/folio) of the most recent deed for the property.
 - e. On all plan sheets on which the street appears, add a label for Popes Creek Drive.
 - f. In General Note 35 on the coversheet, add a line which includes the requirement given in Condition 7(b) of PGCPB Resolution No. 2022-70.
 - g. Add a general note to the coversheet stating that SDP-1603-03 was submitted for review under the prior Prince George’s County Zoning Ordinance and Subdivision Regulations.
 - h. Move the bearing and distance label for the curved property line abutting Queens Court, in the site’s southeast corner, from Sheet C-101 to Sheet C-202. Enlarge the label for visibility.
 - i. Move the “total area” line of the note beneath the “Dedication Table” on Sheet C-004 to be below the “Proposed Parcels” table.
 - j. Add a note below the “Parcels Proposed for Dedication Table” and the “Dedication Table” stating that the parcels to be dedicated to the Maryland-National Capital Park and Planning Commission and the business owners association, as well as the right-of-way to be dedicated, are shown as dedicated on Specific Design Plan SDP-1603-01, the infrastructure SDP for the overall National Capital Business Park development.
2. Prior to approval of a building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall pay a fee of \$277,281 (1989 dollars), with a construction cost index determined by the Prince George’s County Department of Public Works and Transportation, at the time of payment. In lieu of the payment listed above, prior to issuance of the building permit for Parcel 11, the applicant and the applicant’s heirs, successors, and/or assignees 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 for all of the improvements along US 301 (Robert Crain Highway, as described in the phasing plan dated October 13, 2022, submitted as part of the specific design plan application.
 3. Prior to certification of the Type 2 tree conservation plan (TCP2), the TCP2 shall meet all the requirements of Subtitle 25, Division 2, and the Environmental Technical Manual, and shall be revised as follows:
 - a. Correct the Environmental Planning approval block on all sheets of the TCP2 to reflect that the “03” revision is associated with Specific Design Plan SDP-1603-04, the “04”

revision is associated with SDP-2201, and the “05” revision is associated with an amended rough grading permit. The current application, SDP-1603-03, is the “06” revision.

- b. The applicant shall demonstrate the areas where the woodland clearing was reduced and revise the plan and worksheet, as necessary.
 - c. Revise the TCP worksheet to add the acreage of reforestation in the floodplain.
 - d. Sheet C-300:
 - (1) Remove the nonstandard general notes.
 - (2) Relocate the “Post Development Notes” to Sheet C-301 with the rest of the TCP2 notes.
 - (3) On the key map, add the development proposed with Specific Design Plan SDP-2201 (Parcel 12).
 - (4) In the woodland conservation worksheet, correct the revision number from “2” to “6.”
 - (5) Correct the note under the worksheet on the park and trail to reflect the current case “SDP-1603-03.”
 - e. Sheet C-301:
 - (1) Update the specimen tree list to reflect current approvals.
 - (2) Remove the “Phased Development Notes.”
 - (3) Add the standard “Removal of Hazardous Trees or Limbs by Developers or Builders Notes.” Remove the “Phased Development Notes.”
 - f. Revise Sheets C-318 and C-319 to add a label for MC-600 and add the hatch pattern to the legend.
 - g. Add the reforestation symbol to the legend.
 - h. Have the revised plan signed and dated by the qualified professional preparing the plan.
4. Prior to certification of Specific Design Plan SDP-1603-03, a copy of the erosion and sediment control technical plan shall be submitted, so that the ultimate limit of disturbance for the project can be verified and shown on the Type 2 tree conservation plan.

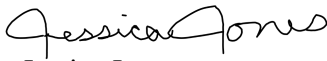
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, December 15, 2022, in Upper Marlboro, Maryland.

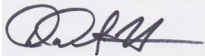
Adopted by the Prince George's County Planning Board this 5th day of January 2023.

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

PAS:JJ:TB:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: January 3, 2023