



The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Specific Design Plan

SDP-1603-03

National Capital Business Park, Parcel 11

REQUEST	STAFF RECOMMENDATION
Development of a 301,392-square-foot warehouse distribution building including 58,968 square feet of office space.	With the conditions recommended herein: <ul style="list-style-type: none"> •Approval of Specific Design Plan SDP-1603-03 •Approval of Type 2 Tree Conservation Plan TCP2-026-2021-06

Location: On the north side of Leeland Road, approximately 3,000 feet west of the intersection with US 301 (Robert Crain Highway).	
Gross Acreage:	26.23
Zone:	LCD/IE/AR
Prior Zone:	R-S/I-1/R-A
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	N/A
Gross Floor Area:	301,392 sq. ft.
Planning Area:	74A
Council District:	04
Municipality:	N/A
Applicant/Address: NCBP Property, LLC 5850 Waterloo Road, Suite 210 Columbia, MD 21045	
Staff Reviewer: Terre Butler Phone Number: 301-952-2458 Email: Terre.Butler@ppd.mncppc.org	



Planning Board Date:	12/15/2022
Planning Board Action Limit:	01/27/2022
Staff Report Date:	12/01/2022
Date Accepted:	11/03/2022
Informational Mailing:	04/19/2022
Acceptance Mailing:	10/26/2022
Sign Posting Deadline:	11/15/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Specific Design Plan SDP-1603-03
Type 2 Tree Conservation Plan TCP2-026-2021-06
National Capital Business Park, Parcel 11

The Urban Design staff has reviewed the application for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION

This application is for a development located within the National Capital Business Park. The National Capital Business Park is split zoned and located within the Legacy Comprehensive Design (LCD) Zone, the Industrial, Employment (IE) Zone, and the Agricultural-Residential (AR) Zone. The subject property being developed is located only within the LCD Zone, however, which was formerly the Residential Suburban Development (R-S) Zone. This application is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1704(b) of the Zoning Ordinance, which allows development applications with prior approvals to continue to be reviewed under the prior ordinance. The specific design plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance in the Employment and Institutional Area (E-I-A) Zone, in accordance with Prince George's County Council Bill CB-22-2020.
- b. The requirements of Zoning Map Amendment (Basic Plan) A-9968-02.
- c. The requirements of Comprehensive Design Plan CDP-0505, as amended.
- d. The requirements of Preliminary Plan of Subdivision 4-21056.
- e. The requirements of the 2010 *Prince George's County Landscape Manual*.
- f. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- g. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- h. Referral comments.

FINDINGS

Based upon the evaluation and analysis of this application, the Urban Design staff recommends the following findings:

1. **Request:** The subject application requests approval of the development of a 301,392-square-foot warehouse distribution building, including 58,968 square feet of office space.
2. **Development Data Summary:**

	EXISTING	PROPOSED
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	Provided
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

3. **Location:** The subject site is 26.23 acres in an overall 442.30 acres of development called the National Capital Business Park. 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.
4. **Surrounding Uses:** The entire National Capital Business Park 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).
5. **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-9968-02, 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 proposed 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 .3 and .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 National Capital Business Park 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 proposed 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.

- Design Features:** The proposed 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.

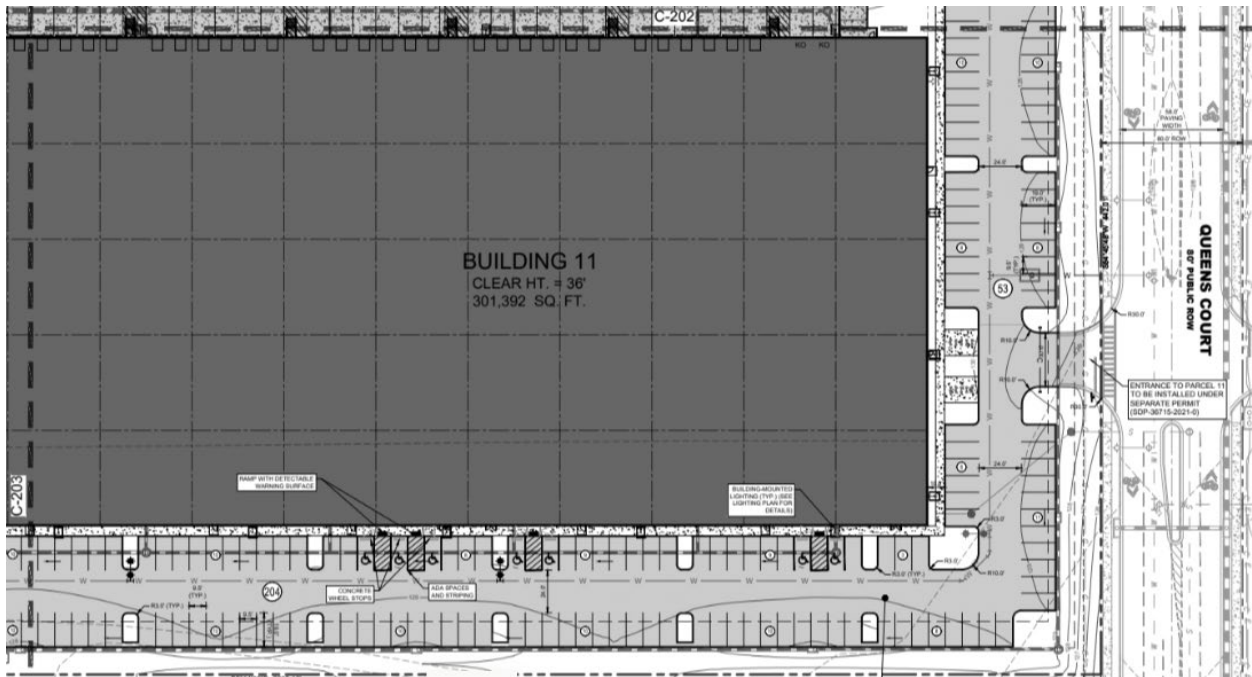


Figure 1: Illustrative Site Plan

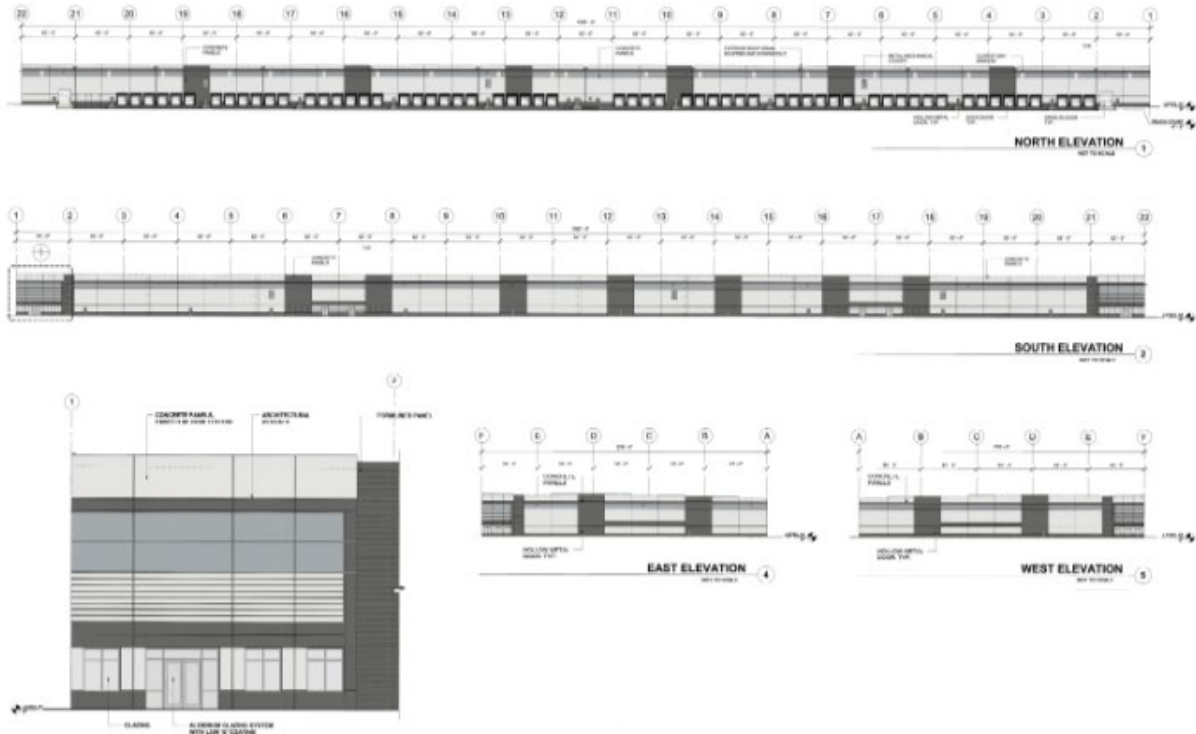


Figure 2: Architecture Elevations

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The SDP application has been reviewed for compliance with the requirements of the prior 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 proposes 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 proposed 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 proposed use is subject to the requirements of the E-I-A Zone, per Footnote 38 and Council Bill 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 does not propose a mixed-use planned community. This application proposes a 301,392-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 of the prior Zoning Ordinance. 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 have frontage 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 proposed 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 2010 *Prince George's County Landscape Manual* (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 being proposed 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 proposed 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 prior 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 staff and determined to be in compliance with approved CDP-0505-02. This application is for a proposed warehouse use and there are no residential uses being

proposed, 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 being proposed 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 Transportation staff, 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 the Prince George's County Department of Permitting, Inspections and Enforcement (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 Environmental Planning Section 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 staff and it has been 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, which includes established design guidelines for the project building heights, setbacks, lot coverage and open space. This application adequately addresses off-site property damage, environmental degradation, economic well-being for grading, reforestation, woodland conservation, drainage, and erosion and pollution discharge with site design, CDP, and tree conservation plan 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, if it is approved by the Planning Board.

- (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 will have an accompanying resolution that will include the Planning Board's decision, if this application is approved by the Board.

- (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-9968-02:** The requirements of Basic Plan A-9968-02 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 CDP-0505-02 on May 19, 2022. The subject application is in conformance with the approved CDP and its associated design guidelines including building and parking setbacks, architectural features, building height and FAR, parking and loading, and signage.

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 Transportation staff and it was 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 Transportation staff 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 Transportation staff 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. Staff analysis of the project's conformance to these conditions follows each one in plain text:

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.**

The development shown with SDP-2201 is consistent with PPS 4-21056. The site is also subject to prior SDPs that approved development of approximately 3,428,985 square feet of warehouse/distribution uses so far, as part of the overall National Capital Business Park development. The SDP application proposes development of the general warehouse, which will be under the 5.5 million square feet of development that was considered as part of the approved PPS application. As such, the uses and development program proposed with the SDP is consistent with the PPS application, and staff finds that the trips generated by the phased development of the subject SDP are within the trip cap.

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 proposed 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 Stormwater Management Concept Plan (42013-2020-00) and any subsequent revisions.**

The development is in conformance with the approved SWM concept plan (42013-2020-00) submitted with this application

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.**

Ten-foot-wide public utility easements are shown and labeled along the public right-of-way of Queens Court, in accordance with PPS 4-21056.

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 (COMAR) 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.

The requirements listed in Condition 7 are noted on the subject SDP.

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

The SDP reflects the rights-of-way for Queens Court and Logistics Lane, as approved with PPS 4-21056.

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.**

When the signal is deemed warranted, the applicant shall construct the signal and associated improvements to the requirements and schedule directed by the operating agency.

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, staff recommends that the applicant 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.**

A phasing plan was submitted as part of this application. The phasing plan indicates that the applicant needs to contribute \$155,002 (1989 dollars) to the US 301 CIP-funded improvements.

- 11. The applicant shall provide an interconnected network of pedestrian and bicycle facilities consistent with the 2009 Countywide Master Plan of Transportation and the 2022 Approved Bowie-Mitchellville and Vicinity Master Plan policies and goals. The exact design and details of these facilities shall be provided as part of the first specific design plan, prior to its acceptance.**

The latest SDP submission is in conformance with the referenced condition and is further described in more detail below.

- 12. The applicant's heirs, successors, and/or assignees 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.**

SDP-1603-01 approved the location and concept design details for the Collington Branch Stream Valley hiker/biker trail and the on-site feeder trail. SDP-1603-01 also established the trigger for construction of the on-site feeder trail. SDP-1603-02 established the trigger for construction of the Collington Branch Stream Valley Trail.

- 13. Prior to the issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall (a) have full financial assurances, (b) a permit for construction through the operating agency's access permit process, and (c) an agreed upon timetable for construction with the appropriate operating agency of 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 exact details shall be shown as part of the first specific design plan for a building, prior to its approval.**

This condition states that the details for the required shared-use path, along the subject site frontage of Leeland Road, be shown with the first SDP for a building on the subject site. The details for this facility were included with infrastructure SDP-1603-01.

- 14. At the time of the first final plat, in accordance with Section 24-134(a)(4) of the prior Prince George's County Subdivision Regulations, approximately 113.21 +/- acres of parkland, as shown on the preliminary plan of subdivision, shall be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:**
 - a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, Upper Marlboro, along with the application of first final plat.**
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate any liens, leases, mortgages, or trusts have been released from the land to be conveyed to M-NCPPC.**
 - c. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and**

gutters, and front-foot benefit charges prior to and subsequent to application of the first building permit.

- d. The boundaries, lot or parcel identification, and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
- e. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the M-NCPPC Office of the General Counsel) shall be submitted to DPR within two weeks prior to applying for grading permits.**
- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. The Prince George's County Department of Parks and Recreation shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.**
- g. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement, prior to issuance of grading permits.**
- h. In general, no stormwater management facilities, tree conservation, or utility easements shall be located on land owned by, or to be conveyed to, M-NCPPC. However, the Prince George's County Department of Parks and Recreation (DPR) recognizes that there may be need for conservation or utility easements in the dedicated M-NCPPC parkland. Prior to the granting of any easements, the applicant must obtain written consent from DPR. DPR shall review and approve the location and/or design of any needed easements. Should the easement requests be approved by DPR, a performance bond, maintenance and easement agreements may be required, prior to issuance of any grading permits.**

The boundaries, parcel identification, and acreage of the parcels to be conveyed to the Maryland-National Capital Park and Planning Commission were included in SDP-1603-01 and will be required to be conveyed with the first final plat for this development.

- 15. The applicant shall be subject to the following requirements for development of the 10-foot-wide on-site feeder trail:**
- a. The applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, the on-site feeder trail from the southern terminus of Logistics Lane to the shared-use path on Leeland Road.**
 - b. The on-site feeder trail shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Prince George's County Park and Recreation Facilities Guidelines, with the review of the specific design plan (SDP). Triggers for construction shall also be determined at the time of SDP.**
 - c. Prior to submission of the final plat of subdivision for any parcel, the applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of the on-site feeder trail, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.**
 - d. Prior to approval of building permits for a new building, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the on-site feeder trail.**

The alignment and a detailed construction cross section for the on-site feeder trail, as well as its trigger for construction, were approved with infrastructure SDP-1603-01.

- 16. Recreational facilities to be constructed by the applicant shall be subject to the following:**
- a. The timing for the development of the 20-acre park and Collington Branch Stream Valley Trail, and submittal of the revised construction drawings, shall be determined with the first specific design plan for development (not including infrastructure).**
 - b. The location of the Collington Branch Stream Valley Trail shall be staked in the field and approved by the Prince George's County Department of Parks and Recreation, prior to construction.**
 - c. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Prince George's County Department of Parks and Recreation.**

- d. **The handicapped accessibility of all trails shall be reviewed during the review of the specific design plan.**
- e. **The public recreational facilities shall be constructed, in accordance with the standards outlined in the Prince George’s County Park and Recreation Facilities Guidelines.**
- f. **Prior to submission of any final plats of subdivision, the applicant shall enter into a public recreational facilities agreement (RFA) with the Maryland- National Capital Park and Planning Commission for construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Prince George’s County Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the Prince George’s County Land Records and the recording reference shall be noted on the final plat of subdivision prior to recordation. The RFA may be subsequently modified pursuant to specific design plan approvals, or revisions thereto, which determine the timing for construction of the 20-acre park and Collington Branch Stream Valley Trail.**
- g. **Prior to the approval of the first building permit for a new building, the applicant shall submit to the Prince George’s County Department of Parks and Recreation (DPR) a performance bond, a letter of credit, or other suitable financial guarantee, for construction of the public recreation facilities, including the Collington Branch Stream Valley Trail, in the amount to be determined by DPR.**

SDP-1603-01 approved the location and concept design details for the Collington Branch Stream Valley hiker trail. This condition will be further reviewed at the time of final plat and building permit.

- 18. Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan (TCP1-004-2021-03). 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 (TCP1-004-2021-03 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.”

The Environmental Planning Section has reviewed this condition and determined that this will be addressed at the time of final plat review.

11. **Specific Design Plan SDP-1603-01:** The Planning Board approved SDP-1603-01 on January 13, 2022, for infrastructure for the overall National Capital Business Park 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. Staff 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. Staff 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 Prince George's County 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). TCP2-026-2021-06 has been submitted with the application and requires revisions to be found in conformance with TCP1-004-2021-03 and the WCO.

The District Council amended the woodland conservation/afforestation threshold on land with the 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 for this 442.30-acre property is based on 15 percent for the E-I-A (R-S) and I-1 Zone portions of the site, and 50 percent for the R-A Zone, for a weighted woodland conservation threshold 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 tree conservation plan approvals are not applicable to the new development proposal.

The National Capital Business Park is subject to the WCO and the ETM. A rough grading permit was approved for the site, utilizing the limit of disturbance of TCP2-026-2021, which is in process. An amended rough grading permit, with an enlargement of the limit of disturbance to include area approved under PPS 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 PMA, and the variance request for the 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 primary management area (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 86.76 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 woodland conservation threshold 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. Staff supports the applicant's request to meet the woodland preservation requirements, as stated in their SOJ, through a combination of on-site and off-site preservation.

The overall woodland conservation worksheet shows clearing of 245.67 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 staff's calculations, this results in a woodland conservation requirement of 117.50 acres (prior 118.68 acres). The requirement is proposed to be met with 86.76 acres of on-site woodland preservation, 15.60 acres of on-site reforestation, and 13.57 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 by 7.78 acres, increasing woodland preservation by 7.78 acres. The plan is not clear where the reduction of the clearing is occurring. Prior to certification of TCP2-026-2021-04, 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**—In a memorandum dated November 9, 2022 (Lester to Butler), the Community Planning Division noted that master plan conformance is not required for this application.
 - b. **Historic Preservation**—In a memorandum dated November 9, 2022 (Stabler and Smith to Butler), it was noted that there are no archaeological or historic resources on the site.
 - c. **Transportation Planning**—In a memorandum dated November 15, 2022 (Yang to Butler), the Transportation Planning Section noted that the subject application is acceptable, subject to the conditions herein.
 - d. **Subdivision Review**—In a memorandum dated November 14, 2022 (Gupta to Butler), it was noted that the SDP is in substantial conformance with the PPS. Technical revisions are required and included as conditions.
 - e. **Environmental Planning**—In a memorandum dated November 17, 2022 (Nickle to Butler), it was noted that the environmental features have been preserved, to the fullest extent possible. Technical corrections are included as conditions herein.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-1603-03 and Type 2 Tree Conservation Plan TCP2-026-2021-06, for National Capital Business Park, Parcel 11, 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. Provide a general note listing prior applicable approvals to include Preliminary Plan of Subdivision 4-21056.
 - b. Clearly show and label the 10-foot-wide public utility easement along both sides of the public rights-of-way, in accordance with the approved preliminary plan of subdivision, on all applicable plan sheets.
 - c. Provide bearings and distances for all parcel boundary lines, and provide the parcel labels and areas on all applicable plan sheets.
 - d. Provide notes on the SDP to address Condition 7 of Preliminary Plan of Subdivision 4-21056.

- e. Remove the public right-of-way for Warehouse Way and depict the parcel and road layout, in accordance with Preliminary Plan of Subdivision 4-21056.
 - f. Revise General Notes 11 and 12 to correctly identify the number of parcels included with this SDP (Parcels 4–6 in accordance with Preliminary Plan of Subdivision 4-21056).
 - g. Revise General Notes 2 and 4 on the cover sheet to list the correct property zoning.
 - h. Resolve all discrepancies among the preliminary plan of subdivision, the SDP, and the Phasing Exhibit so that all plans are consistent with each other related to the number of parcels shown, their designation and disposition, and label all parcels sequentially.
2. Prior to approval of a building permit, the applicant and the applicant’s heirs, successors, and/or assignees shall:
- a. 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.
 - b. Construct 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, in lieu of the payment listed above.
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 tree conservation plan worksheet to add the acreage of reforestation in 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 must be submitted so that the ultimate limit of disturbance for the project can be verified and shown on the Type 2 tree conservation plan.

NATIONAL CAPITAL BUSINESS PARK

Specific Design Plan

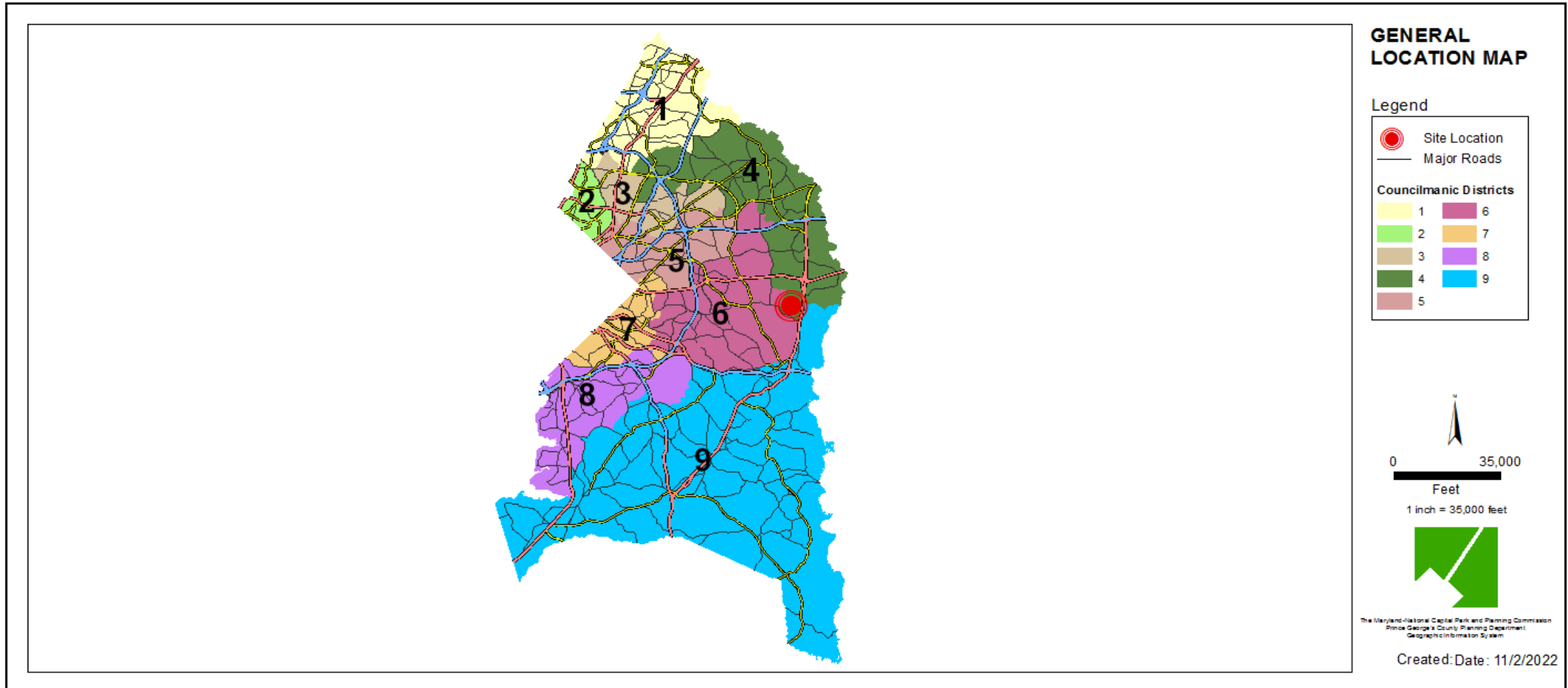
Staff Recommendation: APPROVAL with conditions]



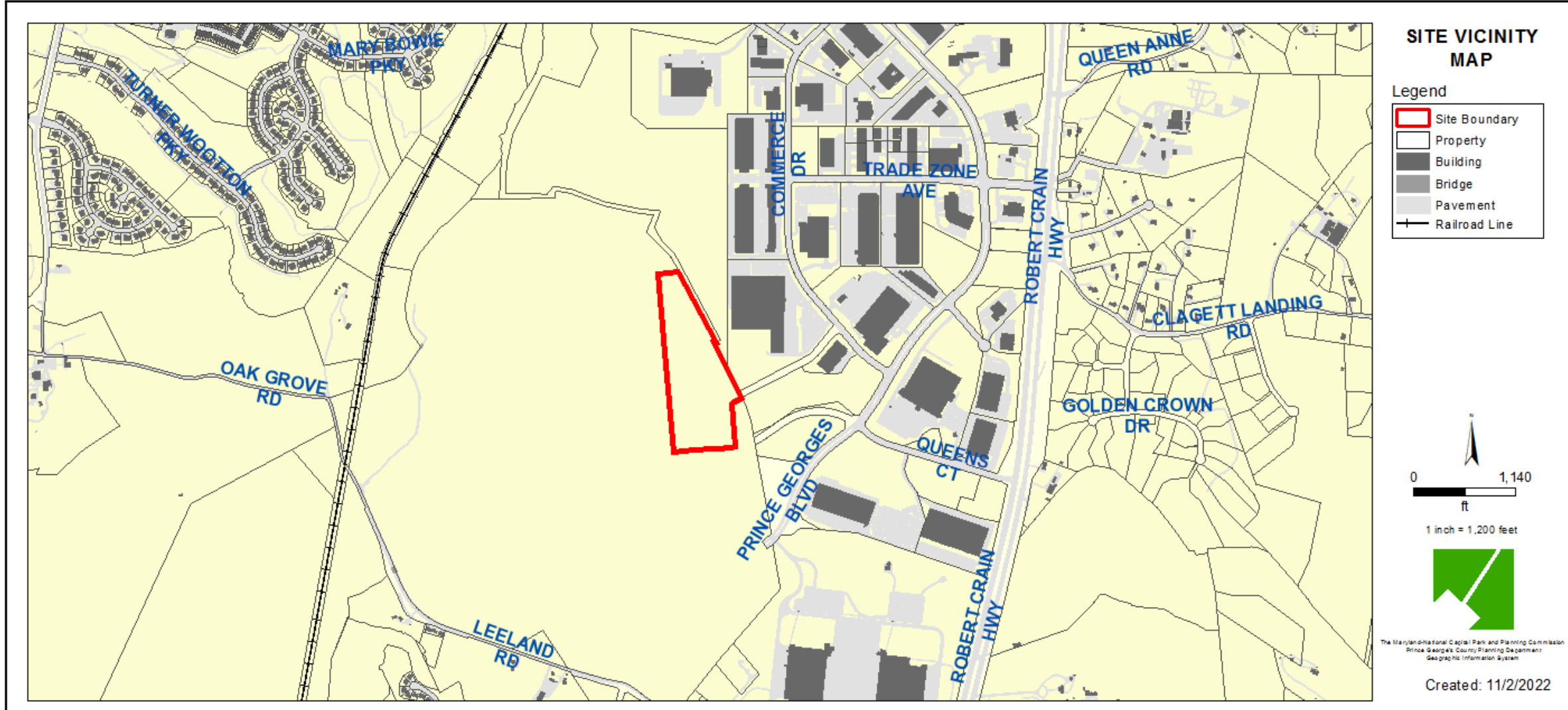
GENERAL LOCATION MAP

Council District: 04

Planning Area: 74A



SITE VICINITY MAP



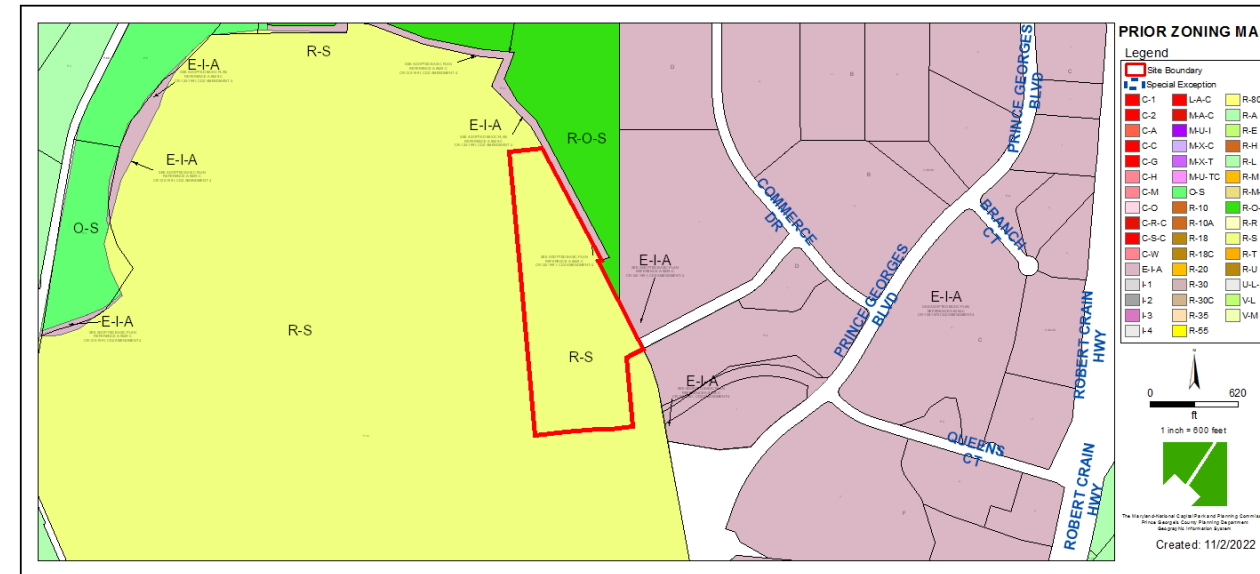
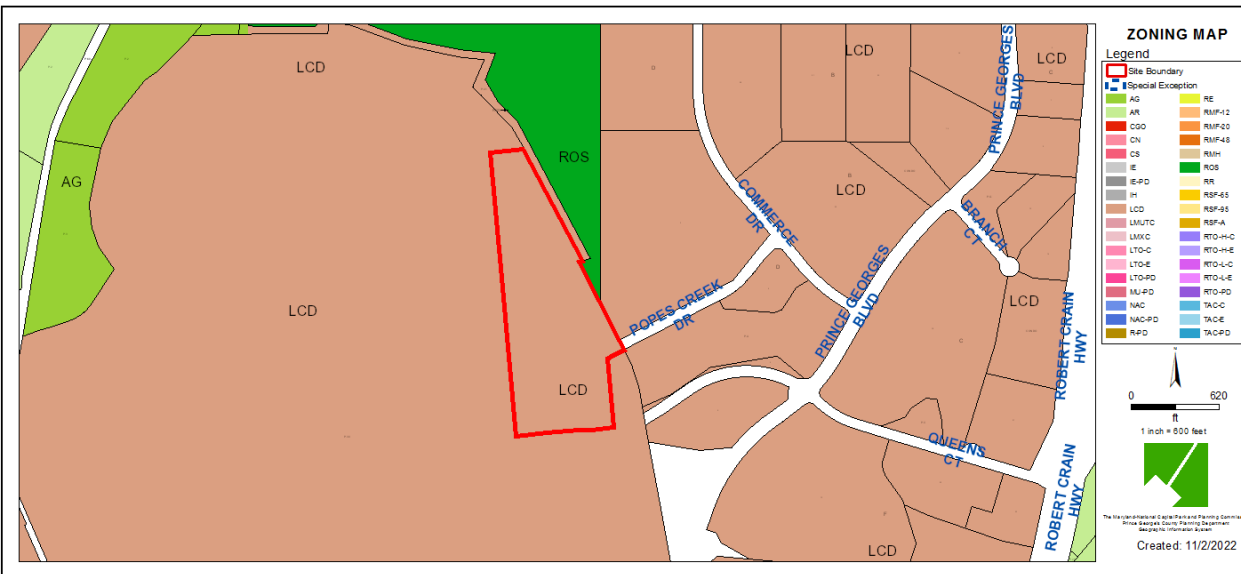
ZONING MAP (CURRENT & PRIOR)

Property Zone: LCD

Prior Zone: R-S

CURRENT ZONING MAP

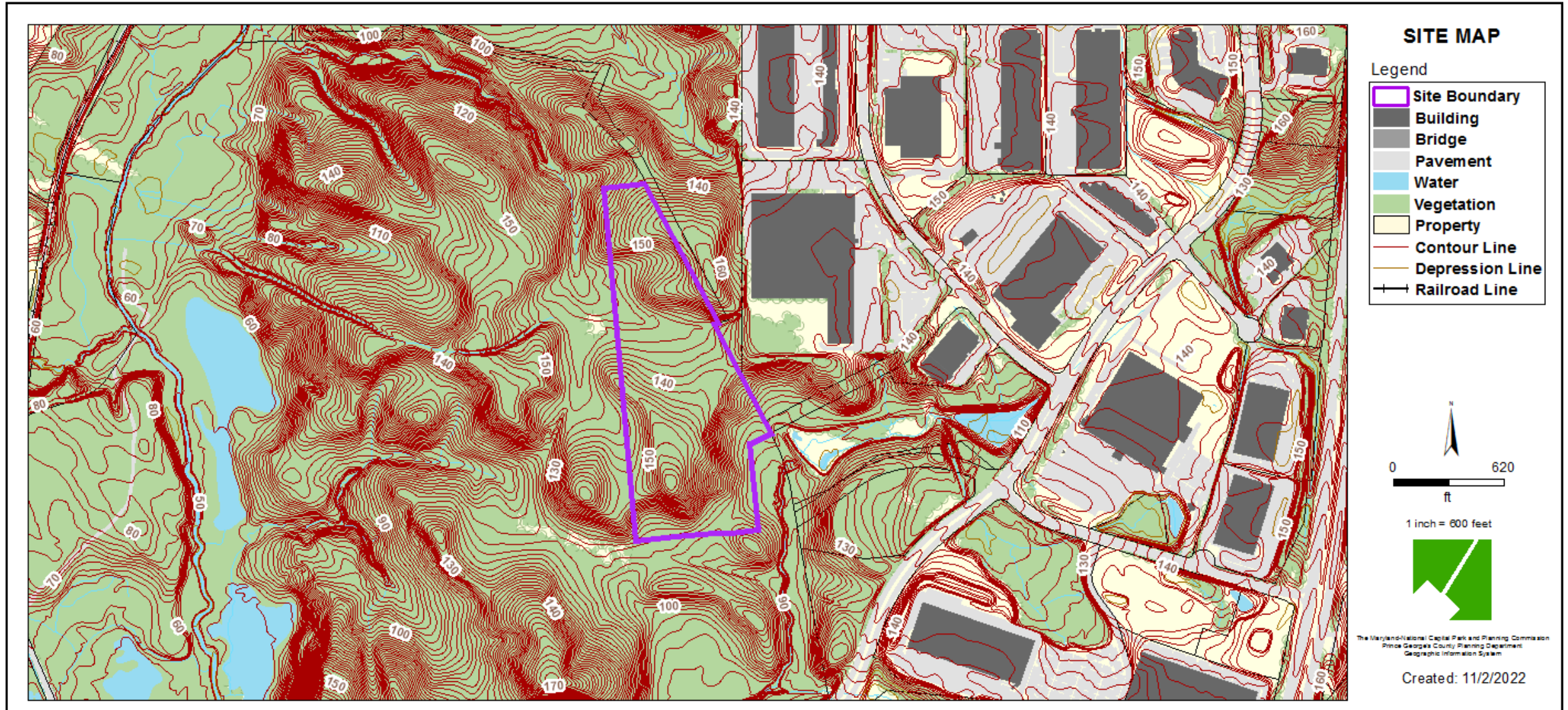
PRIOR ZONING MAP



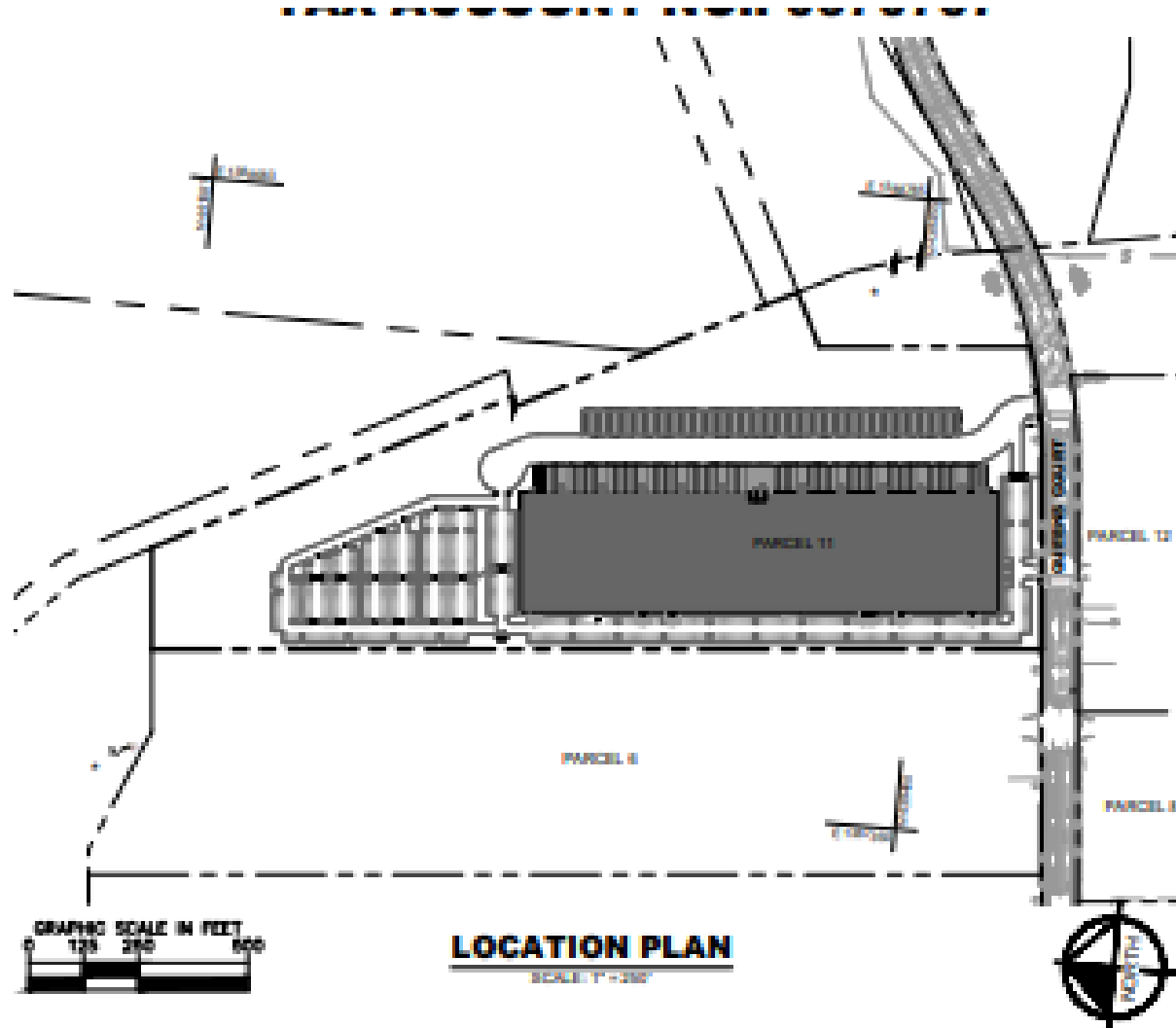
AERIAL MAP



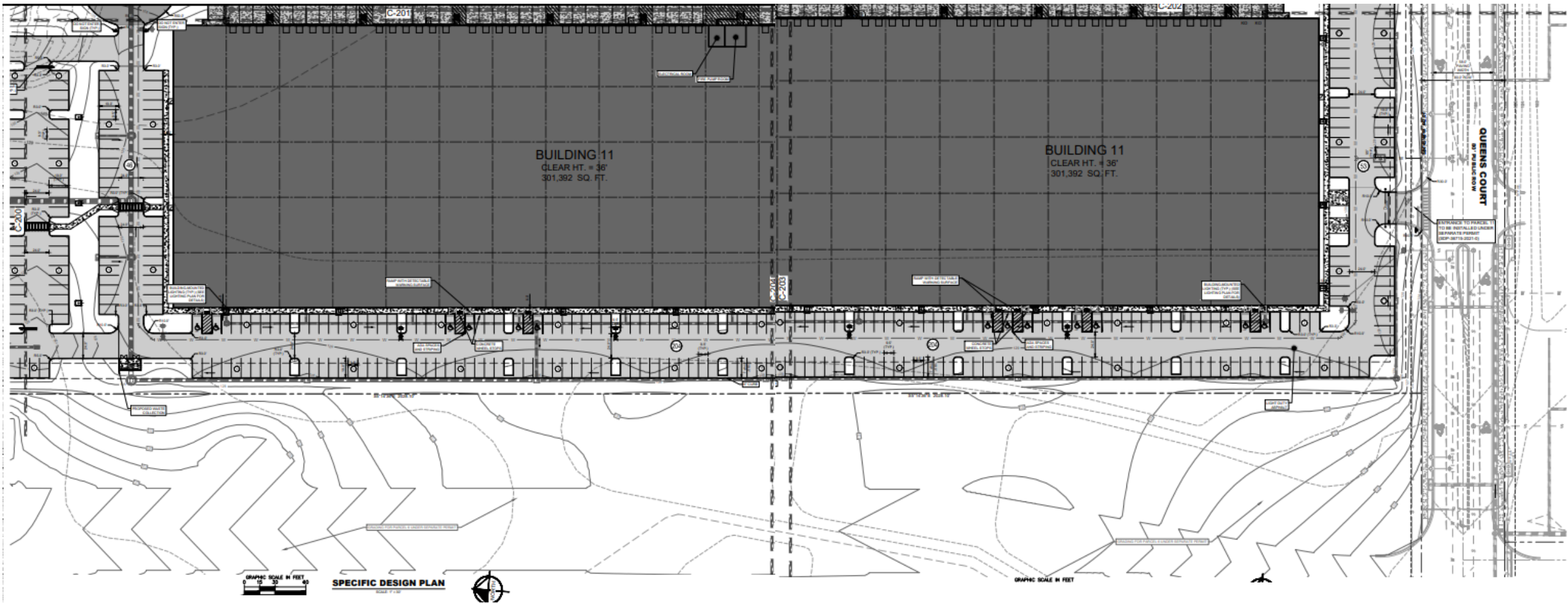
SITE MAP



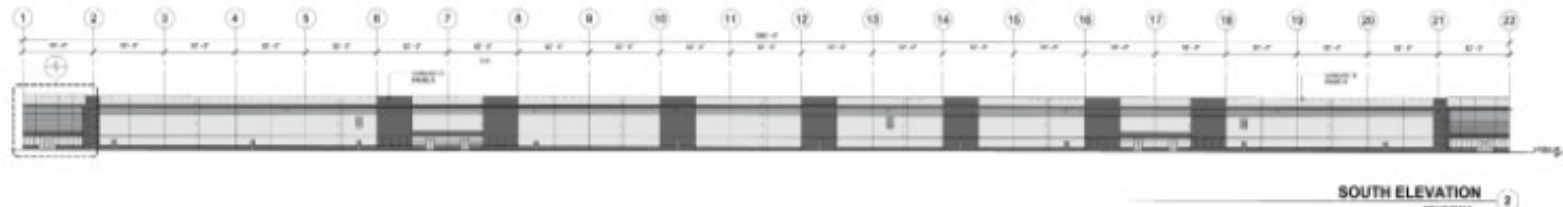
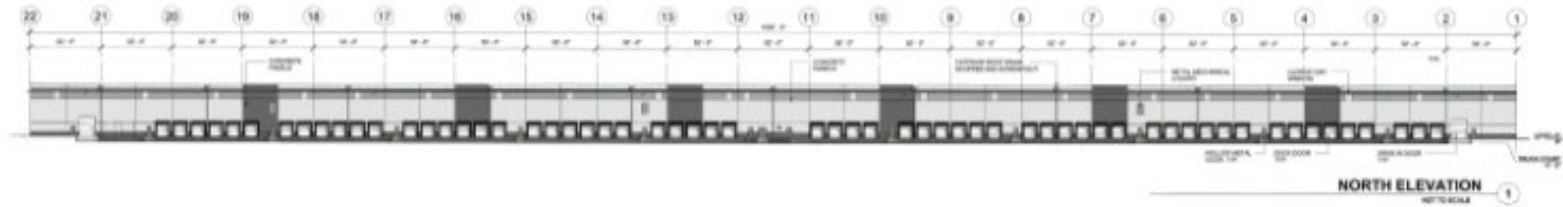
SPECIFIC DESIGN PLAN



SPECIFIC DESIGN PLAN

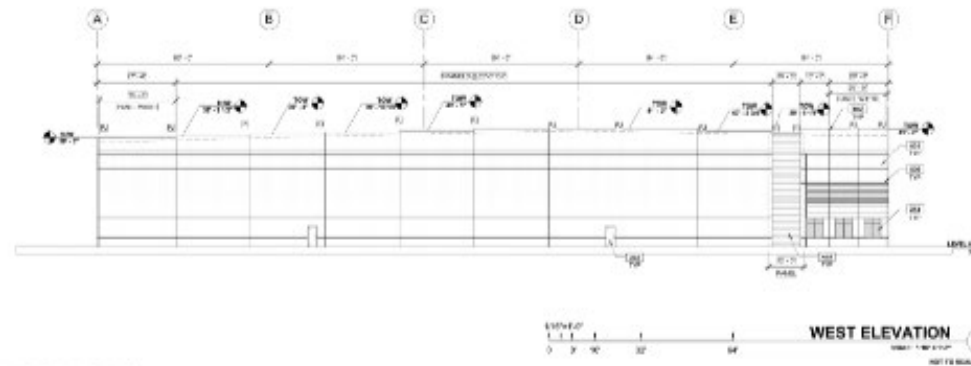
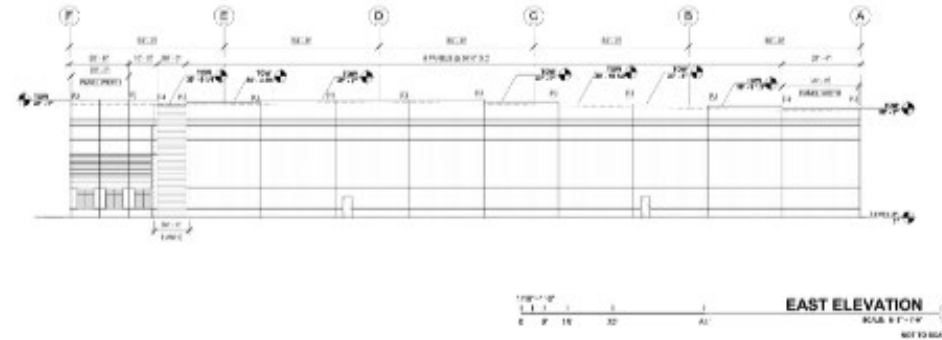


ELEVATIONS

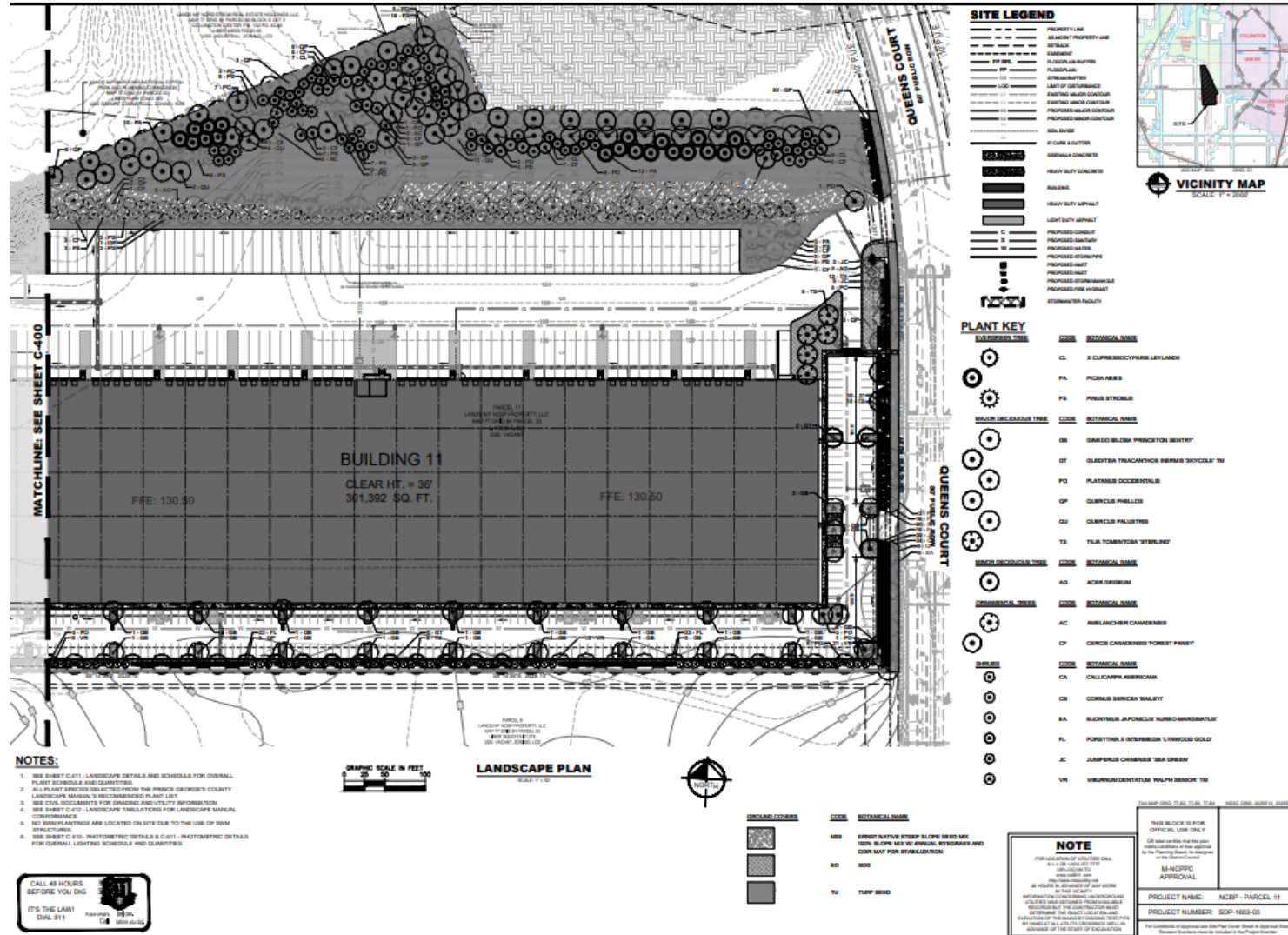


FINISH SCHEDULE		GLAZING LEGEND	
	1. CONCRETE PANELS, FINISHES OR EDGE COATING		GLAZING
	2. ALUMINUM GLAZING SYSTEM WITH LOW 'E' COATING		GLAZING
	3. ALUMINUM GLAZING SYSTEM WITH LOW 'E' COATING		GLAZING
	4. ALUMINUM GLAZING SYSTEM WITH LOW 'E' COATING		GLAZING

SIGNAGE PLAN



LANDSCAPE PLAN



TYPE II TREE CONSERVATION PLAN



STAFF RECOMMENDATION

APPROVAL with conditions

- SDP Conditions
- TCP2 Conditions

Minor Issues:

- Technical Corrections

Applicant Required Mailings:

- Informational Mailing 4/19/2022
- Acceptance Mailing 10/26/2022

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Bradley S. Farrar
L. Paul Jackson, II*
* Also admitted in the District of Columbia

November 14, 2022

VIA ELECTRONIC DELIVERY

Ms. Anne Fothergill, Supervisor
Urban Design Section, Development Review Division
Prince George's County Planning Department
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

**RE: STATEMENT OF JUSTIFICATION
National Capital Business Park
SDP-1603-03, (Parcel 11)**

Dear Ms. Fothergill:

On behalf of our client, NCBP Property LLC (the "Applicant"), Robert J. Antonetti, Jr., and Shipley and Horne, P.A. hereby submits this statement of justification in support of Specific Design Plan, SDP-1603-03, for the development of a 301,392 square foot warehouse/distribution building in accordance with the appropriate provisions of the Prince George's County Zoning Ordinance. The National Capital Business Park (the "NCBP") project is located on the north side of Leeland Road and contains approximately 442± acres previously classified in the R-S, I-1 and R-A Zones. As of April 1, 2022, the property was rezoned to the LCD Zone (Legacy Comprehensive Design), IE Zone (Industrial, Employment), and AR Zone (Agricultural- Residential). Approximately 426± acres of the property is zoned LCD (the "Property"). The Property is located within Planning Area 74A and Council District 4.

ELECTION TO UTILIZE PRIOR ZONING PROCEDURES/REGULATIONS (Section 27-1704 (b))

On April 1, 2022, the approved Countywide Sectional Map Amendment ("CMA") and the updated Prince George's County Zoning Ordinance ("New Zoning Ordinance") became effective and rezoned the Property to the newly created LCD Zone. Notwithstanding, the Applicant elects to amend SDP-1603-01 utilizing the applicable provisions of the prior zoning ordinance (including the applicable regulations in the E-I-A Zone) pursuant to Section 27-1704(b) which states in pertinent part:

Section 27-1704. Projects Which Received Development or Permit Approval Prior to the Effective Date of this Ordinance

(b) Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the

approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved.

SDP-1603-01 was approved by the Planning Board on January 27, 2022, and is valid until January 27, 2025. Further, the underlying CDP-0505-01 for the NCBP is valid until April 1, 2042, and has since been superseded by CDP-0505-02. Since these underlying approvals are currently valid, the Applicant can proceed with applications utilizing the provisions of the Zoning Ordinance that existed prior to April 1, 2022, (per Section 27-1704(b) of the New Zoning Ordinance). SDP-1603-03 is being filed in accordance with the appropriate provisions of the Prince George's County Zoning Ordinance that existed prior to April 1, 2022 (the "Zoning Ordinance").

BACKGROUND

This statement of justification presents the supporting rationale necessary for the review and evaluation of SDP-1603-03 (the "SDP"). The NCBP is currently approved for development of up to 5.5 million square feet of warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses. This SDP's proposal of a 301,392 square foot warehouse/distribution building is wholly consistent with the land use types approved for the NCBP and the Property.

On May 16, 2022, Basic Plan Amendment, A-9968-03, was approved by the District Council for employment and institutional uses (which includes warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses) not to exceed 5.5 million square feet of gross floor area, (Zoning Ordinance No. 6-2022). On May 19, 2022, Comprehensive Design Plan, CDP-0505-02 & Type 1 Tree Conservation Plan, TCPI-004-2021-02, were approved by the Planning Board on May 5, 2022, which established the design guidelines for the project. The Resolution of Approval (PGCPB No. 2022-53) was adopted by the Planning Board on May 19, 2022. On June 6, 2022, the District Council waived their right to review Comprehensive Design Plan CDP-0505-02.

Finally, Preliminary Plan of Subdivision 4-21056, Type 1 Tree Conservation Plan TCP1-004-2021-03, and Variance from Section 25-122(b)(1)(G) for the removal of 11 specimen trees was approved by the Prince George's County Planning Board on June 2, 2022. The resolution of approval was adopted by the Planning Board on June 9, 2022, (PGCPB No. 2022-70). SDP-1603-01 was approved by the Planning Board on January 27, 2022, reflecting the initial infrastructure proposed for the NCBP (PGCPB No. 2022-10). On June 30, 2022, SDP-1603-02 was approved by the Planning Board for a 3,428,985 square foot warehouse/distribution facility on 90.11 acres. The resolution of approval, (PGCPB No. 2022-76) was adopted the same day.

A. Development Proposal:

As part of this application, the Applicant requests approval of the following development on the Property:

- 301,392 square foot warehouse/distribution building on future Parcel 11
- Building Height: 41'-2"
- 62 docks
- 71 truck/trailer parking spaces (133 total loading spaces including loading dock spaces)
- 303 parking spaces provided - (Note an optional overflow parking area may be provided to include 280 additional spaces, for a potential total of 583 spaces)
- Associated landscaping, lighting and signage
- Solar panel array along portions of the building's roof

B. Neighboring Properties Use and Zoning:

The NCBP is a 442± acre site, (of which 426± acres of the property are zoned LAC) and is situated on undeveloped land located north of Leeland Road and west of US 301. The Property is conveniently located near major transportation routes and is located in the Growth Tier Boundary as designated by the 2014 General Plan. The NCBP is partially bounded on the west by the Popes Creek Branch CSX Railroad tracks, vacant M-NCPPC park land to the north, Collington Center to the northeast, Leeland Road to the south, and the Target Distribution Center to the southeast. To the east and west are streams and their associated tributaries.

West of the site is the Collington Branch Stream Valley which is approximately 100' wide at its narrowest point and provides a natural buffer between the subject Property and the neighboring development. Further beyond the Collington Center is the mixed-use South Lake development, which is near the intersection of Central Avenue and US 301, and comprises uses such as office, retail, multifamily apartments and condominiums, senior units, townhomes, and single-family detached units. Also, along the western boundary of the Property is the Popes Creek Branch and CSX Railroad tracks. The Oak Creek residential development is northwest of the intersection of Oak Grove Road and Church Road. In the eastern area of the site, there is a small part of the NCBP tract that is zoned IE that separates the LAC zoned-portion of the Property from the Target Distribution Center, (formally the Safeway Distribution Center). Southeast of the NCBP, and west of US 301, is the Beechtree residential development. North of the NCBP are the developed subdivisions of Collington and The Hamptons in the R-R (Rural Residential) Zone. Finally, to the south, is the proposed Locust Hill development in the LAC Zone.

C. Previous Approvals

Previous approvals for the subject Property include the following applications:

July 28, 2005 - Basic Plan Zoning Map Amendment A-9968 approved via Prince George's County Planning Board Resolution 05-178

November 29, 2005 - Basic Plan Zoning Map Amendment A-9968 approved via Prince George's County District Council Resolution CR-90-2005 (DR-2), rezoning the subject property from the E-I-A Zone to R-S Zone

December 13, 2005 - Natural Resources Inventory Plan NRI-098-05 approved by the Environmental Planning Section

August 7, 2006 – 100 Year Flood Plain Study No. 200522 approved by DPIE

December 19, 2006 - Natural Resources Inventory Plan NRI-098-05-01 approved by the Environmental Planning Section

January 4, 2007 - Comprehensive Design Plan CDP-0505 approved by the Prince George's County Planning Board via Planning Board Resolution 06-273

January 11, 2007 - Natural Resources Inventory Plan NRI-098-05-02 approved by the Environmental Planning Section

February 8, 2007 - Preliminary Plan of Subdivision 4-06066 and Type 1 Tree Conservation Plan TCP1-010-06-01 approved via Prince George's County Planning Board Resolution 07-43

April 9, 2007 – The Prince George's County District Council affirms the Planning Board's decision for Comprehensive Design Plan CDP-0505

May 16, 2007 - Stormwater Management Concept Plan 45944-2015 approved by the Department of Permitting, Inspection and Enforcement

December 12, 2014 - Type 1 Tree Conservation Plan TCP1-010-06 certified by the Environmental Planning Section

September 8, 2016 - Stormwater Management Concept Plan 15988-2016 approved by the Department of Permitting, Inspection and Enforcement

March 30, 2017 - Specific Design Plan SDP-1603 and Type 2 Tree Conservation Plan TCP2-028-2016 approved for Phase 1, Willowbrook via Prince George's County Planning Board Resolution 17-44

April 24, 2017 - The Prince George's County District Council elects not to review Specific Design Plan SDP-1603 rendering the Planning Board's decision as final

February 15, 2018 - Reconsideration Request for Preliminary Plan of Subdivision 4-06066 approved via Prince George's County Planning Board Resolution 07-43(A)

September 20, 2018 - Basic Plan Amendment A-9968-01 approved by the Planning Board via Prince

George's County Planning Board Resolution 18-92

April 2, 2019 - Basic Plan Amendment A-9968-01 approved by the Zoning Hearing Examiner

May 13, 2019 - Basic Plan Amendment A-9968-01 approved by the Prince George's County District Council via Zoning Ordinance No. 5-2019

May 17, 2019 - Type 2 Tree Conservation Plan TCP2-028-2016 is certified by the Environmental Planning Section

May 31, 2019 - Specific Design Plan SDP-1603 is certified by the Urban Design Section

October 8, 2019 - Basic Plan Amendment A-9968-01 is certified by the Zoning Hearing Examiner

February 9, 2020 - Natural Resources Inventory Plan NRI-098-05-03 is approved by the Environmental Planning Section

December 14, 2020 - Prince George's County Office of Central Services (OCS) submitted Mandatory Referral Intake Questionnaire and Description of Project to M-NCPPC Legal Department for extension of Queens Court through County-owned property to serve as vehicular access point for NCBP. The proposed NCBP monument sign, to be located in the public right-of-way at corner of Queens Court and Prince George's Boulevard, is included with submission

December 15, 2020 - Basic Plan Amendment A-9968-02 formally accepted by the Council Clerk's Office & M-NCPPC

December 15, 2020 - Comprehensive Design Plan Amendment CDP-0505-01 formally accepted by M-NCPPC

January 20, 2021 - Waiver Letter WMR-57-2020 is issued by M-NCPPC's Special Projects Section for Mandatory Referral Application MR-2043A (for the extension of Queens Court and a monument sign on County-owned property)

January 25, 2021 - Specific Design Plan SDP-1603-01 (for infrastructure only) is submitted to August M-NCPPC for pre-acceptance review

March 3, 2021 - Natural Resources Inventory Plan NRI-098-05-04 approved by the Environmental Planning Section

April 12, 2021 - Basic Plan Amendment A-9968-02 approved by the Prince George's County District Council via Zoning Ordinance No. 2-2021

April 29, 2021 - Comprehensive Design Plan CDP-0505-01 & Type 1 Tree Conservation Plan TCP1-004-2021 approved by the Prince George's County Planning Board via Planning Board Resolution 2021-

50

June 4, 2021 - The Prince George's County District Council waives right to review the Planning Board's decision for Comprehensive Design Plan CDP-0505-01

June 11, 2021 - Comprehensive Design Plan CDP-0505-01, Type 1 Tree Conservation Plan TCP1- 004-2021, & Approved CDP Design Guidelines Certified by M-NCPPC Staff

June 16, 2021 - Preliminary Plan of Subdivision 4-20032 & Type 1 Tree Conservation Plan TCP1- 004-2021-01 is formally accepted by M-NCPPC

June 22, 2021 - Basic Plan Amendment A-9968-02 is certified by the Zoning Hearing Examiner

June 22, 2021 - Forest Harvest Operation & Erosion and Sediment Control Plan No. FH-145-21 is approved by the Soil Conservation District

June 28, 2021 - Site Development Concept Plan Number 42013-2020-00 approved by the Department of Permitting, Inspection and Enforcement

July 2, 2021 - Haul Road/Timber Transport Permit No. 21506-2021-00 is issued by DPIE

August 7, 2021 - Rough Grading Permit No. 29083-2021-G is submitted to M-NCPPC and is currently pending

August 12, 2021 - Type 2 Tree Conservation Plan TCP2-026-2021 (for interim rough grading) is submitted to the Environmental Planning Section

August 25, 2021 - Fine Grading Permit No. 36715-2021-00 is assigned to the project by DPIE

September 30, 2021 - Preliminary Plan of Subdivision 4-20032 & Type 1 Tree Conservation Plan TCP1-004-2021-01 is approved by the Prince George's County Planning Board via Planning Board Resolution 2021-112

December 17, 2021 - Basic Plan Amendment A-9968-03 is formally accepted by the Clerk of the Council's Office and M-NCPPC

January 27, 2022 - Specific Design Plan SDP-1603-01 and Type 2 Tree Conservation Plan TCP2-026-2021-01 (for infrastructure) is approved by the Prince George's County Planning Board via Planning Board Resolution 2022-10

February 10, 2022 - The Planning Board approves staff's recommendation to transmit Basic Plan Amendment A-9968-03 to the Zoning Hearing Examiner

February 11, 2022 - Final Plat of Subdivision ME 260-5 is recorded in Prince George's County Land Records for dedication of Queens Court through county-owned property

February 18, 2022 - Type 2 Tree Conservation Plan TCP2-026-2021 (for interim rough grading) is approved by the Environmental Planning Section

February 23, 2022 - Basic Plan Amendment A-9968-03 public hearing held by the Zoning Hearing Examiner

February 25, 2022 - Comprehensive Design Plan CDP-0505-02 is formally accepted by M-NCPPC

March 31, 2022 - Preliminary Plan 4-21056 is formally accepted by M-NCPPC

April 1, 2022 - The Countywide Sectional Map Amendment ("CMA") and updated Prince George's County Zoning Ordinance becomes effective rezoning the National Capital Business Park Property from the R-S, I-1 and R-A Zones, to the LCD (Legacy Comprehensive Design), IE (Industrial, Employment), and AR (Agricultural- Residential) Zones. Approximately 426± acres of the property is zoned LCD

April 26, 2022 - Rough Grading Permit 29083-2021-00 is issued by DPIE

April 28, 2022 - Zoning Hearing Examiner issues decision for Basic Plan Amendment A-9968-03 recommending Approval with Conditions

May 5, 2022 - Comprehensive Design Plan CDP-0505-02 is approved by the Planning Board. The Resolution of Approval (PGCPB No. 2022-53) is adopted by the Planning Board on May 19, 2022

May 4, 2022 - Hydraulic Planning Analysis DA7078Z21 is Approved by WSSC, (Supersedes prior HPA approvals)

May 16, 2022 - The final Order of Approval is adopted by the District Council for Basic Plan Amendment A-9968-03, (Zoning Ordinance No. 6-2022)

June 2, 2022 - Preliminary Plan of Subdivision 4-21056, Type 1 Tree Conservation Plan TCP1-004-2021-03, and Variance from Section 25-122(b)(1)(G) for removal of 11 specimen trees is approved by the Prince George's County Planning Board. The resolution of approval (PGCPB No. 2022-70) is adopted by the Planning Board on June 9, 2022

June 6, 2022 - The District Council waives their right to review Comprehensive Design Plan CDP-0505-02

June 7, 2022 - Site Development Concept Plan 42013-2020-01 is approved by DPIE

July 13, 2022 - Site Development Concept Plan No. 52756-2021-00 for Leeland Road is approved by DPIE

June 30, 2022 - Specific Design Plan SDP-1603-02 is approved by the Prince George’s County Planning Board for a 3,428,985 square foot warehouse/distribution facility on 90.11 acres. The resolution of approval, (PGCPB No. 2022-76) is adopted by the Planning Board on the same day

July 7, 2022 - Site Development Concept Plan No. 214-2022-00 is approved by DPIE on July 7, 2022, for Parcel 11. The Site Development Concept Plan Approval Letter is valid through July 7, 2025

July 13, 2022 - The Zoning Hearing Examiner certifies Basic Plan Amendment A-9968-03

August 29, 2022 - The Public RFA for the NCBP is recorded in Land Records

September 7, 2022 - The Private RFA for the NCBP is recorded in Land Records

September 12, 2022 - The District Council hears oral argument for appeal of Comprehensive Design Plan CDP-0505-02 and Specific Design Plan SDP-1603-02 and requests staff to prepare Order of Approval for both applications

D. Development Data Summary:

DEVELOPMENT DATA SUMMARY		
	Approved Applications (CDP-0505-02 & PPS 4-21056)	Proposed (SDP-1603-03)
Zones:	LCD (426.52 acres), IE (15 acres), AR (0.78 acres)	LCD (Former E-I-A Zone regulations apply)
Uses:	Warehouse/Distribution; Office; Light-Industrial/Manufacturing; and/or Institutional Uses	Warehouse/Distribution (301,392 square feet)
Total Gross Acreage:	CDP-0501-02 - (426.52) 4-21056 - (442.3 acres)	26.65 acres (Parcel 11)

100-Year Floodplain	94.77 acres	0.0 acres
Net Acreage:	347.53 acres	26.65 acres

E. Proposed Development Concept

The NCBP represents a well thought out employment and institutional development that is organized into complimentary development pockets. The building blocks of this development include interconnecting streets and a parcel layout that will adequately contain building and parking areas. The foundation of the NCBP is a significant green area network which substantially surrounds the proposed development. This includes utilization of the adjacent stream valley to define the western edges of the proposed development areas. The project has been designed to be a compact development that will minimize impacts to sensitive environmental features and preserve priority woodland and land area along the stream valley corridor and other sensitive environmental areas. The design guidelines for the NCBP have been established through the approval of CDP-0505-01. Said design guidelines established standards for building heights, setbacks, lot coverage and open space for the project that are reflected on the submitted SDP.

The submitted SDP shows development that is proposed for future Parcel 11. This site will have vehicular access from future Queens Court extended. The Property (Parcel 11) will be developed with a single warehouse/distribution building totaling 301,392 square feet. The proposed building will be 41'-2" tall at its' highest point and will be constructed as a tilt-up concrete structure. The structure will have 62 loading docks. Further the development will include 303 passenger parking spaces and 133 truck/trailer parking spaces. An optional overflow parking area may be provided to include 280 additional spaces, for a potential total of 583 spaces.

F. Conformance with Approved Design Guidelines for NCBP

CDP-0505-02 set forth design guidelines to be utilized for future development within the NCBP. Said design guidelines established standards for building heights, setbacks, and green area. The proposed development on Parcel 11 conforms to the aforementioned design guidelines as follows:

i.) Building and parking minimum setbacks from street:

The proposed building is located along Queens Court and is setback at 98 feet from the roadway. The proposed parking lot is setback 25 feet from the public right-of-way. The front, rear, and side setbacks are reflected in the below chart:

NATIONAL CAPITAL BUSINESS PARK		
SETBACKS	REQUIRED	PROVIDED
FRONT YARD / PARKING	30' / 15'	98' / 25'
SIDE YARD / PARKING	20' / 15'	168' / 15'
REAR YARD / PARKING	20' / 15'	838' / 293'

ii.) General Architectural Features:

The proposed façade and building mass articulation includes the following:

- Building design with dynamic facades that will present an attractive building with appropriate massing from the street.
- A multi-tenant design that includes multiple formal entrances.
- Additional accent areas along facades.
- Utilization of efficient design and construction techniques in the form of tilt-up concrete building methods.

iii.) Facades and Exterior Walls:

Facades have been designed to vary its perceived massing and reduce monotony. Both exterior walls, and entryways provide consistent architectural treatments harmonious with top tier market offerings. Said treatments include:

- wall projections or recesses of varying depths, elevations, and type.
- multiple tenant entrances with formal entrances.
- All sides of the building include materials and design characteristics consistent with those on the front façade.

iv.) Entryways:

The proposed entryway has been designed to give orientation and aesthetically pleasing character to the building. Entryways for the proposed building include the following:

- Corner glazing

- Recesses/projections
- Pertinent Signage

v.) Roofs:

The roof line will peak at the center of the building promoting drainage to the dock and offices walls of the building. Concrete panel heights will vary along the short sides of the building with maximums in the center and gradual decreases towards either side. At the main entrances to the building the panel heights will return to peak height for aesthetic appeal. At building main entrances, panel depth variation (i.e. form-liner patterns) along with building wall depth variations will be used. The closest roof top mechanical equipment to the edge of the building will be along the loading dock side of the building and will be set back approximately 60 feet from the building's edge. Combined with the parapets proposed for this building and based on the site line sketch, a person standing at the property line will not be able to see any roof top mechanical equipment.

vi.) Materials and Colors:

Exterior building materials and colors proposed are aesthetically pleasing. Predominant exterior building materials are composed of high-quality concrete (tilt up/precast construction). Proposed window glass will not be heavily tinted in a manner that reduces the visual link between indoors and outdoors. The concrete panels will be painted predominantly white with dark gray vertical accent bands and a lighter gray horizontal accent band around the top of the building. Louvers and window mullions will be made to match the adjacent wall paint color.

vii.) Height limitations:

The proposed building does not exceed 42 feet in height from the finished floor to the top of the parapet wall at the exterior façade.

viii.) Building Intensities:

The floor area ratio (FAR) for the proposed building equals 0.2597 FAR. This does not exceed the 0.5 FAR for a single-story building approved in the design guidelines.

ix.) Parking and Loading:

The proposed parking area includes green space and entrance features and adheres to the requirements of the *2010 Prince George's County Landscape Manual*. The proposed loading facilities are separated from automobile parking and access areas.

x.) Signage:

Details regarding building mounted and monument signs proposed on Parcel 11 are reflected on sheet(s) C-200 and C-300 of SDP-1603-03.

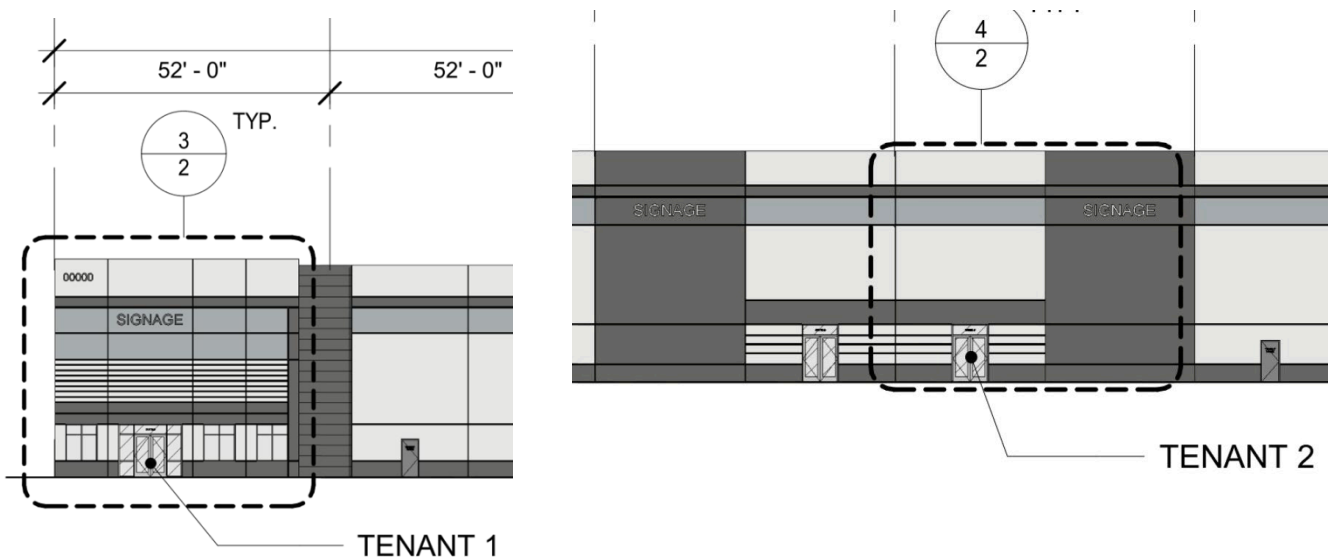
As a single-story building, each tenant will be permitted one building mounted sign. If a tenant has entrances on two sides of their building, a sign may be permitted along each side of the building. A monument sign is also proposed on Parcel 11. The specific signage calculations for the building and monument signage are as follows:

SIGNAGE TABLE				
SIGN TYPE	LOCATION	SQUARE FOOTAGE (EACH)	QUANTITY	TOTAL SIGN AREA
MONUMENT BUILDING SIGN	SE CORNER OF SITE	35 SF	1	35 SF
TENANT SIGNAGE	SOUTH FAÇADE	VARIABLE	6	N/A

*TOTAL ALLOWABLE BUILDING SIGNAGE IS CALCULATED AS 2 SQUARE FEET PER LINEAL FOOT OF WIDTH ALONG THE FRONT FAÇADE, UPTO A MAXIMUM OF 400 SF.
 *THE SUBJECT BUILDING HAS A FRONTAGE LENGTH OF 1092 FT, THEREFORE SIGNAGE AREA IS 2184 SF AND MAXIMUM OF 400 SF MUST BE USED.
 *TOTAL SQUARE FOOTAGE OF ALL BUILDING SIGNAGE +/- 380 SF

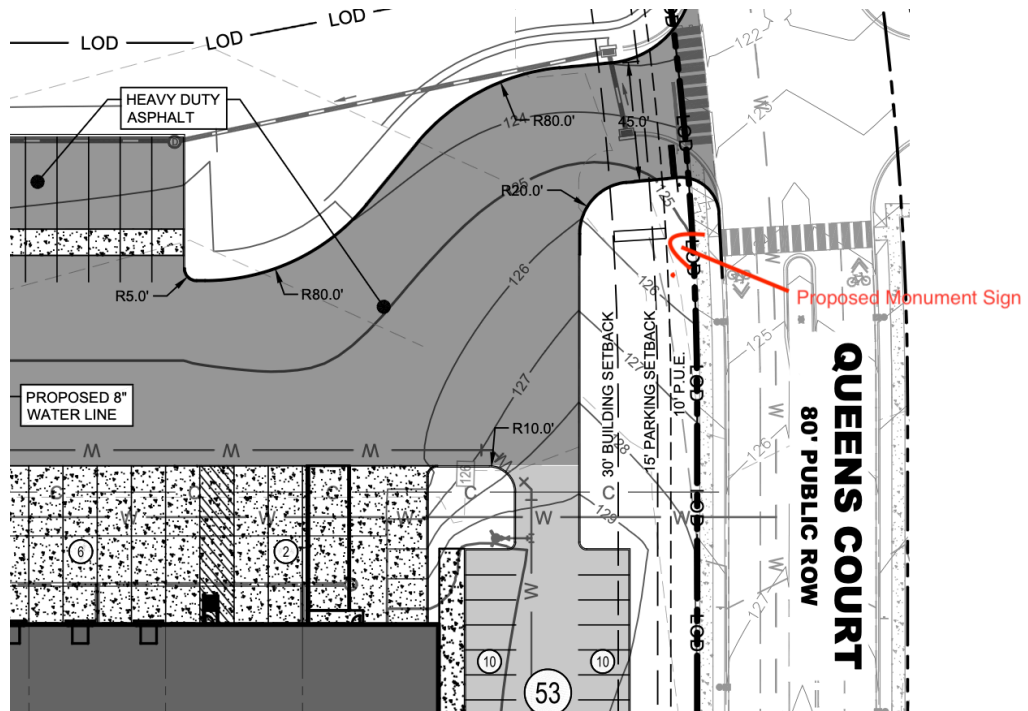
Building Mounted Signs:

The proposed building will contain up to four (4) building mounted signs (to allow for the potential of a multi-tenant occupancy of the proposed building). There will also be four (4) small tenant signs on the doors of the building. The building mounted signs are reflected in the image below:



Monument Sign:

The Applicant proposes one monument sign to be located near the first driveway entrance into Parcel 11. The location of said monument sign can be seen as follows:



The proposed monument sign's dimensions are 10' wide by 3.5' tall.



4 NCBP FREESTANDING SIGN AT INDIVIDUAL BUILDING(S), OPTION 01
N.T.S.

xii.) Green Building and Development Techniques:

As mentioned herein, the primary structure proposed in SDP-1603-03 will be of a concrete tilt-up design. Concrete is a sustainable construction material offering the attributes of durability, low maintenance, local availability, high strength, and low impact on indoor air quality. Site-cast tilt-up construction offers not only these attributes, but many more that make it an optimal solution for sustainable construction. Once the panels are erect, tilt-up design offers sustainable benefits through greatly reduced mechanical system requirements. Specifically, tilt-up construction can offer the following benefits:

- The large panel size means joints are minimized, which limits air infiltration.
- As compared to other systems, tilt-up panels provide a lower level of permeability of air as well as loss of conditioned indoor air.
- Proven insulation systems provide uncompromised, continuous insulation layers. Developed specifically for tilt-up construction, they provide the maximum energy efficiency possible. Structures created with insulated wall panels are not affected by the daily temperature fluctuations; thus, lowering both cooling and heating costs, providing comfort for the owners as well as the occupants.
- Thermal mass inherent in the structural concrete layer establishes a dampening effect to the diurnal temperature cycle the building experiences.
- Through exposed concrete interior surfaces, indoor air quality can be improved by reducing VOC's (volatile organic compound) and lowering maintenance requirements. Concrete itself is a non-off-gassing material, so it qualifies as low VOC.

Additionally, the Applicant will institute the use of low impact development techniques and Environmental Site Design (ESD) in the handling of storm water runoff, to the maximum extent practicable. Further, the overall development of the NCBP project will result in a significant preservation of existing woodlands and sensitive environmental features throughout a considerable portion of the site.

G. Eligibility Pursuant to 27-515(b), Footnote 38

The subject Property is eligible to develop pursuant to the regulations in the E-I-A Zone in the Zoning Ordinance. Specifically, this Application satisfies all of the applicable regulations authorizing E-I-A Zone uses in the R-S Zone as set forth in Section 27-515(b), footnote 38 of the Zoning Ordinance. These provisions are as follows:

USE	ZONE								
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M
Where not otherwise specifically permitted, any use allowed in the E-I-A Zone (excluding those permitted by Special Exception) (CB-22-2020)	X	X	X	X	X	p 38	X	X	X

38	Notwithstanding any other provision of this Subtitle, any use allowed in the E-I-A Zone (excluding those permitted by Special Exception) is permitted, provided:
	(a) The use is located on a parcel, a portion of a parcel, or an assemblage of adjacent land that:
	(i) was rezoned from the E-I-A and R-A Zones to the I-1 and R-S Zones by a Sectional Map Amendment approved after January 1, 2006;
	(ii) contains at least 400 acres and adjoins a railroad right-of-way; and
	(iii) is adjacent to an existing employment park developed pursuant to the E-I-A Zone requirements.
	(b) Regulations regarding green area set forth in Section 27-501(a)(2) shall not apply. The minimum green area (of net lot area) shall be 10%. All other regulations in the E-I-A Zone shall apply to uses developed pursuant to this Section.
	(c) Regulations in the R-S Zone shall not apply to uses developed pursuant to this Section.
	(d) Additional requirements for uses developed pursuant to this footnote shall include the following:
	(i) Street connectivity shall be through an adjacent employment park; and
	(ii) A public park of at least 20 acres shall be provided. (CB-22-2020)

This project meets the specific requirements provided in Footnote 38 above as follows:

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

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

RESPONSE: The subject site was rezoned from the E-I-A Zone and R-A Zones to the R-S and I-1 Zones

as part of the *2006 Bowie and Vicinity Master Plan and Sectional Map Amendment* approved on or about February 7, 2006 (See SMA Change 7A, 7B, and 7C). As mentioned herein, the NCBP site contains 442 ± acres, adjoins a CSX railroad right-of-way to the west, and is immediately adjacent to existing Collington Center (zoned and developed pursuant to the E-I-A Zone).

- (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.***

RESPONSE: The Applicant concurs with this requirement. The proposed development of Parcel 11 includes a minimum of 10% green area (of net lot area). Further, all other E-I-A Zone regulations will apply to future development at the NCBP (as further discussed in Section I. herein).

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

RESPONSE: The Applicant agrees with this requirement, and the R-S Zone regulations will not apply to this project.

- (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***

RESPONSE: The SDP reflects that the sole access to and from future Parcel 11 will be from future Queens Court (extended). Said roadway will connect the existing Collington Center with the NCBP (including Parcel 11).

- (ii) ***A public park of at least 20 acres shall be provided.***

RESPONSE: Previous entitlement applications reflect the provision of a 20-acre park. Said park was previously designed as part of the former Willowbrook project. The Department of Parks and Recreation (DPR) has approved an alternate concept for the park as part of the approval of PPS 4-20032. The Public Recreation Facilities Agreement (RFA) has also been approved by M-NCPPC and was recorded in Land Records on August 29, 2022.

H. Master Plan History

On April 1, 2022, the approved Countywide Sectional Map Amendment (“CMA”) became effective and rezoned the Property to the newly created LCD Zone. The Property was previously placed in the R-S Zone as part of the *2006 Bowie & Vicinity Master Plan and Sectional Map Amendment* (the “2006 Master Plan”). Prior to the R-S Zone approval, the entire R-S portion of the Property was zoned E-I-A (Employment and Institutional Area). 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 was previously placed in the E-I-A Zone as part of the *1991 Bowie, Collington,*

Mitchellville & Vicinity Master Plan and Sectional Map Amendment (the “1991 Master Plan”). 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 for an FAR between .3 and .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. Notwithstanding the site’s history as being planned/zoned for employment uses in the past, the subject Property (Parcel 11) will be developed with warehouse/distribution uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of the Zoning Ordinance and Council Bill, CB-22-2020.

On or about March 8, 2022, the District Council approved the *2022 Bowie-Mitchellville and Vicinity Master Plan* (the “2022 Master Plan”) by adopting CR-18-2022. The 2022 Master Plan places the NCBP within a focus area known as the “Collington Local Employment Area.” This focus area is described by the Proposed Master Plan as follows:

The Collington Local Employment Area is an industrial and flex commercial center located west of US 301 and north of Leeland Road at the southern end of the plan area. It is currently the industrial core of Bowie-Mitchellville and Vicinity, featuring more than 460 acres of primarily light-industrial land use, comprised mainly of warehouses and distribution centers, and not heavier industrial uses typically associated with increased community impacts. Just north of the trade zone, South Lake, a mixed-use development on more than 380 acres annexed by the City of Bowie in 2019, presents an opportunity to expand retail services and housing options for both nearby residents and employers in the area.

(See 2022 Master Plan, p. 40)

The Planning Board and District Council approved an industrial zoning recommendation for the Collington Local Employment Area as reflected in the Comprehensive Zoning Section of the 2022 Master Plan. Specifically, the 2022 Master Plan now recommends the I-H Zone (Industrial-Heavy) for the entirety of the Collington Local Employment Area as follows:

- Revise Strategy CZ 7.1 as follows:

Reclassify the properties at the Collington Local Employment Area to the Industrial Heavy (IH) Zone rather than [Industrial, Employment (IE) Zone].



(See 2022 Master Plan, Boundaries of Collington Employment Area)

I. Conformance with E-I-A Zone Regulations

The subject Application meets all of the applicable requirements of the E-I-A Zone, as authorized pursuant to the provisions of CB-22-2020. The applicable E-I-A Zone provisions are as follows:

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

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

RESPONSE: The proposed land uses on the subject Property (Parcel 11) include a maximum of 301,392 square feet of warehouse/distribution uses (which includes 58,968 sq ft of office space) which will serve the residents of the County and region. The uses proposed are permitted by right in the E-I-A Zone Table of Uses.

(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 development shall meet all M-X-T Zone requirements in Part 10.

RESPONSE: The subject Application is not for a mixed-use planned community.

Section 27-501. - Regulations.

(a) General standards.

<i>(1) Minimum size of zone (except as provided in Section 27-502)</i>	<i>5 adjoining gross acres</i>
<i>(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</i>	<i>20% of net lot area</i>

RESPONSE: The NCBP consists of an assemblage of land that totals 442± acres, thereby meeting the minimum area requirements in Section 27-501(a)(1) above. Additionally, CB-22-2020 amended the Zoning Ordinance to eliminate the applicability of Section 27-501(a)(2) for properties/projects such as the NCBP.

Further, Section 27-515(b), footnote 38(b) states that qualifying projects such as the NCBP shall have a minimum green area of 10% of the net lot area. The SDP meets the 10% minimum green area requirements (as reflected in general notes on the SDP plan sheets). Specifically, 35.6% of the net lot area of Parcel 11 (or 9.49 acres) will be open space.

(b) Other regulations.

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

RESPONSE: Parcel 11 will have frontage on, and direct vehicular access to, a public street (Queens Court).

- (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.**

RESPONSE: As part of this application, the Applicant's proposal has been designed to meet all of the applicable requirements set forth above.

(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.**

RESPONSE: This section is not applicable as the Applicant is not proposing a Mixed-Use Planned Community.

- (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.**

RESPONSE: This section is not applicable as the Applicant is not proposing a Mixed-Use Planned Community.

(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.**

RESPONSE: The Applicant acknowledges this section and has properly identified all "adjoining" properties in all applications pertaining to development on Parcel 11 in this SDP.

J. Relationship to Requirements in the Zoning Ordinance:

Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a 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);**

RESPONSE: There are no townhouses or other residential uses proposed on the Property. The Applicant requests approval of a warehouse/distribution building on future Parcel 11. Prior approved applications A-9968-03 & CDP-0505-02 deleted any previously approved/proposed residential uses and set forth the design guidelines to be utilized for future development within the NCBP. Said design guidelines establish standards for building heights, setbacks, lot coverage and open space for the project which have been complied with and discussed in Section F, herein. Nonetheless, the proposed development in this SDP conforms to all relevant aspects of CDP-0505-02.

- (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;**

RESPONSE: The subject project is not a Regional Urban Community. Therefore, the requirements of this subpart are not applicable to the subject Application.

- (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, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

RESPONSE: The requested SDP will not represent an unreasonable burden on public facilities. To the contrary, the NCBP will lead to improvements by the Applicant of the US 301/Queens Court intersection (pursuant to its contribution to the US 301 CIP) and will not provide any direct connection to Leeland Road from the employment/industrial uses within the NCBP. A Traffic Impact Analysis was submitted with prior approved PPS 4-21056 which demonstrates that, with the recommended improvements set forth in the US 301 CIP project and other conditions of approval, all critical intersections will operate at adequate levels of service (as determined by the applicable portions of the County's Transportation Guidelines) to serve the proposed development. Moreover, the conversion of the uses on this site from residential to employment and institutional uses will eliminate impacts to the public-school system while at the same time significantly increasing the County's commercial tax base. It should also be noted that the Applicant's approved

preliminary plan for the NCBP reflects the provision of a 20-acre public park.

- (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;***

RESPONSE: Site Development Concept Plan Number 42013-2020-00 was approved by the Department of Permitting, Inspection and Enforcement on June 28, 2021. Further, Site Development Concept Plan No. 214-2022-00 was approved by DPIE on July 7, 2022, for Parcel 11. The Site Development Concept Plan Approval Letter is valid through July 7, 2025.

The submitted SDP and Site Development Concept Plan reflect that adequate provisions have been made for draining surface water with no adverse effects on the subject Property or adjacent properties. The subject SDP includes all necessary infrastructure to construct required stormwater management facilities.

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

RESPONSE: The subject application includes a proposed TCP II of the site. Said TCP II is consistent with the TCP I approved with companion PPS 4-21056.

- (5) ***The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).***

RESPONSE: The proposed SDP preserves all regulated environmental features to the fullest extent possible in accordance with Section 24-130(b)(5), and further seeks to minimize any impacts to said features through its plan design. An important feature of this project is the significant amount of open space and natural features being preserved by the Applicant. Approximately, 173.20 acres of the NCBP will be dedicated to a Business Owner's Association (or other appropriate entity/agency), and 20 acres will be dedicated to M-NCPPC for a public park.

- (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.***

RESPONSE: Comprehensive Design Plan, CDP-0505-02 & Type 1 Tree Conservation Plan, TCPI-004-2021-02, were approved by the Planning Board on May 19, 2022, which established the design guidelines for the project. Said design guidelines established standards for building heights, setbacks, lot coverage and open space for the project that will be reflected on all future specific design plans. The proposed SDP conforms to all relevant aspects of CDP-0505-02 (including, but not limited to, development envelopes, preservation of environmental features, lotting patterns, street network, and access point(s)). These standards, along with the approved Tree Conservation and Site Development

Concept Plans, will ensure the prevention of offsite property damage and prevent environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

(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.

RESPONSE: As discussed above and demonstrated within the contents of this present application, the proposed SDP conforms to this standard.

(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.

RESPONSE: The approved CDP plan, CDP-0505-02, contains a phasing plan for this very large and significant project. It is estimated that these phases in totality will create thousands of new jobs within the County. The aforementioned phasing program is for illustrative purposes only and is subject to change at the time of future entitlement applications. Development on Parcel 11 will likely be part of the initial phase of development for the NCBP.

(e) The Planning Board shall approve, approve with modifications, or disapprove the Specific Design Plan within seventy (70) days of its submittal. The month of August and the period between and inclusive of December 20 and January 3 shall not be included in calculating this seventy (70) day period. If no action is taken within seventy (70) days, the Specific Design Plan shall be deemed to have been approved. The applicant may (in writing) extend the seventy (70) day requirement to provide a longer specified review period not to exceed forty-five (45) additional days, or such other additional time period as determined by the applicant.

RESPONSE: The Applicant agrees with the above requirement. The Planning Board will follow the above procedures.

(f) For an application remanded to the Planning Board from the District Council, the Planning Board shall approve, approve with modifications, or disapprove the Specific Design Plan within sixty (60) days of the transmittal date of the notice of remand by the Clerk of the District Council. The month of August and the period between and inclusive of December 20 and January 3 shall not be included in calculating this sixty (60) day period.

RESPONSE: The Planning Board is required to comply with 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.

RESPONSE: The Applicant agrees with the above requirement.

- (h) The Planning Board's decision on a Specific Design Plan shall be embodied in a resolution adopted at a regularly scheduled public meeting. A copy and notice of the Planning Board's resolution shall be sent to all persons of record and the Clerk of the Council within seven (7) days after the date of the Planning Board's adoption. The resolution shall set forth the Planning Board's findings.*

RESPONSE: The Planning Board is required to comply with this requirement.

- (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.*

RESPONSE: The subject Property is not classified within a Village Zone.

K. Compliance with Prior Approved Entitlement Applications

Zoning Map Amendment (Basic Plan) A-9968-C-03

Basic Plan A-9968-C-03 was approved for the subject Property by the District Council on May 16, 2022, subject to 18 conditions and two comprehensive design considerations (Zoning Ordinance 2-2021). The following conditions pertain to the submitted SDP:

1. Proposed Lane Use Types and Quantities

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

*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*

RESPONSE: The Applicant is in agreement with the above land use quantities. The development proposed within this SDP does not exceed the land use quantities set forth above.

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.*

RESPONSE: The Applicant agrees with the above condition.

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.*

RESPONSE: The Applicant agrees with the above condition and has worked with DPR to determine/design an appropriate programmatic scheme for the future 20-acre park. The triggers for the design, bonding, and completion of the public park facilities were determined as part of SDP-1603-02. The Public Recreation Facilities Agreement (RFA) has also been approved by M-NCPPC and was recorded in Land Records on August 29, 2022.

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.*

RESPONSE: The Applicant agrees with the above condition. The 10-foot-wide master plan shared-use path was properly reflected on SDP-1603-01 & PPS 4-21056.

18. *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.*

RESPONSE: The Applicant agrees with the above condition.

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.*

RESPONSE: The Applicant agrees with the above condition. The proposed SDP preserves all regulated environmental features to the fullest extent possible in accordance with Section 24-130(b)(5), and further seeks to minimize any impacts to said features through its plan design. An important feature of this project is the significant amount of open space and natural features being preserved by the Applicant. Approximately, 173.20 acres of the NCBP will be dedicated to a Business Owner's Association (or other appropriate entity/agency), and 20 acres will be dedicated to M-NCPPC for a public park.

2. ***All proposed internal streets and developments should follow complete street 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.***

RESPONSE: The instant SDP does not propose any internal public streets within Parcels 11. Nonetheless, the public street that Parcel 11 fronts on (Queens Court) will follow complete street principles as approved in SDP-1603-01.

Comprehensive Design Plan, CDP-0505-02

Comprehensive Design Plan, CDP-0505-02, & Type 1 Tree Conservation Plan, TCPI-004-2021-02, were approved by the Planning Board on May 5, 2022. The Resolution of Approval (PGCPB No. 2022-53) was adopted by the Planning Board on May 19, 2022. On June 6, 2022, the District Council waived their right to review Comprehensive Design Plan CDP-0505-02. The following conditions of approval from CDP-0505-02 apply to the review of the subject SDP application:

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.***

RESPONSE: The Applicant is in agreement with the above condition. The development proposed with this SDP does not exceed the trip cap set forth above.

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.*

RESPONSE: The Applicant is in agreement with the above condition. The Applicant's preference is to make physical improvements. In the event that this option is invoked, a transportation phasing plan for improvements has been included with subject application. This phasing plan was prepared Lenhart Traffic Consulting, Inc. to address transportation conditions established with PPS 4-21056. This phasing plan was initially submitted for prior approved SDP-1603-02, and was resubmitted for SDP-2201, SDP-2202 (both currently pending) and the subject application in order to address the above condition.

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

RESPONSE: The Applicant is in agreement with the above condition. The subject SDP application only includes Parcels 11. However, all frontage improvements required along Queen's Court are properly reflected on the submitted SDP.

Preliminary Plan of Subdivision 4-21056

Preliminary Plan of Subdivision, 4-21056, Type 1 Tree Conservation Plan, TCP1-004-2021-03, and Variance from Section 25-122(b)(1)(G) for the removal of specimen trees was approved by the Prince George's County Planning Board on June 2, 2022. The resolution of approval (PGCPB No. 2022-70) was adopted on June 9, 2022. The following conditions of approval apply to the review of the subject SDP application:

- 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.*

RESPONSE: The Applicant is in agreement with the above condition and the development proposed in the instant SDP does not exceed this cap.

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.***

RESPONSE: The Applicant is in agreement with the above condition. No residential development is proposed with the subject SDP application.

4. ***Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (42013-2020-00) and any subsequent revisions.***

RESPONSE: The Applicant is in agreement with the above condition. The development proposed with the SDP is in conformance with the approved SDCP or any subsequent revisions. Site Development Concept Plan No. 214-2022-00 has been approved by DPIE for Parcel 11. The Site Development Concept Plan Approval Letter was issued by DPIE on July 7, 2022, and is valid through July 7, 2025.

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

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

These requirements shall be noted on the specific design plan.

RESPONSE: The Applicant is in agreement with the above condition. The above requirements will be noted on the submitted SDP application.

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.***

When the signal is deemed warranted, the applicant shall construct the signal and associated improvements to the requirements and schedule directed by the operating agency.

RESPONSE: On June 30, 2022, the Planning Board approved SDP-1603-02 for 3,428,985 square-feet of warehouse/distribution/office on 90.11 acres within the NCBP, (PGCPB No. 2022-76). That application was the first SDP that included a proposed building. As a result, the above condition was reviewed and addressed at the time of SDP-1603-02.

A transportation phasing plan for improvements has been included with subject application. This phasing plan was prepared Lenhart Traffic Consulting, Inc. to address transportation conditions established with PPS 4-21056. This phasing plan was initially submitted for prior approved SDP-1603-02, and was resubmitted with SDP-2201, SDP-2202 (both currently pending) and the subject application in order to address the above condition.

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.

RESPONSE: The Applicant is in agreement with the above condition. The Applicant's preference is to make physical improvements. In the event that this option is invoked, a transportation phasing plan

for improvements has been included with subject application. This phasing plan was prepared Lenhart Traffic Consulting, Inc. to address transportation conditions established with PPS 4-21056. This phasing plan was initially submitted for prior approved SDP-1603-02, and was resubmitted with SDP-2201, SDP-2202 (both currently pending) and the subject application in order to address the above condition.

11. *The applicant shall provide an interconnected network of pedestrian and bicycle facilities consistent with the 2009 Countywide Master Plan of Transportation and the 2022 Approved Bowie-Mitchellville and Vicinity Master Plan policies and goals. The exact design and details of these facilities shall be provided as part of the first specific design plan, prior to its acceptance.*

RESPONSE: The Applicant is in agreement with the above conditions and the above items were shown on SDP-1603-01.

12. *The applicant's heirs, successors, and/or assignees 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.*

RESPONSE: The Applicant is in agreement with the above conditions and the above items were shown on SDP-1603-01.

13. *Prior to the issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall (a) have full financial assurances, (b) a permit for construction through the operating agency's access permit process, and (c) an agreed upon timetable for construction with the appropriate operating agency of 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 exact details shall be shown as a pan of the first specific design plan for a building, prior to its approval.*

RESPONSE: The Applicant is in agreement with the above conditions and the above items were shown on SDP-1603-01. The subject SDP application has no frontage on Leeland Road.

15. *The applicant shall be subject to the following requirements for development of the 10-foot-wide on-site feeder trail:*

- a. *The applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, the on-site feeder trail from the southern terminus of Logistics Lane to the shared-use path on Leeland Road.***
- b. *The on-site feeder trail shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Prince George's County Park and Recreation***

Facilities Guidelines, with the review of the specific design plan (SDP). Triggers for construction shall also be determined at the time of SDP.

- c. Prior to submission of the final plat of subdivision for any parcel, the applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of the on-site feeder trail, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.*
- d. Prior to approval of building permits for a new building, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the on-site feeder trail.*

RESPONSE: The Applicant is in agreement with the above conditions and the above items were shown on SDP-1603-01. The Private RFA for the NCBP including the onsite feeder trail was recorded in Land Records on September 7, 2022.

16. Recreational facilities to be constructed by the applicant shall be subject to the following:

- a. The timing for the development of the 20-acre park and Collington Branch Stream Valley Trail, and submittal of the revised construction drawings, shall be determined with the first specific design plan for development (not including infrastructure).*

RESPONSE: The Applicant is in agreement with the above condition. The Public RFA for the NCBP was recorded in Land Records on August 29, 2022, and contains all details related to the timing of development of the 20-acre park.

- d. The handicapped accessibility of all trails shall be reviewed during the review of the specific design plan.*

RESPONSE: The Applicant is in agreement with the above condition. There are no trails within the boundaries of the subject SDP application

Specific Design Plan 1603-01

SDP-1603-01 was approved by the Planning Board on January 27, 2022. Said application addressed infrastructure only for the NCBP. None of the 3 conditions approved with SDP-1603-01 apply to the review of the subject SDP application.

L. Conclusion

Based on the above reasons, SDP-1603-03 meets all requirements for approval set forth in the Zoning Ordinance. As such, the Applicant respectfully requests that the instant SDP be approved.

Thank you in advance for your consideration of this Application. If you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert J. Antonetti, Jr.", with a stylized flourish at the end.

Robert J. Antonetti, Jr.

RJA/jjf

Cc: NCBP Property LLC
Emily Dean, P.E.
John McGowan, P.E.

National Capital Business Park

TCP2 Site-wide Woodland Conservation Justification

Prepared 9.19.22

On behalf of the applicant, we are submitting a Tree Conservation Plan 2 (TCP2). The TCP2 proposes to meet the woodland conservation via a combination of both on-site woodland conservation as well as off-site preservation of connected woodlands in an approved woodland conservation bank. Per Section 25-122(c), other priority woodland conservation methods were evaluated for further on-site woodland conservation and were deemed not feasible (see below for details).

(A) On-site preservation of connected woodland and wildlife habitat areas using woodlands in good condition with limited amounts of invasive or exotic plants.

Per the approved Natural Resource Inventory (NRI-098-05-04), the existing forest stand contains a total of 186.15 acres of Primary Management Area (“PMA”) and includes approximately 15,622 linear feet of regulated streams and 94.77 acres of 100-year floodplain. The property is additionally subject to a timber harvest that has removed some of the previously existing wooded areas over a portion of the site pursuant to a timber harvest permit (FH-145-21/21506-2021) and the remainder of the site remained largely wooded.

(B) On-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas.

The subject property does not contain substantial native stock worthwhile to transfer and/or existing planting areas to connect to beyond the perimeter woodland conservation proposed. The central portion of the site will be cleared to accommodate the industrial building program pads and for infrastructure. We are proposing woodland conservation around the perimeter of the site as closely tied to the edge of the development parcels as feasible to maximize the perimeter woodland.

(C) On-site afforestation/reforestation of connected planting areas using native whip and seedling stock.

The subject property contains multiple existing planting areas to connect to, therefore it is worthwhile to install native whip and seedling stock as shown to provide proposed areas of afforestation/reforestation on-site that takes advantage of the contiguous woodland areas.

(D) On-site specimen, champion, and historic trees in good condition when the plan has been designed to ensure long-term survival.

The subject property does not contain any existing champion nor historic trees. Pursuant to the approved NRI noted above, there are 224 specimen trees identified in various conditions (32 listed in “good” condition). We have proposed to retain/preserve specimen trees to the extent practicable while allowing for the programmatic development of the project pursuant to the Code.

(E) On-site natural regeneration of connected areas in appropriate locations containing sufficient seed sources with appropriate protection mechanisms and long-term management.

This site is not suitable for natural regeneration. We have proposed multiple areas of afforestation/reforestation where appropriate instead.

(F) Off-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas, in an approved woodland conservation bank.

The subject property does not contain native stock worthwhile to transfer. We have utilized an off-site tree bank that contains suitable stock as is.

(G) Off-site afforestation/reforestation of connected planting areas using native whip and seedling stock in an approved woodland conservation bank.

We have selected an off-site tree bank that contains suitable existing woodland for this plan's requirements.

(H) Off-site preservation of connected woodlands in an approved woodland conservation bank.

The current plan proposes to meet the woodland conservation requirements by purchasing off-site credits from an approved tree bank.

The preceding justification for the request to provide a combination of both on-site and off-site woodland conservation of connected woodlands in an approved woodland conservation bank and onsite includes the entirety of the property for the National Capital Business Park project.

Prepared by:



Christopher M. Rizzi, PLA
Bohler

301-952-3972

November 9, 2022

MEMORANDUM

TO: Tierre Butler, Planner II, Urban Design, Development Review Division

VIA: David A. Green, MBA, Planner IV, Long Range Planning Section, Community Planning Division *DG*

FROM: Thomas Lester, Planner III, Master Plans and Studies Section, Community Planning Division *TEL*

SUBJECT: **SDP-1603-03 National Capital Business Park**

FINDINGS

Pursuant to Part 8, Division 4, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Specific Design Plan

Location: Northside of Leeland Road, Upper Marlboro, Maryland 20774

Size: 442 acres

Existing Uses: Vacant

Proposal: Warehouse and distribution facility

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located in the Established Communities growth policy area. The vision for context-sensitive infill and low- to medium-density development.

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.
- 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 Master Plan of Transportation right-of-way for I-300, and the Master Plan of Bicycle and Pedestrian shared-use path facility for Collington Branch Trail.

Planning Area/Community: 74A/Mitchellville and Vicinity

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The 2006 *Approved Sectional Map Amendment for Bowie and Vicinity* reclassified the subject property into the R-S (Residential Suburban Development) zone from the E-I-A (Employment and Institutional Area) Zone. Zoning Map Amendment A-9968-03 National Capital Business Park retained the subject property into the R-S (Residential Suburban Development) Zone. The 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* did not include a concurrent sectional map amendment. However, it did recommend IH (Industrial, Heavy) zoning for the subject property.

cc: Long-range Agenda Notebook

Kierre McCune, AICP, Planning Supervisor, Master Plans and Studies Section, Community Planning Division



Countywide Planning Division
Historic Preservation Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

301-952-3680

November 9, 2022

MEMORANDUM

TO: Tierre Butler, Urban Design Section, Development Review Division

VIA: Howard Berger, Historic Preservation Section, Countywide Planning Division **HSB**

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**

SUBJECT: SDP-1603-03 National Capital Business Park

The subject property comprises 26.23 acres, located on the north side of Leeland Road, approximately 3,000 feet west of its intersection with US 301. The subject property is zoned LCD and located within the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* area. The subject application proposes the development of a 301,392 square-foot warehouse/distribution building with 58,698 square feet of office space.

The 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* includes goals and policies related to historic preservation (pages 146–155). However, these are not specific to the subject site or applicable to the proposed development.

A Phase I archeological survey was conducted on the subject property in 2005. As part of the review documentation submitted by the applicant concerning the archeological investigations, the Historic Preservation Section requested that more information regarding a partially collapsed barn be presented prior to acceptance of the final report. The applicant retained the services of Greenhorne & O'Mara to investigate the structure. Background historic research was performed to identify the owner of the barn and to identify similar tobacco barns in the County. The barn was fully documented in color photographs and scaled line drawings, and a Maryland Inventory of Historic Properties (MIHP) form was completed. A final technical memorandum and the completed MIHP form were received by the Historic Preservation Section on April 2, 2007.

No further archeological work is recommended by the Historic Preservation Section on the National Capital Business Park property. With the submittal of the final technical report, the applicant has satisfied Condition 1 of the District Council Resolution for CDP-0505 dated April 9, 2007. The technical report has also addressed the request of the Historic Preservation Section to provide additional documentation on the Clarke Tobacco Barn, as stated in a letter dated January 10, 2007.

SDP-1603-03
November 9, 2022
Page 2 of 2

Historic Preservation Section Staff recommends approval of SDP-1603-03 National Capital Business Park, without conditions.

June 2, 2022

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section
VIA: Sherri Conner, Planning Supervisor, Subdivision Section *SC*
FROM: Mridula Gupta, Planner III, Subdivision Section *MG*
SUBJECT: SDP-1603-02; National Capital Business Park

The subject site considered in this amendment to Specific Design Plan SDP-1603 is for approximately 90.11-acre area out of overall 442.30 acres of overall development titled National Capital Business Park (NCBP). As part of this application, the applicant requests approval for the development of a 3,428,985 square-foot warehouse/distribution facility along with supporting parking and loading areas. The applicant included a lotting exhibit for the overall site which is consistent with the applicable Preliminary Plan of Subdivision (PPS) 4-21056. The development proposed with this SDP amendment is for Parcels 4-6 as currently shown on PPS 4-21056.

The area included in this SDP amendment is subject to Basic Plan A-9968-02 approved by the District Council on April 12, 2021 and amendment to Comprehensive Design Plan CDP-0505-01 approved by the Planning Board on April 29, 2021 for NCBP. Subsequent to these approvals, Preliminary Plan of Subdivision (PPS) 4-20032 was approved by the Prince George's County Planning Board on September 9, 2021 (PGCPB Resolution no. 2021-112) on a 442.30-acre property zoned prior Residential Suburban Development (R-S), Light Industrial (I-1) Zone, and Residential-Agriculture (R-A). PPS 4-20032 approved 36 parcels for development of a 3.5 million square-foot industrial park.

On March 30, 2017, Specific Design Plan SDP-1603 (PGCPB Resolution No. 17-144) was approved for residential development on the subject property. SDP-1603-01 was approved 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, retaining walls and directional signage that will serve the employment and institutional uses proposed for the property. This amendment to SDP-1603 has been filed to approve development of the first building in accordance with A-9968-02, CDP-0505-02, and PPS 4-20032.

PPS 4-21056 was approved by the Planning Board on June 2, 2022 for 27 parcels (including 12 development parcels, six parcels for conveyance to M-NCPPC, and nine parcels to be conveyed to the business owners association) for development of up to 5.5 million square feet of industrial use on the subject property. PPS 4-21056 supersedes PPS 4-20032, and this SDP-1603-02 will need to

conform to the new PPS and its conditions of approval. This SDP, therefore, is reviewed for conformance with the conditions of approval for PPS 4-21056.

There are 22 conditions of approval for PPS 4-21056, of which the conditions relevant to the review of this proposed SDP amendment are listed below in **bold** text. Staff analysis of the project's conformance to the conditions follows each one in plain text:

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.**

The development shown with SDP-1603-02 is consistent with PPS 4-21056. The proposed development should be further reviewed by the Transportation Planning Section for conformance with this condition.

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 proposed 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 Stormwater Management Concept Plan (42013-2020-00) and any subsequent revisions.**

The applicant submitted an approved Stormwater Management (SWM) Concept Plan (42013-2020-00) and approval letter with the subject SDP. The approved SWM Concept Plan does not reflect a layout approved with the PPS, or the building layout proposed with this SDP. The SWM Concept Plan should be further reviewed by the Environmental Planning Section for conformance to this condition and revised as determined necessary.

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.**

10-foot-wide public utility easements (PUEs) are not shown or labeled along the public rights-of-way of Queens Court and Logistics Lane in accordance with PPS 4-21056. The required PUEs should be delineated and labeled on all plan sheets.

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 (COMAR) 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.

The above requirements are not noted on the SDP.

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

The SDP reflects the rights-of-way for Queens Court and Logistics Lane, as approved with PPS 4-21056. The SDP, however, depicts a public right-of-way for Warehouse Way, which is not approved with PPS 4-21056 and not shown on the overall lotting exhibit provided with the SDP. This right-of-way should be removed from the plans.

- 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**
 - i. 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:**
 - i. A shared through and left and a shared through and right lane on the eastbound approach.**
 - ii. A shared through and left and a shared through and right lane on the westbound approach.**
 - iii. A shared through and left on the northbound approach and a shared through and right lane on the southbound approach.**

When the signal is deemed warranted, the applicant shall construct the signal and associated improvements to the requirements and schedule directed by the operating agency.

A phasing plan for the required transportation improvements was not included with this SDP. The Transportation Planning Section should further review the SDP for conformance with this condition.

- 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 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.

This condition requires that the phasing of US 301 improvements be submitted with each SDP application, if the applicant opts to provide such improvements in lieu of the fee payment. The applicant did not provide confirmation with this SDP, whether they intend to pay fee at the time of the building permit, or provide in lieu improvements. The Transportation Planning Section should further review the SDP for conformance with this condition.

- 11. The applicant shall provide an interconnected network of pedestrian and bicycle facilities consistent with the 2009 *Countywide Master Plan of Transportation* and the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* policies and goals. The exact design and details of these facilities shall be provided as part of the first specific design plan, prior to its acceptance.**

The SDP includes a Circulation Plan, a Pedestrian Circulation Plan, and site details for pedestrian facilities proposed with this SDP. The plans, however, do not show or label any bicycle facilities specific to this site (Parcels 4-6 as shown on PPS 4-21056). The Transportation Planning Section should further review the SDP for conformance with this condition.

- 12. The applicant's heirs, successors, and/or assignees 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.**

SDP-1603-01 approved the location and concept design details for the Collington Branch Stream Valley hiker/biker trail. Condition 16 of PPS 4-21056 requires that the timing for the development of the 20-acre community park and Collington Branch Stream Valley Trail be determined with the first specific design plan for development. Since the subject SDP-1603-02 is the first SDP for development for this property, the triggers for construction for both these facilities should be established with this SDP. The Urban Design Section and the Department of Parks and Recreation should review the SDP and determine these triggers.

The alignment and a detailed construction cross section for the on-site feeder trail was also approved with the prior infrastructure SDP-1603-01. Condition 3 of SDP-1603-01 (PGCPB Resolution No. 2022-10) established the trigger for construction of the on-site feeder trail, by requiring it to be constructed concurrently with any buildings on Parcel 14. Parcel 14 was a 7.51-acre parcel approved with PPS 4-20032, which is now included in the area of Parcel 10, a 10.69-acre parcel approved with PPS 4-21056. The portion of this condition, related to the feeder trail, will be reviewed again with a future SDP for Parcel 10. Along with an SDP application for Parcel 10, prior SDP-1603-01 must also be amended to reflect the new parcel layout and designation, and amend the trigger for construction to reference new Parcel 10 instead of prior Parcel 14.

- 13. Prior to the issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall (a) have full financial assurances, (b) a permit for construction through the operating agency's access permit process, and (c) an agreed upon timetable for construction with the appropriate operating agency of 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 exact details shall be shown as part of the first specific design plan for a building, prior to its approval.**

This condition states that the details for the required shared-use path along the subject site frontage of Leeland Road be shown with the first SDP for a building on the subject site. The details for this facility were included with infrastructure SDP-1603-01. The Transportation Planning Section should further review the SDP for conformance with Condition 13.

- 14. At the time of the first final plat, in accordance with Section 24-134(a)(4) of the prior Prince George's County Subdivision Regulations, approximately 113.21 +/- acres of parkland, as shown on the preliminary plan of subdivision, shall be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to the following conditions:**
 - a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, Upper Marlboro, along with the application of first final plat.**
 - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate any liens, leases, mortgages, or trusts have been released from the land to be conveyed to M-NCPPC.**

- c. **M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to application of the first building permit.**
- d. **The boundaries, lot or parcel identification, and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
- e. **The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the M-NCPPC Office of the General Counsel) shall be submitted to DPR within two weeks prior to applying for grading permits.**
- f. **All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures shall be removed. The Prince George's County Department of Parks and Recreation shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.**
- g. **Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, the Prince George's County Department of Parks and Recreation (DPR) shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement, prior to issuance of grading permits.**
- h. **In general, no stormwater management facilities, tree conservation, or utility easements shall be located on land owned by, or to be conveyed to, M-NCPPC. However, the Prince George's County Department of Parks and Recreation (DPR) recognizes that there may be need for conservation or utility easements in the dedicated M-NCPPC parkland. Prior to the granting of any easements, the applicant must obtain written consent from DPR. DPR shall review and approve the location and/or design of any needed easements. Should the easement requests be approved by DPR, a performance bond, maintenance and easement agreements may be required, prior to issuance of any grading permits.**

The boundaries, parcel identification, and acreage of the parcels to be conveyed to M-NCPPC were included on SDP-1603-01, and will be required to be conveyed with the first final plat for this development. Any discrepancy between the parcels previously shown on SDP-1603-01 and the current PPS 4-21056 will require a revision to the SDP prior to the approval of any plats.

15. **The applicant shall be subject to the following requirements for development of the 10-foot-wide on-site feeder trail:**
- a. **The applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, the on-site feeder trail from the southern terminus of Logistics Lane to the shared-use path on Leeland Road.**
 - b. **The on-site feeder trail shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Prince George's County *Park and Recreation Facilities Guidelines*, with the review of the specific design plan (SDP). Triggers for construction shall also be determined at the time of SDP.**
 - c. **Prior to submission of the final plat of subdivision for any parcel, the applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of the on-site feeder trail, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.**
 - d. **Prior to approval of building permits for a new building, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the on-site feeder trail.**

The alignment and a detailed construction cross section for the on-site feeder trail was approved with infrastructure SDP-1603-01. Condition 3 of SDP-1603-01 (PGCPB Resolution No. 2022-10) established the trigger for construction of the on-site feeder trail, by requiring that it be constructed concurrently with any buildings on Parcel 14. Parcel 14 was a 7.51-acre parcel approved with PPS 4-20032, which is now included in the area of Parcel 10, a 10.69-acre parcel approved with PPS 4-21056. This condition will be reviewed again with a future SDP revision for Parcel 14.

16. **Recreational facilities to be constructed by the applicant shall be subject to the following:**
- a. **The timing for the development of the 20-acre park and Collington Branch Stream Valley Trail, and submittal of the revised construction drawings, shall be determined with the first specific design plan for development (not including infrastructure).**
 - b. **The location of the Collington Branch Stream Valley Trail shall be staked in the field and approved by the Prince George's County Department of Parks and Recreation, prior to construction.**
 - c. **All trails shall be constructed to ensure dry passage. If wet areas must be**

traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Prince George's County Department of Parks and Recreation.

- d. The handicapped accessibility of all trails shall be reviewed during the review of the specific design plan.
- e. The public recreational facilities shall be constructed, in accordance with the standards outlined in the Prince George's County *Park and Recreation Facilities Guidelines*.
- f. Prior to submission of any final plats of subdivision, the applicant shall enter into a public recreational facilities agreement (RFA) with the Maryland-National Capital Park and Planning Commission for construction of recreation facilities on parkland. The applicant shall submit three original executed RFAs to the Prince George's County Department of Parks and Recreation (DPR) for their approval three weeks prior to the submission of the final plats. Upon approval by DPR, the RFA shall be recorded among the Prince George's County Land Records and the recording reference shall be noted on the final plat of subdivision prior to recordation. The RFA may be subsequently modified pursuant to specific design plan approvals, or revisions thereto, which determine the timing for construction of the 20-acre park and Collington Branch Stream Valley Trail.
- g. Prior to the approval of the first building permit for a new building, the applicant shall submit to the Prince George's County Department of Parks and Recreation (DPR) a performance bond, a letter of credit, or other suitable financial guarantee, for construction of the public recreation facilities, including the Collington Branch Stream Valley Trail, in the amount to be determined by DPR.

SDP-1603-01 approved the location and concept design details for the Collington Branch Stream Valley hiker/biker trail. Since the subject SDP-1603-02 is the first SDP for development for this site, the triggers for construction for both these facilities should be established with this SDP. The Urban Design Section and the Department of Parks and Recreation should review the SDP for conformance with Condition 16a and 16d.

18. **Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan (TCP1-004-2021-03). 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 (TCP1-004-2021-03 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."

The Environmental Planning Section should review the application for conformance with this condition.

Additional Plan Comments

1. General Note 11 on the Cover Sheet of the SDP states that two parcels are proposed with this SDP. However, General Note 12 lists three parcels (Parcels 6, 7, and 9) and the phasing exhibit provided by the applicant includes two Parcel 9 labels. The subject property area is consistent with the area of Parcels 4-6 as currently shown on the PPS; the SDP should be revised in all instances to identify the subject site consistently with the PPS. The proposed parcels are also not labeled on the SDP. The parcels included with this SDP should be clearly shown, labeled with their area, and their boundary lines identified with bearings and distances.
2. A General Note providing a list of previous approvals for the subject property is missing from the Cover Sheet of the SDP. Such a note should be added and should include reference to PPS 4-21056 applicable to this property.
3. Bearings and distances for parcel boundary lines are missing from the plan sheets and should be provided wherever parcel boundary lines are visible.
4. General Notes 2 and 4 on the Cover Sheet provide conflicting zoning for the subject site. These notes should be revised to list the correct property zoning.
5. There are numerous discrepancies between the PPS and the SDP plans related to the number of parcels shown, their designation and disposition. While PPS 4-21056 depicts 12 development parcels, six parcels for conveyance to M-NCPPC, and nine parcels to be conveyed to the business owners association (BOA), the Phasing Exhibit includes 13 development parcels including two labeled as Parcel 9, and 10 parcels to be conveyed to the BOA. While PPS 4-21056 does not include a Parcel 3 and Parcel B1, the Phasing Exhibit shows both these parcels. In addition, the disposition of several parcels located south of Queens Court in the Phasing Exhibit (Parcels 1, 2, 9, 10, 13, B1, B9, B10) do not conform to the parcel layout depicted on 4-21056. As stated in comment 1 above, the parcels constituting the subject site in this SDP are also not consistent with the PPS. All these discrepancies among the PPS, the SDP, and the Phasing Exhibit should be resolved so that all plans are consistent with each other, and all parcels should to be labeled sequentially. The total number of parcels shall not exceed those approved under PPS 4-21056.

Recommended Conditions

1. Prior to signature approval of the specific design plan, the plans shall be revised as follows:
 - a. Provide a general note listing prior applicable approvals to include Preliminary Plan of Subdivision 4-21056.

- b. Clearly show and label the 10-foot-wide public utility easement along both sides of public rights-of-way, in accordance with the approved preliminary plan of subdivision, on all applicable plan sheets.
- c. Provide bearings and distances for all parcel boundary lines, and provide the parcel labels and areas on all applicable plan sheets.
- d. Provide notes on the SDP to address Condition 7 of the Preliminary Plan of Subdivision 4-21056.
- e. Remove the public right-of-way for Warehouse Way, and depict the parcel and road layout in accordance with Preliminary Plan of Subdivision 4-21056.
- f. Revise General Notes 11 and 12 to correctly identify the number of parcels included with this specific design plan (Parcels 4-6 in accordance with Preliminary Plan of Subdivision 4-21056).
- g. Revise General Notes 2 and 4 on the Cover Sheet to list the correct property zoning.
- h. Resolve all discrepancies among the PPS, the SDP, and the Phasing Exhibit so that all plans are consistent with each other related to the number of parcels shown, their designation and disposition, and label all parcels sequentially.

The referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. The SDP has been found to be in substantial conformance with the preliminary plan of subdivision, with the recommended conditions. All bearings and distances must be clearly shown on the SDP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

November 17, 2022

MEMORANDUM

TO: Tierre Butler, Planner II, Urban Design Section, DRD

VIA: Maria Martin, Acting Supervisor, Environmental Planning Section, CWPD *MM*

FROM: Suzanne Nickle, Planner IV, Environmental Planning Section, CWPD *SN*

SUBJECT: **National Capital Business Park, Parcel 11, SDP-1603-03 and TCP2-026-2021-06**

The Environmental Planning Section (EPS) has reviewed the Specific Design Plan (SDP-1603-03) for National Capital Business Park, received on November 3, 2022. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on November 14, 2022. Revised materials were submitted November 14. The EPS recommends approval of SDP-1603-03 and TCP2-026-2021-06, subject to the recommended findings and conditions found at the end of this memorandum.

BACKGROUND

The EPS previously reviewed the following applications and associated plans for the subject site:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
A-9968	N/A	District Council	Approved	5/22/2006	Final Decision
CDP-0505	TCP1-010-06	Planning Board	Approved	8/8/2005	PGCPB 06-273
NRI-098-05	N/A	Planning Director	Signed	12/31/2005	N/A
CR-11-2006	N/A	District Council	Approved	2/7/2006	SMA Bowie and Vicinity
NRI-098-05-01	N/A	Planning Director	Signed	12/19/2006	N/A
NRI-098-05-02	N/A	Planning Director	Signed	1/11/2007	N/A
4-06066	TCP1-010-06-01	Planning Board	Approved	2/8/2007	PGCPB No. 07-43
SDP-1603	TCP2-028-2016	Planning Board	Approved	3/30/2017	PGCPB No. 17-44

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
A-9968-01	N/A	District Council	Approved	5/13/2019	Zoning Ordinance No. 5-2019
NRI-098-05-03	N/A	Planning Director	Signed	2/9/2020	N/A
NRI-098-05-04	N/A	Planning Director	Signed	3/3/2021	N/A
A-9968-02	N/A	District Council	Approved	4/12/2021	Zoning Ordinance No. 2-2021
CDP-0505-01	TCP1-004-2021	Planning Board	Approved	4/29/2021	PGCPB No. 2021-50
4-20032	TCP1-004-2021-01	Planning Board	Approved	9/30/2021	PGCPB No. 2021-112
N/A	TCP2-026-2021	Planning Director	Approved	2/18/2022	N/A
SDP-1603-01	TCP2-026-2021-01	Planning Board	Approved	1/13/2022	PGCPB No. 2022-10
A-9968-03	N/A	District Council	Approved	5/16/2022	Zoning Ordinance No. 6-2022
CDP-0505-02	TCP1-004-2021-02	Planning Board	Approved	5/5/2022	PGCPB No. 2022-53
4-21056	TCP1-004-2021-03	Planning Board	Approved	6/2/2022	PGCPB No. 2022-70
N/A	TCP2-026-2021-05	Planning Director	Approved	10-21-2022	N/A
SDP-1603-02	TCP2-026-2021-02	District Council	Approved	10/17/2022	PGCPB No. 2022-76
SDP-1603-04	TCP2-026-2021-03	Planning Director	Pending	Pending	Pending
SDP-2201	TCP2-026-2021-04	Planning Board	Pending	Pending	Pending
SDP-1603-03	TCP2-026-2021-06	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

This application requests an approval for a 442.30-acre site for the development of a 301,392 square-foot warehouse/distribution building with 58,968 square feet of office space in the prior Light Industrial (I-1), Residential-Agricultural (R-A), and Residential Suburban Development (R-S) Zones.

The current zoning for this site is Legacy Comprehensive Design (LCD), Agricultural Residential (AR), and Industrial, Employment (IE); however, the applicant has opted to apply the zoning standards to this application that were in effect prior to April 1, 2022. For this property, the current zones are compatible to the prior zones.

GRANDFATHERING

The project is subject to the current environmental regulations of Subtitle 25 and prior Subtitles 24 and 27 that came into effect on September 1, 2010, and February 1, 2012, because the application was approved with a new Preliminary Plan of Subdivision (PPS 4-21056).

SITE DESCRIPTION

Although the geographic area of SDP-1603-03 is specific to proposed Parcel 11, the TCP2 revision covers the entire National Capital Business Park subdivision. The TCP2 includes 442.30 acres located on the north side of Leeland Road, east of the railroad tracks, and west of Crain Highway (US 301).

There are streams, wetlands, 100-year floodplains with associated areas of steep slopes and highly erodible soils, and areas of severe slopes on the property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), a Sensitive Species Project Review Area (SSPRA), as delineated on the SSPRA GIS layer, is found to occur in the vicinity of this property. Further information received from the Wildlife and Heritage staff indicated known records related to three rare, threatened, or endangered (RTE) aquatic species in Collington Branch, and the possible presence of several RTE plants. Leeland Road, a designated scenic road, is adjacent to this development. This property is located in the Collington Branch watershed in the Patuxent River basin and contains the mainstem of Collington Branch along the western side of the property. The site is located within the Established Community Areas of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by *Plan Prince George's 2035 Approved General Plan*. The overall site contains Regulated Areas and Evaluation Areas, as designated on the *Countywide Green Infrastructure Plan of the Approved Prince George's Resource Conservation Plan* (May 2017).

PRIOR APPROVALS

The site was subject to several prior approvals (A-9968, CDP-0505, 4-06066, SDP-1603, and A-9968-01), which proposed to develop a residential subdivision. This prior residential use will not be implemented with the development proposed with SDP-1603-03. Previous conditions of approval related to the residential use are not applicable because the use and site design have changed.

Review of Environmental Conditions and Considerations of Approval for A-9968-03

An amendment to the basic plan, A-9968-02, was transmitted to the Zoning Hearing Examiner to replace the previously approved residential use with warehouse/distribution, office, light industrial/manufacturing and/or institutional uses, and a public park. The approval of the subsequent amendment, A-9968-03, supersedes all previous approvals.

The amendment to the basic plan, A-9968-03, was transmitted to the Zoning Hearing Examiner to increase the employment and institutional uses for a total gross floor area of 5.5 million square

feet and dedication for a public park. The conditions and considerations of approval for the zoning map amendment, which are environmental in nature for A-9968-03, as provided in Zoning Ordinance No. 6-2022, are addressed below:

Review of Environmental Conditions and Considerations of Approval for A-9968-03 Conditions

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

A valid natural resources inventory (NRI) plan (NRI-098-05-04) was submitted with this application.

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

A geotechnical report dated August 6, 2021, and prepared by Geo-Technology Associates, Inc., was included with the comprehensive design plan (CDP) revision and was reviewed for completeness. The approximate locations of the unmitigated 1.5 safety factor lines are shown on the TCP2.

- 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 redesign plan, and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any application for preliminary plans.**

The subject site contains five identified species of RTE plants and three State-listed threatened or endangered fish species within the Collington Branch and/or Black Branch watersheds. A Rare, Threatened and Endangered Species Habitat Protection and Management Program was approved with the preliminary plan, dated April 23, 2021, and revised May 7, 2021. This management program was prepared for the current project, and submitted with PPS 4-20032, and resubmitted with 4-21056. On May 27, 2021, the DNR NHP approved the final version of the habitat protection and monitoring plan. Annual monitoring reports are required to be filed with both The Maryland-National Capital Park and Planning Commission (M-NCPPC) and DNR.

The timeline presented by the applicant for the construction of the current project anticipates issuance of the first building permit in the Spring of 2023. In accordance with the Habitat Protection and Management Program report, hydrologic monitoring for a minimum of one year, prior to the issuance of the first grading permit, was required to establish a baseline of data. This monitoring was performed by the applicant on April 20, 2021, and June 1-2, 2021. The report was submitted to DNR and the EPS on September 10, 2021.

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

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

A valid NRI plan (NRI-098-05-04) was submitted with this application.

17. In the event the applicant elects to pursue an alternative access point(s) to the adjacent Collington Center via Pope's Creek Drive and/or Prince George's Boulevard, the transportation and environmental impacts of any additional access point(s) shall be evaluated at the time of comprehensive design plan or preliminary plan.

The alternative or additional access points described in the finding above were not proposed or approved with SDP-1603-03.

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.

The development proposed with SDP-1603-03 has been determined in part by the environmental constraints of the site, including the regulated environmental features (REF) and the soils. For the overall National Capital Business Park development, minimal impacts to the environmental features are proposed. Impacts to the primary management area (PMA) were previously approved with 4-21056, SDP-1603-01, and SDP-1603-02, and are still valid. No additional impacts are requested with the subject case SDP-1603-03.

Review of Environmental Conditions and Considerations of Approval for CDP-0505-02

An amendment to the Comprehensive Design Plan (CDP-0505-01) was approved by the Planning Board to replace the previously approved residential use with warehouse/distribution, office, light industrial/manufacturing and/or institutional uses, and a potential public park. The approval of the subsequent amendment (CDP-0505-02) supersedes all previous approvals.

An amendment to CDP-0505-02 was approved by the Planning Board to increase the employment and institutional uses for a total gross floor area of 5.5 million square feet and dedication for a public park. The conditions and considerations of approval for the CDP, which are environmental in nature, are addressed below:

1. **Prior to certification of this comprehensive design plan (CDP), the applicant shall:**
 - 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 General 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 grey.**
 - (7) **Revise the proposed grading on the plan to be solid black, not grey 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.**

These conditions will be addressed prior to certification of CDP-0505-02 and TCP1-004-2021-02.

Review of TCP2-026-2021 and TCP2-026-2021-05

Type 2 Tree Conservation Plan TCP2-026-2022 was approved by the Planning Director on February 18, 2022, for a rough grading permit. The approval of TCP2-026-2021-05, approved October 21, 2022, supersedes the prior approval for an amended rough grading permit and expanded the limits of disturbance (LOD) in conformance with 4-21056 and SDP-1603-01.

Review of 4-21056

Preliminary Plan of Subdivision 4-21056 was approved by the Planning Board June 2, 2022, (PGCPB Resolution No. 2022-70) for 5.5 million square feet of employment and industrial uses. The approval of 4-21056 supersedes the prior approval of PPS 4-20032. The approval conditions, which are environmental in nature, are shown in **bold** and are addressed below.

17. **Prior to signature approval of the preliminary plan of subdivision (PPS), the Type 1 tree conservation plan shall be revised as follows:**
 - a. **The specimen tree table shall be updated to note in the disposition box which trees were removed with the timber harvest approval, with the prior PPS 4-20032 and Specific Design Plan SDP-1603-01 approvals, and with the current PPS 4-21056. Specimen trees shown on the plan as to remain should not be shown as to be removed in the table.**
 - b. **Add the standard Subtitle 25 variance note under the Specimen Tree Table or Woodland Conservation Worksheet identifying with specificity the variance decision consistent with the decision of the Prince George’s County Planning Board:**

“NOTE: This plan is in accordance with the following variance(s) from the strict requirements of Section 25-122(b)(1)(G) as approved by the Planning Board on (ADD DATE) with 4-21056 for the removal of the following specimen trees: 25, 26, 132, 133, 134, 135, 136, 137, 239, 240, and 241.
 - c. **Correct the tree conservation plan number in the worksheet from “TCP1-004-21056” to “TCP1-004-2021” and change the revision number to “3.”**
 - d. **Correct the unmitigated 1.5 safety factor line on the plan and in the legend to match.**
 - e. **Have the Type 1 Tree Conservation Worksheet signed by the qualified professional who prepared it.**
 - f. **Have the plans signed and dated by the qualified professional who prepared them.**

These conditions will be addressed prior to signature approval of 4-21056 and TCP1-004-2021-03.

- 18. Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-004-2021-03). 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 (TCP1-004-2021-03 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.”

- 20. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section, prior to approval of the final plat. The following note shall be placed on the plat:**

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

These conditions will be addressed with the final plat review.

- 21. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition shall be addressed by the applicant with the permit review.

- 22. Prior to the issuance of the fine grading permit, the applicant shall post a rare, threatened, and endangered species monitoring bond with Prince George’s County Department of Permitting, Inspections and Enforcement in accordance with the**

Habitat Protection and Management Program as approved by Maryland Department of Natural Resources.

This condition will be addressed by the applicant with the review of the fine grading permit.

Review of SDP-1603-01

Specific Design Plan SDP-1603-01 was approved by the Planning Board January 13, 2022, (PGCPB Resolution No. 2022-10) for infrastructure only. Currently, there is an amendment to the infrastructure plan in review as SDP-1603-04, but at the time of writing this referral, this case is pending approval. Until SDP-1603-04 is approved, SDP-1603-01 is still valid. The approval conditions of SDP-1603-01, which are environmental in nature, are shown in **bold** and are addressed below.

1. **Prior to certification of this specific design plan (SDP), the applicant shall:**
 - f. **Submit a copy of the erosion and sediment control technical plan so that the ultimate limits of disturbance for the project can be verified and shown correctly on the Type 2 tree conservation plan.**
 - g. **Submit the current Natural Resources Inventory NRI-098-05-04 as part of the record for SDP-1603-01.**
 - h. **Submit the current geotechnical report and slope stability analysis.**
2. **Prior to certification of Type 2 Tree Conservation Plan TCP2-026-2021-01, the applicant shall provide information or make revisions as follows:**
 - a. **The TCP2 shall be revised to show the location of the Marlboro clay outcropping, the unmitigated 1.5 safety factor line, and the mitigated 1.5 safety factor line following the Environmental Technical Manual.**
 - b. **Add the TCP2-026-2021-01 case number to the worksheet and the Environmental Planning Section approval block. Remove the signature references to TCP2-028-2016. Remove references in the worksheet to Detailed Site Plan DSP-06028, TCP2-083-02-01, and TCP2-083-02-02 and replace with the correct case numbers.**
 - c. **Remove the "Ultimate Conditions" in the title blocks of all the sheets and update the case number as "SDP-1603-01."**
 - d. **Permanent tree protection fencing shall be added to the plans and legend protecting the vulnerable edges of the reforestation. Temporary tree protection fencing shall be added to the edges of the woodland preservation.**
 - e. **Label all retaining walls on the plans and add top and bottom of wall elevations.**

- f. Add bearings and distances to the overall property lines and to the internal property lines.**
- g. Label the proposed parcels.**
- h. Correct all references for “TCPII” to “TCP2” as the development is not grandfathered and is subject to the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance.**
- i. Add a sheet key map to Sheet C-300.**
- j. Show the existing and proposed contours on all sheets.**
- k. Show the specimen trees within the dedicated park area and in the Collington Branch Trail as to remain. The disposition of these specimen trees will be reviewed with a future SDP. The following note shall be added to the plan below the worksheet: “The clearing for the park and associated trails is conceptual with SDP-1603-01. Final clearing and specimen tree removal will require a revision to the TCP2.”**
- l. On Sheet C-300, remove the “X” and fill out the “Owner/Applicant” information for the development.**
- m. Revise Sheet C-300 and C-301 as follows:**
 - (1) To have the standard TCP2 notes.**
 - (2) Eliminate one of the sets of duplicate notes.**
 - (3) Correct Note 1 to remove the “rough grading permit” reference and replace with the specific case number “SDP-1603-01.”**
 - (4) Correct Note 8 to reflect that Leeland Road is a major collector, not an arterial.**
- n. Revise sheet C-301 as follows:**
 - (1) Add the “tree preservation and retention,” “phasing development,” and the “off-site woodland conservation” notes.**
 - (2) Add the “post development notes when woodlands and specimen trees are to remain.” Remove the “Landscape Specification” notes.**
 - (3) Correct the reforestation planting schedule to reflect the site stocking requirements for container grown seedling tubes (minimum caliper width 1.5”) to the 500 seedlings per acre requirement in the Environmental Technical Manual.**

- (4) **The site stocking detail is not current. Replace with the site stocking detail "TCP-35 on page Appendix A-60 of the Environmental Technical Manual.**
 - (5) **Add the tree planting and maintenance calendar detail TCP-29, page Appendix A-54 of the Environmental Technical Manual.**
- o. Revise Sheet C-307 as follows:**
 - (1) **Adjust the limits of disturbance north of the pond to follow the tree protection fencing, resulting in an increase to Preservation Area 2.**
 - (2) **Specimen Tree 240 shall be revised to show as to be removed. Specimen Tree 132 is located in Preservation Area 2 but is shown as to be removed. Revise to show that specimen trees within preservation areas are to remain.**
- p. Revise Sheet C-309 to adjust Preservation Area 15 to follow the limits of disturbance, update the totals for the label, in the charts, and worksheet accordingly.**
- q. Revise Sheet C-310 as to add a note that the proposed park facilities and Collington Branch Trail shall be reviewed with a future application, including variance requests for the removal of specimen trees and impacts to regulated environmental features.**
- r. Revise Sheet C-311 as follows.**
 - (1) **Reforestation Area F conflicts with the contours of the submerged gravel wetland pond area. Reconcile the conflict and adjust Reforestation Area F accordingly.**
 - (2) **The limits of disturbance and tree protection fence on the north side of the pond shall be located to closely follow the proposed grading to increase the area included in Preservation Area 6, preserving from the limits of disturbance to the floodplain.**
 - (3) **Adjust the resulting reforestation and preservation area totals, update the labels, in the charts, and worksheet accordingly.**
- s. Revise Sheet C-315 as follows:**
 - (1) **Remove the Preservation Area 6 hatch from the proposed sewer easement.**
 - (2) **Adjust Preservation Area 7 to follow the limits of disturbance on the**

southern portion of the proposed sewer easement.

- (3) Adjust the resulting preservation area totals, update the totals for the label, in the charts, and worksheet accordingly.**
- t. Revise Sheet C-316 as follows:**
 - (1) At the bottom of this sheet, label "Reforestation Area I 4.23 ac." does not lead to a reforestation area hatch. The adjoining Sheet C-319 does not show this area of reforestation. The grading in this area appears incomplete. Additional areas of reforestation are encouraged. If this area is to be reforested, then adjust the tree protection fencing.**
 - (2) Adjust the resulting reforestation area totals, update the totals for the label, in the charts, and worksheet accordingly.**
- u. Revise Sheet C-317 to relocate the label for the master-planned road so it is not cut off.**
- v. Revise Sheet C-318 to add a label for MC-600 and add the hatch pattern to the legend.**
- w. Revise Sheet C-319 as follows:**
 - (1) Preservation Area 8 shall be adjusted to include the stream buffer and the primary management area to the retaining wall. Adjust the resulting preservation area totals, update the totals for the label, in the charts, and worksheet accordingly.**
 - (2) Add the permanent tree protection fencing around Reforestation Area L.**
 - (3) The southeastern corner of the proposed pond shows woodland preservation area that is not labeled. This tree preservation area and tree protection fencing does not follow the limits of disturbance. Adjust the resulting preservation area totals, add the label, in the charts, and worksheet accordingly.**
 - (4) Add a label for MC-600 and add the hatch pattern to the legend.**
- x. Revise Sheet C-320 as follows:**
 - (1) Add the permanent tree protection fencing to the sheet.**
 - (2) Specimen Tree 97 is shown as to be removed but is located within Preservation Area 10. The current layout shows this specimen to remain, and the plans should reflect that.**

- y. **Revise all tables and calculations to reflect the results of the above revisions and reconcile and inconsistencies.**
- z. **Have the revised plan signed and dated by the qualified professional preparing the plan.**

These conditions will be addressed prior to certification of SDP-1603-01 and TCP2-026-2021-01.

Review of SDP-1603-02

Specific Design Plan SDP-1603-02 was approved by the Planning Board June 30, 2022, (PGCPB Resolution No. 2022-76) for a specific tenant on Parcel 6. The approval conditions, which are environmental in nature, are shown in **bold** and are addressed below.

- 1. **Prior to certification of the specific design plan (SDP), the applicant shall provide the following information and/or revise the site plan to provide the following:**
 - d. **Revise the Type 2 tree conservation plan (TCP2), as follows:**
 - (1) **Show the revised location of the Marlboro clay undercut/replacement 1.5 safety factor line.**
 - (2) **Show the regulated environmental features on the plan as black lines, not grey.**
 - (3) **In the legend, add “temporary” to the line type for the temporary tree protection fence.**
 - (4) **Revise the total plant units in the Reforestation Planting Schedule for reforestation Area M from “565” to “685,” and correct the total for this table.**
 - (5) **Correct Note 1 of the Standard Type 2 Tree Conservation Plan Notes to list the specific case number of “SDP-1603-02,” and remove the other case numbers.**
 - (6) **Revise Sheet C-303, in accordance with the proposed stormwater outfall, to remove the proposed reforestation from the easement area and update the totals for the label in the charts and worksheet, accordingly.**
 - (7) **Revise Sheet C-309 to adjust Preservation Area 15 to follow the limits of disturbance, and update the total areas for the label in the charts and worksheet, accordingly.**

- (8) **On Sheet C-310, revise the note regarding the proposed park facilities and Collington Branch Trail to reflect the current case number, "SDP-1603-02."**
 - (9) **Revise Sheet C-318 to add a label for MC-600 and add the hatch pattern to the legend.**
 - (10) **Revise Sheet C-319 to add a label for MC-600 and add the hatch pattern to the legend.**
 - (11) **Revise the worksheet and plans to reflect the grading, limits of disturbance, and reforestation proposed with the floodplain compensatory storage areas, for construction of Queens Court.**
 - (12) **Have the revised plan signed and dated by the qualified professional preparing the plan.**
- e. **Submit a copy of the erosion and sediment control technical plan, so that the ultimate limits of disturbance can be verified and shown on the final Type 2 tree conservation plan.**

These conditions will be addressed prior to certification of SDP-1603-02 and TCP2-026-2021-02.

Review of SDP-1603-04

Specific Design Plan SDP-1603-04 is currently in review as a revision to the infrastructure for the increase to 5.5 million square feet of employment and industrial uses. The approval of SDP-1603-04 will supersede the prior infrastructure plan (SDP-1603-01).

Review of SDP-2201

Specific Design Plan SDP-2201 is currently in review for a specific tenant on Parcel 12. The recommended approval conditions, which are environmental in nature, are technical revisions that are to be addressed with the certification review.

ENVIRONMENTAL REVIEW

Natural Resource Inventory

A valid NRI plan (NRI-098-05-04) was submitted with this application. The TCP2 and the SDP show all required information in conformance with the current NRI.

Woodland Conservation

This site 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 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. It 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.

The National Capital Business Park project is subject to the WCO and the ETM. A rough grading permit was approved for the site, utilizing the 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 PMA, and the variance request for the specimen tree removal will be analyzed with the application proposing the development of the park.

Section 25-122(c)(1) prioritizes methods to meet the woodland conservation requirements. 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 primary management area (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 86.76 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 woodland conservation threshold for the development is 52.40 acres, or 15.08-percent, which is proposed to be met in on-site in preservation. The central portion of the site was the subject of a timber harvest, which was implemented. The applicant contends that clearing of the central portion of the property is supported due to the implemented timber harvest. The applicant also contends 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. They state the next logical step is to provide the remaining requirement off-site within an approved tree bank. Staff support the applicants' request to meet the woodland preservation requirements, as stated on their SOJ through a combination of on-site and off-site preservation.

The overall woodland conservation worksheet shows the clearing of 254.35 acres (prior approvals 260.75 acres) of woodland on the net tract area, and the clearing of 1.86 acres (prior 1.09 acres) of woodland in the floodplain. Based on staff's calculations, this results in a woodland conservation requirement of 117.85 acres (prior 118.68 acres). The requirement is proposed to be met with 86.76 acres of on-site woodland preservation, 15.60 acres of on-site reforestation, and 15.49 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 the 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 listed at the end of this memorandum.

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."

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25, WCO, provided all the required findings in Section 25-119(d) can be met. A variance must be accompanied by a statement of justification (SOJ) stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance SOJ and specimen tree exhibit in support of a variance were approved by the Planning Board with prior cases 4-21056 and SDP-1603-01.

A timber harvest permit was previously approved for the site utilizing the approved LOD on the TCPII approved for the previous residential development, Willowbrook. Within the limits of the timber harvest area were fifty (50) specimen trees. No variance was required for the removal of these specimen trees because the TCPII was approved under the 1993 Woodland Conservation Ordinance and was grandfathered from the variance requirements that were established in the WCO. The current development is subject to the WCO, which requires a variance for the removal of specimen trees. A variance request was reviewed with 4-20032, and the Planning Board approved the removal of 69 specimen trees. A variance request was reviewed with SDP-1603-01 for infrastructure, and the Planning Board approved the removal of Specimen Trees 320 and 321. A variance request was resubmitted and reviewed with 4-21056, and the Planning Board approved the removal of 11 specimen trees. The trees were located generally in the area proposed for development, outside of REF. No additional trees are requested for removal with SDP-1603-03.

Regulated Environmental Features

There is PMA, comprised of REF, 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

REF in a natural state to the fullest extent possible. The development proposes impacts to the PMA, which were reviewed and approved by the Planning Board with 4-21056, SDP-1603-01, and SDP-1603-02. At time of certification of the TCP2, the plans shall be revised to reflect the PMA impacts as approved with 4-21056, SDP-1603-01, and SDP-1603-02.

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

Impacts to the REF should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management (SWM) facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to the REF. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code. This application does not propose revisions to the previously approved impacts, which will remain as approved with PPS 4-21056, SDP-1603-01, and SDP-1603-02.

Stormwater Management

An approved SWM concept plan (Case 214-2022-00, approved July 7, 2022) was submitted, which shows the use of three underground stormwater facilities for storage and quality requirement with sand filters. This development will be subject to a site development fine grading permit and continuing reviews by the County's DPIE and Soil Conservation District (SCD).

Scenic and Historic Roads

Leeland Road is designated as a scenic road in the *Approved Countywide Master Plan of Transportation* (November 2009), and has the functional classification of a major collector. The Master Plan of Transportation (MPOT) includes a section on Special Roadways, which includes designated scenic and historic roads, and provides specific policies and strategies which are applicable to this roadway, including to conserve and enhance the viewsheds along designated roadways. Any improvements within the right-of-way of an historic road are subject to approval by the County under the Design Guidelines and Standards for Scenic and Historic Roads. The Prince George's County Landscape Manual addresses the requirements regarding buffers on scenic

and historic roads. Conformance to the Landscape Manual will be reviewed by the Urban Design Section.

Soils

According to the Prince George's County Soil Survey, the principal soils on the site are in the Adelpia, Bibb, Collington, Colemantown Elkton, Howel, Marr, Monmouth, Sandy Land, Shrewsbury, and Westphalia series. Adelphi, Collington and Marr soils are in hydrologic class B, and are not highly erodible. Bibb and Shrewsbury soils are in hydrologic class D and pose various difficulties for development due to high water table, impeded drainage, and flood hazard. Colemantown and Elkton soils are in hydrologic class D and have a K factor of 0.43, making them highly erodible. Howell and Westphalia soils are in hydrologic class B and are highly erodible. Monmouth soils are in hydrologic class C and have a K factor of 0.43, making them highly erodible. Sandy land soils are in hydrologic class A and pose few difficulties to development.

Marlboro clay is found to occur extensively in the vicinity of and on this property. The TCP2 shows the approximate location of the unmitigated and mitigated 1.5 safety factor line, in accordance with a Geotechnical report dated March 17, 2022, and prepared by Geo-Technology Associates, Inc.

Erosion and Sediment Control

The site is located within a Sediment Total Maximum Daily Load (TMDL), as established by the state. Watersheds within a TMDL for Sediment will typically require erosion and sediment control measures above and beyond the standard treatments. The site also contains RTE species, including fish located in the Collington Branch. Redundant erosion and sediment control measures are also required for protection of the RTE species. Additional information, as determined by DPIE and the SCD in their respective reviews for SWM and erosion and sediment control, may be required.

The County requires the approval of an Erosion and Sediment Control Plan, prior to issuance of a grading permit. The TCP must reflect the ultimate LOD, not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including Erosion and Sediment Control measures.

Prior to certification of SDP-1603-03, a copy of the Erosion and Sediment Control Technical Plan must be submitted so that the ultimate LOD for the project can be verified and shown on the TCP2.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS

The EPS has completed the review of SDP-1603-03 and TCP2-026-2021-06, and recommends approval subject to the following findings and conditions:

Recommended Findings:

1. The regulated environmental features (REF) on the subject property have been preserved and/or restored to the fullest extent possible. No additional impacts are proposed with this application.
2. No specimen trees are proposed for removal with this application.

Recommended Conditions:

1. The TCP2 shall meet all the requirements of Subtitle 25, Division 2, and the Environmental Technical Manual (ETM) prior to certification, 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 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 floodplain.
 - d. Sheet C-300:
 - i. Remove the nonstandard general notes.
 - ii. Relocate the “Post Development Notes” to Sheet C-301 with the rest of the TCP2 notes.
 - iii. On the Key Map, add the development proposed with SDP-2201 (Parcel 12).
 - iv. In the woodland conservation worksheet, correct the revision number from “2” to “6”.
 - v. Correct the note under the worksheet on the park and trail to reflect the current case “SDP-1603-03”.
 - e. Sheet C-301:
 - i. Update the Specimen Tree List to reflect current approvals.
 - ii. Remove the “Phased Development Notes.”
 - iii. 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.

2. Prior to certification of SDP-1603-03, a copy of the Erosion and Sediment Control Technical Plan must be submitted so that the ultimate LOD for the project can be verified and shown on the TCP2.

National Capital Business Park

TCP2 Site-wide Woodland Conservation Justification

TCP2-026-2021-04

Prepared 11/18/2022

On behalf of the applicant, we are submitting a Tree Conservation Plan 2 (TCP2). The TCP2 proposes to meet the woodland conservation via a combination of both on-site woodland conservation as well as off-site preservation of connected woodlands in an approved woodland conservation bank. Per Section 25-122(c), other priority woodland conservation methods were evaluated for further on-site woodland conservation and were deemed not feasible (see below for details).

(A) On-site preservation of connected woodland and wildlife habitat areas using woodlands in good condition with limited amounts of invasive or exotic plants.

Per the approved Natural Resource Inventory (NRI-098-05-04), the existing forest stand contains a total of 186.15 acres of Primary Management Area (“PMA”) and includes approximately 15,622 linear feet of regulated streams and 94.77 acres of 100-year floodplain. The property is additionally subject to a timber harvest that has removed some of the previously existing wooded areas over a portion of the site pursuant to a timber harvest permit (FH-145-21/21506-2021) and the remainder of the site remained largely wooded.

(B) On-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas.

The subject property does not contain substantial native stock worthwhile to transfer and/or existing planting areas to connect to beyond the perimeter woodland conservation proposed. The central portion of the site will be cleared to accommodate the industrial building program pads and for infrastructure. We are proposing woodland conservation around the perimeter of the site as closely tied to the edge of the development parcels as feasible to maximize the perimeter woodland.

(C) On-site afforestation/reforestation of connected planting areas using native whip and seedling stock.

The subject property contains multiple existing planting areas to connect to, therefore it is worthwhile to install native whip and seedling stock as shown to provide proposed areas of afforestation/reforestation on-site that takes advantage of the contiguous woodland areas.

(D) On-site specimen, champion, and historic trees in good condition when the plan has been designed to ensure long-term survival.

The subject property does not contain any existing champion nor historic trees. Pursuant to the approved NRI noted above, there are 224 specimen trees identified in various conditions (32 listed in “good” condition). We have proposed to retain/preserve specimen trees to the extent practicable while allowing for the programmatic development of the project pursuant to the Code.

(E) On-site natural regeneration of connected areas in appropriate locations containing sufficient seed sources with appropriate protection mechanisms and long-term management.

This site is not suitable for natural regeneration. We have proposed multiple areas of afforestation/reforestation where appropriate instead.

(F) Off-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas, in an approved woodland conservation bank.

The subject property does not contain native stock worthwhile to transfer. We have utilized an off-site tree bank that contains suitable stock as is.

(G) Off-site afforestation/reforestation of connected planting areas using native whip and seedling stock in an approved woodland conservation bank.

We have selected an off-site tree bank that contains suitable existing woodland for this plan's requirements.

(H) Off-site preservation of connected woodlands in an approved woodland conservation bank.

The current plan proposes to meet the woodland conservation requirements by purchasing off-site credits from an approved tree bank.

The preceding justification for the request to provide a combination of both on-site and off-site woodland conservation of connected woodlands in an approved woodland conservation bank and onsite includes the entirety of the property for the National Capital Business Park project.

Prepared by:




Christopher M. Rizzi, PLA
Bohler

November 21, 2022

MEMORANDUM

TO: Tierre Butler, Urban Design Section, Development Review Division

FROM: Jim Yang, Transportation Planning Section, Countywide Planning Division

VIA:  William Capers III., PTP, Transportation Planning Section, Countywide Planning Division

SUBJECT: **SDP-1603-03: National Capital Business Park – Parcel 11**

Proposal:

The referenced Specific Design Plan (SDP) application proposes the development of approximately 301,392 SF of warehouse use on parcel 11 of the National Capital Business Park site. The subject site is in the northwest quadrant of the Leeland Road and US 301 intersection. The transportation planning review of the SDP application was evaluated using the standards of Section 27 of the prior Zoning Ordinance.

Prior Conditions of Approval:

The site is subject to prior approved Basic Plan amendment, A-9968-03, Comprehensive Design Plan (CDP), CDP-0505-02, and Preliminary Plan of Subdivision (PPS), 4-21056. The following transportation conditions for the prior applications are relevant to this SDP submission:

A-9968-03

18. 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.

Comment: The condition has been evaluated as part of the SDP submission and is further discussed in this referral.

CDP-0505-02

2. This comprehensive design plan has modified Condition 4 attached to CDP-0505-01, as follows:
 4. Unless modified at the time of the 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 \$.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 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 the 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
 - i. Provide three left-turn lanes on the eastbound approach.
 - b. Prince George's Boulevard and Queen's Court-Site Access, unless modified at the time of preliminary plan of subdivision:
 - i. Provide a shared through and left lane and a shared through and right lane on the eastbound approach.
 - ii. Provide a shared through and left lane and a shared through and right lane on the westbound approach.
 - iii. Provide a shared through and left lane on the northbound approach and a shared through and right lane on the southbound approach.
6. At the time of the 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 the approval of the Maryland State Highway Administration and DPIE.

Comment: The conditions have been evaluated as part of the SDP submission and are further discussed in this referral.

4-21056

The applicant has submitted a new PPS application for an increase of development to 5.5 million SF of warehouse and distribution (2,087,420 SF general warehouse and 3,412,580 SF high-cube fulfillment center warehouse) uses consistent with the approved basic plan amendment and CDP amendment as described above. The PPS application was approved by the Planning Board on June 2, 2022, and supersedes the previous PPS approval, PPS 4-20032.

2. Total development within the subject property shall be limited to uses that 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.

Comment: The site is subject to prior approved SDP-1603-02 and pending SDP-2201, which considered a total of 3,597,465 SF of warehouse/distribution uses so far as part of the overall National Capital Business Park development. This SDP application proposes the development of approximately 301,392 SF of the general warehouse, which if approved, will bring the total site development to 3,898,857 SF of warehouse/distribution uses which is under the 5.5 million SF of development that was considered as part of the approved PPS application. As such, the uses and development program proposed with the SDP is consistent with the PPS application, and staff finds that the trips generated by the phased development of the subject SDP are within the trip cap.

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

Comment: There is no master plan right-of-way along the frontage of the property. The SDP is consistent with the approved PPS 4-21056.

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
 - i. 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:
 - i. A shared through and left and a shared through and right lane on the eastbound approach.
 - ii. A shared through and left and a shared through and right lane on the westbound approach.
 - iii. A shared through and left on the northbound approach and a shared through and right lane on the southbound approach.

When the signal is deemed warranted, the applicant shall construct the signal and associated improvements to the requirements and schedule directed by the operating agency.

Comment: 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 SF of general warehouse uses. As previously stated, this SDP application proposes the development of approximately 301,392 SF of a general warehouse which if approved, will bring the total site development to 3,898,857 SF of warehouse/distribution uses, which will not meet the thresholds needed for the reconstruction of the eastbound approach of the Leeland Road/US 301 intersection. However, the phasing plan indicates that the 301 CIP improvements will need to be implemented to offset the impacts generated by this phase of development at the 301/Leeland Road intersection, specifically a third southbound through lane. As a condition of approval, staff recommends that the applicant pay the shared contribution for 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 have proceeded 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 phase of development, the applicant, and the applicant's heirs, successors, and/or assignees shall pay a fee of \$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. 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 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 the approval of the Maryland State Highway Administration and DPIE.

Comment: A phasing plan was submitted as part of this application. The phasing plan indicates that the applicant needs to contribute \$277,281 (1989 dollars) to the US 301 Capital Improvement Program-funded improvements.

11. The applicant shall provide an interconnected network of pedestrian and bicycle facilities consistent with the 2009 *Countywide Master Plan of Transportation and 2022 Approved Bowie-Mitchellville and Vicinity Master Plan* policies and goals. The exact design and details of these facilities shall be provided as part of the first specific design plan, prior to its acceptance.

Comment: The latest SDP submission is in conformance with the referenced condition and is further described in more detail below.

Master Plan Compliance

Master Plan Right of Way

The site is governed by 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and 2021 *Preliminary Bowie-Mitchellville and Vicinity Master Plan*. The subject site is not adjacent to any master plan right-of-way.

Master Plan Pedestrian and Bike Facilities

The MPOT includes the following goal and policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, pages 7 and 8):

Goal: Provide a continuous network of sidewalks, bikeways, and trails that provide opportunities for residents to make some trips by walking or bicycling, particularly to mass transit, schools, employment centers, and other activity centers.

Policy 2: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, and employment centers.

Policy 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 4: Identify sidewalk retrofit opportunities for small area plans within the Developed and Developing Tiers to provide safe routes to school, pedestrian access to mass transit, and more walkable communities.

Policy 5: Plan new development to help achieve the goals of this master plan

This development is also subject to the 2021 *Preliminary Bowie-Mitchellville and Vicinity Master Plan*.

The following policies are provided for pedestrian and bicyclist facilities:

Policy TM 5: Create micro-mobility opportunities at key locations. (pg. 105)

Policy TM 7: Develop a comprehensive shared-use path network in Bowie-Mitchellville and Vicinity to provide additional connectivity and travel options. (pg. 106)

Policy TM 21: Improve bus, bicycle, and pedestrian access to better connect residents with employment and commercial destinations at the Collington Local Employment Area.

Policy TM 29: Support enhanced regional mobility and the movement of goods.

Comment: The latest SDP submission shows a network of sidewalks along the property's frontage of Queens Court and each side of the proposed building except the loading/unloading side, which is consistent with the master plans goals and policies. The site is further improved with a series of crosswalks that facilitate safe pedestrian connections between the surface parking area adjacent to the proposed building and the onsite sidewalks. The site will also be served by shared road markings (sharrows) along Queens Court to facilitate bicycle travel to the subject site and other points of the larger National Capital Business Park development which staff finds acceptable.

Transportation Planning Review:

Zoning Ordinance Compliance

Section 27-525 – 27-530 of the Prince George’s County Zoning Ordinance (Ordinance) provides guidance for specific design plans. Section 27-527(b)(1) references the following design guidelines that shall be included in a specific design plan:

(b) The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:

(1) A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them

Comment: The limits of development for the SDP application is generally located on the eastern portion of the site. Access to this portion of the development will be provided by one full-service driveway from Queens Court providing direct access to the surface parking area adjacent to the proposed building and a separate access driveway to the truck loading and staging area to the rear of the building. The latest plan submission shows signage along the truck access driveway along Queens Court Road and at the two intra-parcel connections between the loading/staging area and the parking area to restrict the area behind the building to loading activity only, which eliminates onsite conflicts and potential operational implications along Queens Court Road.

In regards to pedestrian and bicycle circulation, the latest SDP submission shows a continuous network of sidewalks, crosswalks, and shared roadway markings along Queens Court Road.

The site will be served by a total of 583 parking spaces which is higher than the required parking spaces as provided in the Zoning Ordinance. The site will be served by 62 loading spaces which are also higher than the Zoning Ordinance requirement. In addition, 20 bicycle parking will be provided. Staff finds that the site circulation, access, and parking meet the zoning requirements and are acceptable.

Conclusions

Overall, from the standpoint of The Transportation Planning Section it is determined that this plan is acceptable if the following conditions are met:

1. 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 Department of Public Works and Transportation at time of payment.
2. In lieu of the payment listed in above, prior to the issuance of the building permit the applicant’s heirs, successors, and/or assignees shall construct all of the improvements along US 301 as described in the Phasing Plan dated October 13, 2022, submitted as part of the Specific Design Plan application.

Additional Back-up

For

SDP-1603-03

National Capital Business

Park, Parcel 11

National Capital Business Park (SDP-1603-03)

Planning Board Hearing
December 15, 2022

Revised 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. ~~Provide a general note listing prior applicable approvals to include Preliminary Plan of Subdivision 4-21056.~~
 - b. ~~Clearly show and label the 10-foot wide public utility easement along both sides of the public rights of way, in accordance with the approved preliminary plan of subdivision, on all applicable plan sheets.~~
 - c. ~~Provide bearings and distances for all parcel boundary lines, and provide the parcel labels and areas on all applicable plan sheets.~~
 - d. ~~Provide notes on the SDP to address Condition 7 of Preliminary Plan of Subdivision 4-21056.~~
 - e. ~~Remove the public right of way for Warehouse Way and depict the parcel and road layout, in accordance with Preliminary Plan of Subdivision 4-21056.~~
 - f. ~~Revise General Notes 11 and 12 to correctly identify the number of parcels included with this SDP (Parcels 4-6 in accordance with Preliminary Plan of Subdivision 4-21056).~~
 - g. ~~Revise General Notes 2 and 4 on the cover sheet to list the correct property zoning.~~
 - h. ~~Resolve all discrepancies among the preliminary plan of subdivision, the SDP, and the Phasing Exhibit so that all plans are consistent with each other related to the number of parcels shown, their designation and disposition, and label all parcels sequentially.~~

~~Strikethrough~~ represents deleted language 1
Underline represents added language

- 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 yet 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 the 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, please 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 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 M-NCPPC and the business owners association, as well as the right-of-way to be dedicated, are shown as dedicated on SDP-1603-01, the infrastructure SDP for the overall National Capital Business Park development.

~~Strikethrough~~ represents deleted language 2
Underline represents added language

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 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 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, as described in the phasing plan dated October 13, 2022, submitted as part of the SDP application.
- a. ~~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.~~
- b. ~~Construct 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, in lieu of the payment listed above.~~



Prince George's County Council

Agenda Item Summary

Meeting Date: 7/14/2020

Effective Date: 8/31/2020

Reference No.: CB-022-2020

Chapter Number: 12

Draft No.: 2

Public Hearing Date: 7/14/2020 @ 11:30 AM

Proposer(s): Turner and Davis

Sponsor(s): Turner, Davis, Franklin, Harrison, Hawkins and Streeter

Item Title: AN ORDINANCE CONCERNING R-S ZONE for the purpose of permitting certain employment and institutional uses permitted by right in the E-I-A (Employment and Institutional Area) Zone to be permitted in the R-S (Residential Suburban) Zone of Prince George’s County, under certain specified circumstances, and providing procedures for the amendment of approved Basic Plans to guide the development of such uses.

Drafter: Office of Council Member Todd M. Turner

Resource Personnel: Tomeka C. Bumbry, Chief of Staff/Legislative Aide, Council District 4

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
05/18/2020	County Council	presented and referred	COW
	Action Text: This Council Bill was presented and referred to the Committee of the Whole		
06/02/2020	COW	Favorably recommended with amendments	County Council
	Action Text: A motion was made by Council Member Davis, seconded by Council Member Harrison, that this Council Bill be Favorably recommended with amendments to the County Council. The motion carried by the following vote: Aye: 9 Turner, Davis, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras Nay: 2 Anderson-Walker and Dernoga		
06/09/2020	County Council	introduced	
	Action Text: This Council Bill was introduced by Council Members Turner, Davis, Streeter, Hawkins, Harrison and Franklin.		
07/14/2020	County Council	public hearing held	
	Action Text: This public hearing was held.		

07/14/2020 County Council enacted

Action Text:

A motion was made by Council Member Davis, seconded by Council Member Harrison, that this Council Bill be enacted. The motion carried by the following vote:

Aye: 10 Turner, Anderson-Walker, Davis, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: 1 Dernoga

AFFECTED CODE SECTIONS:

27-513 27-124.02 27-195 27-197 27-511 27-512 27-515

BACKGROUND INFORMATION/FISCAL IMPACT:

This bill will amend the regulations of the Zoning Ordinance to permit certain employment and institutional uses in the R-S (Residential Suburban) Zones of the County, subject to specified development and review criteria.

Document(s): B2020022, CB-022-2020 AIS, CB-022-2020 Report

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2020 Legislative Session

Reference No.: CB-22-2020

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 06/02/2020

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 9-2 (In favor: Council Members Turner, Davis, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras. Oppose: Council Members Anderson-Walker and Dernoga)

The Committee of the Whole met on June 2 to consider CB-22-2020. After staff overview, Council Chair Turner, the bill's sponsor, informed the Committee that this legislation is proposed to facilitate the development of property in his district with employment, commercial, and office uses as the original zoning in the area was intended and what is now the existing character of the area.

The Planning Board submitted a letter dated May 28, 2020 to the Council Chair indicating opposition to CB-22-2020 with explanation as detailed in the letter. Rana Hightower, of the Planning Director's Office, informed the Committee that the Planning Board believes the ongoing master plan and sectional map amendment for Bowie and Vicinity is the appropriate mechanism to achieve the intent of the legislation.

The Zoning and Legislative Counsel provided an overview of a Proposed Draft-2 (DR-2) prepared at the bill sponsor's request with amendments as follows: on page 1, expand the purpose clause to insert "permitted by right in the E-I-A (Employment and Institutional Area) Zone to be permitted" before "in the R-S (Residential Suburban) Zone; on page 3, lines 9 and 10, strike "uses authorized" and insert "land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized", line 17, after "permitted", insert "in the E-I-A Zone on land in the R-S Zone"; on page 5, lines 25-27, strike "uses authorized" and insert "qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone"; after "Section 27-515(b), strike "footnote 38, to be developed on qualifying properties" and insert "of this code"; on page 7, in footnote 38, in "(a)" strike "a continuous land assemblage" and insert "an assemblage of adjacent land", and in "(d)", strike "Specific" and insert "Additional"; in "(d)(i)", strike "Streets shall be designed to route related truck traffic through an adjacent employment park" and insert "street connectivity shall be through an adjacent employment park".

The Office of Law reviewed Proposed Draft-2 and determined that it is in proper legislative form. The June 2, 2020 Office of Law legislative comment indicates that the Office of Law

believes potential legal impediments exist within the bill as currently drafted.

On a motion by Council Member Davis, and second by Council Member Harrison, the Committee of the Whole voted 9-2 on CB-22-2020 as amended in Proposed DR-2.



Prince George's County, Maryland

Inter-Office Memorandum

Office of Law

LEGISLATIVE COMMENT

DATE: June 2, 2020

TO: Robert J. Williams, Jr., Council Administrator

THRU: Jackie Brown, Committee Directors
PHED Committee

THRU: Rhonda L. Weaver, County Attorney

THRU: Joseph C. Ruddy, Deputy County Attorney

FROM: **Sakinda L. Skinner**, Associate County Attorney

RE: CB-22-2020

The Office of Law reviewed Draft 2 of the above referenced **bill** and finds it to be in proper legislative form.

The Office of Law believes potential legal impediments exist within this bill as currently drafted. We share the same concerns outlined in the Planning Board's Memo and Maryland-National Capital Park and Planning Commission's Memo. Additionally, we believe this proposed bill can be perceived to violate the uniformity requirement. *See*, Md. Land Use Code Ann. Section 4-201(2)(i), which states: "Zoning regulations shall be uniform for each class or kind of development throughout each district or zone." The proposed bill (specifically footnote 38 to Section 27-515(b)) appears to be drafted for a specific parcel contained within a R-S zone. As currently drafted this bill allows E-I-A uses (other than special exceptions) to occur in the R-S Zone and exempts such development from the R-S regulations.

CB-22-2020—Planning Board Analysis (Attachment 2)

CB-22-2020 amends the Zoning Ordinance to permit employment and institutional uses in the Residential Suburban (R-S) Zone, under very limited circumstances, and provides procedures for the amendment of approved Basic Plans to allow these new uses. The bill allows all uses that are permitted in the Employment and Institutional Area (E-I-A) Zone to occur on a qualifying property. The Planning Board believes that only one property in the County would qualify, as discussed below.

The Planning Board has the following comments and suggestions for consideration by the District Council:

Policy Analysis:

This bill amends Sections 27-195 (Map Amendment Approval.), 27-197 (Amendment of approved Basic Plan.), 27-511 (Purposes.), and 27-512 (Uses.), and Section 27-515(b) (Uses Permitted in Comprehensive Design Zones.). The most significant amendment adds a new footnote 38 to Section 27-515(b). The footnote allows all E-I-A uses (other than special exceptions) to occur in the R-S Zone, exempts such development from the R-S regulations, adds new standards for streets and parkland, and describes the type of parcel or assemblage that will qualify to use the footnote.

The Planning Board believes this bill was drafted for an approximately 639-acre property, located north of Leeland Road and east of a freight line owned by Consolidated Rail, and identified in tax records as Parcel 30, tax account 0670737. The property is also known as Willowbrook and has an extensive approval history under its existing R-S Zone.

The 2006 Bowie and Vicinity Master Plan recommended suburban intensity residential development at this location. Residential development in the low range of the R-S Zone was considered a suitable transition between adjacent neighborhoods. The intent was for development at the Leeland Road location to be more intense than the development to the west (Oak Creek) and less intense than the development to the south (Beech Tree).

The District Council approved A-9968 (Willowbrook) simultaneously with the approval of the 2006 master plan and its concurrent sectional map amendment on February 7, 2006, subject to the limitations and conditions set forth in CR-11-2006.

Approximately 13 acres of the Willowbrook site—located between the Safeway Distribution Center site that is in the northwest quadrant of US 301 and Leeland Road and the residentially-zoned portion of the Willowbrook site—are designated for employment land use. Employment land use was considered appropriate for this portion of the property at the time because of the physical separation of this portion of the Willowbrook site by a stream and steep topography that orients it toward the abutting, existing employment development. At this location, Prince George's Boulevard (I-300) is to be extended from its southern terminus through this area and continue through the Safeway Distribution Center site to Leeland Road.

If the District Council would like this property to be rezoned, it would be more appropriate to do so during a sectional map amendment following approval of the ongoing master plan for Bowie and Vicinity (Planning Area 74A). The District Council initiated a master plan for Planning Area 74A, including the subject property, in February 2020. The master plan update will give the Council an opportunity to comprehensively review its goals for this property and all possible issues, and plan for its future.

CB-22-2020 – Planning Board Analysis (Attachment 2)

Page 2

Text amendments are best suited to fine-tune the uses or regulations in an existing zone. CB-22-2020 does not fine-tune the R-S Zone; instead, it allows uses wholly different from those normally associated with the R-S Zone. For that reason, the Planning Board believes the on-going Bowie Master Plan update is a superior vehicle to accomplish the purposes of CB-22-2020. The Planning Department is currently evaluating the master plan area and engaging in discussions with residents, property owners, and the business community to determine the appropriate future use of land in this area.

Although the current residential zoning of the property is appropriate, there are reasons why the Council might find commercial, industrial, or institutional uses to be equally appropriate. A large amount of non-residential development in the E-I-A and I-1 zones exists directly east of the property. The railroad line to the west and Leeland Road to the south form natural boundaries between this property and adjacent residential zones, although careful buffering and design regulations would be needed to provide compatibility.

Should the text amendment move forward, the Planning Board has additional concerns regarding footnote 38:

Under (a) (iii) the words "an existing employment park" are not defined and should be clarified.

Under (c) the bill states the R-S Zone regulations shall not apply. Replacement development regulations are needed. Not adding development regulations defeats the entire purpose of zoning and denies the District Council and the Planning Board the ability to apply any objective standards to the development.

Under (d) (iii) there are concerns about the legality of the proposed conditional approval requirement that development on this property provide "a public park of at least 20 acres."

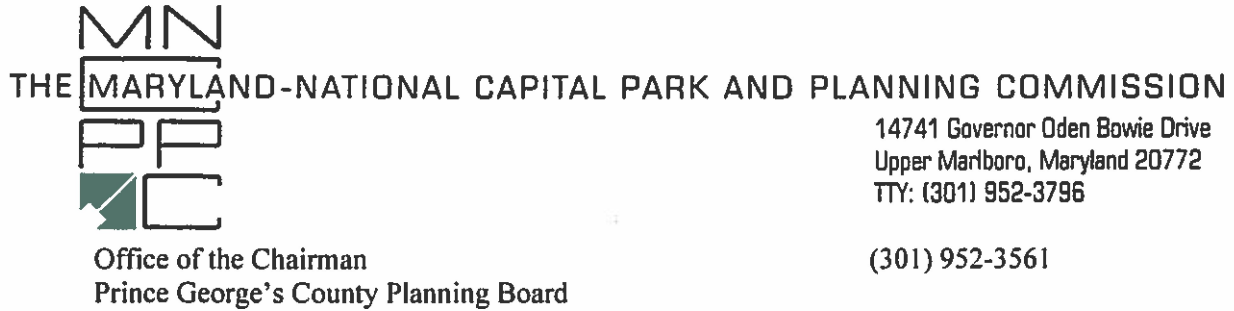
New Zoning Ordinance:

The subject property would be placed in the Legacy Comprehensive Design (LCD) Zone. The development regulations would be the same as in the prior Zoning Ordinance if the applicant continues to develop in accordance with prior approvals.

Impacted Property:

The bill as drafted would impact the Willowbrook property, consisting of approximately 639 acres, located north of Leeland Road and east of a freight line owned by Consolidated Rail, and identified in tax records as Parcel 30, tax account 0670737.

Following discussion, the Planning Board voted to oppose CB-22-2020 with the above-mentioned explanation.



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-3796

(301) 952-3561

May 28, 2020

The Honorable Todd M. Turner
Chair
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: CB-20-2020 and CB-22-2020

Dear Chairman Turner: *Todd*

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the May 28, 2020 Planning Board meeting, the following positions were adopted in accordance with the planning staff's recommendations on the proposed legislation. A **Planning Board Analysis of each bill is attached for your consideration and a brief excerpt from each report is provided below:**

CB-20-2020 amends the Subdivision Regulations to clarify the authority for approval of Public Safety Surcharge fee waivers in Prince George's County.

Planning Board Recommendation: Oppose as drafted with explanation.
(See Attachment 1 for full analysis)

The Planning Board is not clear on whether the intent of the bill is to waive the Public Safety Surcharge fee or the Adequate Public Safety Facilities Mitigation Guidelines. The purpose of the Public Safety Surcharge fee is to collect revenue for police, fire, emergency medical services, construction or rehabilitation of buildings or the purchase of equipment or communication devices used in connection with public safety services. In addition, CB-56-2005 presents the test for adequacy during the time of Preliminary Plan of Subdivision review which is a test of the response times for police, fire, and emergency services. If the response times are not adequate the applicant is required to pay a fee or build infrastructure to ensure adequacy in accordance with the Adequate Public Safety Facilities Mitigation Guidelines.

It should be noted that waiving the Public Safety Surcharge fee or the mitigation fee for specific projects reduces collected revenue for police, fire, emergency medical services or the ability to address public safety infrastructure adequacies throughout the County.

The bill should be clarified to determine what fee the County Council intends to waive. If the intent is to waive the Public Safety Surcharge fee, then revisions to the bill should be made to Section 10-192.11 (Public Safety Surcharge.) not within Section 24-122.01 (Adequacy of public facilities.).

CB-22-2020 amends the Zoning Ordinance to permit employment and institutional uses in the Residential Suburban (R-S) Zone, under very limited circumstances, and provides procedures for the amendment of approved Basic Plans to allow these new uses. The bill allows all uses that are permitted in the Employment and Institutional Area (E-I-A) Zone to occur on a qualifying property.

**Planning Board Recommendation: Oppose with explanation.
(See Attachment 1 for full analysis)**

As discussed below, the Planning Board believes that only one property in the County would qualify. This bill was drafted for an approximately 639-acre property, located north of Leeland Road and east of a freight line owned by Consolidated Rail, and identified in tax records as Parcel 30, tax account 0670737. The property is also known as Willowbrook and has an extensive approval history under its existing R-S Zone.

The 2006 Bowie and Vicinity Master Plan recommended suburban intensity residential development at this location. Residential development in the low range of the R-S Zone was considered a suitable transition between adjacent neighborhoods. The intent was for development at the Leeland Road location to be more intense than the development to the west (Oak Creek) and less intense than the development to the south (Beech Tree).

If the District Council would like this property to be rezoned, it would be more appropriate to do so during a sectional map amendment following approval of the ongoing master plan for Bowie and Vicinity (Planning Area 74A). The District Council initiated a master plan for Planning Area 74A, including the subject property, in February 2020. The master plan update will give the Council an opportunity to comprehensively review its goals for this property and all possible issues, and plan for its future.

Text amendments are best suited to fine-tune the uses or regulations in an existing zone. CB-22-2020 does not fine-tune the R-S Zone; instead, it allows uses wholly different from those normally associated with the R-S Zone. For that reason, the Planning Board believes the on-going Bowie Master Plan update is a superior vehicle to accomplish the purposes of CB-22-2020. The Planning Department is currently evaluating the master plan area and engaging in discussions with residents, property owners, and the business community to determine the appropriate future use of land in this area.

Although the current residential zoning of the property is appropriate, there are reasons why the Council might find commercial, industrial, or institutional uses to be equally appropriate. A large amount of non-residential development in the E-I-A and I-1 zones exists directly east of the property. The railroad line to the west and Leeland Road to the south form natural boundaries between this property and adjacent residential zones, although careful buffering and design regulations would be needed to provide compatibility.

Should the text amendment move forward, the Planning Board has additional concerns regarding footnote 38:

Under (a) (iii) the words "an existing employment park" are not defined and should be clarified.

Under (c) the bill states the R-S Zone regulations shall not apply. Replacement development regulations are needed. Not adding development regulations defeats the entire purpose of zoning and denies the District Council and the Planning Board the ability to apply any objective standards to the development.

Under (d) (iii) there are concerns about the legality of the proposed conditional approval requirement that development on this property provide "a public park of at least 20 acres."

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,



Elizabeth M. Hewlett
Chairman

Attachments

INTER-OFFICE MEMORANDUM PRINCE GEORGE'S COUNTY, MARYLAND

ZONING HEARING EXAMINER OFFICE

County Administration Building, 1st Floor
Upper Marlboro, Maryland 20772
(301) 952-3644
(301) 951-5178 Fax

May 28, 2020

TO: Jackie Brown, Committee Director
Planning, Housing and Economic Development Committee

FROM: Maurene Epps McNeil
Chief Zoning Hearing Examiner

Re: CB-22-2020

I have reviewed the above referenced bill and recommend the following revisions:

1. Change language on page 1, line 3, as follows: 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
2. On page 1, line 4, delete "s" on zones.
3. On page 5, delete new language on lines 1-2 since actual uses permitted are generally not set forth in a purpose provision.
4. On page 5, delete new language on lines 8-9 since it is surplusage. The language on lines 10-11 is sufficient.
5. On page 6, in paragraph (d) of footnote 38, delete "Specific" and insert "Additional".

cc: Karen Zvakos
Dinora Hernandez
Rana Hightower

PRINCE GEORGE'S COUNTY, MARYLAND

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COUNTY COUNCIL

+ + + + +

LEGISLATIVE DAY NO. 13

+ + + + +

MONDAY

MAY 18, 2020

+ + + + +

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 IN THE MATTER OF: :
 :
 CB-022-2020 - :
 An Ordinance Concerning :
 R-S Zone :
 :
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Monday,
May 18, 2020

Video Teleconference

The Meeting of the Prince George's County Council convened at 11:15 a.m. EDT, Todd M. Turner, Chairperson, presiding.

COUNTY COUNCIL MEMBERS PRESENT:

- TODD M. TURNER, Chairperson
- MONIQUE ANDERSON-WALKER, Council Member
- DERRICK LEON DAVIS, Council Member
- THOMAS E. DERNOGA, Council Member
- DANEILLE M. GLAROS, Council Member
- SYDNEY J. HARRISON, Council Member
- JOLENE IVEY, Council Member
- RODNEY C. STREETER, Council Member
- DENI L. TAVERAS, Council Member

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COUNTY COUNCIL STAFF PRESENT:

ROBERT J. WILLIAMS, JR., Council Administrator
WILLIAM N. HUNT, Deputy Council Administrator
DONNNA J. BROWN, Clerk of the Council
THERESA D. MYERS, Legislative Assistant
LEONARD D. MOSES, Zoning Assistant
DONNA WHITMAN, Legislative Officer
J. KENNETH BATTLE, TIEE Committee Director
NATHANIEL TUTT, III, HHSPS Committee Director
AMANDA DENNISON, Associate County Attorney
JACKIE BROWN, PHED Committee Director
HOWARD STONE, GOFP Committee Director
KATHLEEN CANNING, Legislative Officer
COLETTE R. GRESHAM, Legislative Officer
KAREN T. ZAVAKOS, Legislative Officer
TERRY L. BELL, Council Liaison
SAKINDA SKINNER, Associate County Attorney

The transcript constitutes the requested minutes from
the meeting held on May 18, 2020

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. CB-022-2020 - An Ordinance Concerning R-S Zone. 4
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P-R-O-C-E-E-D-I-N-G-S

(Time Not Provided)

CHAIRPERSON TURNER: Next we have CB-022-2020, Draft 1. This is an Ordinance Concerning the R-S Zone for the purpose of permitting certain employment and institutional uses in the R-S (Residential Suburban) Zones of Prince George's County under certain specified circumstances and providing procedures for the amendment of approved basic plans to guide the development of such uses.

This is being sponsored by Council Members Turner and Davis to be presented by them with referral to Committee of the Whole.

(This concludes the requested portion of the meeting. Other matters were reported, but are not transcribed herein.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: CB-022-2020

Before: PGCC

Date: 05/18/20

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
accurate record of the proceedings.

Nicole Kittleson

NICOLE KITTLESON

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PRINCE GEORGE'S COUNTY, MARYLAND

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COUNTY COUNCIL

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COMMITTEE OF THE WHOLE MEETING

+ + + + +

TUESDAY

JUNE 2, 2020

+ + + + +

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 IN THE MATTER OF: :
 :
 CB-022-2020 - :
 An Ordinance Concerning :
 R-S Zone :
 :
 ----- :

Tuesday,
June 2, 2020

Video Teleconference

The Meeting of the Prince George's County Council
Sitting as the Committee of the Whole convened at 12:30 p.m.
EDT, Todd M. Turner, Chairperson, presiding.

COUNTY COUNCIL MEMBERS PRESENT:

- TODD M. TURNER, Chairperson
- CALVIN S. HAWKINS, Vice-Chair
- MONIQUE ANDERSON-WALKER, Council Member
- DERRICK LEON DAVIS, Council Member
- THOMAS E. DERNOGA, Council Member
- MEL FRANKLIN, Council Member
- DANEILLE M. GLAROS, Council Member
- SYDNEY J. HARRISON, Council Member
- JOLENE IVEY, Council Member
- RODNEY C. STREETER, Council Member

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DENI L. TAVERAS, Council Member

COUNTY COUNCIL STAFF PRESENT:

ROBERT J. WILLIAMS, JR., Council Administrator
WILLIAM N. HUNT, Deputy Council Administrator
DONNNA J. BROWN, Clerk of the Council
THERESA D. MYERS, Legislative Assistant
LEONARD D. MOSES, Zoning Assistant
JACKIE BROWN, PHED Committee Director
HOWARD STONE, GOPP Committee Director
DINORA HERNANDEZ, Legislative Officer
KATHLEEN CANNING, Legislative Officer
COLETTE R. GRESHAM, Legislative Officer
KAREN T. ZAVAKOS, Legislative Officer
MONICA BEST-JAMES, Legislative Officer
WARREN BURRIS, Audits & Investigations
TERRY L. BELL, Council Liaison
SAKINDA SKINNER, Associate County Attorney

The transcript constitutes the requested minutes from
the meeting held on June 2, 2020

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. CB-022-2020 - An Ordinance Concerning R-S Zone. 4
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1 P-R-O-C-E-E-D-I-N-G-S

2 (Time Not Provided)

3 CHAIRPERSON TURNER: With that, let's move on. Next we
4 have CB-022-2020, Draft 1. This is an Ordinance Concerning the R-
5 S Zone for the purpose of permitting certain employment and
6 institutional uses in the R-S Zone (Residential Subdivision Zones)
7 of Prince George's County under certain specified circumstances
8 and providing for procedures for the amendment of the approved
9 basic plan to guide the development of such uses.

10 This is being sponsored by council members Turner and
11 Davis referred to the Committee of the Whole. I will note there
12 is a proposed Draft 2. I apologize we did not get it into the
13 virtual binder last night, but the clerk did send that separate
14 email today both this morning and this afternoon, so let me turn
15 now to Ms. Brown for a staff overview as well as Ms. Zavakos on
16 the proposed Draft 2.

17 MS. BROWN: Thank you, Mr. Chair. CB-022-2020 amends
18 the Zoning Ordinance to permit certain employment and
19 institutional uses in the R-S (Residential Suburban Zone) under
20 certain circumstances provided in a new footnote 38 to the Table
21 of Uses. It also provides procedures for the amendment of a basic
22 plans to guide development of these uses in the R-S Zone.

23 Specifically, the bill allows all E-I-A uses other than
24 those requiring a special exception to be developed in the R-S
25 Zone, allows the woodland conservation threshold and tree canopy

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1 to be accordance with the requirements of the E-I-A Zone, allows
2 development in accordance with the regulations of E-I-A rather
3 than R-S. Footnote 38 also includes a description of the type of
4 parcel or overall land assemblage that will qualify to develop in
5 accordance with the requirements of CB-022.

6 The Planning Board opposed the legislation and provided
7 an analysis and explanation in their letter to the Council Chair.
8 The Zoning Hearing Examiner just had technical amendments that
9 have been addressed in the proposed Draft 2 that you mentioned and
10 the Office of Law determined that the bill is in proper
11 legislative form, but offered additional comment concerning
12 potential legal impediments associated with the bill as drafted.

13 So with that, I would turn to Ms. Zavakos who prepared
14 the amendments on proposed Draft 2. Thank you.

15 CHAIRPERSON TURNER: Thank you, Ms. Brown. Ms. Zavakos?

16 MS. ZAVAKOS: Yes. Once again, good afternoon. Karen
17 Zavakos here and I'll walk you through proposed Draft 2, CB-022-
18 2020. Beginning on page 1, the Zoning Hearing Examiner suggested
19 that we expand the purpose clause to be more clear which -- in
20 what we're doing which is to effect uses permitted by right in the
21 E-I-A Zone to be permitted in the R-S Zone.

22 On page 2, there is an additional section to be amended
23 that was added in proposed Draft 2 to address, as Ms. Brown
24 pointed out, woodland conservation, tree preservation requirements
25 as applied to this policy concept. You'll note in lines 10

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1 through 11 there is a phrase that is repeated throughout this bill
2 in proposed Draft 2 for clarity. It is "uses permitted in the E-
3 I-A Zone as authorized pursuant to Section 515(B) of this Code."
4 That appears in lines 10 and 11. It appears in lines 19 and 20 in
5 that section.

6 Again, you have a similar change to include such
7 language on lines 10 and 11 on page 3. There's a clarifying
8 amendment to approve basic plans to contemplate this proposal in
9 line 17 and that's to add the language "in the E-I-A Zone on land
10 in the R-S Zone," that is for clarity.

11 Moving on, as mentioned previously the clarifying
12 language again appears in the Section 511 which is the purpose
13 clause of the Residential Suburban Development and Comprehensive
14 Design Zone and that language is in line 25 and 26 which says,
15 "Qualifying properties in the R-S Zone to develop with uses in the
16 E-I-A Zone."

17 Then lastly, the regulatory provisions for the
18 Comprehensive Design Zone Section and that's 27-513 was added for
19 some tweaks involving grading permits and again the clarifying
20 language is used in lines 20 and 21 about uses permitted in the E-
21 I-A Zone on land in the R-S Zone pursuant to 27-515(B) which is
22 your Use Table for the Comprehension Design Zone.

23 So now we're on page 7 of proposed Draft 2. There are
24 some minor adjustments to ensure that they're clarifying and also
25 fine-tuning for the proposed Footnote 38 and that is to, in

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1 Subsection A, adjust for a portion of a parcel or an assemblage of
2 adjacent land. That addresses some comments we got.

3 Then additional requirements rather than specific, in
4 Subsection D a proposed footnote, 38, addresses a comment raised
5 by the Zoning Hearing Examiner and perhaps Planning Board. And
6 then there is an adjustment to the language "requiring street
7 connectivity" within little I, Subsection D at proposed Footnote
8 38. And with that, those conclude the changes that are proposed
9 by proposed Draft 2 of 022, thank you.

10 CHAIRPERSON TURNER: Thank you, Ms. Zavakos.

11 So before I turn to Mr. Davis for any comments as one of
12 the sponsors, this is one of those rare situations where if
13 somebody wanted to (indiscernible) in a situation to allow an
14 industrial and commercial use in a property that had always been
15 previously zoned for that use, had been rezoned by prior councils
16 to do potentially residential development and now wants to go back
17 to where it used to be, so that's why this legislation is before
18 you and I think it does fall into the opportunity for us not to
19 potentially create an impact.

20 Particularly I know several colleagues have raised this
21 in other context about, you know, making sure that we're able to
22 diversify the economy in Prince George's County and this would be
23 a situation, if enacted, that would give us that opportunity to do
24 more commercial and office property in an area that already has
25 that as part of its development character.

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1 So with that, let me just turn to Mr. Davis again. Any

2 --

3 COUNCIL MEMBER DAVIS: And Mr. Turner, Chair Turner,
4 I'll be very, very brief. The Chair has already succinctly
5 described a very great situation that, you know, currently we are
6 in. And when I say it, you know, it's amazing that this piece of
7 property has been through Planning, these ideas have been
8 Planning, Master Planning a couple of times, and both times a
9 crisis kicked in that changed the dynamic with regard to it. The
10 first time it was housing crisis and the housing crisis made
11 things different. Now we are in an era of COVID crisis, a health
12 pandemic, that creates an economic insurgence that will be a
13 problem for us to deal with for years to come.

14 And so, you know, having the responsibility of land use
15 as a legislative branch of government that also has the
16 responsibility of budget and health, you know, it's amazing
17 sometimes that you don't contemplate the gravity of the situation,
18 but being able to be flexible enough to try to give a chance to
19 the County to increase its economic viability, its economic
20 development, (indiscernible) develop jobs and do all of those
21 things, I (indiscernible) responsibility and I think that we've
22 been very responsible in contemplating this piece of legislation
23 and with that I'd move favorable on Draft 2.

24 COUNCIL MEMBER HARRISON: Second.

25 CHAIRPERSON TURNER: All right. Let's slow down. Let's

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1 get all our comments. We do have a motion by Mr. Davis seconded
2 by Mr. Harrison to move favorable on a proposed Draft 2. Let me
3 just go to our partners for comments briefly. Let me turn first
4 to Ms. McNeill from the Zoning Hearing Examiner if there was any
5 additional comments. Make sure you're unmuted, Ms. McNeill.

6 MS. MCNEILL: No additional comments.

7 CHAIRPERSON TURNER: Thank you.

8 Let me turn to Ms. Hightower from Park and Planning
9 Commission.

10 MS. HIGHTOWER: Yes, Chair. The Planning Board does not
11 oppose the goal of permitting of non-residential uses under these
12 circumstances, but we still believe that the ongoing Bowie
13 masterplan is the more appropriate vehicle to use to rezone this
14 property. We had some other concerns about the grading permit and
15 issuing it as long as it conforms to the CDP. A lot of projects
16 go dormant and the site could be cleared of trees ahead of time
17 allowing the grading permit to be issued early in the development
18 process can cause problems.

19 There's also a concern about not having guidelines on
20 the extent of the landscape requirements being able to be modified
21 which is in the revised Draft 2.

22 CHAIRPERSON TURNER: Thank you, Ms. Hightower. Let me
23 just respond to one of those, and I appreciate it. I know we're
24 actually trying to do a kick-off of -- a virtual kick-off of --

25 COUNCIL MEMBER DAVIS: Right.

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1 CHAIRPERSON TURNER: -- area -- Bowie, Mitchellville and
2 vicinity masterplan this month --

3 COUNCIL MEMBER DAVIS: Right.

4 CHAIRPERSON TURNER: -- actually. I will note, however,
5 that is just on the Planning side and there's no sectional map
6 amendment --

7 COUNCIL MEMBER DAVIS: Right.

8 CHAIRPERSON TURNER: -- process proposed as part of that
9 process, so -- and that's a several-year process as part of that.
10 While I agree with you and I'm sure that will come up as part of
11 the planning exercise for the Bowie-Mitchellville masterplan
12 update, the actual rezoning could not occur for a couple years and
13 so --

14 COUNCIL MEMBER DAVIS: Right.

15 CHAIRPERSON TURNER: -- I'm not sure that we want to
16 wait as a County for that one.

17 COUNCIL MEMBER DAVIS: We contemplated it.

18 CHAIRPERSON TURNER: -- just in response to that.

19 Let me turn to Ms. Skinner for the Office of Law if any
20 additional comments.

21 MS. SKINNER: Thank you, Mr. Chair. And again, good
22 afternoon members of the council. We did submit our comments
23 regarding CB-022 and as Ms. Brown indicated, as to legislative
24 form we do believe that's improper form. The potential legal
25 impediments, I think, occur to the perception of how the bill is

1 currently drafted. My understanding is it pertains to a subject
2 that -- or property, just one property and you have an E-I-A use
3 in an R-S Zone that normally would not occur in the R-S Zone. So
4 we just want the council to be aware or be on -- you know, be
5 informed that this potential bill could be subject to a challenge.
6 That's it.

7 COUNCIL MEMBER DAVIS: Okay.

8 CHAIRPERSON TURNER: No, appreciate that. Always good
9 to know that as well and then I'll turn to Ms. Bell and I know you
10 did read the previous statement which I think applies, but just to
11 turn to you if there's anything additional.

12 MS. BELL: That's correct, Mr. Chair, and no additional
13 comments.

14 CHAIRPERSON TURNER: Okay. All right. So we do have a
15 motion to move favorable on proposed Draft 2 by Mr. Davis,
16 seconded by Mr. Harrison. Let me turn to discussion on the motion
17 if there are any.

18 (No response.)

19 CHAIRPERSON TURNER: All right. Don't see any. With
20 that, Madam Clerk, if you would call the roll?

21 MS. BROWN: Mr. Chairman?

22 CHAIRPERSON TURNER: Vote aye.

23 MS. BROWN: Ms. Anderson-Walker?

24 COUNCIL MEMBER ANDERSON-WALKER: I just don't feel I'm
25 getting enough information today and we're just getting this

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1 document so I'm going to have to vote no.

2 MS. BROWN: Mr. Davis?

3 COUNCIL MEMBER DAVIS: Aye.

4 MS. BROWN: Mr. Dernoga?

5 COUNCIL MEMBER DERNOGA: I'm going to vote with the
6 Office of Law and Park and Planning and vote no.

7 MS. BROWN: I think we've lost -- oh, Mr. Franklin?

8 COUNCIL MEMBER FRANKLIN: Aye.

9 MS. BROWN: Ms. Glaros?

10 COUNCIL MEMBER GLAROS: Aye.

11 MS. BROWN: Mr. Harrison?

12 COUNCIL MEMBER HARRISON: Aye.

13 MS. BROWN: Mr. Hawkins?

14 COUNCIL MEMBER HAWKINS: Aye.

15 MS. BROWN: Ms. Ivey?

16 COUNCIL MEMBER IVEY: Aye.

17 MS. BROWN: Mr. Streeter?

18 COUNCIL MEMBER STREETER: Aye.

19 MS. BROWN: Ms. Taveras?

20 COUNCIL MEMBER TAVERAS: Aye.

21 MS. BROWN: Motion carries, 9-2.

22 CHAIRPERSON TURNER: Thank you, very much.

23 (This concludes the requested portion of the meeting.

24 Other matters were reported, but are not transcribed herein.)

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This is to certify that the foregoing transcript

In the matter of: CB-022-2020

Before: PGCC, Sitting as the Committee of the Whole

Date: 06/02/20

Place: Teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Nicole Kittleson

NICOLE KITTLESON

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PRINCE GEORGE'S COUNTY, MARYLAND

+ + + + +

COUNTY COUNCIL

+ + + + +

LEGISLATIVE DAY 16

+ + + + +

TUESDAY

JUNE 9, 2020

+ + + + +

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 IN THE MATTER OF: :
 :
 CB-022-2020 - :
 An Ordinance Concerning :
 R-S Zone :
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Tuesday,
June 9, 2020

Video Teleconference

The Public Hearing of the Prince George's County Council convened at 10:00 a.m. EDT, Todd M. Turner, Chairperson, presiding.

COUNTY COUNCIL MEMBERS PRESENT:

- TODD M. TURNER, Chairperson
- CALVIN S. HAWKINS, Vice-Chair
- MONIQUE ANDERSON-WALKER, Council Member
- DERRICK LEON DAVIS, Council Member
- THOMAS E. DERNOGA, Council Member
- MEL FRANKLIN, Council Member
- DANEILLE M. GLAROS, Council Member
- SYDNEY J. HARRISON, Council Member
- JOLENE IVEY, Council Member
- RODNEY C. STREETER, Council Member

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DENI L. TAVERAS, Council Member

COUNTY COUNCIL STAFF PRESENT:

ROBERT J. WILLIAMS, JR., Council Administrator
WILLIAM N. HUNT, Deputy Council Administrator
DONNNA J. BROWN, Clerk of the Council
THERESA D. MYERS, Legislative Assistant
LEONARD D. MOSES, Zoning Assistant
KATHLEEN CANNING, Legislative Officer
COLETTE R. GRESHAM, Legislative Officer
KAREN T. ZAVAKOS, Legislative Officer
MONICA BEST-JAMES, Legislative Officer
WARREN BURRIS, Audits & Investigations
TERRY L. BELL, Council Liaison
SAKINDA SKINNER, Associate County Attorney

The transcript constitutes the requested minutes from
the meeting held on June 9, 2020

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. CB-022-2020 - An Ordinance Concerning R-S Zone. 4
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P-R-O-C-E-E-D-I-N-G-S

(10:36 a.m.)

CHAIRPERSON TURNER: Continuing under second reading of bills introduction, we have CB-022-2020, Draft 2, an Ordinance Concerning the R-S Zone for the purpose of permitting certain employment and institutional uses permitted by right in the E-I-A (Employment and Institutional Area) Zone to be permitted in the R-S the (Residential Suburban) Zone of Prince George's County under certain specified circumstances and providing procedures for the amendment of an approved basic plan to guide the development of such use.

That is being sponsored by council members Turner and Davis to be introduced by them. This was referred to the committee as a whole on May 18th, but the committee of the whole was held on June 2nd, '20 and it was favorably recommended with amendments. Let me turn again to Ms. Zavakos for a Committee Report.

MS. ZAVAKOS: Thank you, Mr. Chair and Members of the Council. The committee of the whole met on June 2nd, CB-022-2020. After a staff overview, Council Chair Turner the bill sponsor informed the committee that this legislation is to facilitate the development of property in his district with employment, commercial and office uses as the original zoning in the area was intended in what is now the existing character area of the (indiscernible).

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1 The Planning Board submitted comments regarding
2 legislation. The ZHE submitted comments and the Office of Law
3 submitted a comment indicating that the legislation was in proper
4 legislative form. A proposed Draft 2 was offered at the table to
5 address Planning Board and ZHE's comments. On motion by Council
6 Member Davis, the committee whole voted 9-2 on CB-022-2020. That
7 concludes my report.

8 CHAIRPERSON TURNER: Thank you, very much Ms. Zavakos.
9 Are there any additional sponsors on CB-022-2020?

10 MS. BROWN: Additional sponsor, Council Member Streeter,
11 Hawkins, Harrison. Thank you.

12 CHAIRPERSON TURNER: Thank you. With that, you have Mr.
13 Franklin as well, I believe.

14 MS. BROWN: Yes, sir.

15 CHAIRPERSON TURNER: Thank you. With that, CB-022-2020,
16 Draft 2, stands introduced and will be subject to public hearing.

17 (This concludes the requested portion of the meeting.
18 Other matters were reported, but are not transcribed herein.)

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In the matter of: CB-022-2020

Before: PGCC, Legislative Day 16

Date: 06/09/20

Place: Teleconference

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direction; further, that said transcript is a true and
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PRINCE GEORGE'S COUNTY, MARYLAND

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COUNTY COUNCIL

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LEGISLATIVE DAY NO. 20

+ + + + +

TUESDAY

JULY 14, 2020

+ + + + +

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 IN THE MATTER OF: :
 :
 CB-022-2020 - :
 An Ordinance Concerning :
 R-S Zone :
 :
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Tuesday,
July 14, 2020

Video Teleconference

The Joint Public Hearing of the Prince George's County Council convened at 11:00 a.m. EDT, Todd M. Turner, Chairperson, presiding.

COUNTY COUNCIL MEMBERS PRESENT:

- TODD M. TURNER, Chairperson
- CALVIN S. HAWKINS, Vice Chair
- MONIQUE ANDERSON-WALKER, Council Member
- DERRICK LEON DAVIS, Council Member
- THOMAS E. DERNOGA, Council Member
- MEL FRANKLIN, Council Member
- DANNIELLE M. GLAROS, Council Member
- SYDNEY J. HARRISON, Council Member
- JOLENE IVEY, Council Member
- RODNEY C. STREETER, Council Member

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DENI L. TAVERAS, Council Member

COUNTY COUNCIL STAFF PRESENT:

ROBERT J. WILLIAMS, JR., Council Administrator
WILLIAM N. HUNT, Deputy Council Administrator
DONNNA J. BROWN, Clerk of the Council
THERESA D. MYERS, Legislative Assistant
LEONARD D. MOSES, Zoning Assistant
TERRY L. BELL, Council Liaison
SAKINDA SKINNER, Associate County Attorney
KAREN T. ZAVAKOS, Legislative Officer
INEZ CLAGGETT, Audits & Investigations
SANDRA EUBANKS, EWD Committee Director
HOWARD STONE, GOFP Committee Director
COLETTE R. GRESHAM, Legislative Officer
JACKIE BROWN, PHED Committee Director
NATHANIEL TUTT, III, HHSPS Committee Director
DONNA WHITMAN, Legislative Officer
SHIRLEY ANGLIN, TIEE Administrative Aide
CHARLOTTE AHEART, PHED Administrative Aide
LOCHELLE FERGUSON, GOFP & HHSPS Administrative Aide

The transcript constitutes the requested minutes from
the joint public hearing held on July 14, 2020

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. CB-022-2020 - An Ordinance Concerning R-S Zone. 4
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1 P-R-O-C-E-E-D-I-N-G-S

2 (Time Not Provided)

3 CHAIRPERSON TURNER: Moving on our agenda, we have CB-
4 022-2020, Draft 2. This is an Ordinance Concerning the R-S Zone
5 for the purpose of permitting certain employment and industrial --
6 excuse me -- institutional uses permitted by right in the E-I-A or
7 (Employment and Institutional Area) Zone to be permitted in the R-
8 S or (Residential Subdivision) Zone of Prince George's County
9 under certain specified circumstances and providing procedures for
10 amendment of the approved basic plan to guide the development of
11 such uses.

12 That is being sponsored by Council Members Turner,
13 Davis, Franklin, Harrison, Hawkins, and Streeter. We do have
14 speakers and so let me go to our speakers list on this item. The
15 first person I have signed up to speak is Mr. Thomas Graham. Mr.
16 Graham, good to see you. And he'll be followed Ms. Cheryl Landis.
17 Good to see you as well. And then followed finally by Mr. Arthur
18 Horne. So if you would start speaking in that order, you have up
19 to your three minutes to speak on CB-022-2020.

20 MR. GRAHAM: Good afternoon, Chairman Turner and members
21 of the council. My name is Thomas Graham. I've been a resident
22 of Prince George's County for nearly 20 years. The last 13 I've
23 resided in the Oak Creek community near Oak Grove Road that
24 connects to Leeland Road. I'm here today in support of CB-022-
25 2020 to allow the construction of Liberty Business Park.

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1 I support this legislation for three primary reasons.
2 As a resident, I don't see a negative impact since the traffic
3 flow will not include travel west on Leeland towards Church Road
4 near the Oak Creek community. Leeland is already a tight road
5 with various flooding with width issues so additional traffic
6 would not be advisable.

7 Second, any project that brings over 3,500 jobs to our
8 community is of great value. This will also provide contracting
9 opportunities for MBE/CBB businesses in excess of \$100 million
10 through the construction phrase. Finally, the thought of
11 generating an additional \$21 million in tax revenue benefits for
12 all Prince George's. Opportunities of this nature are few and far
13 between.

14 Before I conclude my testimony, I want to thank the
15 council and the County Executive for guiding the County through
16 this pandemic and now social justice issues that face our country.
17 This concludes my testimony. Thank you in advance for your
18 support.

19 CHAIRPERSON TURNER: Thank you very much, Mr. Graham.
20 Appreciate that.

21 Next, let me turn to Ms. Cheryl Landis. Good afternoon,
22 Ms. Landis, if you're with us.

23 (No response.)

24 CHAIRPERSON TURNER: Go ahead and make sure you're
25 unmuted.

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1 (No response.)

2 MS. BROWN: Mr. Chairman, I don't believe Ms. Landis is
3 still with us. She did have a conflict. Thank you.

4 CHAIRPERSON TURNER: Okay. Thank you, Madam Clerk.

5 With that, let me now move to Mr. Arthur Horne.

6 MR. HORNE: Thank you, Mr. Chairman, members of the
7 County Council. For the record, Arthur Horne, Law Offices of
8 Shipley & Horne, Largo, Maryland here representing WBLH, LLC.
9 We're the owners of Willowbrook which is about a 450-acre tract of
10 land in the R-S/R-A I1 Zone located directly adjacent to the
11 Collington Business Center and they are in support of CB-022-2020
12 as this property is one of the properties that can be impacted by
13 this legislation.

14 WBLH is a joint venture between Cole Brothers and NVR.
15 So prior to 2006 Willowbrook was zoned EIA by this -- by the
16 County Council and has received approvals for development of an
17 employment and industrial park to be known as the Willowbrook
18 Business Park. The Willowbrook Business Park was previously
19 intended to be Phase II of the Collington Business Center also
20 zoned EIA. It should be noted that the Collington Business Center
21 is substantially developed and it is about 96 percent leased up.

22 As recently as 2019, this council has approved over
23 1,100 residential units on the Willowbrook property as part of a
24 Comprehensive Design Plan. But as part of this process and a part
25 of the property owner's never-ending community outreach, though

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1 told NVR received tremendous support for their luxury residential
2 development concept, in communicating with the neighborhood
3 citizens and the state and municipal elected employees and
4 officials, the fact that the Willowbrook was originally intended
5 to be part of the Collington Business Center was continuously
6 discussed.

7 It has become apparent that the preferred use for the
8 property for its potential was more -- not any more residential in
9 the neighborhood, but for the employment part. Though through its
10 outreach to the surrounding communities, the civic and homeowner's
11 associations inclusive of representatives of the Bowie City
12 Planning Advisory Committee, the Collective Empowerment Group,
13 NAACP and others, the collective stated goal with all these
14 entities were to ease overcrowding in schools, increase job
15 opportunities for residents, increase the County's tax base by
16 providing more commercial and industrial uses, alleviate traffic
17 on neighborhood streets and especially in the Beech Tree and Oak
18 Creek area specifically and address concerns of traffic on Route
19 301 which has taken a tremendous step forward with the recent
20 adoption of the County's budget that included Route 301 on the
21 County's six-year CIP plan.

22 By committing EIA uses in an R-S Zone on the Willowbrook
23 property, these stated desires can be achieved. The owners can
24 propose a design that would eliminate all residential traffic from
25 the approved 1,100 plus homes currently programed for Leeland

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1 Road, direct all truck traffic for the EIA use in and out of
2 Willowbrook would be through the adjacent Collington Center and
3 its upgraded ingress and egress out of Route 301. It should be
4 noted that the employment center would also replace residential
5 and have no impact to the public school system.

6 As demonstrated by the Valbridge Fiscal Impact Analysis
7 Report (phonetic) which has been submitted as part of this record,
8 development of the Willowbrook site as E-I-A use would create
9 5,000 to 6,000 permanent jobs and provide annual tax revenue of
10 more than double that of its residential project. With all these
11 goals being --

12 CHAIRPERSON TURNER: Mr. Horne, I'm going to ask you to
13 wrap you as your time has expired. Thank you.

14 MR. HORNE: Okay. I just want to say that this
15 legislation just simply provides an opportunity for the venture to
16 go forward. For these reasons, we ask that you support CB-022-
17 2020.

18 CHAIRPERSON TURNER: Thank you very much, Mr. Horne.

19 That's all the persons I have signed up to speak on CB-
20 022-2020 so this public hearing will be concluded.

21 I will note in our back-up we do have three letters, one
22 from the Indianhead Highway Action Council, the Southern Christian
23 Leadership Conference, and the NAACP for Prince George's County.
24 And Madam Clerk, I'll forward it to you. I know we received
25 something this morning on behalf of an individual, former council

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1 member, in the City of Bowie as well, so we'll make sure that's in
2 the record.

3 So with that, that concludes our public hearing on CB-
4 022-2020, Draft 2. Let me see. Is there a motion to enact?

5 COUNCIL MEMBER DAVIS: So moved.

6 CHAIRPERSON TURNER: Mr. Davis.

7 COUNCIL MEMBER HARRISON: Second.

8 CHAIRPERSON TURNER: Seconded by Mr. Harrison. I saw
9 the peace sign. Well, Mr. Franklin as well.

10 Any discussion on the motion?

11 (No response.)

12 CHAIRPERSON TURNER: Seeing none, Madam Clerk, please
13 call the roll.

14 MS. BROWN: Mr. Chairman?

15 CHAIRPERSON TURNER: Vote aye.

16 MS. BROWN: Ms. Anderson-Walker?

17 COUNCIL MEMBER ANDERSON-WALKER: Aye.

18 MS. BROWN: Mr. Davis?

19 COUNCIL MEMBER DAVIS: Aye.

20 MS. BROWN: Mr. Dernoga?

21 (No response.)

22 MS. BROWN: I think we've lost Mr. Dernoga for a moment.
23 Mr. Franklin?

24 COUNCIL MEMBER FRANKLIN: Aye.

25 MS. BROWN: Ms. Glaros?

1 COUNCIL MEMBER GLAROS: Aye.
2 MS. BROWN: Mr. Harrison?
3 COUNCIL MEMBER HARRISON: Aye.
4 MS. BROWN: MR. Hawkins?
5 COUNCIL MEMBER HAWKINS: Aye.
6 MS. BROWN: Ms. Ivey?
7 COUNCIL MEMBER IVEY: Aye.
8 MS. BROWN: Mr. Streeter?
9 COUNCIL MEMBER STREETER: Aye.
10 MS. BROWN: Ms. Taveras?
11 COUNCIL MEMBER TAVERAS: (No audible response.)
12 MS. BROWN: She voted sign. Motion carries, 10-0.
13 CHAIRPERSON TURNER: Thank you, very much.
14 (This concludes the requested portion of the public
15 hearing. Other matters were reported, but are not transcribed
16 herein.)
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C E R T I F I C A T E

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In the matter of: CB-022-2020

Before: PGCC

Date: 07/14/20

Place: Teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Nicole Kittleson

NICOLE KITTLESON

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Image 8

Leeland Road: facing Subject Property (North)

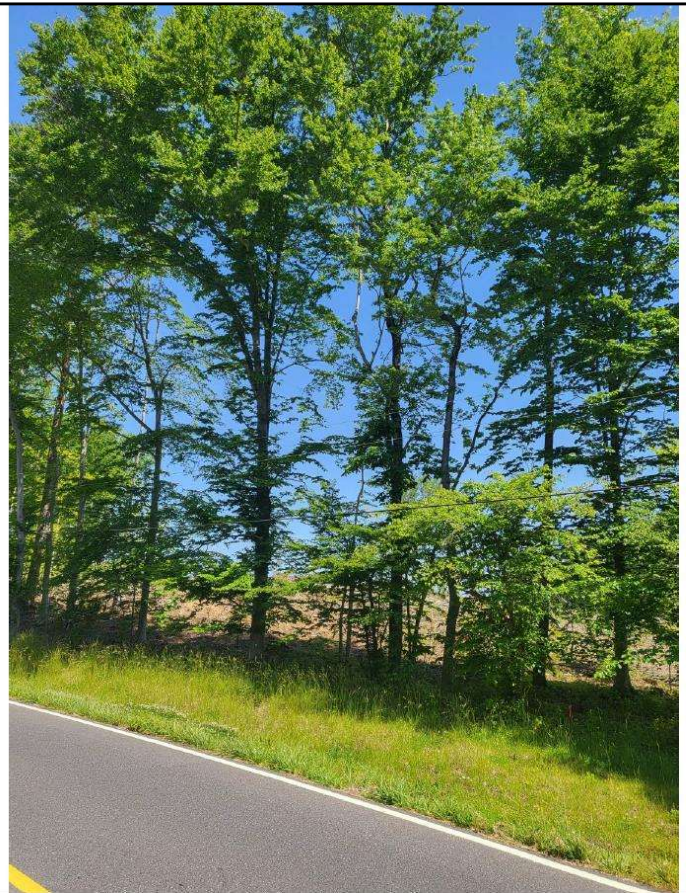
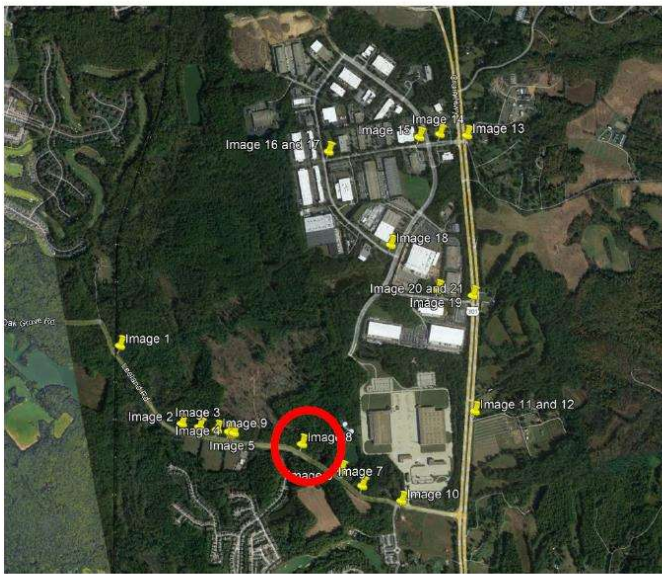


Image provided as exhibit during Planning Board hearing on June 2, 2022, regarding PPS 4-21056.

Image 9

Leeland Road: facing Subject Property (North)

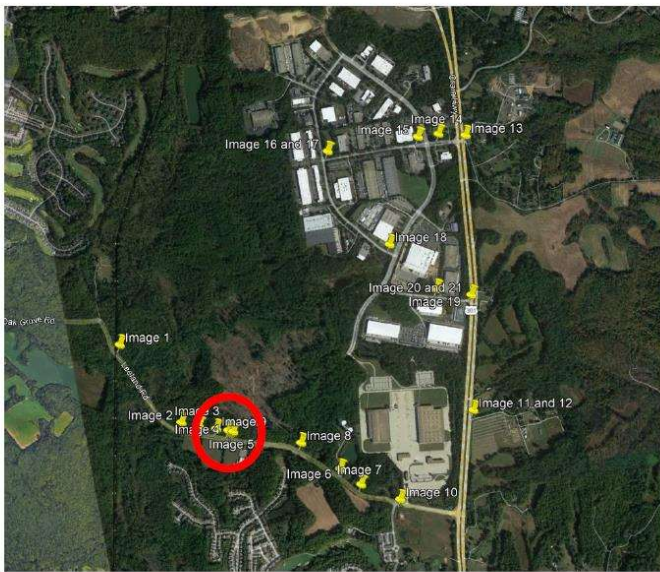


Image provided as exhibit during Planning Board hearing on June 2, 2022 regarding PPS 4-21056.



Image from Google Maps, street view, along Leeland Road facing North.



Image from Google Maps, street view, along Leeland Road facing North.

November 9, 2022

MEMORANDUM

TO: Tierre Butler, Planner II, Urban Design Section
VIA: Mridula Gupta, Planner III, Subdivision Section
FROM: Eddie Diaz-Campbell, Planner II, Subdivision Section
SUBJECT: SDP-1603-03; National Capital Business Park Parcel 11

The subject site is a 26.65-acre portion of a 442.30-acre property known as Tax Parcel 30, which is further described as Parcels A and B by deed in the Prince George's County Land Records in Liber 44895 at folio 292. The site is in the Legacy Comprehensive Design (LCD) Zone; however, this application was submitted for review under the prior Zoning Ordinance and Subdivision Regulations pursuant to Section 27-1703 of the Zoning Ordinance, and it is therefore evaluated according to the standards of the prior Residential Suburban Development (R-S) zoning of the subject property. This Specific Design Plan SDP-1603-03 proposes a 301,392 square-foot gross floor area (GFA) warehouse/distribution building.

SDP-1603-01 was approved 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, retaining walls and directional signage that will serve the employment and institutional uses proposed for the property.

The site is subject to Preliminary Plan of Subdivision (PPS) 4-21056 (PGCPB Resolution No. 2022-70). This PPS covers 442.3 acres and was approved on June 2, 2022 for 27 parcels, for the development of 5.5 million square feet of industrial uses. Of the 27 parcels, six (Parcels A1 to A6) are to be conveyed to M-NCPPC and nine (Parcels B2 to B10) are to be conveyed to a business owners association (BOA). The parcels to be conveyed to the BOA and M-NCPPC will be used for open space, including public recreational facilities on Parcel A2. The remaining 12 parcels (Parcels 1, 2, and 4 to 13) will be developed. The subject site is identified as Parcel 11 on the PPS, and the lot layout shown on the SDP is consistent with the PPS. The GFA proposed with this SDP is within the 5.5 million square feet of GFA approved by the PPS.

PPS 4-21056 was approved subject to 22 conditions, and the following conditions are relevant to the review of this SDP amendment:

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 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 GFA warehouse/distribution building is proposed with this SDP. Conformance to this condition should be evaluated by the Transportation Planning Section.

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 proposed 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 stormwater management concept plan (42013-2020-00) and any subsequent revisions.

With the application, the applicant submitted the above referenced approved stormwater management (SWM) concept plan and approval letter, which covers the overall National Capital Business Park 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 and approval specific to the subject site (214-2022-0); this approval was issued July 7, 2022 and expires on July 7, 2025. Conformance with this condition should be evaluated by the Environmental Planning Section.

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 PUE's 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 specific design plan as required, except for the requirement in Condition 7b. This requirement needs to 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 SDP 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.**

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 memo dated June 15, 2022 which is intended to provide phasing plans satisfying the requirements of Conditions 9 and 10. The Transportation Planning Section should determine whether these conditions are met.

18. **Development of this subdivision shall be in conformance with an approved Type 1 tree conservation plan (TCP1-004-2021-03). 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 (TCP1-004-2021-03 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 Environmental Planning Section should determine whether the TCP2 conforms to the approved TCP1-004-2021-03.

Additional Comments:

1. Pursuant to Section 24-4503(a)(4) of the Subdivision Regulations, the site has a certificate of adequacy associated with 4-21056 effective June 2, 2022, which is valid for 12 years.
2. Technical revisions are needed to the SDP plan set, which are listed below in condition form. If the below revisions are accomplished prior to the Planning Board hearing, the condition is unnecessary.

Recommended Conditions:

1. Prior to signature approval of the specific design plan, the following corrections shall be made 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 yet 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 the 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, please 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 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. Ensure that the "Parcels Proposed for Dedication Table" on Sheet C-004 shows all the parcels dedicated to M-NCPPC (Parcels A1 to A6) and all the parcels dedicated to the business owners association (Parcels B1 to B9).
 - j. Move the note regarding the areas of Parcels A1-A6 and B1-B9 located below the "Dedication Table" on Sheet C-004 to be below the "Parcels Proposed for Dedication

Table.” Revise the “total area” line of this note to show the total area of the dedicated parcels rather than the total area of the overall site.

- k. Add a note below the “Parcels Proposed for Dedication Table” and the “Dedication Table” stating that the parcels to be dedicated to M-NCPPC and the business owners association, as well as the right-of-way to be dedicated, are shown as dedicated on SDP-1603-01, the infrastructure SDP for the overall National Capital Business Park development.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. The SDP has been found to be in conformance with the approved preliminary plan of subdivision. All bearings and distances must be clearly shown on the SDP and must be consistent with the record plat, once it is approved, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

December 13, 2022

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: James Hunt, Chief, Development Review Division *JRH*
AF Anne Fothergill, Supervisor, Urban Design Section
Development Review Division

FROM: Tierre Butler, Planner II, Urban Design Section *TB*
Development Review Division

SUBJECT: **Specific Design Plan SDP-1603-03, NCBP, Parcel 11**
Planning Board Agenda December 15, 2022 – Staff Revisions to Technical Report

This supplemental memorandum provides staff's revisions (added text underlined, deleted text [~~striketrough~~]) to the technical staff report for Specific Design Plan SDP-1603-03 dated December 23, 2022, as detailed below.

In the technical staff report, staff inadvertently cited a previously approved basic plan amendment and not the most recently approved amendment. Staff proposes to revise the staff report with a replacement of all references to the incorrect application, Basic Plan A-9968-02, with the correct application, Basic Plan A-9968-03, within the following sections:

- page 2 (Table of Contents, No. 8)
- page 3 (EVALUATION, Item b.)
- page 4 (Finding 5, Previous Approvals)
- page 11 (Finding 8, Zoning Map Amendment) – Please note that the conditions are correctly referenced from A-9968-03, as listed in the original staff report. However, the labeling of Finding 8 references -02 instead of A-9968-03.

Also, staff proposes to revise Finding 10, to replace the incorrect dollar amount of \$155,002 (1989 dollars), which was for Parcel 12, with the correct dollar amount of \$277,281 (1989 dollars), which is for Parcel 11. The amount for Parcel 11 was correctly noted in the Recommendation section of the original staff report.

Finally, a referral memorandum from the Subdivision Section for SDP-1603-02 was inadvertently included in the original staff report. The correct memorandum for SDP-1603-03 will be filed into the record for the Planning Board’s review. The Subdivision conditions recommended in the original staff report were based on this previous memorandum. The applicant has submitted revised conditions and the correct Subdivision conditions have been included in the revisions. Staff agrees with the applicant’s proposed revised conditions.

Proposed revisions to the Table of Contents:

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Proposed revisions to the Evaluation section:

EVALUATION

This application is for a development located within the National Capital Business Park. The National Capital Business Park is split zoned and located within the Legacy Comprehensive Design (LCD) Zone, the Industrial, Employment (IE) Zone, and the Agricultural-Residential (AR) Zone. The subject property being developed is located only within the LCD Zone, however, which was formerly the Residential Suburban Development (R-S) Zone. This application is being reviewed and evaluated in accordance with the prior Prince George’s County Zoning Ordinance, pursuant to Section 27 1704(b) of the Zoning Ordinance, which allows development applications

with prior approvals to continue to be reviewed under the prior ordinance. The specific design plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the prior Prince George's County Zoning Ordinance in the Employment and Institutional Area (E-I-A) Zone, in accordance with Prince George's County Council Bill CB-22-2020.
- b. The requirements of Zoning Map Amendment (Basic Plan) [~~A-9968-02~~] A-9968-03.
- c. The requirements of Comprehensive Design Plan CDP-0505, as amended.
- d. The requirements of Preliminary Plan of Subdivision 4-21056.
- e. The requirements of the 2010 *Prince George's County Landscape Manual*.
- f. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- g. The requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- h. Referral comments.

Proposed revisions to Finding 5:

5. **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-9968-02~~] 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.

Proposed revisions to Finding 8:

8. **Zoning Map Amendment (Basic Plan) [~~A-9968-02~~] A-9968-03:** The requirements of Basic Plan A-9968-02 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.

Proposed revisions to Finding 10:

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. Staff analysis of the project's conformance to these conditions follows each one in plain text:

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.

A phasing plan was submitted as part of this application. The phasing plan indicates that the applicant needs to contribute [~~\$155,002~~] \$277,281 (1989 dollars) to the US 301 CIP-funded improvements.