AGENDA ITEM: 7 AGENDA DATE: 6/30/2022



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 National Capital Business Park

SDP-1603-02

DEOLICE	CTAPE DECOMMENDATION
REQUEST	STAFF RECOMMENDATION
Development of a 3,428,985-square-foot warehouse/distribution facility, with	With the Conditions Recommended herein:
associated parking lots and a trailer and	• Approval of Specific Design Plan SDP-1603-02
loading area	Approval of Type 2 Tree Conservation Plan
	TCP2-026-2021-02

Location: On the north side of Leeland Road, approximately 3,178 feet west of its intersection with US 301 (Robert Crain Highway).

8 - 37		
Gross Acreage:	90.11	
Zone:	LCD	
Zone Prior:	R-S	
Reviewed per prior Zoning Ordinance:	Section 27-1703(d)	
Dwelling Units:	N/A	
Gross Floor Area:	3,428,985 sq. ft.	
Planning Area:	74A	
Council District:	04	
Municipality:	N/A	
Applicant/Address:		

AMS 2022 BTS – Upper Marlboro MD, LLC 8888 Keystone Crossing, Suite 1150 Indianapolis, IN 46240

Staff Reviewer: Henry Zhang, AICP LEED AP

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Planning Board Date:	06/30/2022	
Planning Board Action Limit:	07/05/2022	
Staff Report Date:	06/16/2022	
Date Accepted:	04/26/2022	
Informational Mailing:	02/15/2022	
Acceptance Mailing:	04/21/2022	
Sign Posting Deadline:	05/31/2022	

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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-1603-02

Type 2 Tree Conservation Plan TCP2-026-2021-02

National Capital Business Park

The Urban Design staff has reviewed the amendment to a specific design plan for the subject property for conformance with the prior Prince George's County Zoning Ordinance and approvals, and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This property is within the Legacy Comprehensive Design (LCD) Zone. This application, however, is being reviewed and evaluated in accordance with the prior Prince George's County Zoning Ordinance, pursuant to Section 27-1703(d) of the Zoning Ordinance. Therefore, this amendment to a specific design plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Zoning Map Amendments (Basic Plans) A-9968-02 and A-9968-03;
- b. The requirements of the prior Prince George's County Zoning Ordinance in the Residential Suburban Development (R-S) Zone and Section 27-480, General Development Regulations, in the Comprehensive Design Zone;
- c. The requirements of Comprehensive Design Plans CDP-0505-01 and CDP-0505-02;
- d. The requirements of Preliminary Plan of Subdivision 4-21056;
- e. The requirements of Specific Design Plan SDP-1603-01;
- f. The requirements of the 2010 *Prince George's County Landscape Manual*;
- g. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:
- h. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- i. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. Request: This specific design plan (SDP) is for development of a 3,428,985-square-foot warehouse/distribution facility, with on-site parking spaces and a trailer and loading area.

2. Development Data Summary:

EXISTING		PROPOSED	
Zone	LCD (prior R-S)	LCD (prior R-S)	
Use	Vacant	Warehouse/Distribution/Office	
Gross Acreage in this SDP	n this SDP 90.11 90.11		
Lots	1	2	
Total Gross Floor Area (sq. ft.) - 3,428		3,428,985	

PARKING and LOADING

Use	REQUIRED	PROPOSED
Warehouse/Distribution (3,379,678 sq. ft.)	725	1,573
Office (49,307 sq. ft.)	127	127
Guardhouse (440 sq. ft.)	2	2
Total Parking	854	1,702
Of which Handicapped Standard Spaces	18	28
Handicapped Van Accessible Spaces	5	8
Total Loading	85	85

- 3. **Location:** The larger property consists of wooded and undeveloped land, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and southbound US 301 (Robert Crain Highway). The subject site covered in this SDP is located on the north side of proposed Queens Court, in the middle of the northern part of the larger property. The site is also in Planning Area 74A and Council District 4.
- **4. Surrounding Uses:** The area covered by this SDP is part of the larger 442-acre National Capital Business Park (NCBP) property and is the first phase of the development. The site is surrounded on four sides by the vacant NCBP property in the Legacy Comprehensive Design (LCD) Zone.
- **5. Previous Approvals:** The site was rezoned from Residential-Agricultural (R-A) to Employment and Institutional Area (E-I-A) by the 1991 *Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A, and 74B.* The rezoning was contained in Zoning Map Amendment (Basic Plan) A-9829. In 2005, Basic Plan A-9968 was filed to request a rezoning of the property from E-I-A to Residential Suburban Development (R-S). At that time, the approval

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of a new Bowie and Vicinity Master Plan and SMA was underway. A-9968 was recommended for approval by the Prince George's County Planning Board (PGCPB Resolution No. 05-178) and was transmitted to the Prince George's County District Council for incorporation into the 2006 Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B (Bowie and Vicinity Master Plan and SMA).

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

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

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

On March 30, 2017, SDP-1603 and associated TCPII-028-2016 (PGCPB Resolution No. 17-144) was approved, subject to 15 conditions, for Phase One of the residential development which proposed 183 single-family detached and 93 single-family attached market-rate lots, 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture. No construction has been started on the property.

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

On April 12, 2021, the District Council approved A-9968-02, which is a revision to A-9968 and A-9968-01, to replace the previously approved residential land use patterns on the subject site with employment and institutional uses generally permitted in the E-I-A Zone, as authorized pursuant to Section 27-515(b), and in the R-S Zone, subject to 17 conditions and 2 considerations. A-9968-02 supersedes the approvals of both A-9968 and A-9968-01, and sets the future development of the subject site for 3.5 million square feet of employment and institutional uses, as permitted in the E-I-A Zone, without any residential component.

On May 16, 2022, the District Council approved Basic Plan A-9968-03 to amend the basic plan for National Capital Business Park, to increase employment and industrial uses by 2 million square feet and to revise conditions and considerations of the prior approved Basic Plan (A-9968-02), subject to 18 conditions and 2 considerations.

On April 29, 2021, CDP-0505-01 and TCP1-004-2021 were approved by the Planning Board (PGCPB Resolution No. 2021-50), which established the design guidelines for the National Capital Business Park project, subject to five conditions. The District Council elected not to review CDP-0505-01 on June 4, 2021.

On May 5, 2022, the Planning Board approved CDP-0505-02 and TCP1-004-2021-02 (PGCPB Resolution No. 2022-53), which increases the total gross floor area of the permitted employment and institutional uses from the previously approved 3.5 million square feet to 5.5 million square feet and amended Condition 4, subject to seven conditions. However, this SDP is within the development limit established by the previous CDP-0505-01.

On September 30, 2021, the Planning Board approved PPS 4-20032 (PGCPB Resolution No. 2021-112) for the National Capital Business Park for 3.5 million square feet, including TCP1-004-2021-01, subject to 32 conditions.

On January 13, 2022, the Planning Board approved infrastructure SDP-1603-01 (PGCPB Resolution No. 2022-10) for the entire National Capital Business Park, under PPS 4-20032, subject to three conditions, and superseded the prior approved SDP-1603.

On June 2, 2022, the Planning Board approved PPS 4-21056 (PGCPB Resolution No. 2022-70) for 27 parcels for development of up to 5.5 million square feet of employment and institutional uses generally permitted in the E-I-A Zone on the subject property. PPS 4-21056 supersedes PPS 4-20032.

This site also has an approved Stormwater Management (SWM) Concept Plan, 42013-020-00, which is valid through June 28, 2024.

6. **Design Features:** The subject SDP is the first phase of the larger National Capital Business Park project for development of a 90.11-acre site for a 3,428,985-square-foot warehouse/distribution facility in one building, surrounded on the north, south, and east sides by a 1,702-space surface parking lot and 500 truck trailer locations, including 85 loading docks. However, the SDP shows different loading space information, that must be corrected prior to certification of this SDP. Specifically, trailer parking and loading will be located on the north and east sides of the building, while the on-site parking spaces for employees and visitors will be located on the south side of the building, closer to proposed Queens Court. There will be three access driveways leading to the site from Queens Court, which intersects with Prince George's Boulevard, the spine road running through Collington Center, to the east and beyond that connects to US 301.

The proposed building will have a footprint of approximately 649,653 square feet and will be approximately 93 feet tall. The building is finished with five types of metal panels, in combination with five types of concrete panels, and is designed in a balanced composition with storefront glazing and a flat roof. The elevations are proportionally and visually divided into smaller modules to minimize horizontal expanses, with architectural

articulation, such as tower elements, projections, mixed finishing materials, and color patterns. The main entrance is located on the south side of the building and is distinguished by a blue canopy. The building design is acceptable, given the proposed industrial use.

There are multiple directional signs located throughout the site and one monument sign located along Queens Court, at the entrance to the site. There is one building-mounted sign over the entrance. However, no specific sign face areas have been provided on the signage sheet. A sign face area calculation table should be provided to show the square footage of each sign. A condition has been included in the Recommendation section of this report requiring that this sign table be provided, prior to certification of this SDP.

A photometric plan, along with details of the lighting fixtures, has been provided with this SDP. All lighting fixtures are full-cutoff luminaires. Sufficient lighting has been provided on the site to serve this development.

Green Building Techniques: The subject application will be employing the following green building techniques, under three general categories, during the construction:

- Energy Efficiency and Water Efficiency
 - Exterior LED lighting with full cutoff
 - LED interior lighting
 - Daylight harvesting controls on interior lighting where appropriate
 - Occupancy lighting controls
 - High efficiency HVAC equipment (19+ IEER (Integrated Energy Efficiency Ratio)). No natural gas heat required.
 - Dedicated outside air energy recovery heat pumps supplying 30 percent above code required outside air to the building.
 - MERV (Minimum Efficiency Reporting Value) 13 efficient air filtration.
 - Low water-use plumbing fixtures
- Building Materials
 - Low VOC (Volatile Organic Compound) paints & finishes, where possible
 - Highly reflective roofing materials
 - Insulation values above code minimum
 - High Efficiency Glazing
 - Thermal Aluminum Window systems
- Recycling
 - Separation of trash (Construction Waste Management) during construction.
 - Collection of recyclable materials during construction and after occupancy.

COMPLIANCE WITH EVALUATION CRITERIA

7. Zoning Map Amendment Applications (Basic Plans) A-9968-02 and A-9968-03:

A-9968-02 was approved to remove all residential uses depicted in both A-9968 and A-9968-01, and to show up to 3.5 million square feet of employment and institutional uses. A-9968-02 was approved by the District Council on April 12, 2021, with 17 conditions and 2 considerations, that supersedes both A-9968 and A-9968-01, which depicted residential development only.

On May 16, 2022, the District Council approved A-9968-03 solely to increase the employment and industrial uses by 2 million square feet, and to revise conditions and considerations of the prior A-9968-02 approval, pursuant to Section 27-197(c) of the Zoning Ordinance, subject to the exact same 17 conditions and 2 considerations, as included in A-9968-02, except for a new Condition 18, which is discussed below.

Conditions and considerations attached to the approval of A-9968-03, that are relevant to the review of this SDP are, as follows:

1. Proposed Land Use Types and Quantities

Total Area: 442.30 acres

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

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

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

Land in the 100-year floodplain: 92.49 acres

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

Proposed use: Warehouse/distribution, office, light industrial/ manufacturing, and/or institutional uses up to 5.5 million square feet *

Open Space

Public active open space:20± acres

Passive open space: 215± acres

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

This SDP is the first stage of the larger development and proposes a 3,428,985-square-foot warehouse/distribution facility and associated parking and loading spaces to serve the proposed uses on approximately 90.11 acres of the

442-acre larger property, within the prior R-S Zone. Staff finds that the proposed improvements fall within the land uses approved by A-9968-03.

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 two trails, consistent with this condition, are shown on the approved infrastructure SDP-1603-01. The Prince George's County Department of Parks and Recreation (DPR) will coordinate construction of the master plan hiker/biker trails with the applicant.

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 applicant is coordinating with DPR to determine appropriate programming and design for the future community park. An exhibit was submitted with the prior infrastructure SDP that has been reviewed by DPR. DPR is in general agreement with the proposed community park facilities, subject to conditions that have been included in the Recommendation section of this report

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 shared-use path is shown on SDP-1603-01, in accordance with this condition. The applicant will work with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) for construction of the shared-use path, through its separate permitting process.

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.

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The required network of pedestrian and bikeway has been extended from Queens Court to the site covered in this SDP, which is the first stage of development for the larger site.

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.

The development proposed with PPS 4-21056 has been determined, in part, by the environmental constraints of the site, including regulated environmental features (REF) and soils. Minimal impacts to the environmental features are proposed. Impacts to the primary management area (PMA) were previously approved with 4-20032 and SDP-1603-01. The PMA impacts previously approved with 4-20032 were submitted with 4-21056 for approval, because it will supersede the previous PPS. The PMA impacts approved with SDP-1603-01, which encompasses the larger 442-acre site, are still valid. Since this SDP is only for a small portion of the larger site, it falls completely within the prior approved limit of disturbance (LOD) of SDP-1603-01.

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

The SDP proposes site improvements, including all modes of transportation required by this condition, that support the warehouse/distribution facility for this site, which is part of the larger property. Additional details, such as facilities to support multimodal transportation on other parts of the larger site, will be evaluated with the subsequent full-scale SDP(s).

- **8. Prior Prince George's County Zoning Ordinance:** Staff finds that the subject SDP is in compliance with the applicable requirements of the Zoning Ordinance, as follows:
 - a. Through the adoption of Council Bill CB-22-2020, the District Council expanded the uses permitted in the R-S Zone, to allow nonresidential uses that are generally permitted in the E-I-A Zone on the subject property, under certain conditions. This SDP is for the middle 90.11 acres of the site for a warehouse/distribution facility, which is a use permitted by CB-22-2020 and otherwise complies with the findings in both A-9968-03 and CDP-0505-02, regarding the uses on the property.
 - b. Section 27-480 (General development regulations) of the Zoning Ordinance and those regulations in the R-S Zone, as stated in Sections 27-511 to 514 of the Zoning Ordinance, are mainly for residential uses. Since this SDP is for a warehouse/distribution facility use that is generally permitted in the E-I A Zone, those regulations are not applicable to this SDP.
 - c. Section 27-528 of the Zoning Ordinance contains the following required findings for the Planning Board to grant approval of an SDP:

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

(1) The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual;

The site improvements proposed in this SDP will support the development described in approved CDP-0505-02 and each of the conditions of approval. The improvements also comply with the requirements of the Landscape Manual and the design guidelines applicable to this SDP, as discussed in findings herein. Therefore, staff finds that the SDP conforms with the approved CDP and the applicable standards of the Landscape Manual.

(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;

The subject property is not designated as a Regional Urban Community. Therefore, this finding is not relevant to this SDP.

(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;

The subject property is governed by an approved and valid PPS, 4-21056, which was approved by the Planning Board on June 2, 2022 and determined that this development will be adequately served, within a reasonable period of time, with existing or programmed public facilities. The site improvements described in this SDP are the first phase of the envisioned development occupying the middle of the larger site, that was approved with PPS 4-21056, which supersedes PPS 4-20032. This SDP meets this requirement.

(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;

As discussed above, the application included an approved and valid SWM concept plan for the entire larger site, and the site improvements proposed in the SDP support, or otherwise do not hinder, the plan. Therefore, staff finds that, to the extent the improvements proposed in this SDP are the first phase of the larger development, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

In addition, a revision to the previously approved SWM concept plan is in the review process and this SDP is in conformance to the draft plan. A condition has been included herein requiring that the revised SWM concept plan be approved, prior to certification of the SDP.

(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and

Type 2 Tree Conservation Plan TCP2-026-2021-02 was submitted to the Environmental Planning Section on April 26, 2022. In accordance with the review by the Environmental Planning Section (Nickle to Zhang, May 31, 2022), the subject SDP conforms to TCP2-026-2021-02, subject to conditions that have been included in the Recommendation section of this report.

(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).

The site improvements described in this SDP are only for a portion of the larger site and do not expand the approved land use quantities, included in A-9968-03, that preserve more than half of the entire site in a natural state. This condition was further evaluated at the time of approval of PPS 4-21056, and conformance was demonstrated. The Environmental Planning Section (Nickle to Zhang, May 31, 2022) concluded, after the review of the SDP and the proposed TCP2-026-2021-02, that the REF on the subject property will be preserved and/or restored, to the fullest extent possible, based on the level of detail provided with SDP-1603-02 for one proposed impact for a stormwater outfall.

- 9. Comprehensive Design Plans CDP-0505-01 and CDP-0505-02: CDP-0505-01 was approved by the Planning Board on April 29, 2021 (PGCPB Resolution No. 2021-50) for the proposed 3.5 million square feet of various employment and institutional uses. CDP-0505-01 was approved with five conditions, of which one condition is relevant to the review of this SDP, as follows:
 - 3. Prior to certification of a Type 2 tree conservation plan for the subject development, which states specifically the location, acreage, and methodology of the woodland conservation credits, crediting of woodland conservation shown on any property to be dedicated to, or owned by the Maryland-National Capital Park and Planning Commission, is subject to written approval by the Prince George's County Department of Parks and Recreation.

This condition was satisfied at the time of approval of SDP-1603-01 for infrastructure.

On May 5, 2022, the Planning Board approved CDP-0505-02, which is to increase the total gross floor area of the permitted employment and institutional uses from the previously approved 3.5 million square feet to 5.5 million square feet, in accordance with A-9968-03, subject to seven conditions. On June 6, 2022, the

District Council elected not to review CDP-0505-02, but the appeal period is still pending. The conditions relevant to the review of this SDP are discussed, 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.

As discussed previously, this development cap is established based on 5.5 million square feet of the gross floor area. The subject SDP is only for 3,428,985 square feet, which is within the approved limit for this site. This SDP meets 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.

In accordance with the review by the Transportation Planning Section (Yang to Zhang, June 3, 2022), this condition has been satisfied, subject to conditions that have been included in the Recommendation section of this report.

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

The required on-site transportation improvements necessary to serve the proposed warehouse/distribution facility have been shown on the SDP.

10. Preliminary Plan of Subdivision 4-21056: PPS 4-21056 was approved by the Planning Board on June 2, 2022 (PGCPB Resolution No. 2022-70) and supersedes PPS-20032, which was approved by the Planning Board on September 30, 2021 (PGCPB Resolution

No. 2021-112). Out of the 22 conditions of approval, the following are relevant to the review of this SDP and warrant discussion:

2. Total development within the subject property shall be limited to uses which generate no more than 1,401 AM peak-hour trips and 1,735PM 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 improvements proposed by this SDP are the first stage of development of a larger project and is located in the middle of the larger site. The total gross floor area proposed is approximately 3,428,985 square feet, which is within this development limit, based on a total gross floor area of 5.5 million square feet.

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.

No residential development is proposed in this SDP.

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

An approved SWM Concept Plan (42013-2020-00) was submitted and approved with SDP-1603-01 for the entire 442-acre site. As discussed previously, a revision to the approved SWM concept plan is in review, and this SDP is in conformance to the draft plan. The revised SWM concept plan approval is required, prior to certification of the SDP, as conditioned herein.

- 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 must be noted on the SDP, as conditioned herein.

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 required pedestrian and bicycle network has been extended from Queens Court to the subject site, which is the first stage of a larger development. The rest of the network serving the larger development on other parts of the site will be reviewed with the respective SDPs.

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.

The applicant has fully acknowledged this condition and will construct the required feeder trail, in accordance with instructions from DPR.

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 was fulfilled at the time of SDP-1603-01. This SDP is only for a middle portion of the larger site and does not include the Leeland Road frontage.

- 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.

The subject SDP does not include the area at the southern end of Logistics Lane. Therefore, this condition will be addressed with future SDPs that include the area of the NCBP site.

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.

DPR and the Urban Design Section reviewed the feeder trail associated with the 20-acre park and Collington Branch Stream Valley Trail system, and found them to be adequate at the time of the prior SDP-1603-01 for infrastructure, which included a condition relative to the trigger for construction. This condition has been fulfilled.

- 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.

This condition has been fully reviewed by DPR with this SDP. In accordance with the memorandum dated June 3, 2022, DPR recommends approval of this SDP, subject to three conditions, including a trigger for constructing the 20-acre park, that have been included in the Recommendation section of this report.

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."

In accordance with the review by the Environmental Planning Section (Nickle to Zhang, May 31, 2022), revised Type 2 Tree Conservation Plan (TCP2-026-2021-02) is consistent with TCP1-004-2021-03 approved with PPS 4-21056, and with TCP2-026-2021-01 approved with SDP-1603-01.

11. Specific Design Plan SDP-1603-01: On January 13, 2022, the Planning Board approved an infrastructure SDP-1603-01 (PGCPB Resolution No. 2022-10) for the entire National Capital Business Park, under PPS 4-20032, subject to three conditions, which superseded the prior approved SDP-1603. SDP-1603-01 is for the entire 442-acre site, following the approval of CDP-0505-01, to remove all residential uses and to develop up to 3.5 million square feet of employment and institutional uses generally permitted in the E-I-A Zone. Of the three conditions attached to SDP-1603-01, the following is applicable to the review of this SDP:

3. The 10-foot-wide on-site feeder trail shall be constructed concurrently with any buildings on Parcel 14.

This condition will be enforced at the time of permitting for buildings on Parcel 14.

- **2010 Prince George's County Landscape Manual**: Per Section 27-528(a)(1) of the Zoning Ordinance, an SDP must conform to the applicable standards of the Landscape Manual. The subject SDP is the first stage of the larger development and only Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Requirements for Parking lot Interior Planting; and Section 4.9, Sustainable Landscape Requirements, apply to this site. The landscape plans included with the SDP show the required landscape schedules that are in conformance with the applicable requirements.
- **13. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance**: This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is more than 40,000 square feet in area, contains a total of 10,000 square feet or more of woodlands, and has a previously approved Type 1 Tree Conservation Plan, TCP1-004-2021-03. TCP2-026-2021-02 has been submitted with the subject application and requires revisions to be found in conformance with the WCO.
 - a. A valid Natural Resources Inventory (NRI-098-05-04) was submitted with this application. The TCP2 and the SDP show all required information, in conformance with the current NRI.
 - b. The District Council amended the woodland conservation/afforestation threshold for land with prior R-S zoning, with permitted uses in the prior E-I-A Zone, to allow development 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 Light Industrial (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. However, 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 Environmental Technical Manual (ETM). A rough grading permit was recently approved for the site, utilizing the LOD of TCP2-026-2021. TCP2-026-2021-01 was approved with SDP-1603-01 and TCP2-026-2021-02 was submitted with SDP-1603-02.

Proposed clearing within 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 development of the park.

The overall woodland conservation worksheet shows clearing of 260.75 acres of woodland on the net tract area and 1.09 acres in the floodplain which, based on staff's calculations, results in a woodland conservation requirement of 118.68 acres. The requirement is proposed to be met with 78.98 acres of on-site woodland

preservation, 15.47 acres of on-site reforestation, and 24.23 acres of off-site woodland conservation credits.

Although this development has been part of several reviews, as the individual tenants submit SDPs for specific development, the applicant shall continue to look for opportunities to provide additional areas for reforestation. The applicant should consider expansion of reforestation Area A to the security fencing. Technical revisions to the revised TCP2 are required and included in the conditions herein.

- 14. Prince George's County Tree Canopy Coverage Ordinance: Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. Properties in the R-S Zone, to be developed per Section 27-515(b), Footnote 38, are required to provide a minimum of 10 percent (398,226 square feet) of the gross tract area in tree canopy coverage (TCC). This SDP includes a TCC schedule that shows approximately 11 percent (450,595 square feet) tree coverage of the property, in a combination of the existing non-woodland conservation area and landscape trees, that exceeds the requirements. However, the total site area on the TCC schedule is not consistent with that on the SDP. The applicant should address the inconsistency in site area, prior to certification, as conditioned herein.
- **15. Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Community Planning**—In a memorandum dated May 27, 2022 (Lester to Zhang), incorporated herein by reference, the Community Planning Division noted that, pursuant to Part 8, Division 4, Subdivision 2, of the prior Zoning Ordinance, master plan conformance is not required for this application.
 - b. **Transportation Planning**—In a memorandum dated June 3, 2022 (Yang to Zhang), incorporated herein by reference, Transportation Planning staff provided an analysis of previous conditions of approval that has been incorporated into the findings above. The most recent adequacy determination for this site occurred in PPS 4-21056, which was approved by the Planning Board on June 2, 2022. Therefore, it is determined that the development will be adequately served, within a reasonable period, with existing or programmed public facilities or facilities otherwise provided as part of the development. The overall vehicular and pedestrian circulation system conforms to the underlying PPS. All internal streets are adequately sized. From the standpoint of transportation, it is determined that this plan is acceptable.

Given the industrial nature of the use, Transportation Planning staff believes that the proposed development will generate large volumes of truck traffic. Staff requested that the applicant provide truck turning plans, to demonstrate adequate circulation for truck turning movements and safe integration with vehicular and pedestrian travel with limited conflicts on-site. The applicant has not submitted truck turning and circulation plans as part of the latest SDP submission. As a condition of approval, staff requests that the applicant provide truck turning plans, with the design vehicle classification, for evaluation.

In regard to pedestrian and bicycle circulation, the latest SDP submission shows a continuous network of sidewalks, crosswalks, and shared roadway markings along Queens Court Road. In addition, a pedestrian facility is extended along the westernmost drive aisle providing access from Queens Court to the proposed building. The latest SDP submission does not include additional bicycle signage internal to the site, consistent with the previous approved PPS conditions. As a condition of approval, staff recommends that bicycle signage be provided, in accordance with prior approvals.

The Transportation Planning Section concludes that multimodal transportation facilities will exist to serve the proposed development and will conform to the 2009 *Countywide Master Plan of Transportation* and the 2022 *Bowie-Mitchellville and Vicinity Master Plan* policies and goals, subject to one condition consisting of six sub-conditions that have been included in the Recommendation section of this report.

- c. **Subdivision**—In a memorandum dated June 2, 2022 (Mridula to Zhang), incorporated herein by reference, the Subdivision Section provided an analysis of previous conditions of approval attached to PPS 4-21056, that has been incorporated into the findings above, with relative conditions included herein addressing issues, as required.
- d. **Environmental Planning**—In a memorandum dated June 10, 2022 (Nickle to Zhang), incorporated herein by reference, a review of the site's environmental features and prior conditions of approval was presented. Findings related to the prior applicable conditions have been included above. Additional comments have been summarized, as follows:

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 prior Zoning Ordinance, the plan shall demonstrate preservation and/or restoration of REF in a natural state, to the fullest extent possible. The development proposes impacts to the PMA. A letter of justification (LOJ), with exhibits, was submitted by the applicant on April 26, 2022, May 24, 2022, and June 7, 2022, for review with SDP-1603-02.

Section 24-130(b)(5) of the prior Prince George's County Subdivision Regulations 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 REF should be limited to those that are necessary for development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by Prince George's County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for SWM facilities.

Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to REF. SWM outfalls may also be considered necessary impacts, if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with the County Code.

Two areas of PMA impact are proposed with SDP-1603-02. The first is a stormwater outfall from a stormwater facility, in the northwestern portion of the Parcel 6 development. The second area is the result of the final engineering of the road crossing for Queens Court, which is an expansion of a previously approved impact. This application does not propose revisions to the previously approved impacts, which will remain, as approved with PPS 4-21056 and SDP-1603-01.

Impact for Stormwater Outfall for Parcel 6

The first impact for the proposed stormdrain outfall is in the northwestern portion of the Parcel 6 development. The applicant proposes to convert a temporary sediment control facility, that was previously approved in that location, into a permanent stormwater facility, which requires an outfall to be located close to the stream channel, limiting erosion at the discharge point. Comments were provided regarding this proposed stormdrain outfall at an SDRC meeting on May 13, 2022, requesting an update to the LOJ and the exhibit, to provide the proposed totals for the impacts to the floodplain, stream buffer, and expanded PMA. A revised LOJ was received on May 24, 2022, for the newly proposed impact shown on the TCP2 and amended SDP. The current LOJ and associated exhibit reflect one proposed impact to REF associated with the proposed development, totaling approximately 0.10 acre. The following finding provides an evaluation of the proposed impact, as outlined in the applicant's justification.

This impact for a proposed SWM outfall is a revision to the overall stormwater design that was approved for the National Capital Business Park subdivision. Impacts to the PMA, that were approved by the Planning Board as part of the prior PPS 4-21056 and SDP-1603-01 cases, are to remain as approved. The new impact requested with SDP-1603-02 is for a stormdrain outfall estimated for 0.12 acre located on the north side of the development and includes 403 square feet of floodplain impact, 3,287 square feet of stream buffer impacts, and 1,343 square feet of expanded PMA impact. The stormdrain outfalls meet best management practices for discharging water back into the stream, while limiting erosion at the discharge points. The development shown on the SDP obtained preliminary approval from both DPIE and the Soil Conservation District (SCD).

The proposed PMA impact for a SWM outfall is considered necessary to the orderly development of the subject property. This impact cannot be avoided because it is required by other provisions of the County and state codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of PMA.

Impacts for Queens Court Road Crossing

The second series of impacts is required by DPIE to support construction of the entrance road, Queens Court. This new area of impact is an expansion of an impact approved by the Planning Board with the PPS and SDP. The design of Queens Court crosses a stream and floodplain. Fill is needed to support the road, and a culvert was designed to not impede the flow of the stream. Because of the fill, clearing is needed downstream to provide compensatory storage for the floodplain, to prevent a rise to the floodplain. Compensatory storage of floodplain is a standard practice, which preserves the ability of the floodplain to store water. An LOJ and exhibits for the floodplain compensatory storage PMA impact were received on June 7, 2022. The current LOJ and associated exhibit is reflected in three parts, continuing the numbering system of the overall development impacts as Impacts 17, 18, and 19, totaling 1.20 acres of proposed impact to REF associated with the proposed site infrastructure. The following finding provides an evaluation of the proposed impact, as outlined in the applicant's justification.

This impact for the addition of floodplain compensatory storage is a revision to the overall road network design approved for the National Capital Business Park Subdivision. Impacts to the PMA that were approved by the Planning Board, as part of the prior PPS 4-21056 and SDP-1603-01 approvals, are to remain, as approved. The new impact requested with SDP-1603-02 is an expansion of Impact C, that the Planning Board approved with 4-21056. Impacts 17, 18, and 19 include 1.13 acres of floodplain, with an additional 0.07 acre of PMA, for an overall total of 1.20 acres. The use of compensatory storage of the floodplain in the three areas meets best management practices for providing an equal amount of floodplain storage, to support the grading and culverts required for the road infrastructure. The development shown on the PMA exhibits obtained preliminary approval from both DPIE and SCD. The majority of the graded floodplain will be reforested. The proposed floodplain clearing and reforestation shall be reflected in the worksheet and on the TCP2, prior to certification of SDP-1603-02.

The proposed PMA impact for compensatory storage is considered necessary to the orderly development of the subject property. This impact cannot be avoided because it is required by other provisions of the County and state codes. The plan shows preservation, restoration, and enhancement of the remaining areas of PMA. As a result of this analysis, it is recommended that the Planning Board approve the PMA impacts.

Specimen Trees: 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 50 specimen trees. No variance was required for 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 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 the REF. No additional trees are requested for removal with SDP-1603-02.

Stormwater Management: SWM Concept Plan 42013-2020-00, approved on June 28, 2021, was submitted which shows the use of seven submerged gravel wetlands, four underground storage treatment facilities, and sand filters. The SWM concept approval letter indicates that additional micro-scaled environmental site design facilities will be evaluated when details of the development pads are proposed with later reviews. The proposed development, specific to SDP-1603-02, filed a revised Site Development Concept Plan (6108-2022-00) to amend the SWM facilities. The revised SWM concept plan approval is required, prior to certification of the SDP. The geographic area for this development proposes three submerged gravel wetlands and one wet pond. This development will be subject to a site development fine grading permit and continuing reviews by DPIE and SCD.

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

Marlboro clay is found to occur extensively in the vicinity of and on this property. The TCP2 shows the approximate location of the unmitigated and mitigated 1.5 safety factor line, in accordance with a geotechnical report dated August 6, 2021, and prepared by Geo-Technology Associates, Inc. The global stability analysis on Sections 2, 2R, 3, 4, 5, 5R, and 15 for the mitigated conditions was performed. The geotechnical report recommends undercutting the Marlboro clay and replacing it with structural fill for the failed slope sections (Section 5 and Section 15). Section 5 is in the geographic area of SDP-1603-02. Prior to the SDRC meeting, staff requested the applicant to reanalyze Section 5. In the additional global slope stability analysis submitted May 24, 2022, Section 5R resulted in higher than minimum required factor of safety 1.5 for the mitigated conditions, considering the undercut, the problematic soil, and replacement with structural fill. Therefore, the revised location of the Marlboro clay undercut/replacement shall be shown on the TCP2.

Erosion and Sediment Control: The site is located within a sediment total maximum daily load (TMDL) related to Tier II waters, 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 REF species, including fish located in the Collington Branch. Redundant erosion and sediment control measures are also required for protection of the rare, threatened, and endangered species. Additional information, as determined by DPIE and SCD, in their respective reviews for SWM and erosion and sediment control, may be required.

The County requires 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 installation of all temporary infrastructure, including erosion and sediment control measures. Prior to certification of SDP-1603-02, 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.

The REF on the subject property have been preserved and/or restored, to the fullest extent possible, based on the level of detail provided with SDP-1603-02 for one proposed impact for a stormwater outfall. No specimen trees are proposed for removal with this application. The Environmental Planning Section recommends approval of this SDP and TCP2-026-2021-02, with three conditions that have been included in the Recommendation section of this report.

e. **Special Projects**—In a memorandum dated April 29, 2022 (Thompson to Zhang), incorporated herein by reference, the Special Projects Section offered an analysis of the required adequacy findings, relative to police facilities, fire and rescue, schools, and water and sewer. Except for fire and rescue, all other public facilities will be available to serve the proposed development.

This project is served by Pointer Ridge Volunteer Fire/EMS, Company 843, located at 16408 Pointer Ridge in Bowie, as the first due station. A 5-minute total response time is recognized as the national standard for fire/EMS response times, per Section 24-122.01(d)(1)(A) of the Subdivision Regulations. Per National Fire Protection Association (NFPA) 1710, Chapter 4, 240 seconds (4 minutes) or less travel time is the national performance objective. Prince George's County Fire/EMS Department representative, James V. Reilly, stated in writing (via email) that, as of April 27, 2022, the subject project does not pass the 4-minute travel test from the closest Prince George's County Fire/EMS Station, Pointer Ridge Volunteer Fire/EMS in Bowie. The proposed amendment may impact fire facilities; a recommendation may be made to contact the Fire/EMS Department to request a pre-incident emergency plan for the facility; install and maintain automated external defibrillators (AEDs), in accordance with Code of Maryland Regulations (COMAR); and install and maintain hemorrhage kits next to fire extinguishers. A condition, relative to this issue, was included with the approval of 4-21056, which should be noted on the SDP, as conditioned herein.

- f. **Prince George's County Department of Permitting, Inspections and Enforcement**—At the time of the writing of this report, DPIE did not comment on the subject SDP.
- g. **Prince George's County Police Department**—At the time of the writing of this report, the Police Department did not comment on the subject SDP.
- h. **Prince George's County Health Department**—In a memorandum dated May 31, 2022 (Adepoju to Zhang), incorporated herein by reference, the Health Department provided three comments regarding the proposed project. These focused on nearby pedestrian access to the site from the surrounding community and dust and noise controls during construction, that have been addressed with the prior SDP-1603-01 approval.
- i. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated June 3, 2022 (Thompson and Quattrocchi to Zhang), incorporated herein by reference, DPR provided a thorough review of appliable conditions attached to prior approvals. DPR recommends approval of this SDP, subject to conditions that have been included in the Recommendation of this report, as appropriate.
- j. **Prince George's County Fire/EMS Department**—At the time of writing of this report, the Fire/EMS Department did not directly comment on the subject SDP, but provided review comments to the Special Projects Section, that have been included in this report.
- k. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum and plan notes dated May 12, 2022, incorporated herein by reference, WSSC provided standard comments regarding hydraulic analysis and water and sewer service for the proposed development. Their comments are provided for informational purposes and will be enforced by WSSC, at the time of permit issuance.
- l. **Maryland State Highway Administration (SHA)**—At the time of the writing of this technical staff report, comments had not been received from SHA.
- m. **City of Bowie**—At the time of the writing of this technical staff report, comments had not been received from the City of Bowie.

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-1603-02 and Type 2 Tree Conservation Plan TCP2-026-2021-02, for National Capital Business Park, subject to the following conditions:

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:

- a. Obtain final certificate approval of Zoning Map Amendment (Basic Plan) A-9968-03, Comprehensive Design Plan CDP-0505-02, and Preliminary Plan of Subdivision 4-21056, and provide a note listing the prior applicable approvals.
- b. Address the inconsistency in site area between the Tree Canopy Coverage schedule and that labeled on the SDP.
- c. Provide an approved revised stormwater management concept plan.
- 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.
- f. Revise the parking and loading table and notes on the SDP, to be consistent.
- g. Provide a sign face area calculation table on the SDP.
- h. 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.
- i. Provide bearings and distances for all parcel boundary lines and provide the parcel labels and areas on all applicable plan sheets.
- j. 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.
- k. Revise General Notes 2 and 4 on the cover sheet to list the correct zoning designation for the property.
- l. 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).
- m. Provide a phasing plan showing the US 301/Leeland Road and Prince's Boulevard/ Queens Court intersection improvements phased with the development provided in the SDP. Any improvements generated by the SDP, as shown in the phasing plan, shall be provided at the time of building permit.
- n. Provide a fee schedule with the total cost of the applicant's contribution to the US 301 County Improvement Program improvements associated with the phased development of the SDP. The fee associated with the SDP, as shown in the fee schedule, shall be provided at the time of building permit.
- o. Provide a truck turning plan, with design vehicle classification. If the truck turning plans show inadequate circulation for truck maneuvers on-site, the applicant shall modify the site to provide sufficient circulation for safe truck movements. Any modifications to the site that are needed, based on the review of the truck turning plans, shall be accepted by the Transportation Planning Section.
- p. Provide bikeway guide signs (D11-1/Bike Route and D1-1, D1-2, and D1-3/destination plates, and R4-11/Bicycles May Use Full Lane) within all internal roadways that direct people bicycling to the proposed developments and the Collington Branch Stream Valley Trail, as well as highlight to motorists the potential presence of people bicycling along internal roads, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.

- q. Provide long-term bicycle parking and associated facilities at an appropriate location adjacent to the building.
- r. Provide a minimum 10-foot-wide feeder trail connecting the Collington Branch Stream Valley to the employment uses.
- s. Provide notes on the SDP, in accordance with Condition 7 of Preliminary Plan of Subdivision 4-21056.
- t. 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 issuance of a use and occupancy permit representing over 40 percent of the square footage approved in Comprehensive Design Plan CDP-0505-02, or three years from issuance of the first building permit, whichever comes last, the park and Collington Branch Stream Valley Trail shall be complete. Notwithstanding the above, the developer may request additional time from the Prince George's County Department of Parks and Recreation (DPR) to complete the portions of the master plan trail requiring approval of a permit from the Maryland Department of the Environment and/or the US Army Corps of Engineers. Provided the developer is making good-faith efforts to complete said trail portions, in a timely manner, DPR shall not unreasonably withhold its approval of such request and such extension shall be documented by an amendment to the recreational facilities agreement.
- 3. Within 20 months after issuance of the first building permit for National Capital Business Park, the applicant shall obtain all applicable permits for construction of the 20-acre park. Should the permits for the 20-acre park not be obtained after 20 months, the Maryland-National Capital Park and Planning Commission (M-NCPPC) reserves the right to deny the applicant's request for any further permits within National Capital Business Park. Notwithstanding, M-NCPPC's approval of permits shall not be unreasonably withheld, provided that the applicant is making good-faith efforts to obtain all necessary permits for construction of the 20-acre park, in a timely manner.

NATIONAL CAPITAL BUSINESS PARK

Amendment to a Specific Design Plan

Case: SDP-1603-02

Staff Recommendation: APPROVAL with conditions

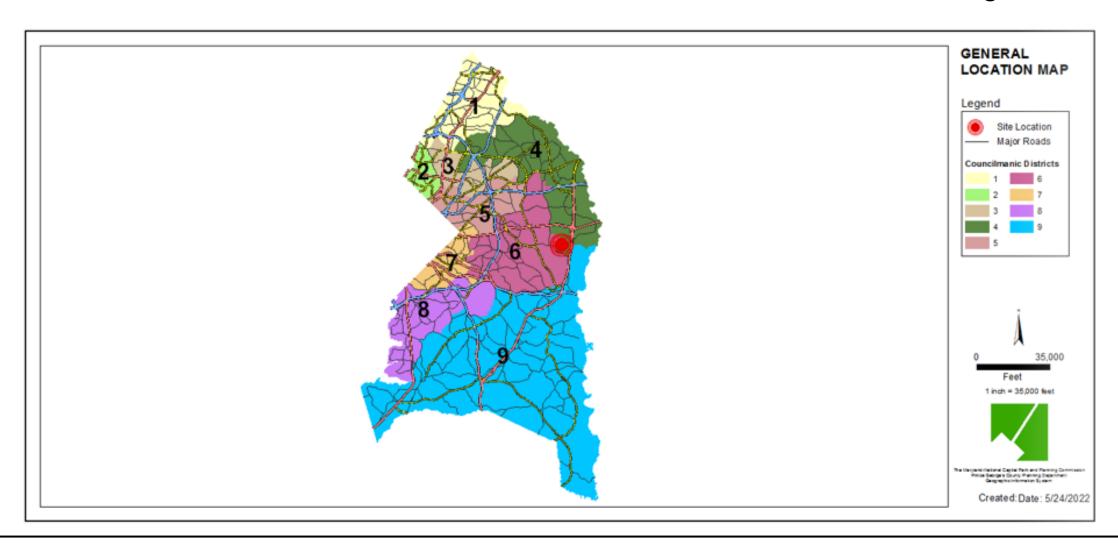


GENERAL LOCATION MAP

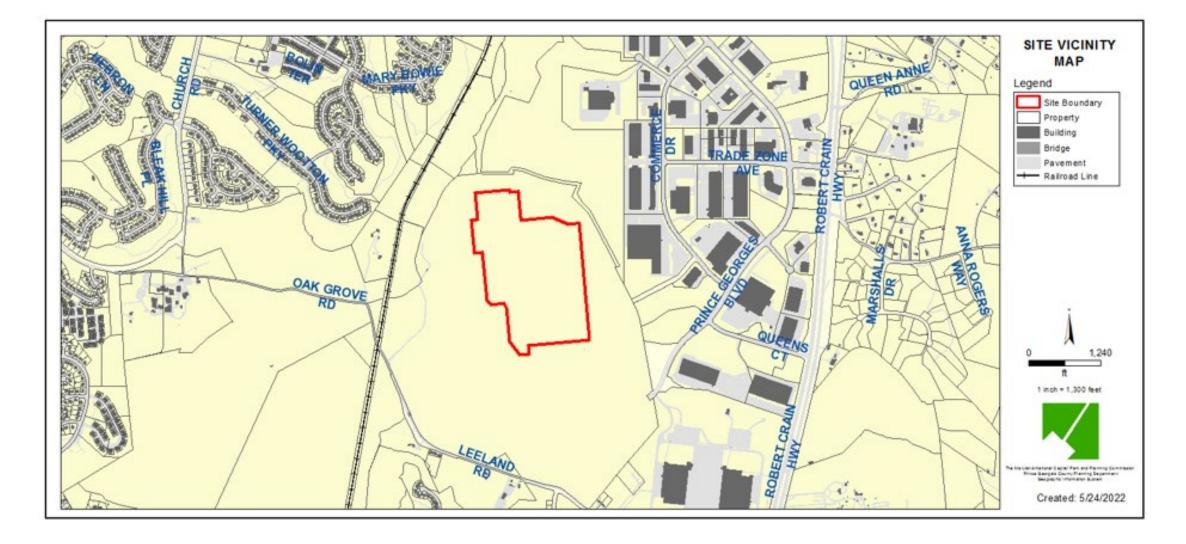
Council District: 04

Case: SDP-1603-02

Planning Area: 74A



SITE VICINITY MAP



NEW ZONING MAP

Property Zone: LCD

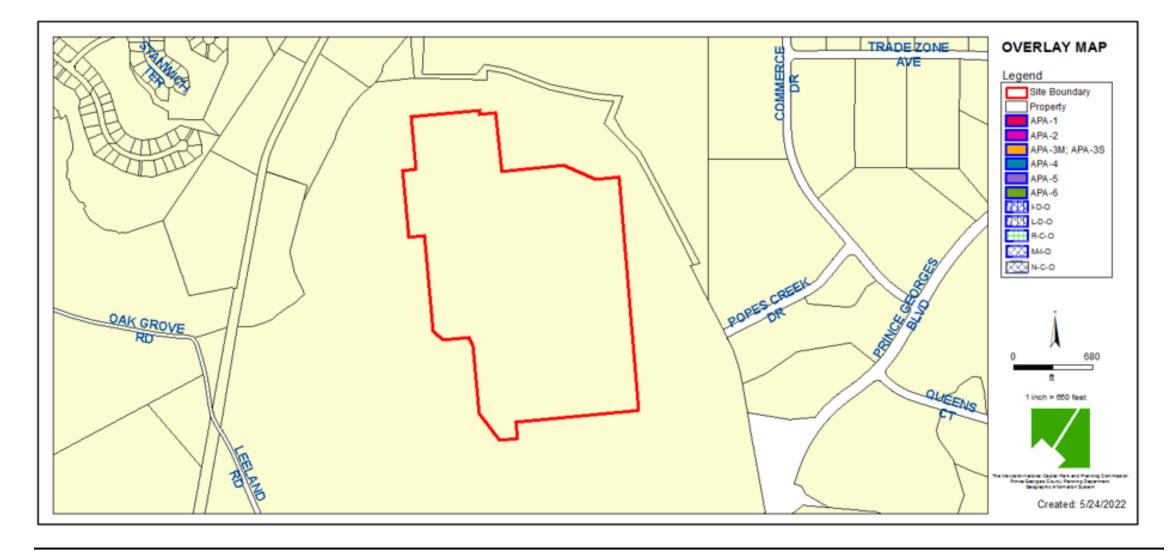


PRIOR ZONING MAP

Property Zone: R-S



NEW OVERLAY MAP



Case: SDP-1603-02

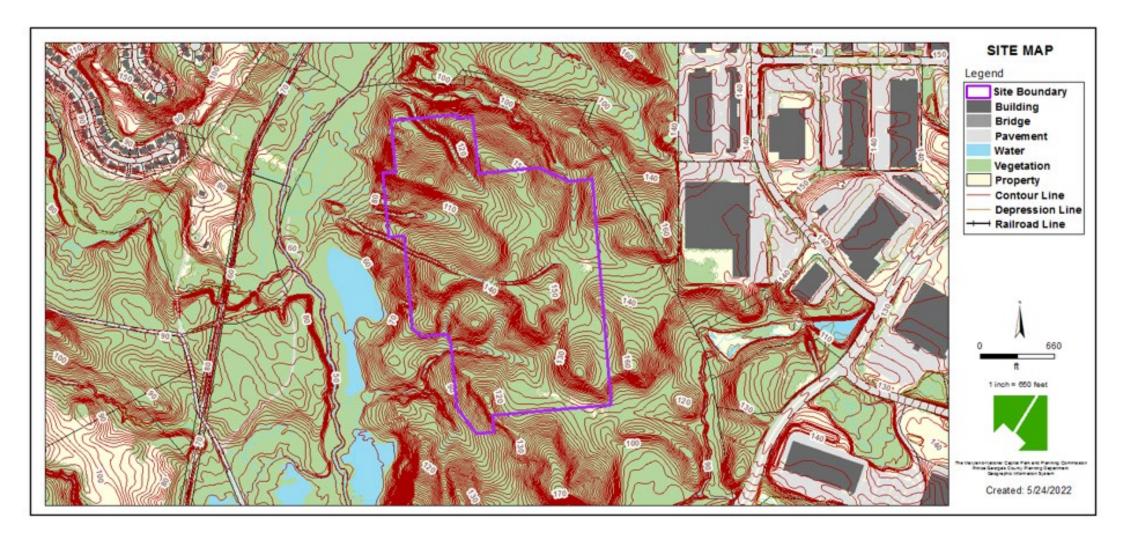
PRIOR OVERLAY MAP



AERIAL MAP

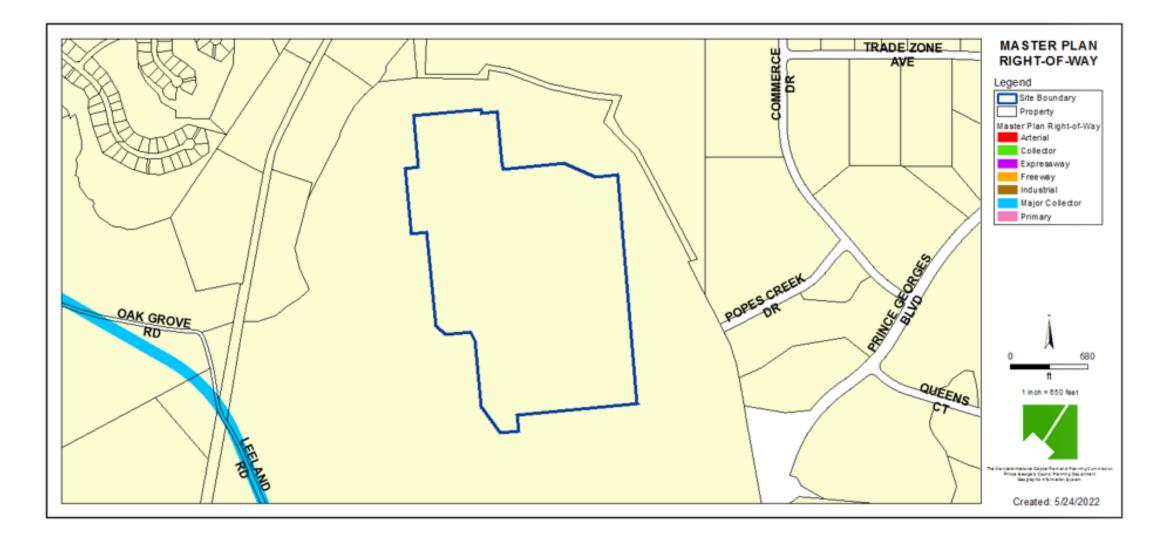


SITE MAP



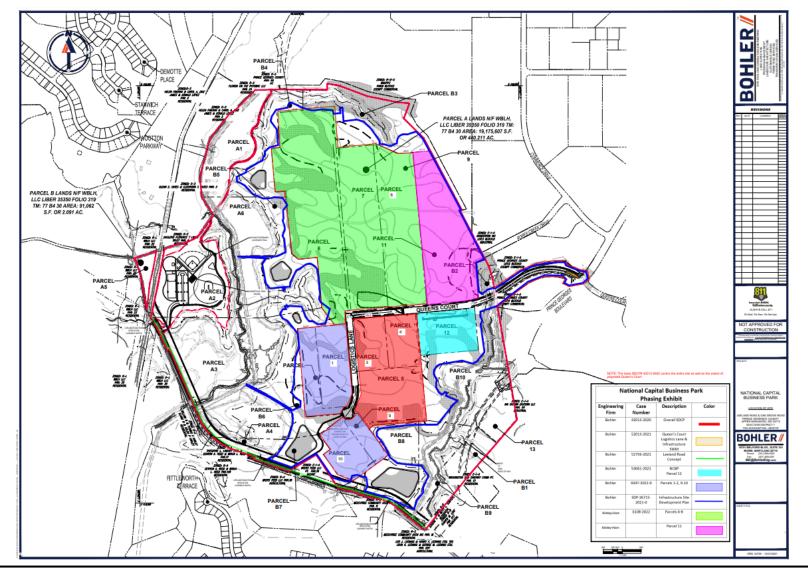
Case: SDP-1603-02

MASTER PLAN RIGHT-OF-WAY MAP



Case: SDP-1603-02

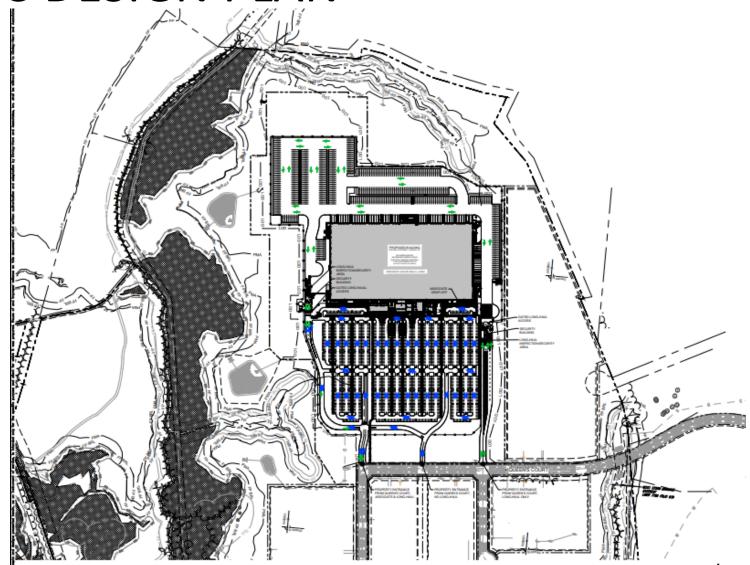
NCBP PHASING EXHIBIT



Case: SDP-1603-02

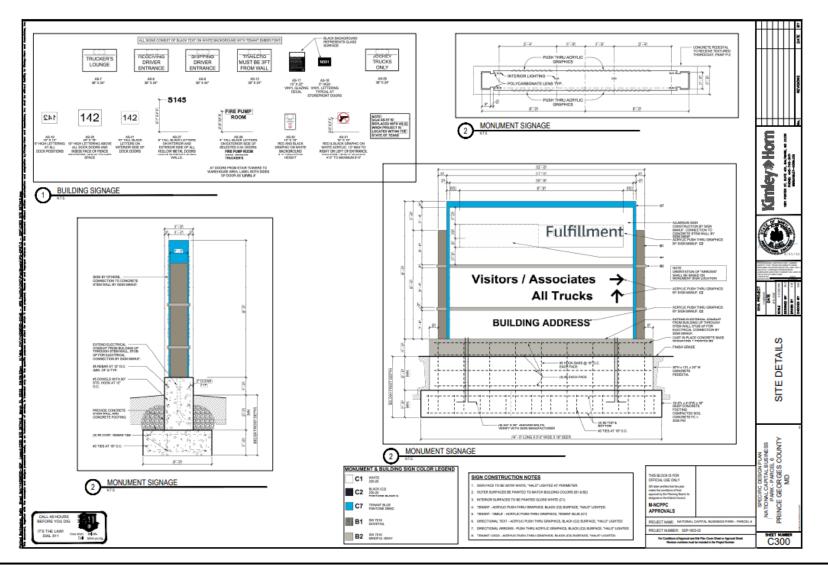
Case: SDP-1603-02

SPECIFIC DESIGN PLAN



Case: SDP-1603-02

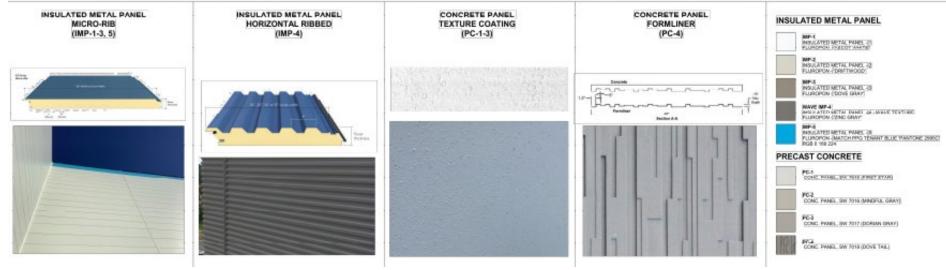
SITE DETAILS



ELEVATIONS



Case: SDP-1603-02

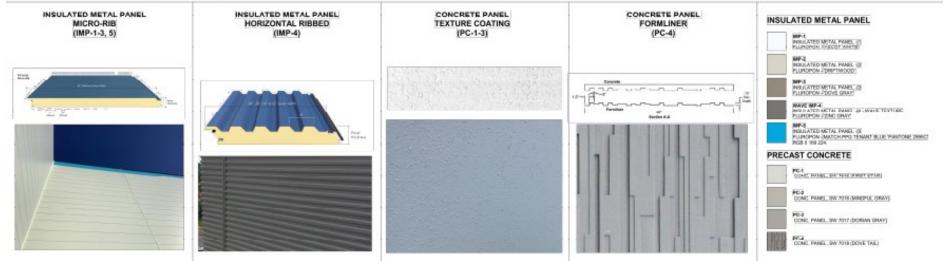


Item: 7 06/30/2022 Slide 14 of 18

ELEVATIONS



Case: SDP-1603-02



Item: 7 06/30/2022 Slide 15 of 18

Case: SDP-1603-02

ELEVATIONS





Item: 7 06/30/2022 Slide 16 of 18

Case: SDP-1603-02

ELEVATIONS



STAFF RECOMMENDATION

APPROVAL with 3 Conditions

Issues:

No

Applicant Community Engagement:

- Multiple engagements previously
- Informational Mailing on February 15, 2022

Case: SDP-1603-02

Item: 7 06/30/2022 Slide 18 of 18

AGENDA ITEM: 7 AGENDA DATE: 6/30/2022



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council 301-952-3600

May 23, 2022

RE: A-9968-C-03 National Capitol Business Park National Capitol Business Park, Applicant

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 6 - 2022 setting forth the action taken by the District Council in this case on May 16, 2022.

CERTIFICATE OF SERVICE

This is to certify that on May 23, 2022 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

Donna J. Brown Clerk of the Council

Down J. Brown

Wayne K. Curry Administration Building 1301 McCormick Drive Largo, MD 20774

Case No.: A-9968-C-03

National Capitol Business Park

Applicant: National Capitol Business Park

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 6-2022

AN ORDINANCE to amend the existing Basic Plan (A-9968-02) for National Capitol

Business Park, to increase employment and industrial uses by 2 million square feet, and to revise

conditions and considerations of Basic Plan approval, pursuant to Section 27-197(c) of the Zoning

Ordinance, on approximately 441.3 acres of land, in the R-S (Residential Suburban Development)

Zone, located on the north side of Leeland Road, approximately 3,178 feet west of the

intersection of Leeland Road and US 301 (Robert Crain Highway) also identified as 15000 Leeland

Road, Upper Marlboro, Council District 4.

WHEREAS, the proposed Basic Plan Amendment is to increase the maximum allowable

development from 3.5 million square feet of employment and institutional land use to 5.5 million

square feet; and

WHEREAS, the increased development areas proposed to be accommodated within the same

areas and the same conceptual layout previously approved as A-9968-02, only the total allowable

development yield is proposed to change; and

WHEREAS, both the Technical Staff and the Planning Board recommended approval of the

application, subject to certain conditions; and

¹The 2022 Countywide Map Amendment placed the subject property in the LCD (Legacy Comprehensive

Design) Zone concurrently with the R-S (Residential Suburban Development) Zone.

- 1 -

WHEREAS, in accordance with law, the application was advertised, and the property was duly posted prior to the evidentiary public hearing; and

WHEREAS, on February 23, 2022, the Zoning Hearing Examiner held an evidentiary hearing on the application; and

WHEREAS, no one appeared in opposition and there was no evidence presented in opposition to the application; and

WHEREAS, due to technical difficulties, the record was closed on March 29, 2022;² and

WHEREAS, on April 28, 2022, the Examiner filed a written decision to the District Council recommending that the application should be approved subject to certain conditions and considerations; and

WHEREAS, on May 9, 2022, the District Council voted to approve the application in accordance with the Examiner's written decision; and

WHEREAS, as a basis of this final decision, the District Council adopts and incorporates by reference, as if fully restated herein, the Examiner's written decision to approve the application subject to certain conditions and considerations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The application to amend the existing Basic Plan (A-9968-02) for National Capitol Business Park, to increase employment and industrial uses by 2 million square feet, and to revise conditions and considerations of Basic Plan approval, pursuant to Section 27-197(c) of the Zoning Ordinance, on approximately 441.3 acres of land, in the R-S (Residential Suburban Development) Zone, located on the north side of Leeland Road, approximately 3,178 feet west of

²Zoning Ordinance (2019 Ed.) is the controlling legislation under which the instant Application is proceeding. At some future date the Applicant may elect to proceed pursuant to Zoning Ordinance (2019 Ed.)(2021 Supp.)

the intersection of Leeland Road and US 301 (Robert Crain Highway) also identified as 15000 Leeland Road, Upper Marlboro, Council District 4, is APPROVED.

SECTION 2. Approval of Basic Plan Amendment A-9968-C-03, is subject to the following Conditions and Considerations:

Conditions

1. Proposed Land Use Types and Quantities

Total Area: 442.30 acres

Total in (I-1 Zone): $15\pm$ acres (not included in density calculation) Total area (R-A Zone): $0.78\pm$ 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

- 2. At the time of the submission of a Comprehensive Design Plan or Preliminary Plan of Subdivision, the Applicant shall provide a traffic study that analyzes the following intersections:
 - a. US 301/MD 725
 - b. US 301/Village Drive
 - c. US 301/Leeland Road
 - d. US 301/Trade Zone Avenue
 - e. US 301 South Bound/Wawa Crossover
 - f. US 301 North Bound/Wawa Crossover

- g. US 301/Queens Court
- h. US 301/Median Crossover
- i. US 301/Beechtree Parkway/Swanson Road
- i. US 301/Chrysler Drive
- k. Prince George's Blvd./Trade Zone Avenue
- 1. Prince George's Blvd./Commerce Drive
- m. Prince George's Blvd./Queens Court
- 3. At the time of Preliminary Plan of Subdivision, the Applicant shall provide the dedication for one-half of the 100 feet of dedication required to build Leeland Road (MC-600) to its ultimate cross section, per the Prince George's County Department of Public Works and Transportation standards.
- 4. At the time of Preliminary Plan of Subdivision, the Applicant shall dedicate 100+ acres of parkland to the Maryland-National Capital Park and Planning Commission, including the Collington Branch stream valley and 20 acres of developable land for active recreation, as shown on the Prince George's County Department of Parks and Recreation Exhibit A (Bates Stamp 62 of 63, Exhibit 28, A-9968-01).
- 5. The land to be conveyed to the Maryland-National Capital Park and Planning Commission shall be subject to the conditions of Exhibit B, attached to the June 21, 2005 memorandum from the Prince George's County Department of Parks and Recreation (Bates Stamp 63 of 63, Exhibit 28, A-9968-01).
- 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.
- 7. A revised Plan showing parkland dedication and master plan trail shall be reviewed and approved by the Prince George's County Department of Parks and Recreation staff at the time of Comprehensive Design Plan.
- 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.
- 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.

- 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.
- 11. A protocol for surveying the locations of all rare, threatened, and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources, prior to acceptance of the Comprehensive Design Plan, and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any Application for Preliminary Plans.
- 12. Prior to acceptance of the Preliminary Plan of Subdivision, a Revised Natural Resources Inventory Plan shall be submitted and approved.
- 13. At the time of Comprehensive Design Plan review, specific acreage of parkland dedications shall be determined. This area may include a 1.7± acre parcel of land which was not previously committed for parkland dedication. The conditions of conveyance shall be determined by appropriate staff of the Maryland-National Capital Park and Planning Commission.
- 14. At the time of Comprehensive Design Plan, the Applicant shall address its plan to grade a 10- acre developable portion of the dedicated parkland (including a 1.7+ acre parcel of land from the Willowbrook project area which was not previously committed for parkland dedication) on the western side of the property, east of the Pennsylvania Railroad right-of-way to accommodate ball fields and a parking lot.
- 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.
- 16. The conceptual location of the Collington Branch Stream Valley Trail, its feeder trail connecting to the proposed employment uses, and the Leeland Road shared-use path shall be shown on the Comprehensive Design Plan.
- 17. In the event the Applicant elects to pursue an alternative access point(s) to the adjacent Collington Center vis Popes Creek Drive and/or Prince George's Blvd., the transportation and environmental impacts of any additional access point(s) shall be evaluated at time of Comprehensive Design Plan or Preliminary Plan.
- 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.

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.

2. All proposed internal streets and developments should follow complete streets principles and support multimodal transportation as well as facilities to encourage walking, bicycling,

and transit use, such as short- and long-term bicycle parking, including shower facilities

and changing facilities, covered transit stops, crosswalks, etc.

SECTION 3. Use of the property shall be subject to all requirements in the applicable zone

and conditions and considerations herein. Failure to comply with any stated condition or

consideration shall constitute a zoning violation and shall constitute sufficient grounds for the

District Council to annul the Basic Plan as conditionally approved; to revoke use and occupancy

permits; to institute appropriate civil or criminal proceedings; and/or to take any other action

deemed necessary to obtain compliance.

SECTION 4. The Ordinance shall become effective upon enactment.

ENACTED this 16th day of May, 2022, by the following vote:

In Favor:

Council Members Burroughs, Harrison, Hawkins, Medlock, Taveras,

and Turner.

Opposed:

Abstained:

Council Member Dernoga.

Absent:

Council Members Franklin, Glaros, Ivey, and Streeter.

Vote:

6-0-1.

- 6 -

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, **MARYLAND**

By: CalSHamil
Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown

Clerk of the Council

Down J. Brown

DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND OFFICE OF THE ZONING HEARING EXAMINER

AMENDMENT OF BASIC PLAN A-9968/03-C

DECISION

Application: Amendment of Basic Plan & Conditions

Applicant: National Capitol Business Park

Opposition: N/A

Hearing Date: February 23, 2022 Hearing Examiner: Joyce B. Nichols

Recommendation: Approval with Conditions

NATURE OF REQUEST

- (1) A-9968/03-C is a request to amend the Basic Plan for National Capitol Business Park to increase employment and industrial uses by 2 million square feet, and to revise conditions and considerations of Basic Plan approval, pursuant to §27-197(c) of the Zoning Ordinance, on approximately 441.3 acres of land, in the R-S (Residential Suburban Development) Zone¹, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway) also identified as 15000 Leeland Road, Upper Marlboro, Maryland.
- (2) Both the Technical Staff (Exhibit 32) and the Planning Board (Exhibit 30) recommended approval with conditions.
- (3) No one appeared in opposition to the instant Amendment request.
- (4) Due to technical difficulties, the record was closed on March 29, 2022.²

¹ The 2022 Countywide Map Amendment placed the subject property in the LCD (Legacy Comprehensive Design) concurrently with the R-S Zone.

² Zoning Ordinance (2019 Ed.) is the controlling legislation under which the instant Application is proceeding. At some future date the Applicant may elect to proceed pursuant to Zoning Ordinance (2019 Ed.)(2021 Supp.)

FINDINGS OF FACT

Subject Property

- (1) The subject property is located on the north side of Leeland Road, all but 2 acres of which are east of the Popes Creek Branch of the CSX Railroad right-of-way, and approximately 3,178 feet west of US 301 (Robert Crain Highway). Leeland Road is a master planned right-of-way, which abuts the subject property to the south and is a designated scenic road. The property is undeveloped, wooded, and contains numerous environmental features.
- (2) The subject property has frontage on, and access from, Leeland Road. A-9968/02 approved a new access from Prince George's Boulevard via a proposed Queens Court; there will be no access via Leeland Road.

Neighborhood and Surrounding Uses

- (3) The neighborhood is as accepted in the original Basic Plan approval (A-9968) in 2006.
- (4) To the west of the subject property, across Collington Branch, are a number of tracts of unsubdivided acreage in the R-A (Rural Agriculture) (west of the Pope's Creek Branch railroad) and O-S (Open Space) (east of the Pope's Creek Branch railroad) Zones, with the Oak Creek Club planned development beyond them in the R-L (Residential Low Development) (1.0-1.5) Zone. The Locust Hill property in the R-L (1.0-1.5) Zone abuts the subject property to the west, on both sides of Leeland Road. (A-9975/01)

To the south of the subject property are single-family dwellings and an agricultural supply company on unsubdivided acreage in the R-A Zone. An undeveloped and wooded triangular portion of Parcel 36, the tract occupied by the agricultural supply company, projects into the southern edge of the subject property on the north side of Leeland Road; this triangular area is listed by the PG Atlas site as being in the E-I-A (Employment Institutional Area) Zone, although the 2006 Bowie and Vicinity Sectional Map Amendment had rezoned it from R-R (Rural Residential) to the R-S³ Zone. Also, to the south of the subject property is the Beechtree planned development in the R-S (1.6-2.6) Zone. Beechtree contains a mix of single-family detached dwellings along Lake Forest Drive, but these are separated from Leeland Road by dense woods.

To the east of the subject property is the Collington Center planned industrial area in the E-I-A Zone. The uses which are most proximate to the subject property are the Nordstrom warehouse and distribution center, the office of the Washington Research Library Consortium, a FedEx Ground shipping distribution center, and the vacant Safeway distribution center. Also, to the east of the subject property are several single-family dwellings on odd lots and parcels in the R-R (Residential Rural) Zone.

³ M-NCPPC, Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B (February, 2006), p. 128.

To the north of the subject property is a portion of the Collington Branch Stream Valley Park in the O-S Zone.

Zoning History

(5) The site was rezoned from the R-A to the E-I-A Zone during the 1991 Approved Bowie-Collington-Mitchellville and Vicinity Master Plan and Sectional Map Amendment. In 2005, Zoning Map Amendment A-9968 was filed to request a rezoning of the Willowbrook property from the E-I-A Zone to R-S Zone. At that time, the approval of a new Bowie and Vicinity Master Plan and Sectional Map Amendment was underway. Basic Plan A-9968 was recommended for approval by the Prince George's County Planning Board (PGCPB Resolution No. 05-178) and was transmitted to the Prince George's County District Council for incorporation into the 2006 Bowie and Vicinity Sectional Map Amendment.

The 2006 Bowie and Vicinity Master Plan and Sectional Map Amendment was approved by Council Resolution (CR-11-2006) on February 7, 2006, which rezoned the subject property to the R-S Zone (CR-11-2006, Amendment 7, pages 18 and 31 through 34) subject to the 13 Conditions and three (3) Considerations.

- (6) On April 9, 2007, a Comprehensive Design Plan, CDP-0505, subject to 34 conditions, and Type I Tree Conservation Plan, TCPI-010-06, were approved by the District Council for a total of 818 residential dwelling units, of which 602 were market rate (97 townhouse and 505 single-family detached units) and 216 units were in a mixed-retirement component (50 single-family detached, 56 townhomes, and 110 multifamily units). The CDP Conditions are not applicable to the review of this Application.
- On March 15, 2007, Preliminary Plan of Subdivision, PPS-4-06066, and Type I Tree Conservation Plan, TCPI-010-06-01, were approved by the Prince George's County Planning Board (PGCPB Resolution No. 07-43) subject to 31 Conditions. Subsequently a number of extensions, waivers and reconsiderations were approved by the Planning Board. On March 8, 2018 (PGCPB Resolution No. 07-43(A)) the Planning Board reconsidered the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road and convert the roundabout to a four-way signal-controlled intersection. The PPS conditions are not applicable to the review of the current Application, but the modification of the intersection is noted for informational purposes.
- (8) On March 30, 2017, Specific Design Plan, SDP-1603, and associated Type II Tree Conservation Plan, TCPII-028-2016, (PGCPB Resolution No. 17-144), for Phase One (Phase I) of the development, which proposed 183 single-family detached and 93 single-family attached market-rate lots, 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture, was approved subject to 15 conditions. The SDP Conditions are not applicable to the review of the instant Application.

(9) On May 13, 2018, A-9968-01 (Amendment of Basic Plan and Conditions) was approved by the District Council to increase the number of dwelling units, to increase the percentage of single family attached dwelling units, to change the size and location of dwelling units, and to revise conditions and considerations of Basic Plan approval.

Master Plan and Sectional Map Amendment

(10) The subject property is located in Planning Area 74A. The applicable Master Plan is the Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A and 74B, approved on February 7, 2006.

The Bowie and Vicinity Master Plan designated the subject property for "Residential Low" future land use, defined by the Bowie and Vicinity Master Plan as, "areas intended for suburban neighborhoods with single-family houses on lots ranging from 6,500 square feet to one acre in size and retirement or planned residential development". This could yield development densities of up to 6.70 dwelling units per acre.

The February, 2006 Sectional Map Amendment rezoned the subject property from the E-I-A Zone to the R-S Zone.

The October, 2002 General Plan placed the subject property within the Developing Tier.

The Growth Policy Map in the May, 2014 General Plan (Plan 2035) placed the property in the Established Communities category, and the Generalized Future Land Use Map designated it for "Residential Low" land use.

The subject property is not within a Priority Preservation Area.

Adjoining land to the west and south is also designated by the Master Plan for "Residential Low" land use⁴, adjoining land to the north is designated for "Parkland/Open Space" land use, and adjoining land to the east is designated for "Industrial" land use.

Neighboring Properties

(11) The subject property is located along the north side of Leeland Road, and all but two acres of it lies east of the Pope's Creek Branch Railroad. The property is undeveloped and wooded.

To the west of the subject property, across Collington Branch, are a number of tracts of unsubdivided acreage in the R-A (west of the Pope's Creek Branch Railroad) and O-S (east of the Pope's Creek Branch Railroad) Zones, with the Oak Creek Club planned development beyond

⁴ Land to the south across Leeland Road is subject to the Subregion 6 Master Plan; the land use recommendation of that Plan is also "Residential Low," though that land use classification is defined differently by the Subregion 6 Master Plan, intending it for densities of up to 3.5 dwelling units per acre.

them in the R-L (1.0-1.5) Zone. The Locust Hill property in the R-L (1.0-1.5) Zone also abuts the subject property to the west, on both sides of Leeland Road.

To the south of the subject property are single-family dwellings and an agricultural supply company on unsubdivided acreage in the R-A Zone. An undeveloped and wooded triangular portion of Parcel 36, the tract occupied by the agricultural supply company, projects into the southern edge of the subject property on the north side of Leeland Road; this triangular area is listed by the PGAtlas site as being in the E-I-A Zone, though the 2006 Sectional Map Amendment had rezoned it from R-R to the R-S3 Zone as a part of the Willowbrook rezoning. Also to the south of the subject property is the Beech Tree planned development in the R-S (1.6-2.6) Zone. Beech Tree contains a mix of single-family detached dwellings and townhouses; the units most proximate to the subject property are single-family detached dwellings along Lake Forest Drive, but these are separated from Leeland Road by dense woods.

To the east of the subject property is the Collington Center planned employment park in the E-I-A Zone. The uses which are most proximate to the subject property are the Nordstrom warehouse and distribution center, the office of the Washington Research Library Consortium, a FedEx Ground shipping distribution center, and the now-disused Safeway distribution center. Also, to the east of the subject property are several single-family dwellings on odd lots and parcels in the R-R Zone.

To the north of the subject property is a portion of the Collington Branch Stream Valley Park in the O-S Zone.

Applicant's Request

(12) The proposed Basic Plan Amendment is being requested to increase the maximum allowable development from 3.5 million square feet of employment and institutional land use to 5.5 million square feet. The increased development areas proposed to be accommodated within the same areas and the same conceptual layout previously approved as A-9968/02, only the total allowable development yield is proposed to change.

LAW APPLICABLE

- (1) Section 27-197(c) of the Zoning Ordinance sets forth the procedures by which requests to amend an approved Basic Plan which does not involve a change in land area or an increase in land use density or intensity may be approved.
- (2) Section 27-195(b) of the Zoning Ordinance sets forth the criteria which must be met prior to the approval of a request to amend an approved Basic Plan as follows:

(b) Criteria for approval.

- (1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:
 - (A) The proposed Basic Plan shall either conform to:
 - (i) The specific recommendation of a General Map plan, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties;
 - (ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses; or
 - (iii) The regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of this Code.
 - (B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;
 - (C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;
 - (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;
 - (E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.
- (2) Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council

shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

* * * * * * * *

(3) The Application must also be found to satisfy the general purposes of the Zoning Ordinance, §27-102(a), and the specific purposes of the R-S Zone, §27-511(a).

CONCLUSIONS OF LAW

- (1) The instant Application satisfies the general Purposes of the Zoning Ordinance, §27-102(a), as follows:
 - (1) To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;

The approval of the requested Amendment to the Basic Plan for the National Capital Business Park will allow for the planning and construction of an extension to the Collington Center planned employment park which can respond to the environmental constraints of the subject property and protect the surrounding residential neighborhoods. The approval will protect and promote the health and safety of the present and future inhabitants of the County by providing sufficient buffers from environmental hazards such as floodplain, and by protecting the surrounding residents from visual and traffic impacts from the planned employment and institutional development.

Furthermore, the review process inherent in Comprehensive Design Zones provides for a higher level of both planning flexibility and public oversight to promote and protect the public health, safety and welfare.

Finally, the proposed employment and institutional uses will provide a significant contribution to the County's tax base, both through the land value and through the jobs created by the future occupants of the National Capital Business Park. This economic impact will be a significant promotion of the welfare of the present and future inhabitants of the County.

(2) To implement the General Plan, Area Master Plans, and Functional Master Plans:

This Purpose is addressed in the Zoning Ordinance by the criterion for approval of Comprehensive Design Zones found in §27-195(b)(1)(A), which section specifically provides for

the ability to develop uses permitted in the E-I-A Zone at the subject property. The Bowie and Vicinity's property specific recommendations are being implemented for use of "zoning techniques that provide for flexibility in lot layout, while protecting open space and environmentally sensitive areas" 5 and for the dedication of the right-of-way for the future extension of Prince George's Boulevard through the subject property to an ultimate intersection with Leeland Road to the east of the subject property's limits. The potential future planning context with respect to the pending new Bowie and Vicinity Master Plan has been discussed.

It is also worth discussing the past planning and zoning history of the subject property for further context: the most recent (February, 2006) Sectional Map Amendment actually rezoned the subject property from the E-I-A (Employment and Institutional Area) Zone to the R-S Zone. The property had previously been placed in the E-I-A Zone as part of the 1991 Bowie, Collington, Mitchellville & Vicinity Master Plan and Sectional Map Amendment; the Basic Plan for this center (A-9829), approved as part of the 1991 Master Plan, allowed for an FAR between .3 and .38 for a total of 3,900,000-5,000,000 square feet of "light manufacturing, warehouse/distribution and ancillary office and retail commercial." The development cap for the proposed Amendments, however, is only 3,500,000 square feet (of which up to 100,000 square feet could be located outside of the R-S Zone limits). Thus, the effect of CB-22-2020 can be seen as the District Council reinstating much of the planning intent of the 1991 Master Plan for the Willowbrook site, which in turn had been carrying forward planning ideas from the early 1970s.

(3) To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;

As with the purpose of implementing the General and Master Plans, this Purpose is largely replicated by the criteria for approval of Comprehensive Design Zones found in §27-195(b)(1)(C) and (D) addressing transportation facilities, police, fire, schools and water and sewerage; the harmony of the request for approval of Amendments to the Basic Plan with this Purpose of the Zoning Ordinance was discussed at length in the testimony of the transportation planning expert, Mr. Michael Lenhart, and has been discussed by Technical Staff in the Countywide Planning referral.

(4) To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;

As noted in the discussion of the Purpose of protecting and promoting the public health and safety, above, the multi-stage public review process inherent in the Comprehensive Design Zones' regulations affords a higher level of guidance for the development at the property (and therefore for its contribution to the growth and development of the County as a whole). These principles are reflected in the approved Basic Plan, and the requested Amendments will not affect the review process going forward.

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⁵ Master Plan, p. 17

The development of the County and the needs of industry and business will be recognized by the approval of the requested Amendments, particularly in a significant contribution to the County's tax base, through the land value and through the jobs created by the future occupants of the National Capital Business Park. Master Plan, p. 17

For these reasons, the approval of the requested Amendments to the Basic Plan at this property will continue to be in particularly close harmony with this Purpose of the Ordinance.

(5) To provide adequate light, air, and privacy;

The lot standards which will be established in the Comprehensive Design Plan will ensure the provision of adequate light, air and privacy for the proposed development, and the existence of substantive wooded natural buffers will ensure the provision of adequate light, air and privacy for its neighbors. The additional standards and design guidelines for the approval of a Comprehensive Design Plan and Specific Design Plans which are required by the regulations for Comprehensive Design Zones afford additional opportunities to ensure the provision of adequate light, air and privacy. These principles are reflected in the approved Basic Plan, and the requested Amendments will not affect the adequacy of light, air or privacy; as such, approval of the requested Amendments will be in harmony with this Purpose as well.

(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;

The requested Amendments to the Basic Plan will preserve the buffers to regulated environmental features and between the subject property and the adjacent development, and will protect viewshed from Leeland Road. As such, approval of the requested Amendments will be in harmony with this Purpose of the Zoning Ordinance.

(7) To protect the County from fire, flood, panic, and other dangers;

The approval of the requested Amendments will not affect the original approval of the R-S Zone at the subject property and its harmony with this Purpose of the Zoning Ordinance, as they will not affect the requirements for the proposed development to conform with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the Floodplain Regulations, Stormwater Management Regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

(8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;

Because the subject Amendment proposes employment and institutional uses which are authorized by §27-515(b), this Purpose is not applicable to the subject Amendment.

(9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;

Because the subject Amendment proposes employment and institutional uses which are authorized by §27-515(b), the subject Amendments are in harmony with this Purpose.

(10) To prevent the overcrowding of land;

The approval of the requested Amendments would be in harmony with this Purpose because the amended Plan will still require the property to be developed in conformance with regulations that are approved through a Comprehensive Design Plan to ensure the prevention of overcrowding, including height limits, setbacks, and minimum green area.

(11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;

The approval of the requested Amendments would be in harmony with this Purpose because of several factors.

First, as noted *supra*, the criterion of $\S27-195(b)(1)(C)$ assures the adequacy of local public transportation facilities as a prerequisite to the approval of the Zone.

And second, the approval of the proposed Amendments would not affect the requirements for the property to be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, including the requirement for the improvement of an upgraded Leeland Road.

(12) To insure the social and economic stability of all parts of the County;

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this Purpose.

Beyond that, however, the approval of the requested Amendments would promote the economic and social stability of the County by allowing for an extension of the employment and

institutional uses encouraged in the Collington Center planned employment park, which will in turn contribute to the tax base, and provide opportunities for new jobs in the County.

(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;

The approval of the requested Amendments will have minimal impact to the protections to the County's natural features which were inherent in the original approval of the R-S Zone.

(14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space;

The approval of the requested Amendments will have minimal impact to the open space network which was proposed in the original approval of the R-S Zone; the bulk of the open space, including the buffers to regulated environmental features and the proposed public park will retain the same configuration.

The final purpose,

(15) To protect and conserve the agricultural industry and natural resources

is not directly applicable to the subject property which is located in (what was formerly known as) the Developing Tier.

- (2) The instant Application satisfies the specific Purposes of the R-S Zone, §27-511(a), as follows;
 - (1) Establish (in the public interest) a plan implementation Zone, in which (among other things):
 - (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and
 - (B) The location of the Zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change;
 - (C) Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.

This Purpose addresses the establishment of the R-S Zone as a zone in which achievable residential density of a proposed development is related to the provision of public benefit features; second, that the R-S Zone, like all Comprehensive Design Zones, is a Plan implementation zone, such that the Application of the zone to a tract of land must be in accordance with the adopted and

approved General Plan, Master Plan, special purpose Plans or a Sectional Map Amendment; and third, to provide for employment and institutional uses if certain locational criteria and other regulations are met.

Because the subject property was placed into the R-S Zone by a Sectional Map Amendment and because the amended Basic Plan is proposing employment and institutional uses in conformance to the authorization of §27-515(b), the subject Amendment is in harmony with this Purpose of the R-S Zone.

(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, or Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;

This Purpose addresses the reason for the establishment of Comprehensive Design Zones, and their function to enable the use of the Sectional Map Amendment as criteria for judgment of individual development proposals. The rezoning of the subject property to the R-S Zone by the Bowie and Vicinity Sectional Map Amendment, demonstrates that the subject Application is in harmony with this Purpose for the R-S Zone. The District Council is currently considering the approval of the adopted 2021 Master Plan for Bowie and Vicinity and, if approved, the instant Application is in harmony with this Purpose. *Infra*

(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;

This Purpose of the R-S Zone is to assure compatibility between the proposed land uses and the surrounding land uses, and the adequacy of public facilities so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District. The discussion of the compatibility of the proposed general land use types and the surrounding land uses demonstrates that the Application is in conformance with this Purpose for the R-S zone.

(4) Encourage amenities and public facilities to be provided in conjunction with residential development;

This Purpose encourages the provision of amenities and public facilities in conjunction with the residential development. Because the subject Amendment proposes employment and institutional uses which are authorized by §27-515(b), this Purpose is not applicable to the subject Amendment.

(5) Encourage and stimulate balanced land development;

This Purpose of the R-S Zone requires the regulations of the zone to encourage and stimulate "balanced land development". The development proposed by the subject Application will be balanced in its relationship to the surrounding development by acting as an extension of the Collington Center planned employment park with its uses and planned road network, and by the substantive wooded buffers which will both preserve regulated environmental features and provide for ample buffers between the employment and institutional uses and the adjacent residential development on the west side of Pope's Creek Branch Railroad.

(6) Improve the overall quality and of residential environments in the Regional District.

Because the subject Amendment proposes employment and institutional uses which are authorized by §27-515(b), this Purpose is not applicable to the subject Amendment, except that the substantive wooded buffers will be in harmony with this Purpose by providing for ample buffers between the proposed employment and institutional uses and the adjacent residential environment.

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

Because the subject Amendment specifically proposes employment and institutional uses which are authorized by §27-515(b), the proposed Amendment is in harmony with this Purpose of the R-S Zone.

In conclusion, the subject Application, A-9968/03, is in conformance with the requirements for approval as laid out in §27-515(b) of the Zoning Ordinance and with the purposes of the relevant Zone.

(3) The subject property is in conformance with the disjunctive criterion of §27-195(b)(1)(A)(iii) of the Zoning Ordinance, as it is subject to the regulations applicable to land zoned R-S and will be developed with uses permitted in the E-I-A Zone as authorized, pursuant to §27-515(b) and CB-22-2020 (DR-2).

It is to be noted, however, that the District Council is currently considering the approval of a new Master Plan for Bowie and Vicinity, which was adopted by the Planning Board on December 16, 2021. The adopted Master Plan places the property in its Collington Local Employment Area Focus Area, and recommends Industrial/Employment land use for the subject property. As such, if the District Council approves the relevant parts of Planning Board's adopted plan, the Basic Plan will conform to the specific recommendation of an Area Master Plan Map, meeting disjunctive criterion (A)(i).

⁶ M-NCP&PC, 2021 Preliminary Bowie-Mitchellville and Vicinity Master Plan (July, 2021), p. 50, as amended by PCCPB Resolution 2021-146.

The text of the Adopted 2021 Bowie Master Plan also recommends the transformation of the "Collington Local Employment Area into a regional transportation, logistics, and warehousing hub," which are the uses proposed by the instant Application. As such, if the District Council approves the relevant parts of Planning Board's adopted plan, the Basic Plan will also conform to the principles and guidelines described in the Plan (including the text) with respect to land use, meeting disjunctive criterion (A)(ii).

The 2021 adopted Bowie Master Plan does not include a Sectional Map Amendment; it does, however, include recommendations in its Land Use Element⁸ and its Comprehensive Zoning Element⁹ to ultimately rezone the subject property to the IH (Industrial, Heavy) Zone through a future Sectional Map Amendment. The recently-approved Countywide Map Amendment placed the subject property in the LCD (Legacy Comprehensive Design) Zone.

(4) The provisions of §195(b)(1)(A)(iii), are met as follows: §27-515(b) is the Table of Uses for Comprehensive Design Zones. The Table provides that, "where not otherwise specifically permitted, any use allowed in the E-I-A Zone (excluding those permitted by Special Exception)" is permitted in the R-S Zone if the provisions of Footnote 38 are met. That footnote in turn provides that:

³⁸Notwithstanding 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 the 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.

The subsections of §27-515(b), Footnote 38 are discussed as follows:

⁷ Ibid., p. 68

⁸ Ibid., as amended by Resolution 2021-146, Amendment 11

⁹ Ibid., p. 83, as amended by Resolution 2021-146, Amendments 11 and 30

- (a) The use is located on a parcel, a portion of a parcel, or an assemblage of adjacent land that:
 - (i) was rezoned from 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;

As discussed *supra*, the subject property is a portion of a parcel that was rezoned from the E-I-A and R-A Zones to the I-1 and R-S Zones by the approval of Change Number 7 in the Bowie and Vicinity Sectional Map Amendment, which was approved on February 7, 2006.

(ii) contains at least 400 acres and adjoins a railroad right-of-way;

As discussed *supra*, the subject property contains 441.302 acres (of which 426± acres is zoned R-S), and adjoins the right-of-way of the Pope's Creek Branch railroad.

and (iii) is adjacent to an existing employment park developed pursuant to the E-I-A Zone requirements.

As discussed *supra*, the subject property is adjacent to the Collington Center employment park which was 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.

Conformance with this provision of Footnote 38 will necessarily be evaluated on a lot-by-lot basis at the time of the Specific Design Plans for each lot. It is to be noted, however, that the amended Basic Plan does depict green area <u>outside</u> of the development pods amounting to more than one-third of the net tract area of the R-S-zoned area.

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

This requirement is noted.

- (d) Additional requirements for uses developed pursuant to this footnote shall include the following:
 - (i) Street connectivity shall be through an adjacent employment park;

The proposed amended Basic Plan illustrates the street connectivity for the proposed development to be an extension of a new street off of Prince George's Boulevard (to be called Queens Court) in the adjacent Collington Center employment park. Alternative access is also noted on the Basic Plan as being available from Popes Creek Drive and/or Prince George's Boulevard.

The proposed amended Basic Plan shows no direct access from Leeland Road, though the proposed amended Basic Plan does show the extension of Prince George's Boulevard, a Master-planned industrial roadway, through the subject property to allow for its planned connection to Leeland Road east of the subject property as illustrated on the 2006 Bowie Master Plan as part of roadway I-300. This portion of Prince George's Boulevard will be dedicated only and is proposed not to be constructed, in accordance with a waiver which has been granted by DPIE. To this end, the adopted 2021 Bowie-Mitchellville and Vicinity Master Plan eliminates the I-300, and replaces it with a new major collector MC-302, which is instead proposed to terminate at a cul-de-sac within the subject property.

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

The proposed amended Basic Plan continues to propose the 20-acre public park in the western part of the site which had been shown on the currently-approved Basic Plan.

In summary, the requested amendments will conform to the regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to §27-515(b) of the Zoning Ordinance.

- (5) The instant Application does not propose retail or commercial uses §27-195(b)(1)(B).
- (6) The Transportation Planning Section referral dated January 28, 2021 (Burton to Sievers), found that the uses currently proposed will result in more trips in each peak hour than the currently approved residential uses. Based on the change in land use type and traffic intensity of development from the original Basic Plan, the development will generate more traffic than was projected with the approval of the original Basic Plan, A-9968. Staff finds that existing transportation facilities, when improvements are provided in the County's Capital Improvement Program (CIP), along with some additional improvements provided by the Applicant, and signalization at some key intersections, will be adequate to carry the anticipated traffic generated by 3.5 million square feet of warehousing development. Furthermore, the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved area master plan, in accordance with §27-195(b)(1)(c) of the Zoning Ordinance.

Staff recommends that all of the intersections evaluated with this Application be subject to further analyses at the time of the CDP phase of the subject development. Alternative or additional access point(s) to the adjacent Collington Center via Popes Creek Drive and/or Prince George's Boulevard, shall be evaluated for transportation and environmental impacts at the time of CDP and/or PPS. A condition to this effect has been included. §27-195(b)(1)(C)

(7) Subtitle 24 of the County Code provides the only methodology for testing adequate public facilities to ensure that the development will be adequately served. Per Subtitle 24 of the County Code, the methodology for adequate public facilities (Police, fire and rescue public facilities) occurs at the time of PPS review. The employment and institutional uses proposed will not impact

school capacity. The Technical Staff found that the water and sewer category is sufficient evidence of the availability of planned water and sewerage systems.¹⁰

The public facilities which are either existing, under construction, or fully funded within the County's CIP, will be adequate for the warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses proposed in this Application. It should be noted that the County's CIP provides full funding (within its six-year funding window) for intersections along US 301 (including the signalization of the Queens Court intersection), and a new Beechtree Fire/EMS station located along Leeland Road near its intersection with US-301. The proposed development is within the service area for Police District II – Bowie. This police facility will adequately serve the uses proposed in this Application and will be further evaluated at the time of PPS review. §27-195(b)(1)(D)

The requested Amendments will thus continue or improve the existing Basic Plan's conformance with the land use recommendations and development guidelines of the Bowie Master Plan. §27-195(b)(1)(A)

(8) The site of the National Capital Business Park is located in close proximity to existing or approved single-family planned development in the R-L and R-S Zones. A substantive stream valley and the Pope's Creek Branch Railroad, however, separate the proposed development envelope from the adjoining development to the west, and the proposed amended Basic Plan provides for substantive buffers along the Leeland Road frontage. Compliance with the provisions of subsection (d)(i) of §27-515(b), Footnote 38 provides that the roads to serve the proposed employment and institutional uses will connect to the existing road network in Collington Center rather than directly to Leeland Road, which provides a materially greater degree of separation between the uses on the subject property and the surrounding residential development.

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012. The requested change in use will not result in a change to the Woodland Conservation threshold, which is currently 15 percent for the E-I-A, R-S, and I-1 zoned portions of the site, and 50 percent for the R-A Zone. There is an approved TCP1 and Type 2 Tree Conservation Plan on the overall development. All future Applications will require tree conservation plans in accordance with the current regulations.

Leeland Road, which borders the site on the south, is a designated scenic road. No direct vehicular access is proposed from the National Capital Business Park to Leeland Road. The Applicant states that upon completion of the development, the Oak Grove Road/Leeland Road corridor will retain its character as a prominent scenic roadway in the County. The Applicant proposes to delete Condition 2 of A-9968-01. Staff is in support of the removal of this condition, as buffering for special roadways should be determined on future development Applications. §27195(b)(1)(E)

¹⁰ Memorandum, Ivy Thompson to Tom Sievers, January 11, 2021, pp. 82-95 in backup to Technical Staff Report

In summary, the requested amendments will provide for sufficient physical and traffic separation to ensure compatibility between the proposed land use types and the surrounding land use.

- (9) The anticipated construction schedule for the National Capitol Business Park does not exceed 6 years. §27-195(b)(2)
- (10) The instant Application does not include the V-M (Village-Medium), V-L (Village-Low) or L-A-C Zone. §27-195(b)(3) and (4)

RECOMMENDATION

Approval of A-9968-C-03 subject to the following Conditions and Considerations:

Conditions

1. Proposed Land Use Types and Quantities

Total Area: 442.30 acres

Total in (I-1 Zone): $15\pm$ acres (not included in density calculation) Total area (R-A Zone): $0.78\pm$ 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

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

- a. US 301/MD 725
- b. US 301/Village Drive
- c. US 301/Leeland Road
- d. US 301/Trade Zone Avenue
- e. US 301 South Bound/Wawa Crossover
- f. US 301 North Bound/Wawa Crossover
- g. US 301/Queens Court
- h. US 301/Median Crossover
- i. US 301/Beechtree Parkway/Swanson Road
- j. US 301/Chrysler Drive
- k. Prince George's Blvd./Trade Zone Avenue
- 1. Prince George's Blvd./Commerce Drive
- m. Prince George's Blvd./Queens Court
- 3. At the time of Preliminary Plan of Subdivision, the Applicant shall provide the dedication for one-half of the 100 feet of dedication required to build Leeland Road (MC-600) to its ultimate cross section, per the Prince George's County Department of Public Works and Transportation standards.
- 4. At the time of Preliminary Plan of Subdivision, the Applicant shall dedicate 100+ acres of parkland to the Maryland-National Capital Park and Planning Commission, including the Collington Branch stream valley and 20 acres of developable land for active recreation, as shown on the Prince George's County Department of Parks and Recreation Exhibit A (Bates Stamp 62 of 63, Exhibit 28, A-9968-01).
- 5. The land to be conveyed to the Maryland-National Capital Park and Planning Commission shall be subject to the conditions of Exhibit B, attached to the June 21, 2005 memorandum from the Prince George's County Department of Parks and Recreation (Bates Stamp 63 of 63, Exhibit 28, A-9968-01).
- 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.
- 7. A revised Plan showing parkland dedication and master plan trail shall be reviewed and approved by the Prince George's County Department of Parks and Recreation staff at the time of Comprehensive Design Plan.
- 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.
- 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.
- 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.
- 11. A protocol for surveying the locations of all rare, threatened, and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources, prior to acceptance of the Comprehensive Design Plan, and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any Application for Preliminary Plans.
- 12. Prior to acceptance of the Preliminary Plan of Subdivision, a Revised Natural Resources Inventory Plan shall be submitted and approved.
- 13. At the time of Comprehensive Design Plan review, specific acreage of parkland dedications shall be determined. This area may include a 1.7± acre parcel of land which was not previously committed for parkland dedication. The conditions of conveyance shall be determined by appropriate staff of the Maryland-National Capital Park and Planning Commission.
- 14. At the time of Comprehensive Design Plan, the Applicant shall address its plan to grade a 10- acre developable portion of the dedicated parkland (including a 1.7+ acre parcel of land from the Willowbrook project area which was not previously committed for parkland dedication) on the western side of the property, east of the Pennsylvania Railroad right-of-way to accommodate ball fields and a parking lot.
- 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.
- 16. The conceptual location of the Collington Branch Stream Valley Trail, its feeder trail connecting to the proposed employment uses, and the Leeland Road shared-use path shall be shown on the Comprehensive Design Plan.

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

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

Case No.:

A-9968-02-C

National Capitol Business Park (Formerly "Willowbrook")

(Basic Plan Amendment)

Applicant: National Capitol Business Park

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 2 –2021

AN ORDINANCE to amend the existing Basic Plan (A-9968-01) for National Capitol

Business Park, previously known as "Willowbrook" (Zoning Ordinance 5-2019), to delete all

residential uses and to replace them with employment and industrial uses, and to revise conditions

and considerations of Basic Plan approval, pursuant to Section 27-197(c) of the Zoning Ordinance,

on approximately 442.30 acres of land, in the R-S (Residential Suburban Development) Zone,

located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of

Leeland Road and US 301 (Robert Crain Highway), Upper Marlboro, Councilmanic District 4.

WHEREAS, the proposed amendment to the existing Basic Plan is being requested to

integrate the new provisions for the R-S Zone that were adopted by the District Council in CB-22-

2020; and

WHEREAS, provisions of CB-22-2020 allow 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 Zone under certain specified circumstances; and

WHEREAS, to integrate these new provisions, the amendment to the existing Basic Plan

addresses: (1) a revised layout of the Basic Plan map; the new plan reflects a different development

pattern which will accommodate a layout accommodating the newly-permitted employment and

- 1 -

institutional uses, (2) revised uses proposed to be included at the development, and (3) revisions to certain conditions of approval and consideration to reflect the new land uses and quantities, and the elimination of the formerly-proposed residential uses; and

WHEREAS, associated revisions will also be made to the Tree Conservation Plan to reflect a newly-applicable conservation threshold and new Tree Canopy Coverage requirements; and

WHEREAS, on November 12, 2020, the application was filed to amend the existing Basic Plan as approved in Zoning Ordinance 5-2019; and

WHEREAS, both Technical Staff and the Planning Board recommended approval of the application with conditions;

WHEREAS, the application was advertised and the property was duly posted prior to any public hearing; and

WHEREAS, on March 10, 2021, the Zoning Hearing Examiner held an evidentiary hearing without opposition on the application; and

WHEREAS, on March 23, 2021, the Examiner transmitted a written decision to the District Council recommending that the application should be approved subject to certain conditions and considerations; and

WHEREAS, on March 29, 2021, the District Council voted to approve the application in accordance with the Examiner's written decision; and

WHEREAS, as a basis of this final decision, the District Council adopts, and incorporates by reference, the Examiner's written decision to approve the application subject to certain conditions and considerations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The application to amend the existing Basic Plan (A-9968-01) for National Capitol Business Park, previously known as "Willowbrook" (Zoning Ordinance 5-2019), to delete all residential uses and to replace them with employment and industrial uses, and to revise conditions and considerations of Basic Plan approval, pursuant to Section 27-197(c) of the Zoning Ordinance, on approximately 442.30 acres of land, in the R-S (Residential Suburban Development) Zone, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway), Upper Marlboro, Councilmanic District 4, is APPROVED.

SECTION 2. Use of the subject property shall be subject to all requirements in the applicable zones and to the requirements in the conditions and considerations herein. Failure to comply with any stated condition or consideration shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to annul the Basic Plan as conditionally approved; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

SECTION 3. Approval of Basic Plan Amendment A-9968-C-02, is subject to the following Conditions and Considerations:

Conditions

1. Proposed Land Use Types and Quantities

Total Area: 442.30 acres

Total in (I-1 Zone): 15± acres (not included in density calculation)
Total area (R-A Zone): 0.78 ± acres (not included in density calculation)

Total area (R-S Zone): 426.52 acres per approved NRI

Land in the 100-year floodplain: 92.49 acres

Adjusted gross area

(426 less half of the floodplain): 380.27 acres

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

Open Space

Public active open space: 20 +/- acres

Passive open space: 215 +/- acres

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

- 2. At the time of the submission of a Comprehensive Design Plan or Preliminary Plan of Subdivision, the Applicant shall provide a traffic study that analyzes the following intersections:
 - a. US 301/MD 725
 - b. US 301/Village Drive
 - c. US 301/Leeland Road
 - d. US 301/Trade Zone Avenue
 - e. US 301 SB/Wawa Crossover
 - f. US 301 NB/Wawa Crossover
 - g. US 301/Queens Court
 - h. US 301/Median Crossover
 - i. US 301/Beechtree Parkway/Swanson Road
 - j. US 301/Chrysler Drive
 - k. Prince George's Blvd./Trade Zone Avenue
 - 1. Prince George's Blvd./Commerce Drive
 - m. Prince George's Blvd./Queens Court
- 3. At the time of Preliminary Plan of Subdivision, the Applicant shall provide the dedication for one-half of the 100 feet of dedication required to build Leeland Road (MC-600) to its ultimate cross section, per the Prince George's County Department of Public Works and Transportation standards.
- 4. At the time of Preliminary Plan of Subdivision, the Applicant shall dedicate 100+ acres of parkland to the Maryland-National Capital Park and Planning Commission, including the Collington Branch stream valley and 20 acres of developable land for active recreation, as shown on the Prince George's County Department of Parks and Recreation Exhibit A (Bates Stamped 62 of 63, Exhibit 28, A-9968-01).
- 5. The land to be conveyed to the Maryland-National Capital Park and Planning Commission shall be subject to the conditions of Exhibit B, attached to the June 21, 2005 memorandum from the Prince George's County Department of Parks and Recreation (Bates Stamped 63 of 63, Exhibit 28, A-9968-01).
- 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.

- 7. A revised Plan showing parkland dedication and master plan trail shall be reviewed and approved by the Prince George's County Department of Parks and Recreation staff at the time of Comprehensive Design Plan.
- 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.
- 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.
- 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.
- 11. A protocol for surveying the locations of all rare, threatened, and endangered species within the subject property shall be obtained from the Maryland Department of Natural Resources, prior to acceptance of the Comprehensive Design Plan, and this protocol shall be part of the submittal package. The completed surveys and required reports shall be submitted as part of any Application for Preliminary Plans.
- 12. Prior to acceptance of the Preliminary Plan of Subdivision, a Revised Natural Resources Inventory Plan shall be submitted and approved.
- 13. At the time of Comprehensive Design Plan review, specific acreage of parkland dedications shall be determined. This area may include a 1.7± acre parcel of land which was not previously committed for parkland dedication. The conditions of conveyance shall be determined by appropriate staff of the Maryland-National Capital Park and Planning Commission.
- 14. At the time of comprehensive Design Plan, the Applicant shall address its plan to grade a 10-acre developable portion of the dedicated parkland (including a 1.7+ acre parcel of land from the Willowbrook project area which was not previously committed for parkland dedication) on the western side of the property, east of the Pennsylvania Railroad right-of-way to accommodate ball fields and a parking lot.

- 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.
- 16. The conceptual location of the Collington Branch Stream Valley Trail, its feeder trail connecting to the proposed employment uses, and the Leeland Road shared-use path shall be shown on the Comprehensive Design Plan.
- 17. In the event the Applicant elects to pursue an alternative access point(s) to the adjacent Collington Center vis Popes Creek Drive and/or Prince George's Blvd., the transportation and environmental impacts of any additional access point(s) shall be evaluated at time of Comprehensive Design Plan or Preliminary Plan.

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

SECTION 4. The Ordinance shall become effective upon enactment.

ENACTED this 12th day of April, 2021, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins,

Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Member Franklin.

Vote: 10-0.

A-9968-02-C (Amendment to the Basic Plan)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

By: Cals

Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown

Clerk of the Council

Lloren J. Brown

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

PGCPB No. 2021-50

File No. CDP-0505-01

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on April 15, 2021, regarding Comprehensive Design Plan CDP-0505-01 for National Capital Business Park, the Planning Board finds:

1. Request: The subject comprehensive design plan (CDP) application is to amend the previously approved plan to remove all residential uses and replace them with up to 3.5 million square feet of employment and institutional uses, as permitted in the Employment and Institutional Area (E-I-A) Zone, as authorized pursuant to Section 27-515(b), Footnote 38, of the Prince George's County Zoning Ordinance.

2. Development Data Summary:

	PREVIOUSLY	APPROVED
Zone(s)	R-S	R-S
Use(s)	Residential	Employment and Institutional
Gross Acreage	426.52	426.52
Employment and Institutional Uses (Gross Floor Area)	0	3.5 million sq. ft.

- **Location:** The subject property is a large tract of land that consists of wooded and undeveloped land, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway). The site is also in Planning Area 74A and Council District 4.
- 4. Surrounding Uses: The site is bounded to the north by undeveloped properties in the Reserved Open Space and Open Space (O-S) Zones; to the west by a CSX railroad right-of-way and undeveloped properties in the Residential Low Development, Residential-Agricultural (R-A) and O-S Zones, including the Collington Branch Stream Valley; to the south by Leeland Road and beyond by Beech Tree, a residential subdivision in the R-S (Residential Suburban Development) Zone and undeveloped property in the R-A Zone; and to the east by the existing Collington Center, an employment center, in the E-I-A Zone.
- **5. Previous Approvals:** The site was rezoned from the R-A Zone to the E-I-A Zone during the 1991 *Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A, and 74B*

(The Bowie-Collington-Mitchellville and Vicinity Master Plan and SMA). The rezoning was contained in Zoning Map Amendment (Basic Plan) A-9829. In 2005, A-9968 was filed to request a rezoning of the property from the E-I-A Zone to the R-S Zone. At that time, the approval of a new Bowie and Vicinity Master Plan and Sectional Map Amendment was underway. A-9968 was recommended for approval by the Prince George's County Planning Board (PGCPB Resolution No. 05-178) and was transmitted to the Prince George's County District Council for incorporation into the 2006 Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B (Bowie and Vicinity Master Plan and SMA).

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

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

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

On March 30, 2017, Specific Design Plan SDP-1603 and associated TCPII-028-2016, (PGCPB Resolution No. 17-144), for Phase One of the residential development, which proposed 183 single-family detached and 93 single-family attached market-rate lots, 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture, was approved subject to 15 conditions. No construction has been started on the property.

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

PGCPB No. 2021-50 File No. CDP-0505-01 Page 3

On March 23, 2021, the Zoning Hearing Examiner (ZHE) approved A-9968-02, which is a revision to A-9968 and A-9968-01, to replace the previously approved residential land use patterns on the subject site, with employment and institutional uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b), in the R-S Zone, with 16 conditions and 2 considerations. A-9968-02 supersedes the approvals of both A-9968 and A-9968-01 and governs the future development of the subject site for employment and institutional uses, as generally permitted in the E-I-A Zone, without any residential component. The District Council affirmed the ZHE's decision on April 12, 2021.

development of the 426.52-acre property, known as National Capital Business Park (NCBP). The entire tract of land is in three different zones, including approximately 15 acres of land in the Light Industrial (I-1) Zone, 0.78 acre of land in the R-A Zone, and 426.52 acres of land in the R-S Zone, but this CDP is only applicable to the R-S Zone. The proposed development of up to 3.5 million square feet of employment uses such as warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses will be mainly on the R-S-zoned section in the middle of the larger property. Only a small portion of the above uses will be on the I-1-zoned property in the southeast portion of the site, of which many are permitted by-right. Proposed open space will occupy most of the I-1-zoned section of the subject site. In addition, approximately one third of the entire site, surrounding the Collington Branch Stream Valley in the west, will be preserved in open space, with a potential public park identified adjacent to the CSX railroad track in the west.

Vehicular access to the subject site will be provided via an extension of the existing Queens Court within the adjacent Collington Center. Queens Court intersects with Prince George's Boulevard, which is a spine road running through Collington Center, and then connects beyond to US 301 in the east. The Queens Court extension intersects in a "T shape" with a proposed internal spine road in the middle of the subject site. The internal spine road is in a north-south orientation with cul-de-sacs on both ends. The proposed development will be located on both sides of the spine road and Queens Court extension. The proposed building blocks of this development includes interconnecting streets and complimentary conceptual building and parking envelopes. In addition, a significant green area network, which substantially surrounds the proposed development, has been proposed that accounts for more than one third of the entire site. This includes utilization of the adjacent stream valley to define the western edge of the proposed development area and additional proposed open space on the I-1-zoned property, along with numerous on-site stormwater facilities throughout the site. The project has been designed to be a compact development that will minimize impacts to sensitive environmental features and preserve priority woodland area along the stream valley corridor and other sensitive environmental areas.

The CDP phase of the three-phase Comprehensive Design Zone (CDZ) process requires the submission of a plan that establishes the general location, distribution, and sizes of buildings and roadways. The plan includes several drawings, the schedule for development of all or portions of the proposal, and standards for height, open space, public improvements, and other design features. The regulations for any of the CDZs are at the same time more flexible and more rigid

than those of other zones in Prince George's County. The zones are more flexible in terms of permitted uses, residential densities, and building intensities. They are more rigid because some of the commitments made by a developer carry the force and effect of zoning law once approved by the Planning Board and the District Council. This application, however, does not have any residential components and only proposes employment and institutional uses permitted in the E-I-A Zone. Given the R-S Zone was envisioned for residential development only, there are not any standards that are applicable to the proposed development. All development standards including the density (which is in total gross floor area (GFA) in this application) will be established through the approval of this CDP.

Comprehensive design guidelines (entitled *National Capital Business Park-Design Guidelines*, as included in Exhibit A, incorporated herein by reference) have been submitted with this CDP. The design guidelines are organized into nine sections, including structure, general architecture design, building design, views, vehicular access and parking, landscape concept, signage design guidelines, internal and external compatibility, and lighting guidelines. Those design guidelines will be the basis for future review and approval of SDPs for this development project. However, the applicant can request amendments to those design guidelines/development standards and the Planning Board can approve alternative design options at the time of SDPs, if the Planning Board can find that the alternative designs are beneficial to the development project and will not be detrimental to the approved CDP.

COMPLIANCE WITH EVALUATION CRITERIA

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

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

A-9968-02 proposes to remove all previously approved residential uses in both A-9968 and A-9968-01, and to allow up to 3.5 million square feet of employment and institutional uses, generally permitted in the E-I-A Zone. A-9968-02 was heard by the Zoning Hearing Examiner on March 10, 2021, and they issued an approval with 17 conditions and 2 considerations that supersedes both A-9968 and A-9968-01. The ZHE's decision on A-9968-02 was affirmed by the District Council on April 12, 2021. Conditions and considerations attached to the approval of A-9968-02 that are relevant to the review of this CDP warrant discussion, as follows:

1. Proposed Land Use Types and Quantities

Total Area: 442.30 acres

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

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

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

Land in the 100-year floodplain: 92.49 acres

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

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

Open Space

Public active open space:20± acres

Passive open space: 220± acres

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

This CDP proposes up to 3.5 million square feet of employment uses including warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses that are generally permitted in the E-I-A Zone and meets this condition.

- 2. At the time of the submission of a comprehensive design plan or preliminary plan of subdivision, the applicant shall provide a traffic study that analyzes the following intersections:
 - a. US 301/MD 725
 - b. US 301/Village Drive
 - c. US 301/Leeland Road
 - d. US 301/Trade Zone Avenue
 - e. Oak Grove Road/Church Road
 - f. Oak Grove Road/MD 193

A traffic impact analysis study has been submitted that includes all relevant/appropriate intersections as part of this application.

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

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

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

The general locations of the two trails have been shown on the submitted Circulation and Utility Plan, which is a component of the CDP application. Detailed alignment and the design details will be determined at the time of either PPS or SDP.

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

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

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

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

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

A draft geotechnical report, in conformance with this condition, dated September 17, 2020 and prepared by Geo-Technology Associates, Inc. was included with this application and has been forwarded to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) for review. The approximate locations of the unmitigated 1.5 safety factor lines are shown on the TCP1. Additional information, as determined by DPIE in their review, may be required, prior to certification of the CDP. A finalized report is required with the PPS submission, as conditioned herein.

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

The subject site contains five identified species of rare, threatened, or endangered (RTE) plants and three state-listed threatened or endangered fish species with the Collington Branch and/or Black Branch watersheds. An RTE Species Habitat Protection and Management Program was conceptually approved with the prior PPS 4-06066, and the details of the program were approved with the prior SDP-1603. Original Habitat Protection and Management Program reports were prepared individually in 2007 for the subject site (then referred to as Willowbrook) and another development referred to as Locust Hill. In 2016, the two reports were combined because the two projects were under a single ownership and were anticipated to move along similar timeframes for construction. The Locust Hill project has been under development, in accordance with the 2016 report; however, the subject site is now proposed for a significantly different development pattern from what was last evaluated. The 2016 Management Program was resubmitted with this application and forwarded to the Maryland Department of Natural Resources (DNR), Wildlife and Heritage Service for review. An updated Habitat Protection and Management Program must be prepared for the current project.

The timeline presented by the applicant for the construction of the current project anticipates issuance of the first building permit in the fall of 2021. In accordance with the existing Habitat Protection and Management Program report, hydrologic monitoring for a minimum of one year prior to issuance of the first grading permit was required to establish a baseline of data. The updated report must include not only the data regarding the on-site monitoring required by the 2016 report, but must also meet all current requirements of DNR, Wildlife and Heritage Service regarding the presence and protection of RTE species including, but not limited to, timing of the analysis of RTE population counts and condition, habitat characterization and condition, and the details of the habitat management program for RTE fish species: water quality monitoring, pollution prevention measures, and corrective measures. This requirement has been conditioned herein.

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

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

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

The applicant and DPR staff have participated in public meetings with two area community homeowners' associations (Beech Tree and Oak Creek) to obtain input on specific park facility needs for local residents. DPR staff are currently evaluating this input and the needs for this section of the County. Further details on this plan will be reviewed with the future PPS and SDPs.

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

The submitted CDP includes a Circulation and Utility Plan that includes the conceptual locations of the shared-use path along Leeland Road, the Collington Branch Stream Valley Hiker/Biker trail, and the feeder trail connecting the employment use with the

Collington Branch Stream Valley Trail. Details of those facilities will be further reviewed at the time of either PPS or SDP.

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

The submitted CDP includes a Circulation and Utility Plan that shows access to a development area in the I-1-zoned portion of the property via Prince George's Boulevard. Transportation and environmental impacts for this access point were evaluated with this application and will be further reviewed with the PPS.

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.

The development proposed with CDP-0505-01 has been determined in part by the environmental constraints of the site, including the regulated environmental features and the soils. Minimal impacts to the environmental features are proposed and they will be further analyzed with the PPS.

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

The submitted application neither follows complete streets principles, nor encourages multimodal transportation. The Planning Board disagrees with the assertion that facilities to encourage multimodal transportation are inappropriate for an employment use. Walking, bicycling, and transit use are important modes for residents and employees in the County, particularly for people who do not have ready access to a private automobile or may not be able to operate a motor vehicle. In these instances, safe access to these modes is often the determinant in whether someone can work or visit an area in the County, and the onus of owning and operating a vehicle should not prevent future employment within this subject area. A condition has been included in this resolution to require the applicant to provide additional development standards related to pedestrian and bicycle facilities under the Vehicular Access and Parking Section in the *National Capital Business Park-Design Guidelines*.

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

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

Section 27-511 (a)

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

The subject CDP was filed in accordance with this provision to introduce up to 3.5 million square feet of employment and institutional uses generally permitted in the E-I-A Zone, as listed on the use table of Section 27-515 (b), and in accordance with Footnote 38, which reads as follows:

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

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

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

(b) Regulations regarding green area set forth in Section 27-501(a)(2) shall not apply. The minimum green area (of net lot area) shall be 10%. All other regulations in the E-I-A Zone shall apply to uses developed pursuant to this Section.

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

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

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

- (d) Additional requirements for uses developed pursuant to this footnote shall include the following:
 - (i) Street connectivity shall be through an adjacent employment park; and
 - (ii) A public park of at least 20 acres shall be provided.

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

- b. **Density Increments:** Since no nonresidential uses were previously envisioned in the R-S-Zone, there are no density increment factors for any nonresidential uses. This CDP does not request any density increments and is consistent with A-9968-02, in terms of the total GFA of the proposed development, which is up to 3.5 million square feet.
- c. **Development Standards:** A comprehensive set of development standards has been included in this CDP for the entire development, as discussed in above Finding 6. The proposed development standards are acceptable and will guide the future development of the NCBP if approved with this CDP.

The applicant indicates in the SOJ that green building and development techniques will be utilized in the development and gave a few examples of green techniques, such as using "Tilt Wall" design in future buildings and instituting the use of low impact development techniques and environmental site design in the handling of stormwater runoff, to the maximum extent practicable. However, no guidelines on green building or

sustainable site development have been included in the *National Capital Business Park-Design Guidelines*. Given the scale of the proposed development and its long-lasting impacts on the environment, The Planning Board believes that detailed green building and sustainable site development guidelines are warranted and requires that the applicant provide a separate guidelines section on the green building and sustainable site design techniques to specifically require those techniques be provided at the site, building, and equipment levels, as conditioned herein.

In addition, the CDP also includes design guidelines on landscaping that are not sufficient to guide all possible development scenarios. The Planning Board requires that the landscaping standards in the 2010 *Prince George's County Landscape Manual* (Landscape Manual) be utilized as reference when dealing with similar situations as encompassed in the manual. Specific text to this extent should be added under the Landscaping Section in the *National Capital Business Park-Design Guidelines*, as conditioned herein.

- d. Section 27-521, Required Findings for Approval in Comprehensive Design Zones, of the Zoning Ordinance requires the Planning Board to find conformance with the following findings for approval of a CDP:
 - (1) The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The proposed CDP amendment is in general conformance with A-9968-02, which was heard by the Zoning Hearing Examiner on March 10, 2021 and is pending final approval. The proposed development seeks approval of employment and institutional uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b).

The E-I-A Zone is intended for a concentration of nonretail 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 Bowie-Collington-Mitchellville and Vicinity Master Plan and SMA, which 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 Master Plan and allowed for an FAR between 0.3 and 0.38 for a total of 3,900,000–5,000,000 square feet of "light manufacturing, warehouse/distribution, ancillary office and retail commercial" uses. This application includes up to 3.5 million square feet of GFA and meets this finding.

(2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;

The proposed CDP will provide for a balanced land development that will respect existing environmental conditions on the site, while creating an employment area adjacent to the Collington Center immediately to the north and east of the property. The proposed up to 3.5 million square feet of employment and institutional uses will create additional vitality to the existing employment center that cannot be achieved under other regulations of the Zoning Ordinance.

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

The CDP application contains comprehensive design guidelines consisting of nine sections that provide guidance to the design of all facilities, buildings, and amenities on the larger employment campus. The CDP proposes a land use pattern that will include all the necessary facilities to meet the needs of employees and guests of the NCBP project. Given the scale of the proposed development and its long-lasting impacts on the environment, the Planning Board also requires that additional guidelines on green building and sustainable site development techniques be added and those landscaping standards included in the Landscape Manual be referenced in the *National Capital Business Park-Design Guidelines* to provide sufficient design guidance to the proposed development.

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

The proposed development is an organic extension of the existing uses in the Collington Center, which is located to the east of the proposed NCBP site. The proposed uses are compatible with existing land uses, zoning, and facilities in the immediate surroundings. The development of the site with such uses as permitted in the E-I-A Zone will also create additional synergy with the existing Collington Center. Since the NCBP will not be utilizing Leeland Road as an access point for any of its vehicular trips, the balance of the Leeland Road corridor will remain appropriate for low-density residential development.

- (5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:
 - (A) Amounts of building coverage and open space;
 - (B) Building setbacks from streets and abutting land uses; and
 - (C) Circulation access points;

The land uses and facilities covered by the CDP will be guided by the proposed comprehensive design standards known as National Capital Business Park-Design Guidelines in Exhibit A. With the implementation of the comprehensive guidelines in each stage of the development, the land uses and facilities in this application will be compatible with each other in relation to the amount of building coverage, open space, building setbacks from streets, abutting land uses, and circulation access points. The proposed CDP amendment shows planned building and parking envelopes to support the creation of a maximum of 3.5 million square feet of employment and institutional uses. These uses will potentially include warehouse/ distribution, office, light industrial/manufacturing, and/or institutional uses, and will be a natural extension of the existing adjacent Collington Center. The NCBP will be accessed by the extension of Queens Court from the adjacent Collington Center. The proposed internal street network, and the design guidelines set forth in Exhibit A, will allow for the forthcoming uses within the NCBP to be compatible with one another both in scale and appearance.

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

The proposed NCBP is planned to include up to three phases ranging in size from approximately 500,000 square feet to approximately 1.5 million square feet each. The actual phasing will be determined by market demand. Each phase will potentially include the following amount of employment and institutional uses:

Phase 1: 942,000 square feet Phase 2: 1,607,000 square feet Phase 3: 547,000 square feet

According to the SOJ provided by the applicant, it is estimated that these phases in totality will create at least 5,000 new jobs within the County. The aforementioned phasing program is subject to change at the time of SDP when specific uses and site information are available.

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

The CDP application will not be an unreasonable burden on public facilities because the applicant will construct the extension of Queens Court leading directly into the adjacent Collington Center, in order to start the development. This CDP amendment will also result in a significant reduction of vehicular trips using Leeland Road. Moreover, the conversion of the predominant 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. The applicant will also be required to contribute financially to the improvements of the US 301/Queens Court intersection.

- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:
 - (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;
 - (B) Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;
 - (C) The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;

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

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

This CDP includes comprehensive design standards known as *National Capital Business Park-Design Guidelines* in Exhibit A that incorporates the applicable design guidelines set forth in Section 27-274. There is no residential use included in this application.

(10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan:

The CDP also includes TCP1-004-2021. The Planning Board finds this CDP is in conformance with the applicable requirements of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), if revised as conditioned herein.

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

The CDP is consistent with the approved land use quantities as included in A-9968-02 to preserve more than half of the entire site in the natural state. As such, this CDP meets this finding at this time. However, with more detail information regarding the development of this site at the time of PPS and SDP, conformance with this finding will be further evaluated.

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

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

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

This provision is not applicable to the subject application because NCBP is not a regional urban community.

- 9. Comprehensive Design Plan CDP-0505: The District Council approved the original CDP-0505 for 818 residential dwelling units, of which 602 were market rate (97 townhouses and 505 single-family detached units) and 216 units were in a mixed-retirement component (50 single-family detached, 56 townhomes, and 110 multifamily units), in the R-S Zone, on property known as Willowbrook, on April 9, 2007, with 34 conditions. Since no nonresidential uses were included in the original approval, most of the conditions are not applicable to the review of this CDP. Only a few of the conditions related to this site are relevant to the review of this CDP amendment, as follows:
 - 2. Applicant and the applicant's heirs, successors, and/or assignees shall construct the master plan trail along the subject site's portion of Collington Branch.

 Park dedication and alignment of the trail shall be coordinated with the Department of Parks and Recreation.

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

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

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

10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: The project is subject to the provisions of the WCO because the subject property is more than 40,000 square feet in size, has more than 10,000 square feet of woodland on-site, and has previously approved TCPs for the overall property. TCP1-004-2021 was submitted with the CDP application.

The requested change in use will not result in a change to the woodland conservation threshold, which is currently 15 percent for the R-S and I-1-zoned portions of the site, and is 50 percent for the R-A Zone. There is an approved TCP1 and TCP2 on the overall development related to the prior residential subdivision, which are grandfathered under the 1991 Woodland Conservation Ordinance. The prior TCP approvals are not applicable to the new development proposal for the NCBP.

The TCP1 describes the site with 339.73 acres of existing woodland in the net tract area and 82.93 acres in the floodplain. The woodland conservation threshold shown on the TCP1 as submitted is 15 percent; however, staff's calculation of the threshold is 15.08 percent, or 52.40 acres. The threshold is calculated based on the acreage within each zone. The woodland conservation worksheet shows the removal of 267.24 acres of woodland on the net tract area, and 1.09 acres in the floodplain, which based on staff's calculations results in a woodland conservation requirement of 120.30 acres. This requirement is proposed to be met with 71.40 acres of on-site woodland preservation, 18.30 acres of reforestation, and 30.60 acres of off-site woodland conservation credits.

On October 26, 2020, the Office of the Attorney General issued an Opinion regarding forest mitigation banking under the Maryland Forest Conservation Act (FCA – 105 Md. Op. Attorney General. 66). Under the FCA, which is codified in Sections 5-1601 to 5-1613 of the Natural Resources Article of the Maryland Code, forest mitigation banking is defined as "the intentional restoration or creation of forests undertaken expressly for the purpose of providing credits for afforestation or reforestation requirements with enhanced environmental benefits from future activities." The Opinion addressed whether an off-site existing forest that was not intentionally created or restored but was, nevertheless, encumbered with a protective easement could qualify as a forest mitigation bank. The Office of the Attorney General determined that it could not.

As a result of this Opinion and the lack of any valid credits at the time of this referral, off-site woodland conservation credits are not available for purchase at any established woodland conservation bank within the County. The woodland conservation banking program is a private market in the County and M-NCPPC does not guarantee that credits will be available for purchase. Prior to issuance of any permits for this project, the off-site woodland conservation

requirements shown on the TCP shall be met in accordance with the Conservation Method Priorities established in Section 25-122(c) of the Prince George's County Code.

Because of this site's prominent location on a designated primary and secondary corridor of the Bowie and Vicinity Master Plan, the use of Collington Branch as a significant flyway linking the Belt Woods, located to the north, to the Patuxent River and the high quality of woodland present on the site, additional effort should be made to provide the woodland conservation requirements on-site, particularly along the Collington Branch Stream Valley.

Overall, the plan addresses the spirit of the WCO and the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* by providing for the conservation of large contiguous woodlands along the stream valleys and in priority conservation areas. In addition, woodland conservation is proposed on lands to be dedicated to DPR. Woodland conservation cannot be shown on land to be dedicated to DPR without prior written permission. The TCP1 must be revised to remove woodland conservation from land to be dedicated to DPR. Should DPR provide written permission during the review process, the TCP under review at that time should reflect the update.

The location of the RTE habitat sites for the plants is shown on the plans. In review of the Habitat Protection and Management Program for the RTE species that are located on the property, a revision to this report is required, prior to acceptance of the PPS. The current management program is for both the former Willowbrook and Locust Hill projects. The NCBP shall separate out its property into its own management program and update the information on timing and evaluation of the RTE habitat as conditioned herein.

- 11. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Community Planning**—The Planning Board adopts a memorandum dated March 15, 2021 (McCray to Zhang), included herein by reference, which provided that pursuant to Section 27-521(a)(4), the proposed development will be compatible with existing land use, zoning, and facilities in the immediate surrounding because the District Council approved CB-22-2020 for the purpose of permitting certain employment and institutional uses permitted by right in the E-I-A Zone to be permitted in the R-S Zone, under certain specified circumstances.
 - b. **Historic Preservation**—The Planning Board adopts a memorandum dated January 15, 2021 (Stabler and Smith to Zhang), included herein by reference, which found that the subject property does not contain and is not adjacent to any designated Prince George's County historic sites or resources. All archeological investigations have been completed and no additional work was previously recommended.

c. **Environmental Planning**—The Planning Board adopts a memorandum dated March 15, 2021 (Nickle to Zhang), included herein by reference, which provided a comprehensive review of this CDP application's conformance with applicable environmental planning regulations and governing plans. Some comments have been included in the findings above and additional summarized findings are as follows:

Specimen Trees

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

There are 224 specimen trees identified on the property. The proposed development shown on the TCP1 proposes the conceptual removal of specimen trees; however, no variance application was submitted with the CDP. Prior to certification of the CDP, revise the TCP1 to show all specimen trees on the plan and in the specimen tree table to remain. A variance request for the removal of specimen trees shall be submitted with the acceptance of the PPS or SDP, as appropriate.

Stormwater Management

An approved site development concept was submitted, which reflects the prior development proposal. An update to this site development concept will need to be submitted to DPIE to reflect the current development proposal. The updated stormwater concept plan shall be submitted for review with the acceptance of the PPS.

Scenic and Historic Roads

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

The Landscape Manual addresses the requirements regarding buffers on scenic and historic roads in Section 4.6. These provisions will be evaluated at the time of the review of the applicable SDP. Landscaping is a cost-effective treatment, which provides a significant visual enhancement to the appearance of an historic road. The scenic road buffer must be located outside of the right-of-way and public utility easements, and preferably by the retention of existing good quality woodlands, when possible.

Soils

According to the Prince George's County Soil Survey, the principal soils on the site are in the Adelphia, Bibb, Collington, Colemantown Elkton, Howel, Marr, Monmouth,

Sandy Land, Shrewsbury, and Westphalia series. Adelphi, Collington and Marr soils are in hydrologic class B and are not highly erodible. Bibb and Shrewsbury soils are in hydrologic class D and pose various difficulties for development, due to high water table, impeded drainage, and flood hazard. Colemantown and Elkton soils are in hydrologic class D and have a K factor of 0.43 making them highly erodible. Howell and Westphalia soils are in hydrologic class B and are highly erodible. Monmouth soils are in hydrologic class C and have a K factor of 0.43, making them highly erodible. Sandy land soils are in hydrologic class A and pose few difficulties to development. Marlboro clay is found to occur extensively in the vicinity of and on this property. The TCP1 shows the approximate location of the unmitigated 1.5 safety factor line, in accordance with a geotechnical report dated September 17, 2020 and prepared by Geo-Technology Associates, Inc. Additional information, as determined by DPIE in their review, may be required, prior to certification of the CDP and acceptance of the PPS.

- d. **Subdivision**—The Planning Board adopts a memorandum dated March 15, 2021 (Heath to Zhang), included herein by reference which noted that this proposed amendment to CDP-0505 will require a new PPS. All bearings and distances must be clearly shown on the CDP and must be consistent with the record plats or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.
- e. **Transportation Planning**—The Planning Board adopts a memorandum dated March 19, 2021 (Burton to Zhang), included herein by reference, which provided a review of the background and prior approvals and plans governing this application, as well as the traffic impact study (TIS) based on the predetermined scope that includes previously identified intersections, with the following summarized comments:

Analysis of Traffic Impacts

The subject property is currently unimproved and is located within Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*.

Based on the District Council's prior approvals, the maximum density allowed was a range of 625–1,139 dwelling units. That density had the potential of generating 741 AM peak-hour trips, and 889 PM peak-hour trips. The current application proposes a change in land use to approximately 3.5 million square feet of employment and institutional development, generating 1,400 trips during each peak hour. Pursuant to Section 27-195(b)(1)(C) of the Zoning Ordinance, the criteria for approval of a basic plan, as they relate to transportation, are as follows:

Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program (CIP), within the current State Consolidated Transportation Program, or will be provided by the applicant,

will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;

To meet the legal threshold cited above, the applicant provided an October 2020 TIS. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Planning Board, consistent with the "2012 Transportation Review Guidelines, Part 1" (Guidelines). The table below shows the intersections deemed to be critical, as well as the levels of service, representing existing conditions. It is worth noting that one of the provisions of recent CB-22-2020 is that no traffic from this proposed development should be oriented to and from Leeland Road to the south of the subject property. As a result of this mandate by the council, the TIS did not consider any intersections along Leeland Road. The following represents the intersections deemed critical for the proposed development:

EXISTING CONDITIONS			
Intersections	AM	PM	
	(LOS/CLV) delay	(LOS/CLV) delay	
US 301 @ Trade Zone Avenue	A/895	B/1022	
US 301 @ Queens Court: Right-in, Right-Out (RIRO)	No delay	No delay	
US 301 @ Median Crossover	No delay	No delay	
Minor street volume *	<100 vehicles	<100 vehicles	
US 301 @ Leeland Road	A/668	A/818	
US 301 @ Beechtree Parkway-Swanson Road	B/1012	D/1351	
US 301 @ Village Drive	A/766	B/1021	
US 301 @ MD 725	A/961	D/1312	
US 301 @ Chrysler Drive	A/823	D/1357	
Prince George's Boulevard @ Trade Zone Avenue *	<50 seconds	<50 seconds	
Prince George's Boulevard @ Commerce Drive *	<50 seconds	<50 seconds	
Prince George's Boulevard @ Queens Court *	<50 seconds	<50 seconds	

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

The traffic study identified 13 background developments whose impact would affect some or all of the study intersections. In addition, a growth of one percent over six years was also applied to the traffic volumes. A second analysis depicting background traffic conditions was done, yielding the following results:

BACKGROUND CONDITIONS			
Intersections	AM	PM	
	(LOS/CLV) delay	(LOS/CLV) delay	
US 301 @ Trade Zone Avenue	C/1164	E/1511	
US 301 @ Queens Court: Right-in, Right-Out (RIRO)	No delay	No delay	
US 301 @ Median Crossover	No delay	No delay	
Minor street volume *	<100 vehicles	<100 vehicles	
US 301 @ Leeland Road	A/891	D/1357	
US 301 @ Beechtree Parkway-Swanson Road	C/1222	F/1677	
US 301 @ Village Drive	A/965	D/1347	
US 301 @ MD 725	C/1196	F/1658	
US 301 @ Chrysler Drive	B/1020	F/1659	
Prince George's Boulevard @ Trade Zone Avenue *	<50 seconds	<50 seconds	
Prince George's Boulevard @ Commerce Drive *	<50 seconds	<50 seconds	
Prince George's Boulevard @ Queens Court *	<50 seconds	<50 seconds	

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

Using the trip rates from the Guidelines, the study indicated that the subject application represents the following trip generation:

Table 1 - Trip Generation							
		AM Peak		PM Peak			
		In	Out	Total	In	Out	Total
Warehouse (FAR 0.3, County rates)	3.5 million sq. ft.	1,120	280	1,400	280	1,120	1,400
Total new trips		1,120	280	1,400	280	1,120	1,400

The table above indicates that the proposed development will be adding 1,400 trips during both peak hours. The analysis under existing conditions assumes several unsignalized intersections. Under future conditions, the intersection of US 301 at Queens Court is assumed to be signalized. A third analysis depicting total traffic conditions was done, yielding the following results:

TOTAL CONDITIONS with CIP improvements			
Intersections	AM	PM	
	(LOS/CLV) delay	(LOS/CLV) delay	
US 301 @ Trade Zone Avenue	A/984	D/1308	
US 301 @ Queens Court: Right-in, Right-Out (RIRO)	B/1132	C/1280	
US 301 @ Median Crossover	No delay	No delay	
Minor street volume *	<100 vehicles	<100 vehicles	
US 301 @ Leeland Road	C/1212	E/1577	
With additional improvement	B/1145	D/1427	
US 301 @ Beechtree Parkway-Swanson Road	B/1070	D/1423	
US 301 @ Village Drive	A/859	B/1069	
US 301 @ MD 725	A/987	D/1359	
US 301 @ Chrysler Drive	A/776	D/1331	
Prince George's Boulevard @ Trade Zone Avenue *	<50 seconds	<50 seconds	
Prince George's Boulevard @ Commerce Drive *	<50 seconds	<50 seconds	
Prince George's Boulevard @ Queens Court *			
Tier 1: HCS Delay test	>50 seconds	>50 seconds	
Tier 2: Minor Street Volume	>100 vehicles	>100 vehicles	
Tier 3: CLV	A/833	A/755	

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

The results under total traffic conditions show that the intersections will all operate adequately, with the exception of US 301 at Leeland Road. To that end, the applicant has agreed to provide an additional left turn lane (for a total of three lefts) on the eastbound approach, resulting in an acceptable level of service (LOS) for that intersection.

The TIS assumed improvements involving the upgrade to US 301 between MD 214 in the north and MD 4 to the south. Specifically, the improvements would involve a widening of US 301 from 4 to 6 through lanes. This improvement appears in the current (FY 2021-2026) County Capital Improvement Program (CIP) with full funding within six years. There is a provision in the CIP (4.66.0047) that the overall cost of \$32,000,000.00 (1989 dollars) will be borne by developer contribution. The TIS provides a tabular representation of the applicant's pro-rata share of the CIP-funded improvements. For each intersection, a determination is made of the overall excess capacity that is created by CIP improvements. The amount of that excess capacity that is needed to get to LOS D is then calculated and expressed as a percentage. The average percentage for both peak hours for all critical intersections along US 301 is then determined. The result of these analyses show that an average of 14.5 percent of the total capacity created by CIP improvements will be required by this development to meet the department's adequacy

threshold. The Planning Board supports this methodology and its conclusion. Because the projected price tag in the current CIP is set at \$32,000,000, the applicant's pro-rata share will be $32,000,000 \times 0.145 = $4,640,00.00$. Based on a proposed development of 3.5 million square feet of GFA, the fee would be \$4,640,000/3,500,000 = \$1.33 per square foot of GFA. This amount does not include the cost of an additional improvement at the intersection of Leeland Road and US 301. The applicant will be required to provide a triple left turn lane on Leeland Road to achieve LOS D.

The Planning Board concurs with the TIS's findings and conclusions. In addition, the TIS was referred out to County and State agencies for review and comment; however, as of this resolution, no comments have been received from the County agencies. In a February 25, 2021 letter (Rigby to Lenhart) from the Maryland State Highway Administration (SHA), SHA concurred with the study findings. It is worth noting that the most recent basic plan approval for this development showed that the site could be generating 741 AM peak-hour trips, and 889 PM peak-hour trips. That proposal was predicated on the mostly residential development having two access points on Leeland Road. The pending application, if approved, would generate 1,400 trips in each peak hour, with only a single point of access. While this development would increase the trip generation by over 70 percent over both peak hours, the single point of access is projected to operate adequately. And while a second point of access would have been highly desirable to enhance the circulation on-site, the single-entry road (future Queens Court extended) will be dualized for its entire length. This will have some mitigating value in the event that the sole entry point is blocked in an emergency. These analyses were all predicated on the limited-movement intersection of Queens Court at US 301 be upgraded to a full-movement intersection (open median) and signalized. SHA, in its response letter, has agreed to signalization.

Master Plan

The subject property is located on the north side of Leeland Road, a master-planned road that functions as a dividing line between two planning areas: The Bowie and Vicinity Master Plan and SMA and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment*. The subject property is also governed by MPOT. All plans recommend Oak Grove Road-Leeland Road be upgraded to a major collector (MC-600) standard. The proposed application shows the planned facility in a location that is generally consistent with both plans. I-300 is a planned industrial road recommended in all three existing master plans. This future road is planned as Prince George's Boulevard extended south to Leeland Road. Approximately two-thirds of this future road lies within the southeast section of the site. At the time of PPS for the subject property, the applicant will be required to dedicated right-of-way for the portion that occupies the site. Dedication along Leeland Road will be required.

The Planning Board concludes that the development will not be an unreasonable burden on available public facilities, as required by Section 27-521, if the application is approved with three conditions that have been included in this resolution.

f. **Pedestrian and Bicycle Facilities**—The Planning Board adopts a memorandum dated March 16, 2021 (Jackson to Zhang), included herein by reference, the which provided a review of this CDP's conformance with prior approvals, requirements of Zoning Ordinance, and the MPOT. Relevant comments have been included in the findings of the report with additional summary, as follows:

The proposed CDP amendment includes a master plan trail connection to a potential public park site, as well as a pedestrian and bicycle connection from the proposed shared-use path along Leeland Road to proposed Road "A" and the employment use. The interior of the subject site includes three proposed roadways: Road "A," Road "B," and an extension of Queen's Court, which will connect to the rest of the Collington Center.

The submitted application includes a proposed design guidelines document that will dictate the details of the future development applications within the subject property. While there is no specific section dedicated to pedestrian, bicycle, or transit transportation, page 6 of the document introduces vehicular access and parking. The architectural section includes mention of "pedestrian friendly buffers with sidewalk planting strips." However, the document includes a cross section for the Queens's Court extension with a 5-foot-wide sidewalk along the north side of the roadway, and a proposed cross section for the internal roadways without any sidewalks.

The Planning Board requires that all streets within the subject site include minimum 5-foot-wide sidewalks on both sides and that the design guidelines be revised to incorporate sidewalks both sides of all streets.

The proposed design guidelines also include landscaping guidance for parking lots, which recommends the use of bermed islands to discourage pedestrian traffic. However, there is no discussion of pedestrian facilities to access proposed buildings. The Planning Board requires that a clearly marked and separate pedestrian route from the public roadway to the building entrance of all proposed buildings be provided, and that the guidelines be revised to include this pedestrian connection.

The submitted guidelines do not provide any direction for roadway crossings within the subject site. The Planning Board requires that crosswalks be provided to cross all legs of the intersections of Queen's Court and Road "A," and Queen's Court and Road "B." In addition, the Planning Board requires perpendicular and parallel ADA-accessible ramps be provided throughout the subject site.

The submitted guidelines also do not provide any direction for accommodating transit within the subject site. The neighboring Collington Center is currently served by Washington Metropolitan Area Transit Authority Metrobus and the County's "Call-A-Bus" service. The Planning Board requires that sufficient right-of-way be provided at both intersections within the subject site and at both culs-de-sac ends of Road "A" to provide for a bus shelter pad for a potential bus stop.

Lastly, the submitted guidelines do not provide direction for bicycle facilities. The Planning Board requires that bicycle facilities along Roads "A" and "B" and the extension of Queen's Court be provided. Moreover, a seamless and direct connection from the proposed feeder trail to Road "A" should be provided. In addition, both short- and long-term bicycle parking be provided at all proposed buildings of the subject site. Short-term bicycle parking is characterized by outdoor and uncovered bicycle parking racks that provide two points of contact to support and secure a parked bicycle. Long-term bicycle parking is characterized by indoor or covered bicycle parking to protect bicycles from theft, vandalism, or weather and should include a changing room, a shower, and a fix-it station for minor repairs, etc. These facilities play an important role in supporting bicycle transportation to work sites. Showers and changing facilities provide bicycle commuters confidence that they can wash odor from their bodies and change from bicycling clothes to attire more appropriate for work. As part of this application, a portion of the Collington Branch Stream Valley trail will be built, which when complete will provide a valuable connection between MD 214 and MD 725 that links together several neighborhoods and other commercial areas.

The Planning Board finds that the submitted application, along with the facilities above, will meet the necessary findings for a CDP. Providing comprehensive pedestrian and bicycle facilities that connect the proposed building of the site, the roads throughout the site, and the greater pedestrian and bicycle facilities in the area via Leeland Road and the Collington Branch Stream Valley Trail will support complete streets and multimodal transportation. In addition, it will provide development that will accommodate the future needs of employees, connect to the surrounding area, meet design guidelines, and create a better environment than what would be achieved through other regulations.

The Planning Board concludes that this CDP meets the necessary requirements for approval, per Section 27-521 from the standpoint of pedestrian and bicycle transportation, and includes one condition requiring the *National Capital Business Park-Design Guidelines* be amended to include standards related to pedestrian and bicycle facilities. This condition has been included in this resolution.

g. **Department of Parks and Recreation (DPR)**—In a memorandum dated March 19, 2021 (Burke to Zhang), included herein by reference, DPR reviewed this CDP application for conformance with the governing prior approval that has been incorporated into the findings of this report. This development project is required to dedicate 20 acres of the property for a public park, in addition to provision of the master plan trails along the Collington Branch Stream Valley. The details of the parkland dedication, the master plan trail, and the feeder trail will be reviewed in detail at the time of PPS and SDP.

The Park Planning and Development Division of DPR recommends approval of CDP-0505-01.

- h. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)—At the time of this resolution, comments regarding the subject project have not been received from DPIE.
- Prince George's County Police Department—At the time of this resolution, comments regarding the subject project have not been received from the Police Department.
- j. **Prince George's County Health Department**—In a memorandum dated March 19, 2021 (Adepoju to Zhang), included herein by reference, the Health Department provided two comments, as follows:
 - During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the County Code.
 - During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

The applicant is fully aware of the two general requirements. At the time of SDP review, the applicant shall include the two requirements into site plan notes.

- k. **Maryland State Highway Administration (SHA)**—At the time of this resolution, comments regarding the subject project have not been received from SHA.
- 1. **The City of Bowie**—In an email dated March 17, 2021 (Meinert to Zhang), the City of Bowie indicated that they have no comments on this application, as it is neither within nor proximate to their municipal boundary.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-004-2021, and further APPROVED Comprehensive Design Plan CDP-0505-01 for the above described land, subject to the following conditions:

- 1. Prior to certification of this comprehensive design plan (CDP), the applicant shall:
 - a. Provide a separate section in the *National Capital Business Park-Design Guidelines*, specifically on guidelines for green building and sustainable site development techniques to be implemented at the site, building, and equipment levels, to be reviewed by the Urban Design Section, as designee of the Planning Board.

- b. Add text under the Landscaping Standards Section in the *National Capital Business Park-Design Guidelines* to reference the requirements in the 2010 *Prince George's County Landscape Manual* as additional landscape design standards to guide the proposed development.
- c. Provide additional development standards governing pedestrian and bicycle facilities under Vehicular Access and Parking Section in the *National Capital Business Park-Design Guidelines*, as follows:
 - (1) A minimum 5-foot-wide sidewalk along both sides of all internal roadways.
 - (2) Perpendicular or parallel ADA-accessible curb ramps at all intersections.
 - (3) A separate and clearly marked pedestrian route from the public roadway to the entrance of each building.
 - (4) Crosswalks crossing all legs of intersections.
 - (5) Adequate right-of-way space to accommodate a bus shelter and bus shelter pads at all intersections, and both cul-de-sac ends of Road "A."
 - (6) Shared-lane markings (sharrows), bikeway guide signs D-11/Bike Route and D1-1, D1-2, and D1-3/destination signs and R-411/Bicycles May Use Full Lane signs be provided within all internal roadways that direct people bicycling to the proposed developments and the Colington Branch Trail as well as highlight to motorists the potential presence of people bicycling along internal roads, unless modified by the Department of Permitting, Inspections, and Enforcement with written correspondence at the time of Specific Design Plan.
 - (7) Short-term bicycle parking near the entrance of all buildings.
 - (8) Long-term bicycle parking including a changing room, shower, bicycle repair station, or other facilities, shall be considered at time of SDP.
 - (9) A direct connection between the proposed feeder trail and bicycle facilities on Road A.
- d. Revise the Type 1 tree conservation plan (TCP1), as follows:
 - (1) Revise the plan to graphically show the master-planned rights-of-way as "Woodland Retained Assumed Cleared" for I-300 and MC-600, and account for the clearing in the worksheet.
 - (2) Add the TCP1-004-2021 case number to the worksheet and the EPS Approval Block.

- (3) Show all specimen trees on the plan and in the specimen tree table to remain. Variance requests for removal of specimen trees shall accompany the preliminary plan application.
- (4) Relabel the limits of disturbance (LOD) in the legend as a conceptual LOD.
- (5) Revise the TCP1 notes, as follows:
 - (a) Revise General Note 9 to reflect that the property is adjacent to Leeland Road, which is classified as a major collector roadway. Remove the rest of Note 9.
 - (b) Revise General Note 10 to reflect that the plan is not grandfathered by Prince George's County Council Bill CB-27-2010, Section 25-119(G) of the Prince George's County Code. Remove the rest of Note 10.
 - (c) Renumber the last two notes of General Notes from 9 and 10 to 11 and 12.
 - (d) Add the following note: "No impacts to Regulated Environmental Features were approved with CDP-0505-01."
- (6) Revise the plan and the worksheet to remove woodland conservation from land to be dedicated to the Prince George's County Department of Parks and Recreation, unless written confirmation is provided by the Parks Department.
- (7) Correct the worksheet to reflect a woodland conservation threshold of 15.08 percent.
- (8) Have the revised plan signed and dated by the qualified professional preparing the plan.
- 2. At time of preliminary plan of subdivision submission, the applicant shall:
 - a. Submit a revision to the Habitat Management Program to the Development Review Division that reflects the current development proposal, existing hydrologic monitoring, timing of the analysis of Rare, Threatened and Endangered (RTE) species population counts and condition, habitat characterization and condition, and the details of the habitat management program for RTE fish species: water quality monitoring, pollution prevention measures, and corrective measures, shall be updated. The monitoring program shall meet all current requirements of the Maryland Department of Natural Resources, Wildlife and Heritage Service.
 - b. Submit a geotechnical report that reflects the current development proposal.

- c. Show dedication for all rights-of-way for MC-600 (Leeland Road) and I-300, as identified by the Prince George's County Planning Department.
- 3. Prior to certification of a Type 2 tree conservation plan for the subject development, which states specifically the location, acreage, and methodology of the woodland conservation credits, crediting of woodland conservation shown on any property to be dedicated to, or owned by the Maryland-National Capital Park and Planning Commission, is subject to written approval by the Prince George's County Department of Parks and Recreation.
- 4. Prior to approval of a building permit for each square foot of development, the applicant, and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement, a fee calculated as \$1.33 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary. The fee set forth above shall be modified at the time of approval of the preliminary plan of subdivision to reflect the project cost in the adopted Prince George's County Public Works & Transportation Capital Improvement Program.
- 5. Unless modified at the time of preliminary plan, prior to approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. US 301 at Leeland Road
 - (1) Provide three left turn lanes on the eastbound approach.
 - (2) Provide two left turn lanes on the northbound approach.
 - b. Prince George's Boulevard at Queens Court-Site Access
 - (1) Provide a shared through and left and a shared through and right lane on the eastbound approach.
 - (2) Provide a shared through and left and a shared through and right lane on the westbound approach.
 - (3) Provide a shared through and left and a shared through and right lane on the northbound approach.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 15, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of April 2021.

Elizabeth M. Hewlett Chairman

Ry Jes

Jessica Jones

Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY

David S. Warner

M-NCPPC Legal Department Date: April 23, 2021

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

PGCPB No. 2022-53

File No. CDP-0505-02

RESOLUTION

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

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

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

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

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

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

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

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

4. <u>Unless modified at time of preliminary plan</u>, [P-prior to approval of a building permit for each square foot of development, the applicant, and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement, a fee calculated as \$0.92 [\$1.33] (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary. The fee set forth above shall be

modified at the time of approval of the preliminary plan of subdivision to reflect the project cost in the adopted Prince George's County Public Works & Transportation Capital Improvement Program.

2. **Development Data Summary:**

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

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

- 3. **Location:** The subject property is a large tract of land that consists of wooded and undeveloped land, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway). The site is also in Planning Area 74A and Council District 4.
- 4. **Surrounding Uses:** All uses are based on the Zoning Ordinance adopted on April 1, 2022, unless stated otherwise. The site is bounded to the north by undeveloped properties in the Reserved Open Space (ROS) and Agricultural and Preservation (AG) Zones; to the west by a CSX railroad right-of-way and undeveloped properties in the Legacy Comprehensive Design (LCD) Zone (prior Residential Low Development) and Agricultural-Residential (AR) Zones, including the Collington Branch Stream Valley; to the south by Leeland Road and beyond by Beech Tree, a residential subdivision in the LCD (prior Residential Suburban Development (R-S)) Zone and undeveloped property in the AR Zone; and to the east by the existing Collington Center, an employment center, in the LCD (E-I-A) Zone.
- 5. **Previous Approvals:** The site was rezoned from the Residential-Agricultural (R-A) Zone to the E-I-A Zone during the 1991 *Approved Master Plan and Adopted Sectional Map Amendment for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A, and 74B* (Bowie and Vicinity Master Plan and SMA). The rezoning was contained in Zoning Map Amendment A-9829. In 2005, A-9968 was filed to request a rezoning of the property from the E-I-A Zone to the R-S Zone. At that time, the approval of a new Bowie and Vicinity Master Plan and SMA was underway. A-9968 was recommended for approval by the Prince George's County Planning Board (PGCPB Resolution No. 05-178) and was transmitted to the Prince George's County District Council for incorporation into the Bowie and Vicinity Master Plan and SMA.

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

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

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

On March 30, 2017, Specific Design Plan SDP-1603 and associated Type II Tree Conservation Plan TCPII-028-2016, (PGCPB Resolution No. 17-144), for Phase One of the residential development, which proposed 183 single-family detached and 93 single-family attached market-rate lots, 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture, was approved subject to 15 conditions. No construction has been started on the property.

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

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

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

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

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

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

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

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

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

COMPLIANCE WITH EVALUATION CRITERIA

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

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

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

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

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

1. Proposed Land Use Types and Quantities

Total Area: 442.30 acres

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

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

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

Land in the 100-year floodplain: 92.49 acres

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

Proposed use: Warehouse/distribution, office, light industrial/ manufacturing, and/or institutional uses up to 5.5 million square feet *

Open Space

Public active open space:20± acres

Passive open space: 215± acres

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

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

- 2. At the time of the submission of a comprehensive design plan or preliminary plan of subdivision, the applicant shall provide a traffic study that analyzes the following intersections:
 - a. US 301/MD 725
 - b. US 301/Village Drive

- c. US 301/Leeland Road
- d. US 301/Trade Zone Avenue
- e. US 301 south bound/Wawa Crossover
- f. US 301 north bound/Wawa Crossover
- g. US 301/Queens Court
- h. US 301/Median Crossover
- i. US 301/Beechtree Parkway/Swanson Road
- j. US 301/Chrysler Drive
- k. Prince George's Boulevard/Trade Zone Avenue
- 1. Prince George's Boulevard/Commerce Drive
- m. Prince George's Boulevard Queens Court

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comprehensive Design Plan Considerations:

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

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

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

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

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

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

Section 27-511 (a)

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

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

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

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

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

(b) Regulations regarding green area set forth in Section 27-501(a)(2) shall not apply. The minimum green area (of net lot area) shall be 10%. All other regulations in the E-I-A Zone shall apply to uses developed pursuant to this Section.

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

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

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

(d) Additional requirements for uses developed pursuant to this footnote shall include the following:

- (i) Street connectivity shall be through an adjacent employment park; and
- (ii) A public park of at least 20 acres shall be provided.

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

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

The proposed CDP amendment is in conformance with A-9968-03, which was heard by ZHE on February 23, 2022 and is pending final approval by the District Council. The proposed increment of two million square feet of employment and institutional uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b) is within the development cap approved in A-9968-03.

(2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;

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

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

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

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

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

- (5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:
 - (A) Amounts of building coverage and open space;
 - (B) Building setbacks from streets and abutting land uses; and
 - (C) Circulation access points;

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

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

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

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

Phase 1: 3.5–4.0 million square feet

Phase 2: 400,000–800,000 square feet

Phase 3: 500,000–700,000 square feet

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

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

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

- (8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:
 - (A) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;

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

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

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

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

(10) The Plan is in conformance with an approved Type 1 Tree Conservation Plan:

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

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

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

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

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

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

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

- 9. **Comprehensive Design Plans CDP-0505 and CDP-0505-01:** The District Council approved the original CDP-0505 for 818 residential dwelling units, of which 602 were market rate (97 townhouses and 505 single-family detached units) and 216 units were in a mixed-retirement component (50 single-family detached, 56 townhomes, and 110 multifamily units), in the R-S Zone, on property known as Willowbrook, on April 9, 2007, with 34 conditions. Since no nonresidential uses were included in the original approval, most of the conditions are not applicable to the review of this CDP. Only a few of the conditions related to this site are relevant to the review of this CDP amendment, as follows:
 - 2. Applicant and the applicant's heirs, successors, and/or assignees shall construct the master plan trail along the subject site's portion of Collington Branch. Park dedication and alignment of the trail shall be coordinated with the Department of Parks and Recreation.

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

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

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

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

4. Unless modified at time of preliminary plan of subdivision, prior to approval of a building permit for each square foot of development, the applicant, and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement, a fee calculated as \$0.92 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary. The fee set forth above shall be modified at the time of approval of the preliminary plan of subdivision to reflect the project cost in the adopted Prince George's County Public Works & Transportation Capital Improvement Program.

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

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

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

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

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

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

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

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

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

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

This project is subject to a Habitat Protection and Management Program, dated April 23, 2021 and revised on May 7, 2021, as a method for monitoring the rare plant and fish species on and in the vicinity of the property that was approved as part of CDP-0505-01 (per condition). The subject site contains five identified species of rare, threatened, or endangered species plants and three State-listed threatened or endangered fish species within the Collington Branch and/or Black Branch watersheds. On May 27, 2021, the Maryland Department of Natural Resources (DNR) approved the final version of the habitat protection and monitoring plan. On June 4, 2021, the applicant notified this Department that the pre-construction stream monitoring was completed in April 2021, and that the summer fish sampling was completed at all four stations June 1-2, 2021. After the stream monitoring and fish sampling data was processed, the applicant submitted the 2021 During Construction Monitoring Report to M-NCPPC and DNR on February 4, 2022. The During Construction Monitoring of the rare, threatened, or endangered species, plant and fish species will end with the completion of the site grading activities and the stabilization of all disturbed areas. The post-construction monitoring phase will commence for a period of five years. Annual monitoring reports are required to be filed with both M-NCPPC and DNR. This application does not alter the prior approved plan.

- 11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Community Planning**—The Planning Board adopts a memorandum dated March 25, 2022 (Lester to Zhang), included herein by reference, which provided that pursuant to Section 27-521(a)(4) of the Zoning Ordinance, the proposed development will be compatible with existing land use, zoning, and facilities in the immediate surrounding because the District Council approved CB-22-2020 for the purpose of permitting certain employment and institutional uses permitted by-right in the E-I-A Zone to be permitted in the R-S Zone of Prince George's County, under certain specified circumstances.

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

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

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

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

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

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

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

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

Specimen Trees

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

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

Regulated Environmental Features

There is primary management area (PMA) comprising regulated environmental features, which include streams and associated buffers, 100-year floodplain, steep slopes, and

wetlands with their associated buffers. Under Section 27-521(a)(11) of the Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible. The development conceptually proposes impacts to the PMA; however, no SOJ was submitted with the CDP. A letter of justification, with exhibits, shall be submitted for review prior to acceptance of the PPS.

Stormwater Management

A Stormwater Management (SWM) Concept Plan (42013-2020-00), approved on June 28, 2021, was submitted and shows the use of seven submerged gravel wetlands, four underground storage treatment facilities, and sand filters. The development will be subject to a site development fine grading permit and continuing reviews by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and the Soil Conservation District. The SWM concept approval letter indicates that additional micro-scaled environmental site design facilities will be evaluated when details of the development pads are proposed with later reviews.

Erosion and Sediment Control

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

Scenic and Historic Roads

Leeland Road is designated as a scenic road in the MPOT and has the functional classification of a major collector. The MPOT includes a section on Special Roadways, which includes designated scenic and historic roads, and provides specific policies and strategies, which are applicable to this roadway, including to conserve and enhance the viewsheds along designated roadways. Any improvements within the right-of-way of a historic road are subject to approval by the County under the Design Guidelines and Standards for Scenic and Historic Roads. The 2010 Prince George's County Landscape Manual (Landscape Manual) addresses the requirements regarding buffers on scenic and historic roads. These provisions will be evaluated at the time of the review of the SDP. Adjacent to a historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways), based on the Developing Tier (now Environmental Service Area (ESA) 2). In ESA 2, the required buffer along a historic road is a minimum of 20 feet wide, to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. The Special Roadway buffer must be located outside of the right-of-way and public utility easements, and preferably fulfilled by the retention of existing good-quality woodlands, when possible.

Soils

According to the "Prince George's County Soil Survey," the principal soils on the site are in the Adelphia, Bibb, Collington, Colemantown Elkton, Howel, Marr, Monmouth, Sandy Land, Shrewsbury, and Westphalia series. Adelphi, Collington, and Marr soils are in hydrologic class B, and are not highly erodible. Bibb and Shrewsbury soils are in hydrologic class D, and pose various difficulties for development, due to high water table, impeded drainage, and flood hazard. Colemantown and Elkton soils are in hydrologic class D, and have a K factor of 0.43, making them highly erodible. Howell and Westphalia soils are in hydrologic class B and are highly erodible. Monmouth soils are in hydrologic class C and have a K factor of 0.43, making them highly erodible. Sandy land soils are in hydrologic class A and pose few difficulties to development. Marlboro clay is found to occur extensively in the vicinity of and on this property. The TCP1 shows the location of the unmitigated 1.5 safety factor line, in accordance with a geotechnical report dated February 1, 2021, and revised August 6, 2021, and prepared by Geo-Technology Associates, Inc. Additional information may be required at the time of SDP of the individual tenants to analyze the development proposed.

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

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

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

Design Guidelines

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

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

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

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

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

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

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

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

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

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

Transportation Planning Review

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

The subject property is located within Transportation Service Area 2, as defined in the 2014 *Plan Prince George's* 2035 *Approved General Plan* (Plan 2035). As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service (LOS) D, with signalized intersections operating at a critical lane volume of 1,450 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

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

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

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

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

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

EXISTING TRAFFIC CONDITIONS							
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)				
SB US 301 at Wawa Crossover	990	1248	A	С			
NB US 301 at Wawa Crossover	1275	1279	C	С			
US 301 at Trade Zone Avenue	1288	1161	C	С			
US 301 at Queens Court	0 sec*	0 sec*					
US 301 at Median Crossover	<100 veh.	<100 veh.					
US 301 at Leeland Road	924	866	A	A			
US 301 at Beechtree Pikeway / Swanson Road	1330	1321	D	D			
US 301 at Village Drive	1086	1144	В	В			
US 301 at MD 725	1204	1343	С	D			
US 301 at Chrysler Drive	1045	1063	В	В			
Prince George's Boulevard at Trade Zone Avenue	15.0 sec*	15.1 sec*					
Prince George's Boulevard at Commerce Drive	9.5 sec*	9.8 sec*					
Prince George's Boulevard at Queens Court	9.5 sec*	12.5 sec*					

^{*}In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

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

BACKGROUND TRAFFIC CONDITIONS							
Intersection		ne Volume nd PM)	Level of Service (LOS, AM and PM)				
SB US 301 at Wawa Crossover	1083	1253	В	С			
NB US 301 at Wawa Crossover	1604	1913	F	F			
US 301 at Trade Zone Avenue	1638	1842	F	F			
US 301 at Queens Court	1208	1458	С	Е			
US 301 at Median Crossover	<100 veh.	<100 veh.					
US 301 at Leeland Road	1491	1631	Е	F			
US 301 at Beechtree Pikeway / Swanson Road	1854	1936	F	F			
US 301 at Village Drive	1571	1573	Е	Е			
US 301 at MD 725	1642	1891	F	F			
US 301 at Chrysler Drive	1435	1410	D	D			
Prince George's Boulevard at Trade Zone Avenue	16.7 sec*	20.4 sec*					
Prince George's Boulevard at Commerce Drive	12.2 sec*	11.6 sec*					
Prince George's Boulevard at Queens Court	1044	1147	В	В			

^{*}In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

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

TOTAL TRAFFIC CONDITIONS (with CIP and additional Intersection Improvements)							
Intersection	Critical Lane Volume (AM and PM)		Level of Service (LOS, AM and PM)				
SB US 301 at Wawa Crossover	1084	1290	В	C			
NB US 301 at Wawa Crossover	1127	1338	В	D			
US 301 at Trade Zone Avenue	1138	1427	В	D			
US 301 at Queens Court	1078	1363	В	D			
US 301 at Median Crossover	<100 veh.	<100 veh.					
US 301 at Leeland Road	1409	1350	D	D			
US 301 at Beechtree Pikeway / Swanson Road	1291	1392	С	D			
US 301 at Village Drive	1109	1219	В	С			
US 301 at MD 725	1207	1446	С	D			
US 301 at Chrysler Drive	980	1327	A	D			
Prince George's Boulevard at Trade Zone Avenue	16.7 sec*	20.4 sec*					
Prince George's Boulevard at Commerce Drive	12.2 sec*	11.7 sec*					
Prince George's Boulevard at Queens Court	1044	1353	В	D			

^{*}In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the "Guidelines," delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

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

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

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

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

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

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

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

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

- 12. **Public Hearing on May 5, 2022:** The Planning Board held a public hearing on this application for a CDP amendment. At the hearing, and in rendering its decision, the Board considered all written and oral testimony, along with all exhibits submitted according to the Board's procedures. During the hearing, the Planning Board received nine opposition exhibits (OE), one applicant exhibit (AE), and two staff exhibits (SE):
 - OE-1- CB-22-2020 Report (2 pages)
 - OE-2- Office of Law memo (1 page)
 - OE-3- PB Analysis of CB-22-2022 (2 pages)
 - OE-4- PB Signed Voters Letter on CB-22-2020 (3 pages)
 - OE-5-Prince George's County Council Meetings Video on CB-22-2020 (1 page)
 - OE-6-Terry Nuriddin Opposition letter
 - OE-7-Jenet Gingold, Prince George's Sierra Club, Opposition Letter
 - OE-8- Jenet Gingold, Forest at Leeland Road, A collection of photos taken by Ms. Gingold
 - OE-9- Dr. Henry Code Opposition Statement
 - AE-1- Proposed revisions to the recommended conditions.
 - SE-1- DPIE Final Memorandum
 - SE-2- ZHE Decision on A-9968-03 Basic Plan approval.

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

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

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

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

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

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

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

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

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

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

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

- (7) Revise the proposed grading on the plan to be solid black, not gray lines. Add proposed contours and other proposed symbols to the legend.
- (8) Revise the specimen tree table headings to provide one column to list the specimen trees approved for removal with Preliminary Plan of Subdivision 4-20032, and a separate column to list the specimen trees approved for removal with Specific Design Plan SDP-1603-01.
- (9) In the standard TCP1 notes, remove Note 12.
- (10) Have the revised plan signed and dated by the qualified professional preparing the plan.
- d. Obtain final approval of A-9968-03 from the District Council.
- 2. This comprehensive design plan has modified Condition 4 attached to CDP-0505-01, as follows:
 - 4. Unless modified at the time of preliminary plan of subdivision (PPS), prior to approval of a building permit for each square foot of development, the applicant and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), a fee calculated as \$0.92 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at the time of payment) / (Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary. The fee set forth above shall be modified at the time of approval of the PPS, to reflect the project cost in the adopted Prince George's County Public Works and Transportation Capital Improvement Program. In lieu of the fee payment listed in this condition, the applicant may provide improvements along US 301 (Robert Crain Highway), within the limits of US 301, that are covered by the Capital Improvement Program-funded improvements. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.
- 3. Total development within the subject property shall be limited to uses that would generate no more than 1,401 AM and 1,735 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
- 4. The following road improvements shall be phased at the time of future specific design plan applications, and a determination shall be made as to when said improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:

- a. US 301 (Robert Crain Highway) at Leeland Road
 - (1) Provide three left-turn lanes on the eastbound approach
- b. Prince George's Boulevard and Queens Court–Site Access, unless modified at the time of preliminary plan of subdivision:
 - (1) Provide a shared through and left lane and a shared through and right lane on the eastbound approach.
 - (2) Provide a shared through and left lane and a shared through and right lane on the westbound approach.
 - (3) Provide a shared through and left lane on the northbound approach and a shared through and right lane on the southbound approach.
- 5. At the time of preliminary plan of subdivision, the applicant shall demonstrate adequate right-of-way dedication, in accordance with the 2009 *Approved Countywide Master Plan of Transportation*.
- 6. At the time of specific design plan, the applicant shall show all proposed on-site transportation improvements on the plans.
- 7. Prior to issuance of each building permit for this development, the applicant and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) a fee per square foot, to be determined at the time of preliminary plan of subdivision.

In lieu of the fee payment listed in the preceding paragraph, the applicant may provide improvements along US 301 (Robert Crain Highway), within the limits of US 301, that are covered by Capital Improvement Program-funded improvements. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.

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

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PGCPB No. 2022-53 File No. CDP-0505-02 Page 35

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

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

Peter A. Shapiro Chairman

By Jessica Jones

Planning Board Administrator

PAS:JJ:HZ:rpg

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date: May 16, 2022

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

PGCPB No. 2022-10

File No. SDP-1603-01

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on January 13, 2022, regarding Specific Design Plan SDP-1603-01 for National Capital Business Park, the Planning Board finds:

1. Request: The subject application is for approval of an infrastructure specific design plan (SDP) for the National Capital Business Park, including the proposed street network, sidewalks, utilities, grading, stormwater management (SWM), retaining walls, and directional signage that will serve the employment and institutional uses proposed for the portion of the property in the Residential Suburban Development (R-S) Zone. This approval will completely supersede the originally approved SDP-1603 (formerly for Phase 1 of the residential project known as Willowbrook).

2. Development Data Summary:

	EXISTING	APPROVED
Zone	R-S/I-1/R-A	R-S*/I-1/R-A
Use	Vacant	Warehouse/Distribution; Office;
		Light-Industrial-Manufacturing; and/or
		Institutional Uses (in R-S and I-1 Zones only)
Total Gross Acreage	442.30	442.30
R-S Zone	426.52	426.52
I-1 Zone	15.00	15.00
R-A Zone	0.78	0.78
Floodplain	94.77	94.77
Total Net Acreage	347.53	347.53

te: *Prince George's County Council Bill CB-22-2020 was adopted by the Prince George's County District Council on July 14, 2020, for the purposes of allowing uses in the Employment and Institutional Area (E-I-A) Zone on land in the R-S Zone, pursuant to eligibility criteria in Section 27-515(b) of the Prince George's County Zoning Ordinance. Zoning Map Amendment A-9968-02 removed all previously approved residential elements from this site and permits up to 3.5 million square feet of warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses on the subject site. It is anticipated that a majority will be warehouse uses in the National Capital Business Park.

- 3. Location: The subject property is a large tract of land that consists of wooded and undeveloped land, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and the southbound US 301 (Robert Crain Highway). The site is also in Planning Area 74A and Council District 4.
- 4. Surrounding Uses: The site is bounded to the north by undeveloped properties in the Reserved Open Space and Open Space (O-S) Zones; to the west by a CSX railroad right-of-way and undeveloped properties in the Residential Low Development, Residential-Agricultural (R-A), and O-S Zones, including the Collington Branch Stream Valley; to the south by Leeland Road and beyond by Beech Tree, a residential subdivision in the R-S Zone and undeveloped property in the R-A Zone; and to the east by the existing Collington Center, an employment center, in the E-I-A and Light Industrial (I-1) Zones.
- 5. Previous Approvals: The site was rezoned from the R-A Zone to the E-I-A Zone during the 1991 Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A, and 74B. The rezoning was contained in Zoning Map Amendment (Basic Plan) A-9829. In 2005, A-9968 was filed to request a rezoning of the property from the E-I-A Zone to the R-S Zone. At that time, the approval of a new Bowie and Vicinity Master Plan and Sectional Map Amendment was underway. A-9968 was recommended for approval by the Prince George's County Planning Board (PGCPB Resolution No. 05-178) and was transmitted to the District Council for incorporation into the 2006 Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity (Bowie and Vicinity Master Plan and SMA).

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

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

On March 15, 2007, Preliminary Plan of Subdivision (PPS) 4-06066 and TCPI-010-06-01 were approved by the Planning Board (PGCPB Resolution No. 07-43) subject to 31 conditions. Subsequently, a number of extensions, waivers, and reconsiderations were approved by the Planning Board. The last of which the Planning Board approved on March 8, 2018 (PGCPB Resolution No. 07-43(A)), a reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road, and convert the roundabout to a four-way,

signal-controlled intersection. The PPS conditions are not applicable to the review of the current application, but the modification of the intersection is noted for informational purposes.

On March 30, 2017, SDP-1603 and associated TCPII-028-2016, (PGCPB Resolution No. 17-144), for Phase One of the residential development, which proposed 183 single-family detached and 93 single-family attached market-rate lots, 43 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture, was approved subject to 15 conditions. No construction has been started on the property.

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

On April 12, 2021, the District Council approved A-9968-02, which is a revision to A-9968 and A-9968-01, to replace the previously approved residential land use patterns on the subject site, with employment and institutional uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b), in the R-S Zone, with 17 conditions and 2 considerations. A-9968-02 supersedes the approvals of both A-9968 and A-9968-01 and governs the future development of the subject site for employment and institutional uses, as generally permitted in the E-I-A Zone, without any residential component.

On April 29, 2021, CDP-0505-01 and TCP1-004-2021 were approved by the Planning Board (PGCPB Resolution No. 2021-50), which established the design guidelines for the National Capital Business Park project, subject to five conditions. The District Council elected not to review CDP-0505-01 on June 4, 2021.

On September 30, 2021, the Planning Board approved PPS 4-20032, for the National Capital Business Park, including TCP1-004-2021-01, subject to 32 conditions.

This site also has an approved SWM Concept Plan, 42013-2020-00, which is valid through June 28, 2024.

6. **Design Features:** The infrastructure SDP for the National Capital Business Park includes the proposed street network, sidewalks, utilities, grading, SWM, retaining walls and directional signage that will serve the employment and institutional uses proposed for the 426-acre R-S-zoned portion of the property. The proposed development of up to 3.5 million square feet of employment uses, such as warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses will be mainly on the R-S-zoned section in the middle of the larger property. Only a small portion of the above uses, of which many are permitted by-right, will be on the I-1-zoned property in the southeast part of the site.

As previously approved by CDP-0505-01 and PPS 4-20032, vehicular access to the subject site will be provided via an extension of the existing Queens Court within the adjacent Collington Center. To the east of the subject property, Queens Court intersects with Prince George's

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Boulevard, which is a spine road running through Collington Center, and beyond to Robert Crain Highway. The proposal includes a median break and signalization of the Robert Crain Highway and Queens Court intersection, in coordination with the Maryland State Highway Administration (SHA).

Queens Court, as extended, intersects an internal spine road, which is in a north-south orientation with cul-de-sacs on both ends. The proposed development will be located on both sides of the spine road and Queens Court extension. The proposed building blocks of this development includes interconnecting streets and a conceptual building and parking envelopes. This includes utilization of the adjacent stream valley to define the western edge of the proposed development area and additional proposed open space on the I-1-zoned property, along with numerous on-site SWM facilities throughout the site. The project has been designed to be compact and minimize impacts to sensitive environmental features and preserve priority woodlands along the stream valley corridor and other sensitive environmental areas. A potential 20-acre public park adjacent to the Collington Branch Stream Valley is shown north of Leeland Road at the far western corner of the property.

The infrastructure SDP also shows rough grading of each building envelope and general dimensions of the blocks. SWM facilities, along with major environmental features, stream valley trails, as well as general landscaping, are included in this infrastructure plan.

One primary identification and two directional signs are also shown on the infrastructure plans. The one primary identification sign is a monument style and carries text of "National Capital Business Park" and measures eight feet and eleven inches tall but does not give the complete dimensions of the sign feature. Two directional signs are similar to the monument sign style and of identical design to the primary identification sign that measures nine feet and one inch long and eight and half feet in height. The three proposed signs are appropriate in size and are acceptable. However, the applicant should provide detailed sign face area calculations and notes on the plans. A condition has been included hereinto require the applicant to provide the sign face area calculation on the site plan prior to certification of this infrastructure SDP.

COMPLIANCE WITH EVALUATION CRITERIA

7. Zoning Map Amendment (Basic Plan) A-9968-02: A-9968-02 was approved to remove all residential uses depicted in both A-9968 and A-9968-01, and to show up to 3.5 million square feet of employment and institutional uses. A-9968-02 was approved by the District Council on April 12, 2021, with 17 conditions and 2 considerations, that supersedes both A-9968 and A-9968-01, which depicted residential development only. Conditions and considerations attached to the approval of A-9968-02 that are relevant to the review of this infrastructure SDP are as follows:

1. Proposed Land Use Types and Quantities

Total Area: 442.30 acres

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

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

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

Land in the 100-year floodplain: 92.49 acres

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

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

Open Space

Public active open space:20± acres

Passive open space: 215± acres

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

This infrastructure SDP proposes improvements essential to develop up to 3.5 million square feet of employment uses including warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses. The Planning Board finds the improvements appropriate for the land uses proposed by A-9968-02.

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 two trails are shown on the infrastructure SDP drawings that are consistent with this condition. The Prince George's County Department of Parks and Recreation (DPR) will coordinate the construction of the master plan hiker/biker trails with the applicant.

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 applicant is coordinating with the DPR to determine appropriate programming and design for the future community park. An exhibit has been submitted with this infrastructure SDP that has been referred to DPR for review. DPR is in general agreement with the proposed community park facilities.

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 shared-use path is shown on the infrastructure SDP drawings, in accordance with this condition. For the construction, the applicant will work with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) through its separate permitting process.

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.

The infrastructure improvements proposed with SDP-1603-01 have been designed to support a proposed development determined (in part) by the environmental constraints of the site, including the regulated environmental features and soils. The Planning Board finds that the site improvements proposed in the infrastructure SDP will preserve all regulated environmental features on the subject property and/or restore them to the fullest extent possible, as discussed in Paragraph 12 below.

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

The infrastructure SDP proposes site improvements that support, or otherwise do not hinder, the future development of the conditioned improvements. Additional detail, such as facilities to support multimodal transportation, will be evaluated with the subsequent full-scale SDP(s) for site development.

- **8. Prince George's County Zoning Ordinance:** The Planning Board finds the subject infrastructure SDP is in compliance with the applicable requirements of the Zoning Ordinance, as follows:
 - a. Through the adoption of CB-22-2020, the District Council expanded the uses permitted in the R-S Zone to allow nonresidential uses that are generally permitted in the E-I-A Zone, under certain conditions, on the subject property. This infrastructure SDP is for general site preparation for future development of proposed uses permitted by CB-22-2020 and otherwise complies with the findings in both A-9968-02 and CDP-0505-01 regarding the uses on the property.
 - b. Section 27-480, General development regulations, of the Zoning Ordinance, and those regulations in the R-S Zone, as stated in Sections 27-511 to 514 of the Zoning Ordinance, are mainly for residential uses. Since this infrastructure SDP for infrastructure is for non-residential uses generally permitted in the E-I A Zone, those regulations are not applicable to this SDP.
 - c. Section 27-528 of the Zoning Ordinance contains the following required findings for the Planning Board to grant approval of an SDP:
 - (a) Prior to approving a Specific Design Plan, the Planning Board shall find that:
 - (1) The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual;

The site improvements proposed in the infrastructure SDP will support the development described in approved CDP-0505-01, and each of the conditions of approval. The improvements also comply with those requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), and the design guidelines applicable to the infrastructure SDP, as discussed in findings herein. Therefore, the Planning Board finds the infrastructure SDP conforms with the approved CDP and applicable standards of the Landscape Manual.

(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;

The subject property is not designated as a Regional Urban Community. Therefore, this finding is not relevant to this infrastructure SDP.

(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;

The subject property is governed by an approved and valid PPS 4-20032, which was approved by the Planning Board on September 30, 2021, which determined that this development will be adequately served within a reasonable period of time with existing or programmed public facilities. The Planning Board finds the site improvements described in the infrastructure SDP support, or otherwise do not hinder, the existing public facilities or any facilities proposed for construction by PPS 4-20032.

(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;

As discussed above, the application included an approved and valid SWM concept plan, and the site improvements proposed in the infrastructure SDP support, or otherwise do not hinder, the plan. Therefore, the Planning Board finds that, to the extent of the improvements proposed in the infrastructure SDP, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and

Type 2 Tree Conservation Plan TCP2-026-2021-01 was submitted on October 14, 2021. The Planning Board finds that the subject infrastructure SDP conforms to TCP2-026-2021-01, subject to conditions that have been included herein.

(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).

The site improvements described in the infrastructure SDP do not expand the approved land uses quantities included in A-9968-02 that preserve more than half of the entire site in a natural state. This condition was further evaluated at time of the approval of PPS 4-20032 and conformance was demonstrated. The Planning Board concludes, after the review of the infrastructure SDP and the proposed TCP2-026-2021-01, that the regulated environmental features on the subject property will be 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 off-site 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 infrastructure SDP has been reviewed for conformance with the governing CDP-0505-01, approved SWM concept plan, and TCP2. Subject to the findings and conditions contained herein , the Planning Board finds that this infrastructure SDP conforms to the approved CDP, prevents off-site 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.

- 9. Comprehensive Design Plan CDP-0505-01: CDP-0505-01 was approved by the Planning Board on April 29, 2021 (PGCPB Resolution No. 2021-50) for the proposed 3.5 million square feet of various employment and institutional uses. CDP-0505-01 was approved with five conditions, of which one condition is relevant to the review of this infrastructure SDP as follows:
 - 3. Prior to certification of a Type 2 tree conservation plan for the subject development, which states specifically the location, acreage, and methodology of the woodland conservation credits, crediting of woodland conservation shown on any property to be dedicated to, or owned by the Maryland-National Capital Park and Planning Commission, is subject to written approval by the Prince George's County Department of Parks and Recreation.

In a letter dated April 12, 2021 (Burke to Nickle), submitted with the CDP certification, DPR consented to the placement of woodland conservation on land to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC), which will be placed in easements subject to the following considerations:

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

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

(1) The details of the land to be dedicated to M-NCPPC, the areas of woodland conservation easement contained within that land, and the proposed hiker/biker trail will be evaluated with the review of the Type 2 tree conservation plan (TCP2).

This infrastructure SDP application shows a total of 113.28 acres to be dedicated to M-NCPPC, inclusive of the 20-acre park and stream valley trail, which will be developed concurrently. DPR is in general agreement with the proposed land dedication.

- **10. Preliminary Plan of Subdivision 4-20032:** PPS 4-20032 was approved by the Planning Board on September 30, 2021 (PGCPB Resolution No. 2021-112). The following conditions of approval are relevant to this SDP:
 - 2. Total development within the subject property shall be limited to uses which generate no more than 1,400 AM peak-hour trips and 1,400 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.

The site improvements proposed by the infrastructure SDP do not support the construction of any structures or additional development that would exceed the above the total square footage, as previously approved with both CDP-0505-01 and PPS 4-20032.

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.

No residential development is proposed in this infrastructure SDP.

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

An approved SWM concept plan (42013-2020-00, approved on June 28, 2021) was submitted that shows the use of seven submerged gravel wetlands, four underground storage treatment facilities and sand filters. The site improvements proposed in the infrastructure SDP will be subject to a site development fine grading permit and continuing reviews by both DPIE and the Soil Conservation District. Therefore, the infrastructure SDP conforms to the approved SWM concept plan.

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.

The above requirements are provided with the infrastructure SDP drawings in General Note 25.

- 8. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities and show these facilities on any submitted specific design plan, prior to its acceptance:
 - a. Minimum 5-foot-wide sidewalks along both sides of all internal roadways.
 - b. Perpendicular or parallel Americans with Disabilities Act accessible curb ramps at all intersections throughout the site.
 - c. Crosswalks crossing all legs of intersections, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - d. For any specific design plan containing a building, a separate and clearly marked pedestrian route from the public roadway to the entrance of each building.
 - e. Bus-shelter ready areas at each intersection and proximate to the ends of each cul-de-sac on Road A.
 - f. Shared-lane markings (sharrows), bikeway guide signs, D11-1/Bike Route and D1-1, D1-2, and D1-3/destination plates and R4=11/Bicycles May Use Full Lane signs be provided within all internal roadways that direct people bicycling to the proposed developments and the Collington Branch Trail, as well as highlight to motorists the potential presence of people bicycling along internal roads, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.

- g. For any specific design plan containing a building, short-term bicycle parking near the entrances of all buildings shall be required, and long-term bicycle parking and associated facilities at an appropriate location of larger buildings shall be considered.
- h. A curb ramp connecting Road A and the shared-use path connecting to Leeland Road.
- i. A minimum 10-foot-wide shared-use path along Leeland Road.
- j. A minimum 10-foot-wide shared-use path connecting Leeland Road and Road A.

The subject infrastructure SDP shows most of the above required improvements for bicycle and pedestrians in accordance with the scope of this plan, including sidewalks, Americans with Disabilities Act compliant access curb ramps, etc. Certain requirements cannot be met at the time of an infrastructure SDP, for example, since there is no building included in this SDP, improvements required by above Condition 8.d. will be provided with future SDPs. The Planning Board finds that this condition has been met, subject to several conditions that have been included herein.

11. At the time of final plat, the applicant shall dedicate all rights-of-way, consistent with the approved preliminary plan of subdivision. The right-of-way extension for Popes Creek Drive shall only be dedicated if the final site plan design includes access to this roadway and, if the access is not included in the final design, all developable parcels shall be platted to have frontage on and direct access to an alternative public right-of-way.

The infrastructure SDP does not reflect right-of-way extension for Popes Creek Drive, nor does it include access to this roadway in the design. All adjacent developable parcels have been reconfigured to have frontage on and direct access to Queens Court.

- 15. The applicant shall be subject to the following requirements for development of the 10-foot-wide on-site feeder trail:
 - a. The applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, the on-site feeder trail from the southern terminus of Public Road A to the shared-use path on Leeland Road.
 - b. The on-site feeder trail shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Prince George's County Park and Recreation Facilities Guidelines, with the review

of the specific design plan (SDP). Triggers for construction shall also be determined at the time of SDP.

The Planning Board finds the feeder trail associated with the 20-acre park and Collington Branch Stream Valley Trail system to be adequate. A trigger for construction has been included as a condition of approval herein.

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

A detailed construction cross section for the on-site feeder trail was provided with the infrastructure SDP. The rest of the trail related conditions will be enforced at the time of final plat and issuance of the building permit. The rest of the conditions will be enforced at the required time in the development process.

- 16. Recreational facilities to be constructed by the applicant shall be subject to the following:
 - a. Prior to approval, the first specific design plan for the subject property (including for infrastructure) shall include the location and concept design details (as shown in the May 7, 2021 Concept Plan) for the 20-acre park and Collington Branch Stream Valley Trail.

The location and the concept design details for the 20-acre park and the stream valley trail were provided with this application.

b. The timing for the development of the 20-acre park and Collington Branch Stream Valley Trail shall be determined with the first specific design plan for development (not including infrastructure).

Since this is an infrastructure SDP, the timing trigger for completion of the 20-acre park and Collington Branch Stream Valley Trail is not required. The other necessary timing triggers were established with the PPS.

- c. The location of the Collington Branch Stream Valley Trail shall be staked in the field and approved by the Prince George's County Department of Parks and Recreation, prior to construction.
- d. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Prince George's County Department of Parks and Recreation.
- e. The handicapped accessibility of all trails shall be reviewed during the review of the specific design plan.
- f. The public recreational facilities shall be constructed, in accordance with the standards outlined in the Prince George's County Park and Recreation Facilities Guidelines.

DPR has reviewed this application and will work with the applicant to construct all trails.

17. The first specific design plan (including for infrastructure) shall show the conceptual location of the Collington Branch Stream Valley Trail and delineate a 16-foot-wide clear space centered along its alignment. The woodland conservation areas shall be shown to exclude this 16-foot-wide clear space.

The Collington Branch Stream Valley Trail and the associated 16-foot-wide clear space are provided on the plans; however, the font identifying the clear space on the plans is very small. A condition requiring the applicant to match the font size used to identify the trail for the clear space is included herein.

21. Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan (TCP1-004-2021-01). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-004-2021-01 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the

notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

The Planning Board finds that the revised TCP2-026-2021-01 is consistent with the TCP1 approved with PPS 4-20032.

26. Prior to acceptance of the first specific design plan (including for infrastructure), if conditions warrant, a detailed slope stability analysis shall be provided, and both the unmitigated and mitigated 1.5 safety factor lines shall be added to the Type 2 tree conservation plans.

The latest geotechnical/slope stability report shall be submitted with this infrastructure SDP application. Delineation of the limits of the Marlboro clay lines and the 1.5 safety factor lines shall be added to the plan and to the legend, as conditioned herein.

- Ordinance, an SDP must conform to the applicable standards of the Landscape Manual. However, when reviewing an infrastructure SDP, due to its limited scope, only certain regulations are applicable. For this infrastructure SDP, only Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.6-2, Buffering Development from Special Roadways (Leeland Road), and Section 4.9, Sustainable Landscape Requirements, apply to this site. The landscape plans included with the SDP are in conformance with the applicable requirements. However, the applicant does not include the required landscape schedules for each respective section to demonstrate conformance on the landscape plans. A condition has been included herein to require the applicant to provide landscape schedules prior to certification of this infrastructure SDP.
- 12. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: This site is subject to the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site is more than 40,000 square feet or greater in area, contains a total of 10,000 square feet or more of woodlands and has a previously approved TCP1-004-2021-01. TCP2-026-2021-01 has been submitted with the subject application and requires revisions to be found in conformance with the WCO.
 - a. **Existing Conditions:** Natural Resources Inventory NRI-098-05-03 was submitted with the subject application. The most current approval, NRI-098-05-04, is required to be submitted into the record of the current case, SDP-1603-01. The site contains 100-year floodplain, wetlands, streams, and steep slopes that comprise the primary management area (PMA). Marlboro clay outcropping is on the site. Rare, threatened, and endangered species are on and in the vicinity of the property. The TCP2 and SDP show all required information in conformance with the current NRI.

b. **Woodland Conservation:** The woodland conservation threshold for the larger 442.32-acre property is based on a 15 percent threshold for the E-I-A (R-S) and I-1 zoned portions of the site; and a 50 percent threshold for the R-A Zone, resulting in a weighted woodland conservation threshold 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 1993 Woodland Conservation Ordinance. The prior tree conservation plan approvals are not applicable to the new development proposal.

The National Capital Business Park project is subject to the WCO and the Environmental Technical Manual. The applicant has submitted TCP2-026-2021, for a rough grading permit which is under review. A revision to TCP2-026-2021-01 was submitted with SDP-1603-01.

The woodland conservation worksheet shall be revised to phase the overall project, and to reflect the TCP2 submitted for rough grading as the original phase. TCP2-026-2021 shall be approved prior to the certification of the revised TCP2 submitted with SDP-1603-01. Proposed clearing with the park dedication area shall be reflected in a future phase. Details of the recreation facilities, impacts to the PMA and the variance request for the specimen tree removal will be reviewed with a subsequent SDP.

The overall woodland conservation worksheet shows the clearing of 267.39 acres of woodland on the net tract area and 1.09 acres in the floodplain which, based on calculations, results in a woodland conservation requirement of 120.34 acres. The requirement is proposed to be met with 71.04 acres of on-site woodland preservation, 21.51 acres of on-site reforestation, and 27.79 acres of off-site woodland conservation credits. The TCP2 meets the requirements of the WCO, subject to conditions that have been included herein.

c. **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, of the WCO provided all the required findings in Section 25-119(d) can be met. A variance must be accompanied by a letter of justification (LOJ) stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 variance statement of justification (SOJ) and specimen tree

exhibit, in support of a variance dated December 7, 2021, were submitted on December 8, 2021.

A timber harvest permit was previously approved for the site utilizing the approved limits of disturbance (LOD) on the TCPII approved for the previous residential development, Willowbrook. Within the limits of the timber harvest area were 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 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO).

The current development is subject to the 2010 WCO, which requires a variance for the removal of specimen trees. A variance request was reviewed with PPS 4-20032, and the Planning Board approved the removal of 69 specimen trees. The trees were located generally in the area proposed for development. The current SDP for infrastructure shows Specimen Trees 132 and 152, which are located in a preservation area, to be removed. It is recommended that where the development proposal and LOD has changed, specimen trees shall be retained. The TCP2 shall be revised to reflect that specimen trees 132 and 152 are to remain.

A variance request from Section 25-122(b)(1)(G) was submitted with SDP-1603-01 requesting the removal of five specimen trees (Specimen Trees 147, 148, 150, 320, and 321). The five additional specimen trees are tulip poplars, ranging in condition rating with two in good condition, one in fair condition, and two in poor condition. Tulip poplar trees have weak wood and overall poor construction tolerance. The specimen trees requested for removal are located within the most developable part of the site and are not located in the regulated environmental PMA areas. Specimen trees 320 and 321 are located within a proposed building footprint layout shown with the PPS.

Specimen trees 147, 148, and 150 are located at the eastern perimeter of the development, where their critical root zone will be impacted. The TCP2 shows specimen trees 147 and 150 are located off-site. Trees located outside of the boundary of the subject property cannot be granted a variance for removal with this application. The variance request for the removal of Specimen Trees 147 and 150 cannot be granted because these two trees are located off-site.

The SOJ and specimen tree exhibit submitted with the variance request shall be revised and submitted prior to SDP certification. The statement incorrectly states "134 specimen trees were removed as part of a previous variance approved by Preliminary Plan of Subdivision 4-20032 and Type 1 Tree Conservation Plan TCP1-004-2021-01." The timber harvest removed 50 specimen trees, and a variance request for the removal of an additional 69 trees was granted by the Planning Board with PPS 4-20032. The total trees previously approved for removal are 119, not 134. The statement requests a variance for the removal of five specimen trees with SDP-1603-01, specifically specimen trees 147, 148, 150, 320, and 321. As stated above, specimen trees 147 and 150 are located off-site,

and are not required to be included in the variance request; however, they are poplars with low construction tolerance and are supported for removal on the TCP2 outside of the variance process. The specimen tree exhibit shall be revised to reflect the specific trees approved for removal, and what process approved the removal: timber harvest permit, variance request with PPS 4-20032, or variance request with SDP-1603-01.

The Planning Board supports the variance for the removal of the three on-site specimen trees (Specimen trees 148, 320, and 321) requested by the applicant based on the findings below. The Planning Board denies the variance request for the two off-site specimen trees (Specimen trees 147 and 150) as they are outside of the variance process.

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

When compared to other properties in the area, the existing conditions on site are peculiar to the property. The property is 442.30 acres and contains approximately 186.15 acres of PMA. The PMA comprises streams, wetlands, and 100-year floodplains and associated areas of steep slopes with highly erodible soils. This represents approximately 42 percent of the overall site area. The trees are tulip poplars, which have a low tolerance for construction disturbance. Specimen trees have been identified in both the upland and lowland PMA areas of the site. With this variance request, the applicant is proposing to remove only specimen trees located outside of the PMA. The proposed industrial use, which is both significant and reasonable, would be denied without the requested variance. Because of the peculiar features on the site, the applicant cannot accomplish the proposed use elsewhere on the property without the requested variance. To further restrict development of the wooded upland areas of the site would cause unwarranted hardship.

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

The proposed warehouse/distribution, office, light industrial/manufacturing and/or institutional uses, and a potential public park align with the uses permitted in the E-I-A (R-S), I-1, and R-A Zones, as well as the vision for such zones as described in the Bowie and Vicinity Master Plan. Based on the unique characteristics of the property, enforcement of the requirement that all specimen trees be preserved along with an appropriate percentage of their critical root zone would deprive the applicant of rights commonly enjoyed by other property owners in similar zones. Based on the location of the trees, retaining the trees, and avoiding disturbance to the critical root zones would have a considerable impact on the development potential of the property. Other projects in the area were allowed to remove similar trees under similar circumstances.

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

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

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

The request to remove the trees does not arise from any condition on a neighboring property. The trees have grown to specimen tree size based on natural conditions and has not been impacted by any neighboring land or building uses.

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

The site is governed by the State and County SWM regulations that went into effect on May 5, 2010. All proposed land development activities will require erosion and sediment control and SWM measures to be reviewed and approved by the County. The removal of the three specimen trees will not adversely affect water quality or cause degradation in the water quality. In fact, the need for impact is associated with the SWM designed for the development for the purpose of water quantity and water quality.

- 13. Prince George's Country Tree Canopy Coverage Ordinance: Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that proposes more than 5,000 square feet of gross floor area or disturbance and requires a grading permit. Properties in the R-S Zone to be developed per Section 27-515(b), Footnote 38, are required to provide a minimum of 10 percent of the gross tract area in tree canopy coverage (TCC). This infrastructure SDP shows more than 10 percent tree coverage of the property in woodland preservation. However, no TCC schedule was provided on the plan and a condition is included herein requiring this to be added.
- 14. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Historic Preservation**—The Planning Board adopts a memorandum dated October 19, 2021 (Stabler to Zhang), incorporated herein by reference, which provided an evaluation of the property's history, previous conditions of approval, as well as the Phase I archeological investigations, and additional archeological investigations, which revealed the Clarke Tobacco Barn on the property, which was fully documented in color photographs and scaled line drawings. No further archeological work is recommended. The Planning Board finds the SDP acceptable from the standpoint of historic preservation.
- b. **Subdivision**—The Planning Board adopts a memorandum dated December 6, 2021 (Gupta to Zhang), incorporated herein by reference, which noted that the development proposed by this infrastructure SDP is within the limitations established with PPS 4-20032. A review of relative conditions of approval is provided noting no major conformance issues. Conditions have been included herein requiring technical plan revisions.
- c. **Transportation Planning**—The Planning Board adopts a memorandum dated December 16, 2021 (Burton to Zhang), incorporated herein by reference, which indicated the subject application is for infrastructure only, which has no traffic-generating characteristic, and consequently will not be affected by the conditions attached to the prior approvals governing this property. Accesses, roadway alignments, and on-site circulation are deemed to be acceptable.

The Planning Board concludes that the infrastructure SDP application is acceptable from the standpoint of transportation and meets the findings required for approval of an SDP for infrastructure.

- d. **Pedestrian and Bicycle Facilities**—The Planning Board adopts a memorandum dated December 20, 2021 (Jackson to Zhang), incorporated herein by reference, which provided a review of the infrastructure SDP against the conditions of approval related to pedestrian and bicycle facilities in prior development approvals and found conformance subject to the conditions included herein.
- e. **Environmental Planning**—The Planning Board adopts a memorandum dated December 17, 2021 (Nickle to Zhang), incorporated herein by reference, which provided an analysis of previous conditions of approval attached to A-9968-02, CDP-0505-01, and PPS 4-20032, specimen tree variance, and a discussion of woodland conservation requirements, as well as the following summarized comments:

Regulated Environmental Features

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

PMA; a LOJ with exhibits was submitted by the applicant on December 2, 2021, for review with SDP-1603-01.

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

Impacts to the regulated environmental features should be limited to those that are necessary for 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 SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

Comments were provided in a Subdivision and Development Review Committee meeting on October 29, 2021, stating for the record that the PMA impacts shown on the TCP2 were not in conformance with the PMA impacts approved with PPS 4-20032. A LOJ was received on December 3, 2021, for the revised impacts and the newly proposed impacts shown on the TCP2 and amended SDP. This application does not propose revision to Impacts 1, 7, 8, 9, and 10, which will remain as approved with PPS 4-20032. These proposed impacts were for roadway crossing and stormdrain outfalls.

The current LOJ and associated exhibit reflect eight proposed impacts to regulated environmental features associated with the proposed development totaling approximately 1.66 acres, and are described as Impacts A–F, with Impact E divided into three parts.

Impact A and part of Impact E (Areas 1 and 2) are for proposed SWM outfalls. Impacts B, D, and the remaining part of Impact E (Area 3) are for proposed sewer line connections. Impacts C and F are for proposed road crossings. Prior to certification of the

infrastructure SDP, the submitted PMA impact exhibits shall be revised to reflect the existing contours, proposed grading, and existing utility lines.

The following findings provide an evaluation of the proposed impacts outlined in the applicant's justification:

Impact A (Previously Impact 3): This impact for a proposed SWM outfall is a revision to Impact 3 approved with PPS 4-20032, which totaled 0.03 acre. Revised Impact A increases the impact to 0.09 acre. The increase of this impact is due to the presence of Marlboro clays on-site, and the applicant states that in the review of the site development concept plan, DPIE and SCD required the SWM outfalls to be located below the Marlboro clay outcrop. The stormdrain outfalls meet best management practices for discharging water back into the stream while limiting erosion at the discharge points. The development shown on the infrastructure SDP obtained preliminary approval from both DPIE and SCD.

Impact B (Previously Impact 4): This impact for a proposed sanitary sewer connection is a revision to Impact 4 approved with PPS 4-20032, which totaled 0.33 acre. The SOJ for Impact B states the area of the impact will remain the same size as previously approved (0.33 acre), but the alignment has been adjusted slightly. The utility layout for the proposed development shown on the infrastructure SDP obtained preliminary approval from the Washington Suburban Sanitary Commission (WSSC).

Impact C (Previously Impact 2): This impact is for a proposed road crossing providing access to the site through an extension of Queens Court and is a revision to Impact 2 approved with the PPS, which totaled 1.32 acres. The revised Impact C reduces the impact to 0.83 acre. Because of a zoning restriction, the project cannot use Leeland Road as its vehicular access and is limited to providing connections from Queens Court and Prince George's Boulevard. With the applicant's collaboration with both DPIE and the Soil Conservation District, these impacts are necessary to provide access to the site and are proposed in specific locations for minimal disturbance. Much of the site cannot be accessed without crossing the PMA. The applicant located the crossings at the points where the PMA is the narrowest and designed the road to result in the smallest impact.

Impact D (Previously Impact 5): This impact is for a proposed sanitary sewer connection and is a revision to Impact 5 approved with PPS 4-20032, which totaled 0.10 acre. The revised Impact D states the area of the impact will be increased to 0.11 acre, and the alignment was adjusted slightly. The utility layout for the proposed development shown on the infrastructure SDP obtained preliminary approval from WSSC.

Impact E - Area 1: This impact is for a proposed SWM outfall and is a new impact that was not requested with the PPS. Area 1 is for approximately 0.04 acre where the stormdrain outfall impacts the floodplain buffer. The stormdrain outfalls meet best management practices for discharging water into the stream while limiting erosion at the

discharge points. The development shown on the infrastructure SDP obtained preliminary approval from both DPIE and SCD.

Impact E - Area 2: This impact is for a proposed SWM outfall and is a new impact that was not requested with the PPS. Area 2 is an impact of approximately 0.02 acre where the stormdrain outfall impacts the expanded stream buffer. The stormdrain outfalls meet best management practices for discharging water back into the stream while limiting erosion at the discharge points. The development shown on the infrastructure SDP obtained preliminary approval from both DPIE and SCD.

Impact E – Area 3 (Previously Impact 9): This impact is for a proposed sanitary sewer connection and is a revision to Impact 9 approved with PPS 4-20032, which totaled 0.11 acre. The revised impact for Area 3 states the area of the impact will remain the same (0.11 acre) but the alignment was adjusted slightly. The utility layout for the proposed development shown on the infrastructure SDP obtained preliminary approval from WSSC.

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

Soils: According to the *Prince George's County Soil Survey* the principal soils on the site are in the Adelphia-Holmdel complex, Annapolis Fine Sandy Loam, Colemantown Silt Loam, Collington-Wist Complex, Fallsington Sandy Loam, Howell-Annapolis Complex, Issues Silt Loam, Marr-Dodon, Westphalia and Odon, and Widewater and Issue soils. Collington-Wist Complex, and Marr-Dodon soils are in hydrologic Class B and are not highly erodible. Adelphia-Holmdel, Annapolis Fine Sandy Loam, Howell-Annapolis, Marr-Dodon, and Westphalia and Dodon soils are in the hydraulic class C and are moderately erodible. Colemantown Silt Loam, Fallington Sandy Loams, Widewater and Issue soils are in hydrologic class D and pose various difficulties for development due to high water table, impeded drainage, and flood hazard. Marlboro clay is found to occur extensively in the vicinity of and on this property.

The TCP2 shows two lines on the plans and in the legend, both labeled as "Marlboro Clay Soils." Prior to certification of this infrastructure SDP, the latest geotechnical/slope stability report shall be submitted as conditioned herein. Should the layout change from what was previously reviewed with respect to soils and/or if any information provided regarding soils for the site differ from what was previously evaluated, additional soils information may be required with this application. Prior to certification of the infrastructure SDP, 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 as conditioned herein.

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

The County requires the approval of an erosion and sediment control plan prior to issuance of a grading permit. The tree conservation plan 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-1603-01, 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.

The Planning Board concludes that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the level of detail provided with SDP-1603-01 and approves this infrastructure SDP, subject to four conditions that have been included herein.

- f. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)—DPIE did not provide comments on the subject application.
- g. **Prince George's County Department of Parks and Recreation (DPR)**—The Planning Board adopts a memorandum dated December 17, 2021 (Burke to Guinn/Zhang), incorporated herein by reference, which evaluated the infrastructure SDP's conformance with previous conditions of approval regarding the mandatory dedication of parkland and recreational facilities as included in the approval of PPS 4-20032. The relevant findings have been included herein.

The Basic Plan mandates that the applicant dedicate additional land in the Collington Branch Stream Valley and construct the master plan Collington Branch Stream Valley Trail. This application shows a total of 113.28 acres to be dedicated to M-NCPPC, inclusive of the 20-acre park and stream valley trail, which will be developed concurrently.

In addition, the applicant is proposing to construct a 10-foot-wide feeder trail extending from the southern terminus of Road A to the shared-use path on Leeland Road. This trail will be located on building owners' association lands and shall be subject to conditions included herein.

The Planning Board finds the SDP acceptable, from the standpoint of parks and recreation, subject to one condition that has been included herein.

- h. **Prince George's County Health Department**—The Planning Board adopts a memorandum dated October 27, 2021 (Adepoju to Zhang), incorporated herein by reference, in which the Health Department indicated that the applicant should consider providing retail that will provide access to healthy food choices in the area, "pet-friendly" spaces should be provided within the 20-acre park, and the applicant should abide by applicable regulations so that adjacent properties are not adversely impacted with noise or dust during the construction phases of this project. Those comments have been transmitted to the applicant. In addition, the two comments on noise and dust control during the construction have also been included as conditions of approval herein.
- i. **Prince George's County Police Department**—The Police Department did not provide comments on the subject application.
- j. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide comments on the subject application.
- k. Maryland State Highway Administration (SHA)—The SHA did not provide comments on the subject application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-026-2021-01, and further APPROVED Specific Design Plan SDP-1603-01 for the above-described land, subject to the following conditions:

- 1. Prior to certification of this specific design plan (SDP), the applicant shall:
 - a. Provide sign face area calculation on the site plan.
 - b. Provide site plan notes as follows:
 - "The applicant shall conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code."
 - "The applicant shall conform to construction activity dust control requirements, as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."
 - c. Increase the font size used to identify the clear space on the plans to match the font used to identify the stream valley trail.

- d. Provide the following pedestrian and bicycle related information and revisions:
 - (1) Shared-use path cross sections showing a two-foot-wide clear zone on each side of the pathway surface.
 - (2) A sheet in the SDP providing details of the bikeway signs and destination plaque assemblies to destinations within and adjacent to the subject property.
 - (3) Correct the spelling of the word "bicycling" in the notes on sheets C-307, C-313, C-314, and C-317.
 - (4) Add a note to the plan indicating that the Leeland Road Trail shall be continuous and will be adjusted to accommodate the ultimate driveway entrance location to the public park.
 - (5) Provide a copy of sheet C-901 as referred to in sheet C-313.
 - (6) A marked crosswalk traversing Queens Court at its western intersection with Warehouse Way.
 - (7) Modify sheets C-313 and C-314 to include a cross-section of Queens Court roadway detailing the segment where sidewalks are only provided on the north side.
- e. Provide Sections 4.2, 4.6, and 4.9 landscape schedules and a tree canopy coverage schedule on the landscape plan.
- 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.
- i. Clarify the area subject to this infrastructure SDP, and revise the SDP and general notes to provide the correct acreage of the subject property.
- j. Revise General Note 5 to list that 35 parcels are proposed in this infrastructure SDP.
- k. Adjust the parcel lines and the front street line width for Parcel 14 to provide sufficient frontage for a direct commercial driveway access for Parcel 14.
- 1. Revise General Note 22 to provide reference to Preliminary Plan of Subdivision 4-20032.

- m. Label the proposed right-of-way width for I-300 on all plan sheets and label the total area for its dedication.
- n. Clearly label the proposed right-of-way line along Leeland Road and the 10-foot-wide public utility easement on all plan sheets.
- o. Provide bearings and distances for all parcel boundary lines and provide the parcel areas on all plan sheets.
- p. Revise the plans, as applicable, for consistency with the conditions requiring revision to the signature approved Preliminary Plan of Subdivision 4-20032.
- 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.
 - 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."
- 1. 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.
- 3. The 10-foot-wide on-site feeder trail shall be constructed concurrently with any buildings on Parcel 14.

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

* * * * * * * * * * * *

PGCPB No. 2022-10 File No. SDP-1603-01 Page 31

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 13, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of January 2022.

Elizabeth M. Hewlett Chairman

By Jessica Jone

Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date: January 21, 2021

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

301-952-3972

May 27, 2022

MEMORANDUM

TO: Henry Zhang, Planner IV, Urban Design Section, Development Review Division

David A. Green, MBA, Planner IV, Community Planning Division VIA:

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

Division

SUBJECT: SDP-1603-02 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: Queens Court and Logistics Lane, Upper Marlboro, Maryland 20774

Size: 90.11 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-ofway 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: On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment ("CMA") which reclassified the subject property from LCD (Legacy Comprehensive Design) Zone effective April 1, 2022. 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 section map amendment. However, it did recommend IH (Industrial, Heavy) zoning for the subject property.

cc: Long-range Agenda Notebook Kierre McCune, Planning Supervisor, Master Plans and Studies Section, Community Planning Division



ARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

Countywide Planning Division Transportation Planning Section

301-952-3680

June 3, 2022

MEMORANDUM

TO: Henry Zhang, 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-1603-02: National Capital Business Park - Parcel 6

Proposal:

The applicant is proposing the development of approximate 3.43 million SF of warehouse and distribution facility uses located in the northwest quadrant of the Leeland Road and US 301 intersection. The site is currently unimproved and is primarily wooded. The Transportation Planning review of the Specific Design Plan (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, Preliminary Plan of Subdivision (PPS), 4-20032 and pending PPS, 4-21056. The following transportation conditions for the prior applications are relevant to this SDP submission:

A-9968-03

- 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.
- 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.
- 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 conditions have been evaluated as part of the SDP submission and are 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 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 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 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 specific design plan, the applicant shall show all proposed on-site transportation improvements on the plans.
- 7. Prior to issuance of each building permit for this development, the applicant and the

applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) a fee per square foot, to be determined at the time of preliminary plan of subdivision.

In lieu of the fee payment listed in the preceding paragraph, the applicant may provide improvements along US 301 (Robert Crain Highway), within the limits of US 301, that are covered by Capital Improvement Program-funded improvements. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.

Comment:

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

4-20032

- 2. Total development within the subject property shall be limited to uses which generate no more than 1,400 AM peak-hour trips and 1,400 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.
- 5. Prior to approval of a final plat:
 - c. The final plat of the subdivision shall contain a note reflecting denial of vehicular access along the frontage of Leeland Road, save and except for the public park proposed on the north side of Leeland Road and any temporary construction entrance(s) needed for the project.
 - d. The dedication of public right-of-way for Queens Court on adjoining Lot 5, Block D, shall be completed.
- 8. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities and show these facilities on any submitted specific design plan, prior to its acceptance:
 - a. Minimum 5-foot-wide sidewalks along both sides of all internal roadways.
 - b. Perpendicular or parallel Americans with Disabilities Act accessible curb ramps at all intersections throughout the site.
 - c. Crosswalks crossing all legs of intersections, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - d. For any specific design plan containing a building, a separate and clearly marked pedestrian route from the public roadway to the entrance of each building.
 - e. Bus-shelter ready areas at each intersection and proximate to the ends of each cul-de-sac on Road A.
 - f. Shared-lane markings (sharrows), bikeway guide signs, D11-1/Bike Route and D1-1, D1-2, and D1-3/destination plates and R4=11/Bicycles May Use Full Lane signs be provided within all internal roadways that direct people bicycling to the proposed developments and the Collington Branch Trail, as well as highlight to motorists the potential presence of people bicycling along internal roads, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - g. For any specific design plan containing a building, short-term bicycle parking near the entrances of all buildings shall be required, and long-term bicycle

- parking and associated facilities at an appropriate location of larger buildings shall be considered.
- h. A curb ramp connecting Road A and the shared-use path connecting to Leeland Road.
- i. A minimum 10-foot-wide shared-use path along Leeland Road.
- j. A minimum 10-foot-wide shared-use path connecting Leeland Road and Road A.
- 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 \$1.03 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary. The applicant shall submit the fee per square foot of each phase of development and a phasing schedule with fee calculation at the time of each SDP submission.

 In lieu of the fee payment listed in the preceding paragraph, prior to approval of a building
 - 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 SDP submission 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.
- 11. At the time of final plat, the applicant shall dedicate all rights-of-way, consistent with the approved preliminary plan of subdivision. The right-of-way extension for Popes Creek Drive shall only be dedicated if the final site plan design includes access to this roadway and, if the access is not included in the final design, all developable parcels shall be platted to have frontage on and direct access to an alternative public right-of-way.
- 12. Prior to approval of any building permit within the subject property, where the total density exceeds 1,475,000 square feet, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:
 - a. US 301 (Robert Crain Highway) at Leeland Road
 - i. Provide three left turn lanes on the eastbound approach
 - ii. Provide two left turn lanes on the northbound approach
- 13. Prior to approval of any building permit within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:
 - a. Prince George's Boulevard and Queen's Court-Site Access
 - i. Provide a shared through and left and a shared through and right lane on the eastbound approach.
 - ii. Provide a shared through and left and a shared through and right lane on the westbound approach.
 - iii. Provide a shared through and left and a shared through and right lane on the northbound approach.
- 15. The applicant shall be subject to the following requirements for development of the 10-footwide on-site feeder trail:
 - a. The applicant and the applicant's heirs, successors, and/or assignees shall

- allocate appropriate and developable areas for, and provide, the on-site feeder trail from the southern terminus of Public Road A to the shared-use path on Leeland Road.
- b. The on-site feeder trail shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Prince George's County Park and Recreation Facilities Guidelines, with the review of the specific design plan (SDP). Triggers for construction shall also be determined at the time of SDP.
- c. Prior to submission of the final plat of subdivision for any parcel, the applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of the on-site feeder trail, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.
- d. Prior to approval of building permits for a new building, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the onsite feeder trail.
- e. Prior to approval of the specific design plan for infrastructure, the applicant and the applicant's heirs, successors, and/or assignees shall submit to Prince George's County Department of Parks and Recreation, for review and approval, detailed construction drawings for the on-site feeder trail.
- 17. The first specific design plan (including for infrastructure) shall show the conceptual location of the Collington Branch Stream Valley Trail and delineate a 16-foot-wide clear space centered along its alignment. The woodland conservation areas shall be shown to exclude this 16-foot-wide clear space.
- 32. The following road improvements shall be provided, and timing for construction of the road improvements shall be determined with the first specific design plan for development (not including infrastructure):
 - a. Queen's Court and US 301 (Robert Crain Highway)
 - i. Install a traffic signal
 - ii. Provide a double left turn and three through lanes on the northbound approach.
 - iii. Provide a double left turn and a free right turn on the eastbound approach.

Comment:

The conditions have been evaluated as part of the SDP submission is in general conformance with the approved PPS application with the exception of conditions 8f and 8g which has been included as recommended as conditions of approval and are further discussed in this referral.

4-21056

The applicant has submitted a new PPS application for an increase of density to 5.5 million SF of warehouse and distribution uses consistent with the approved basic plan amendment and CDP amendment as described above. The PPS application will be considered by the Planning Board on June 2, 2022, and if approved will supersede the previous PPS approval, PPS 4-20032. Given that the referenced PPS application is currently pending and if approved will supersede the currently

approved PPS, the SDP application has been evaluated under the recommended findings and conditions of 4-21056. The recommended conditions for the pending PPS application are similar to the approved PPS with the following exceptions:

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.

Comment:

As previously stated, the SDP application proposes the development of 3.43 SF of warehouse and distribution facility uses. The SDP is in conformance to the recommended condition of approval for the trip cap as the uses and development program proposed with the SDP are consistent with the PPS applications and therefore, conforms to the trip cap.

- 5. Prior to approval of a final plat:
 - c. The final plat of the subdivision shall contain a note reflecting denial of vehicular access along the frontage of Leeland Road, save and except for the public park proposed on the north side of Leeland Road and any temporary construction entrance(s) needed for the project and any temporary construction entrances needed for the project.
- 8. At the time of final plat, the applicant shall dedicate all rights-of-way, consistent with the approved preliminary plan of subdivision.
- 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.
- 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 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.

- 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.
- 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.

Comment:

The latest SDP submission is in general conformance with the referenced conditions except for conditions 9, 10 and 12. The pending PPS recommended condition 9 requires the applicant to demonstrate the phasing of road improvements associated with the phased development of the site with each SDP submission. A phasing plan showing the construction of improvements with the phased development of this SDP was not provided. As a condition of approval, the applicant shall provide a phasing plan for improvements as outlined in condition 9 with this phase of development and shall provide the improvements needed to support this phase of the development at the time of the building permit. Furthermore, to satisfy recommended condition 10, staff recommends as a condition of approval that the applicant provide a fee schedule with the total cost of the applicant's contribution to the US 301 CIP improvements. The fee associated with the phased development of this SDP shall be provided at the time of building permit.

Master Plan Compliance

Master Plan Right of Way

The site is governed by the *Approved Countywide Master Plan of Transportation* (MPOT) and *Bowie-Mitchellville and Vicinity Master Plan*. The subject site is along the 100-foot master plan right-of-way of Leeland Road (a major collector). Dedication of 4.48-arces along Leeland Road is required to meet the right-of-way requirements. The latest SDP submission adequately shows the Leeland Road dedication consistent with the MPOT and Bowie-Mitchellville sector plan.

The 2009 MPOT also includes the proposed 70-foot right-of-way of I-300 (Prince George's Boulevard Extended) from Leeland Road to existing Prince George's Boulevard which shows a portion of the right-of-way on the subject property. In a letter dated June 23, 2021, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) in a response to the approved PPS application, 4-20032, waived the construction of I-300 given environmental constraints on the site. The applicant indicated that they believed that the approved 2021 Bowie-Mitchellville and Vicinity Master Plan removed I-300 as a master plan right-of-way but learned later

that the right-of-way wasn't removed and will be part of the published version of the plan. Staff has coordinated with DPIE who has reiterated that construction of the right-of-way is not feasible, will not be required to be constructed as part of the development of the site and is not desirable to be improved by the County. Staff supports DPIE assessment that the proposed I-300 is unbuildable and will consider the removal of the right-of-way as part of the 2035 MPOT update as a result. Staff finds the applicant not showing the right-of-way on the SDP acceptable given the findings of feasibility mentioned above.

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):

<u>Goal</u>: 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.

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

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

<u>Policy 4</u>: Identify sidewalk retrofit opportunities for small area plans within the Developed and Developing Tiers in order 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

The MPOT includes a proposed multiuse trail, Collington Branch Stream Valley Trail connecting MD 214 to Western Branch, which crosses the west section of the site.

This development is also subject to 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.

The latest submission of the SDP generally conforms to the master plan recommendations regarding pedestrian and bicycle facilities with a few exceptions which are recommend as conditions of approval.

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 building, functional use areas, circulation, and relationships between them

Comment: The limits of development for the SDP application is generally located on the western edge of the site. Access to this portion of the development will be provided by three full-service driveway connections along Queens Court which will provide direct access to the surface parking area adjacent to the proposed building and to the truck loading and staging area to the rear of the building. The internal drive aisle connections provide adequate circulation and access and is designed to provide future connections to future phases of development on-site. Given the industrial nature of the use, staff believes that the proposed development will generate large volumes of truck traffic. Staff requested that the applicant provides truck turning plans to demonstrate adequate circulation for truck turning movements and safe integration with vehicular and pedestrian travel with limited conflicts onsite. The applicant has not submitted truck turning and circulation plans as part of the latest SDP submission. As a condition of approval, staff request that the applicant provide truck turning plans with design vehicle classification for evaluation.

In regards pedestrian and bicycle circulation, the latest SDP submission shows a continuous network of sidewalks, crosswalks, and shared roadway markings along Queens Court Road. In addition, a pedestrian facility is extended along the most western drive aisle providing access from Queens Court to the proposed building. The latest SDP submission does not include additional bicycle signage internal to the site consistent with the previous approved and pending PPS conditions. As a condition of approval staff recommends that the bicycle signage is provided in accordance with prior approvals.

The site will be served by a total of 1702 spaces which is significantly higher than the required parking spaces as provided in Zoning Ordinance. In addition, the site will be served by 58 loading spaces which is lower than the Zoning Ordinance requirement of 85 loading spaces. Staff believes that the loading spaces provided as part of the DSP are sufficient given the additional truck parking and staging area in rear of the site and the high rate of turnover for truck loading. Lastly, staff is recommending as a condition of approval that the applicant provide long-term bicycle parking and associated facilities to serve the proposed building.

Recommendations

Based on the findings presented above, staff conclude that the multimodal transportation facilities will exist to serve the proposed subdivision as required under Subtitle 24, and will conform to the 2009 *Countywide Master Plan of Transportation* and the *Bowie-Mitchellville and Vicinity Master Plan* policies and goals, if the following conditions are met:

- 1. Prior to the certification of the Specific Design Plan, the applicant shall provide the following:
 - a. A phasing plan showing the US 301/Leeland Road and Prince's Boulevard /Queens Court intersection improvements phased with the development provided in the SDP. Any improvements generated by the SDP as shown in the phasing plan shall be provided at the time of building permit.
 - b. A fee schedule with the total cost of the applicant's contribution to the US 301 CIP improvements associated with the phase development of the SDP. The fee associated with the SDP as shown in the fee schedule shall be provide at the time of building permit.
 - c. Truck turning plans with design vehicle classification. If the truck turning plans shows inadequate circulation for truck maneuvers onsite, the applicant shall modify the site to provide sufficient circulation for safe truck movements. Any modifications to the site that are needed based on the review of the truck turning plans shall be accepted by the Transportation Planning Section.
 - d. Bikeway guide signs, D11-1/Bike Route and D1-1, D1-2, and D1-3/destination plates and R4-11/Bicycles May Use Full Lane signs be provided within all internal roadways that direct people bicycling to the proposed developments and the Collington Branch Stream Valley Trail, as well as highlight to motorists the potential presence of people bicycling along internal roads, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - e. Long-term bicycle parking and associated facilities at an appropriate location adjacent to the building.
 - f. A minimum 10-foot-wide feeder trail connecting Collington Branch Stream Valley for the employment uses.



ND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

Countywide Planning Division Special Projects Section

April 29, 2022

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section, Development Review Division

VIA: BR Bobby Ray, AICP, Planning Supervisor, Special Projects Section, Countywide

Planning Division

FROM: 127 Ivy R. Thompson, AICP, Planner II, Special Projects Section, Countywide Planning

Division

SUBJECT: SDP-1603-02 National Capital Business Park

Project Summary:

Proposal to develop a 3,428,985 square foot warehouse/distribution facility with all necessary site Improvements, including 1,703 on-site parking spaces and a trailer and loading area.

This Specific Design Plan (SDP) amendment was accepted for processing by the Planning Department on April 26, 2022.

Section 27-528(a)(2) of the Prince George's County Code of Ordinances requires a finding prior to approval that development will be adequately served within a reasonable period with existing or programmed public facilities. Subtitle 24 of the County Code provides the only methodology for testing adequate public facilities as set forth below. The proposal will be reviewed for adequate public facilities during the Subdivision review of the preliminary plan. The following is provided for informational purposes only:

Water and Sewer:

Using Section 24-122.01(b)(1) of the Prince George's County Code of Ordinances, Subdivision Regulations which states, "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." The subject properties were placed in Water and Sewer Category 3, Community System. The subject project is in Sustainable Growth Tier I.

Capital Improvement Program (CIP):

The subject project is in Planning Area 74A Mitchellville Vicinity. The *Prince George's County* FY 2022-2027 *Approved CIP* identifies the following projects in Planning Area 74A:

- a. Office of Central Services- Collington Athletic Complex
- b. DPW&T Church Road Improvements, US 301 Improvements

NON-RESIDENTIAL

Police:

This project is served by Police District II, Bowie, located at 601 Crain Highway SW in Bowie. Per Section 24-122.01(c)(1)(A) of the Subdivision Regulations, the Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the population. The proposed development will not impact the need for additional police facilities and, therefore, the Section finds existing police facilities are adequate for the uses proposed. This will be further evaluated at the time of preliminary plan of subdivision review.

Fire & Rescue:

This project is served by the Pointer Ridge Volunteer Fire/EMS Co. 843 located at 16408 Pointer Ridge in Bowie, as the first due station. Per Section 24-122.01(d)(1)(A) of the Subdivision Regulations, a 5-minute *total response time* is recognized as the national standard for Fire/EMS response times. Per the National Fire Protection Association (NFPA) 1710, Chapter 4, 240 seconds (4 minutes) or less *travel time* is the national performance objective.

Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of April 27, 2022, the subject project does not pass the 4-minute travel test from the closest Prince George's County Fire/EMS Station, Pointer Ridge Volunteer Fire/EMS Co. 843 in Bowie. The proposed amendment may impact fire facilities; a recommendation may be made to contact the Prince George's County Fire/EMS Department to request a pre-incident Emergency Plan for the facility; install and maintain Automated External Defibrillators (AEDs) in accordance with the Code of Maryland Regulations (COMAR); and install and maintain hemorrhage kits next to fire extinguishers. This will be further evaluated at the time of Preliminary Plan of Subdivision review.

School Facilities

Per Section 24-122.02 of the Prince George's County Code of Ordinances, Subdivision Regulations, Council Resolutions, CR-23-2001, and CR-38-2002, *Adequate Public Schools Facility Regulations for Schools*, this subdivision is exempt from a review for schools because it is a non-residential use.

CONCLUSION

At the writing of this referral the Special Projects Section recommends that prior to issuance of a use and occupancy permit, the applicant and the applicant's heirs, successors, and/or assignees should:

- 1. Contact the Prince George's County Fire/EMS Department to request a pre-incident Emergency Plan for the facility.
- 2. Install and maintain a sprinkler system that complies with NFPA 13 Standards for the Installation of Sprinkler Systems.
- 3. Install and maintain automated external defibrillators (AEDs), 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.
- 4. Install and maintain bleeding control kits to be installed next to a fire extinguisher installation, which must be no more than 75 feet from any employee.



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

June 2, 2022

MEMORANDUM

TO: Henry Zhang, Master Planner, Urban Design Section

Sherri Conner, Planning Supervisor, Subdivision Section S VIA:

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 preincident 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, sidewalls, 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 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.
- 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.



Division of Environmental Health/Disease Control

Date: May 31, 2022

To: Henry Zhang, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/Policy

Program

Re: SDP-1603-02, National Capital Business Park

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the specific design plan submission for the National Capital Business Park property and has the following comments / recommendations:

- 1. Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.
- 2. During the construction / demolition phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- 3. Indicate the noise control procedures to be implemented during the construction phase of this project. No construction noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation 6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: June 3, 2022

TO: Henry Zhang, Master Planner

Urban Design Section

Development Review Division

Planning Department

VIA: Sonja Ewing, Assistant Division Chief SME

Park Planning and Development Division Department of Parks and Recreation

FROM: Dominic Quattrocchi, Planning Supervisor DQ

Ivy R. Thompson, Planner III IRT

Land Acquisition/Management & Development Review Section

Park Planning and Development Division Department of Parks and Recreation

SUBJECT: SDP-1603-02 National Capital Business Park

The Department of Parks and Recreation (DPR) has reviewed and evaluated this specific design plan (SDP) application as it pertains to public parks and recreational facilities.

PROPOSAL

This application is for the amendment of the SDP for the development of 5.5 million square feet of industrial development.

BACKGROUND:

The subject property comprises 442 acres including 89.84-acres within the Residential Suburban Development (R-S) Zone, a designated comprehensive design zone, and is located on the north side of Leeland Road in Upper Marlboro, approximately 3,178 feet west of its intersection with US 301. The proposed application is being filed in accordance with the provisions of the Prince George's County Zoning Ordinance as modified by CB-22-2020.

The site is subject to the 2022 Approved Bowie-Mitchellville and Vicinity Master Plan, the 2017 Land Preservation, Parks and Recreation Plan for Prince George's County, and Formula 2040, Functional Master Plan for Parks, Recreation and Open Space. This property is currently unimproved and fully wooded.

REVIEW OF PREVIOUS CONDITIONS OF APPROVAL

Sectional Map Amendment A-9968-02 was approved by the Prince George's County District Council on April 12, 2021 with the accompanying basic plan (Zoning Ordinance No. 2-2021). This ordinance amends the previous Basic Plan A-9968-01, to delete all residential uses and replaces them with employment and industrial uses and revises the conditions and considerations with 17 conditions and two considerations.

Sectional Map Amendment A-9968-03 was approved by the Prince George's County District Council on May 16, 2022 with the accompanying basic plan (Zoning Ordinance No. 6-2022). This ordinance amends the previous Basic Plan A-9968-02, to increase employment and industrial uses by 2 million square feet, and to revise conditions and considerations of Basic Plan approvals, Pursuant to Section 27-197(c) of the Prince George's County Zoning Ordinance with 18 conditions and two considerations.

Conceptual Design Plan CDP-0505-01 was approved by the Prince George's County Planning Board on April 15, 2021 (PGCPB Res. No. 2021-50) amending the previously approved plan with five conditions, none of which relate to DPR.

Conceptual Design Plan CDP-0505-02 was approved by the Prince George's County Planning Board on May 5, 2022 (PGCPB Res. No. 2022-53) amending the previously approved plan with one condition, none of which relate to DPR.

Preliminary Plan of Subdivision (PPS) 4-20032 was approved by the Prince George's County Planning Board on September 9, 2021 (PGCPB Res. No. 2021-112) with 32 conditions, five which related to DPR.

Preliminary Plan of Subdivision (PPS) 4-21056 was approved by the Prince George's County Planning Board on June 2, 2022 (PGCPB Res. No. pending) with 22 conditions, the following of which relate to DPR:

- 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.
- 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 113.28 +/- acres of parkland, as shown on the preliminary plan of subdivision, shall be conveyed to the Maryland-National Capital Park and Planning Commission (M-NCPPC). The land to be conveyed shall be subject to [standard dedication conditions a. through h. listed in the resolution].
- 15. The applicant shall be subject to the following requirements for development of the 10-foot-wide on-site feeder trail:

- a. The applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, the on-site feeder trail from the southern terminus of Public Road A to the shared-use path on Leeland Road.
- b. The on-site feeder trail shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Prince George's County Park and Recreation Facilities Guidelines*, with the review of the specific design plan (SDP). Triggers for construction shall also be determined at the time of SDP.
- c. Prior to submission of the final plat of subdivision for any parcel, the applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed private recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of the on-site feeder trail, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat, prior to plat recordation.
- d. Prior to approval of building permits for a new building, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the on-site feeder trail.
- e. Prior to approval of the specific design plan for infrastructure, the applicant and the applicant's heirs, successors, and/or assignees shall submit to Prince George's County Department of Parks and Recreation, for review and approval, detailed construction drawings for the on-site feeder trail.
- 16. Recreational facilities to be constructed by the applicant shall be subject to the following:
 - a. The timing for the development of the 20-acre park, 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.

DISCUSSION:

Legislation was adopted by the District Council on July 14, 2020, for the purposes of allowing uses permitting in the Employment and Institutional Area (E-I-A) Zone on land in the R-S Zone pursuant to Section 27-515(b) of the Zoning Ordinance. Footnote 38 of this provision contains conditions that apply to this property including a requirement for the applicant to provide a public park of at least 20 acres. The applicant is working with DPR to design a suitable park to meet the recreational needs of Prince George's County and provided a conceptual plan representative of these needs.

The basic plan mandates that the applicant dedicate additional land in the Collington Branch stream valley and construct the master plan Collington Branch stream valley trail. This application shows a total of 113.28 acres to be conveyed to M-NCPPC, inclusive of the 20-acre park and stream valley trail which will be developed in concurrence with the 20-acre park.

Additionally, the applicant is proposing to construct a ten-foot-wide feeder trail extending from the southern terminus of Road A, to the shared use path on Leeland Road. The trail will be located on building owners association (BOA) lands.

RECOMMENDATION:

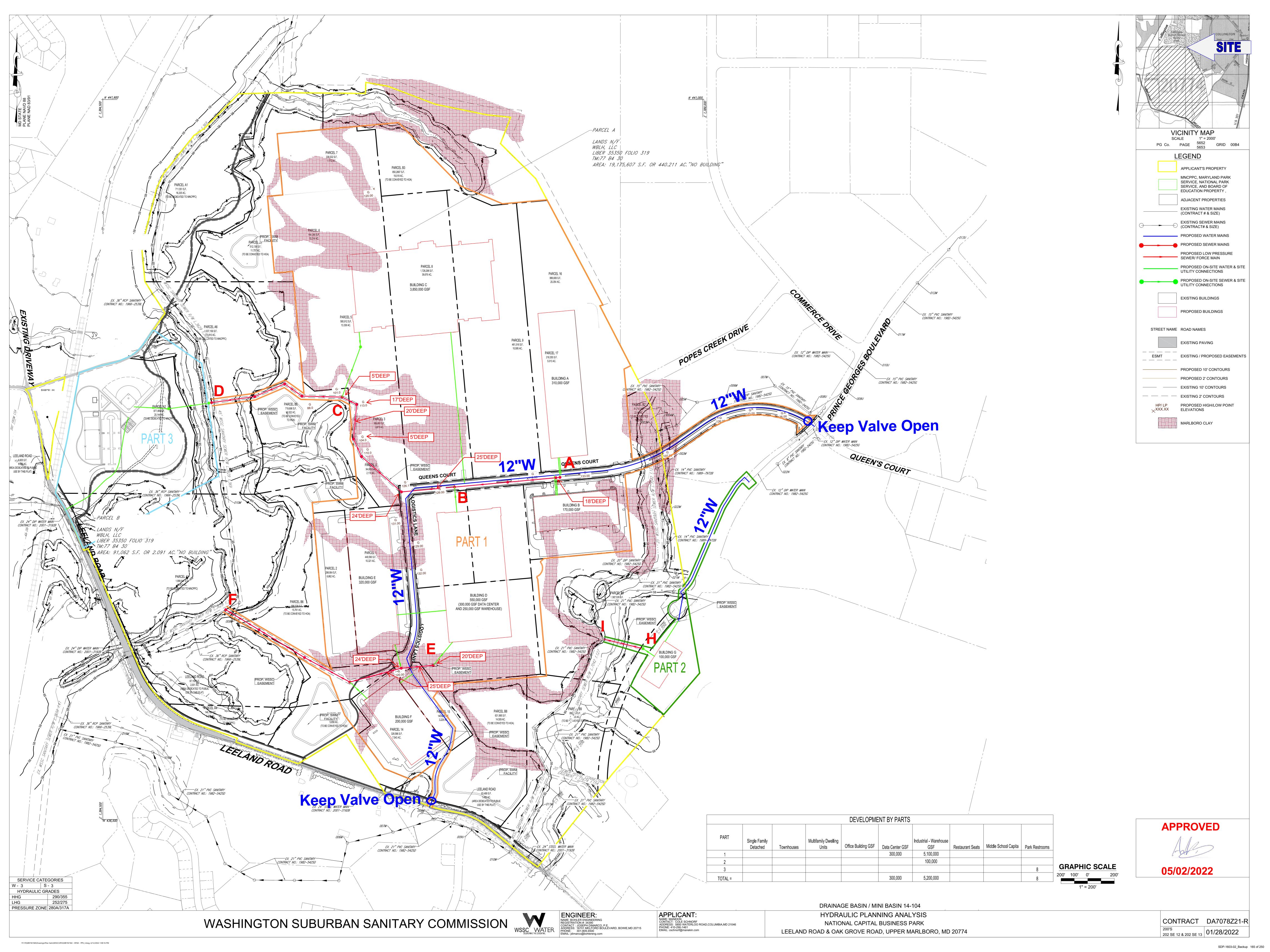
The Park Planning & Development Division of DPR recommends approval of the National Capital Business Park Specific Design Plan SDP-1603-02, subject to the following conditions:

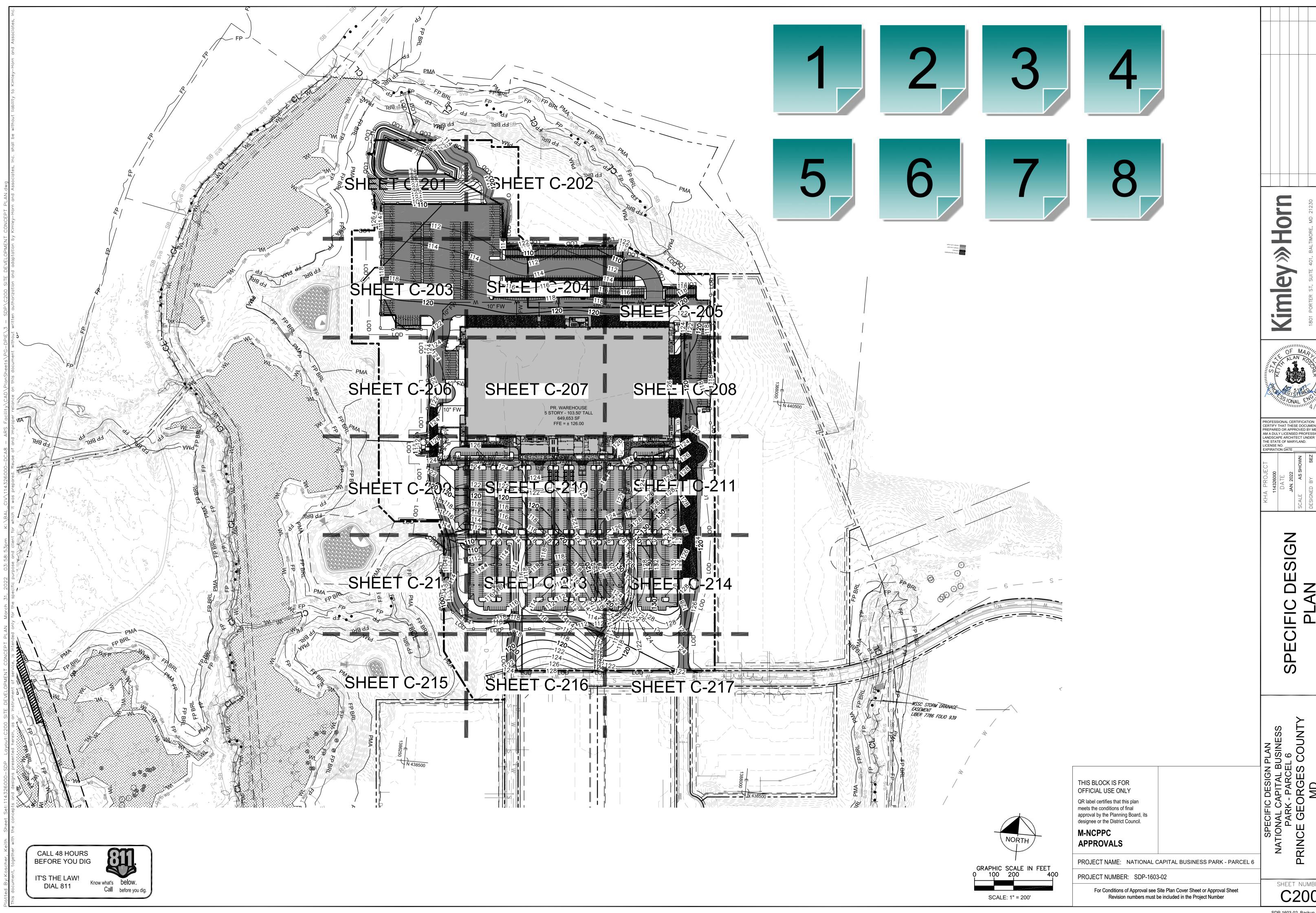
- 1. Prior to issuance of the first building permit the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for construction of the on-site feeder trail. DPR staff may base determination on the progress of plans (i.e. 30% construction drawings reviewed by DPR).
- 2. The applicant shall submit construction documents nine (9) months after the performance bond is issued. DPR staff shall respond to the Developer in writing with any comments pertaining to the construction documents within 30 days of the Developer submission of said documents to DPR. DPR's approval of the construction documents submitted by the Developer shall not be unreasonably withheld.
- 3. Completion of the park and Master Plan trail shall occur prior to issuance of a U & O permit representing over 40% of the square footage approved in CDP-0505-02, or three years from issuance of the first building permit, whichever comes first. Notwithstanding the above, the Developer may request additional time from DPR to complete the portions of the Master Plan trail requiring approval of a permit from Maryland Department of the Environment and/or the US Army Corps of Engineers. Provided Developer is making good-faith efforts to complete said trail portions in a timely manner, DPR shall not unreasonably withhold its approval of such request, and such extension shall be documented by amendment to Recreational Facilities Agreement.
- 4. Revise the conceptual layout of the recreational facilities for the 20-acre park (as shown on SDP-1603-01), as approved by the Prince George's County Department of Parks and Recreation to reflect the following:
 - a. Show the transition from the trail to Leeland Road.
 - b. Show the Loop trail behind the dog park as 8 feet wide.
 - c. Provide a note that the trail will be constructed to avoid tree clearing to the extent possible.
 - d. Identify the structures west of the baseball diamond. Locate the restroom building closer to the dog park. The facility should be sized to include a small equipment room for the baseball field.
 - e. Provide a shade structure straddling the two dog parks, at or near the entrances.
 - f. Remove the inside walkways in the triangle area west of the baseball diamond and make the walkways more fluid to natural/logical paths of travel. Consider placing the playground in this location.
 - g. Provide a crosswalk connecting the two trails crossing the entrance road at the parking lot.
 - h. Provide an exercise pad, more consolidated and appropriate for this site than placing stations along a trail.

SDP-1603-02 National Capital Business Park

- i. Provide the number of parking spaces in accordance with PRA Design Guidelines.
- j. All sidewalks abutting parking need to be greater than 5 feet in width. 8 to 10 feet wide is ideal to avoid vehicle bumper interference.
- k. Curve the trail around as shown, eliminating the section in red.
- l. Provide two small team shelters for cricket players.
- m. If possible, rotate the pickleball courts to a more north/south orientation without interfering with the cricket field. This may require some fluidity with the trail design.
- n. Master Plan trail should be 10 feet wide.
- o. Relocate the trail out of the wetland buffer and show the trail connection with the rest of the Collington Branch SVT.
- p. Ensure that the cricket field is evenly graded.

cc: Bridget Stesney Christian Gabriel





SHEET NUMBER C200

SDP-1603-02_Backup 166 of 250

1 - Approved HPA and LoF

Created by: Matt Snyder On: 05/12/2022 10:10 AM

- 1. A proposed site development project was previously submitted to WSSC (DA7078Z21) and is a conceptually approved project. Contact Andres Villarraga at (301) 206-8247 or Andres.Villarraga@wsscwater.com for information. See the attached Letter of Findings for existing WSSC project number DA7078Z21.
- 2. The existing WSSC project number DA7078Z21 will require an amendment/revision submittal to reflect the sewer changes shown on this current plan. The sanitary connection for the building has changed from Point C to Point B.

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2 - Standard Comments

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- 1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
- 2. Coordination with other buried utilities:
- a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
- b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
- d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSCs pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
- e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
- f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
- g. Upon completion of the site construction, utilities that are found to be located within WSSCs rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicant's expense.
- 3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
- 4. Unless otherwise noted: ALL extensions of WSSCs system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSC's Permit Services Section at (301-206-8650) or visit our website at https://www.wsscwater.com/business--construction/developmentconstruction-services.html for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services Section at (301) 206-4003.

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3 - Project Information

Created by: Matt Snyder On: 05/12/2022 10:11 AM

Project # DSP-1603-02 National Capital Business Park

----- 0 Replies -----

4 - General

Created by: Matt Snyder On: 05/12/2022 10:11 AM

- 1. Site Utility System reviews are required for projects with proposed water connections greater than 2-inch or sewer connections greater than 4-inch. Contact the WSSC Permit Services Unit on (301) 206-8650 for submittal requirements or view our website.
- 2. OUTSIDE METERS 3-inch and larger meter settings shall be furnished and installed by the utility contractor in an outside meter vault. Show and label vault and required WSSC easement. WSSC prefers an outside meter in a vault, however and indoor meter may be allowed under certain conditions. See WSSC 2019 Plumbing & Fuel Gas Code 111.5.7 & 603.4.1
- 3. A single water/sewer service connection for two or more buildings in a single lot/parcel requires a covenant. Should the property be subdivided or sold in the future, individual water/sewer connections for each building will be required.
- 4. Any grading change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC right-of-way requires advance approval by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street right-of-way requires WSSC approval directly on the original GEP prior to approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation or abandonment of existing WSSC facilities) is done at the sole expense of the applicant/builder/developer. Contact WSSC Relocations Unit at (301) 206-8672 for review procedures and fee requirements. See WSSC 2017 Pipeline Design Manual, Part Three, Section 5 & Section 11.
- 5. Show and label all existing nearby water and/or sewer service connections that may be impacted by the proposed development.
- 6. WSSC facilities/structures cannot be located with a public utility easement (PUE) however WSSC pipelines may cross over a PUE. Revise the plan to relocate any pipeline, valve, fire hydrant, meter vault and any other WSSC facilities/structures outside of the PUE.

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5 - Water

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- 1. Existing and/or proposed water mains should be labeled with correct pipe size, material and WSSC contract number.
- 2. Show and label easement limits on plan for all existing and proposed water mains and connections.
- 3. Water service connection to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance.
- 4. Revise the plan to realign any water pipeline that conflicts with large storm drains, culverts,

deep side ditches, etc. Maintain the required horizontal clearances from other utilities, retaining walls, sediment traps, street lights, paving, etc. See WSSC 2017 Pipeline Design Manual Part Three, Section 3; Pipeline Crossings and Clearances.

5. There is a 24- inch diameter water main located on or near this property. WSSC records indicate that the pipe material is Ductile Iron (DI). Prior to submittal of Phase 2 System Integrity review, it is the applicant's responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.
6. Water pipelines 12-inch and smaller must have the greater of: a minimum of 15 feet horizontal separation from any building or dwelling or a 1:1 slope from the bottom of the foundation of the existing or proposed building to the bottom edge of the pipeline trench.

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6 - Sewer

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- 1. Existing and/or proposed sewer mains should be labeled with correct pipe size, material and WSSC contract number.
- 2. Show and label easement limits on plan for all existing and proposed sewer mains
- 3. For sewer pipelines 12-inch and smaller in diameter, provide a minimum separation from a building or dwelling the greater of the following: fifteen (15) feet horizontal separation or a distance on a 1:1 slope from the bottom of the foundation of the existing or proposed building or dwelling to the bottom edge of the pipeline trench
- 4. Service connections to WSSC sewer mains 15-inch up to 27-inch require special review and approval. Contact the WSSC Permit Services Unit at (301) 206-4003 for application procedures. Service connections to WSSC sewer mains 30-inch or larger are not allowed.
- 5. Sewer service connection(s) to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance. See WSSC 2017 Pipeline Design Manual Part Three, Section 3; Pipeline Crossings and Clearances.
- 6. Revise the plan to realign any sewer pipeline that conflicts with large storm drains, culverts, deep side ditches, etc. Maintain the required horizontal clearances from other utilities, retaining walls, sediment traps, street lights, paving, etc. See WSSC 2017 Pipeline Design Manual.
- 7. The sewer main alignment should avoid deep and/or shallow sewer.

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7 - Easements

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- 1. WSSC easements must be free and clear of other utilities, including storm drain systems, ESD devices, gas, electric, telephone, CATV, etc., with the exception of allowed crossings designed in accordance with the WSSC 2017 Pipeline Design Manual. Landscaping and Hardscaping are also not allowed without approval. Under certain conditions (and by special request) the items listed above may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement and/or Hold Harmless Agreement between WSSC and the developer.
- 2. Private Street & Alley Easement Requirements. Service mains proposed for this project are located in roadways that are or may be private. Private water and sewer mains are preferred in private streets and alleys. If the applicant desires public water and sewer mains in these private

streets and alleys, then the following criteria must be met:

- All separation requirements in the WSSC 2017 Pipeline Design Manual (PDM) must be met.
- A 10 foot Public Utility Easements (PUE) shall be provided on both sides of the private street -and/or alley or space within the private street will be provided to assure PDM separations are met and limiting utility crossings of the WSSC water and sewer lines.
- Blanket easements for other utilities (gas, electric, telephone, CATV, fiber optic, etc.) within the private street and/or alley parcel will not be allowed. The HOA documents shall not provide for a blanket easement across and under a private street and/or alley parcel.
- Dry utilities are to be located in the PUE or as described above. No dry utilities are to be placed within the WSSC easement for public water and sewer except to cross perpendicular to the public water and sewer mains.
- The storm drain system located in a private street and/or alley containing public water and sewer mains shall also be public and maintained by the County.
- 3. WSSCs minimum easement width for a normal (14-inch diameter or less) pipeline (water or sewer at normal depth) is 20-feet. When both water and sewer (normal diameter and depth) are installed in the same easement, the minimum width is 30-feet. Installation of deep or large water/sewer will require additional easement width.
- 4. The minimum horizontal clearance from a building to the outside diameter of a WSSC pipeline is 15-feet. The minimum spacing between adjacent buildings with both water and sewer lines between them must be 40-feet. In some cases where connections, fire hydrants, or deep water/sewer lines are involved, additional easement width is required.

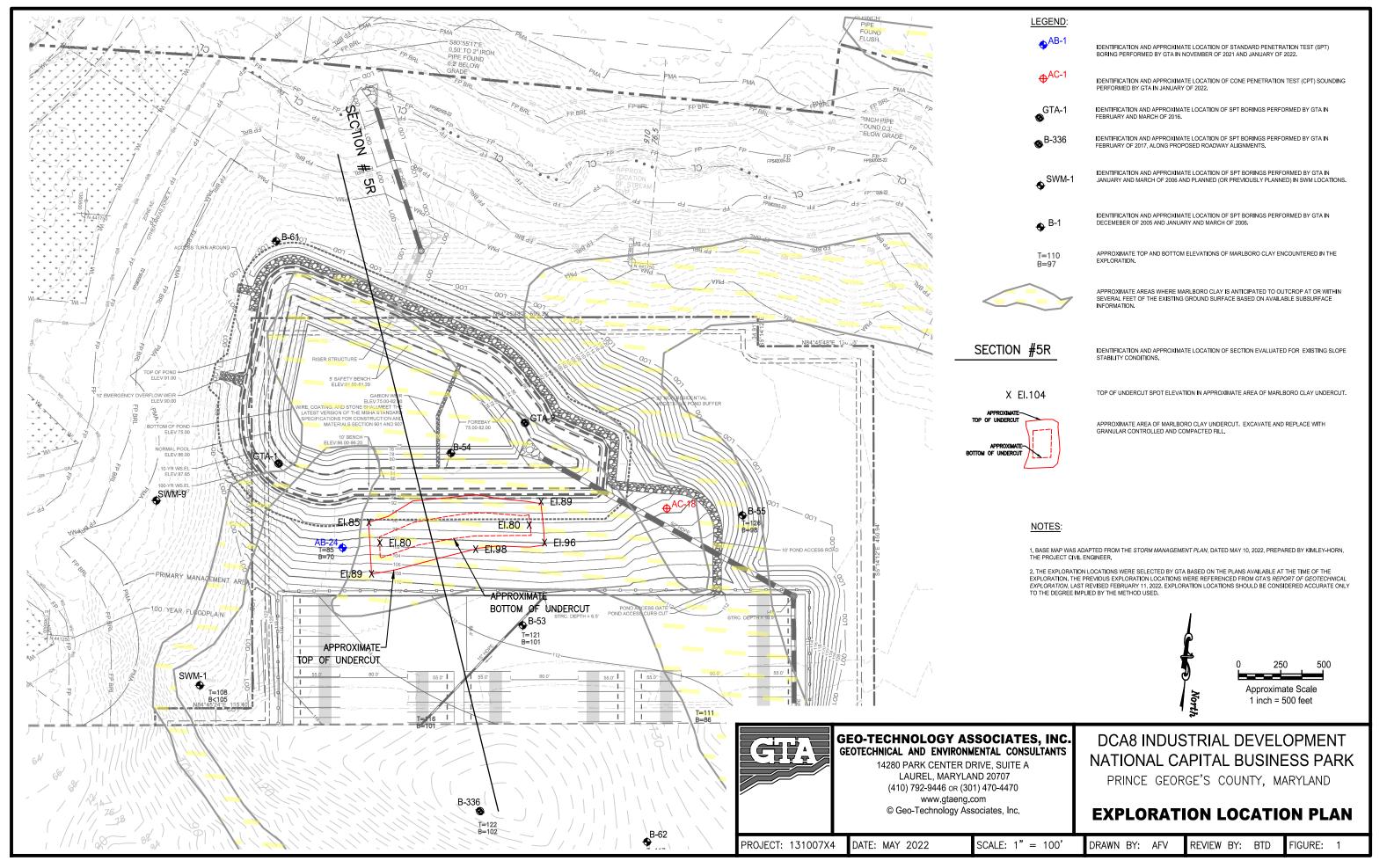
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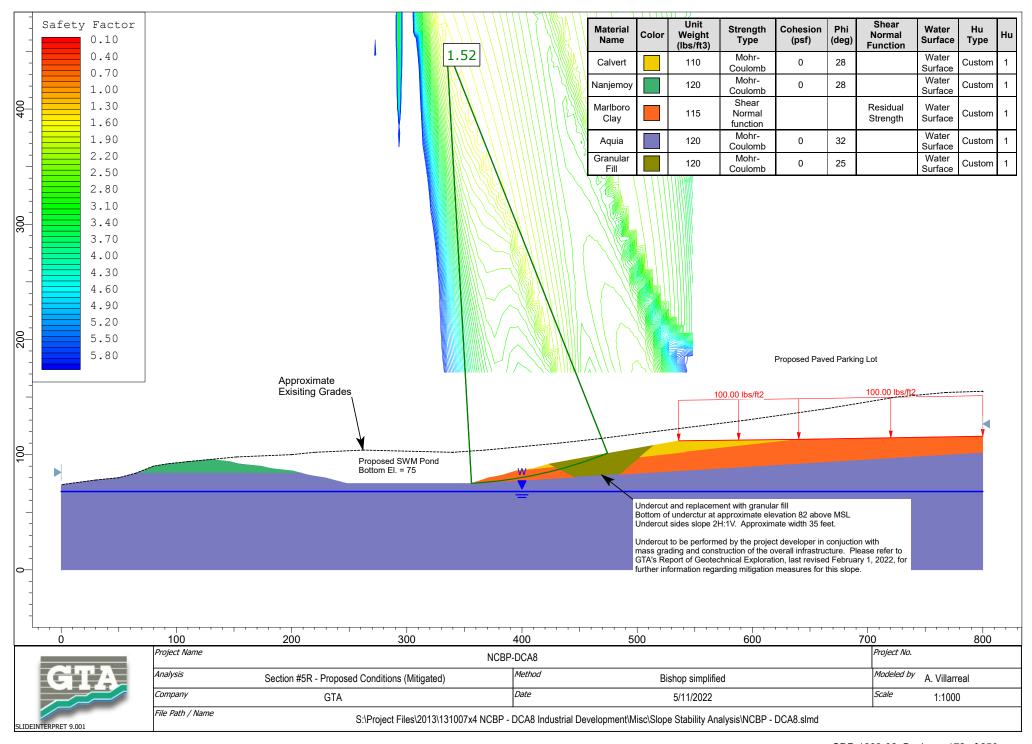
8 - Environmental

Created by: Matt Snyder On: 05/12/2022 10:17 AM

- 1. Marlboro Clay appears to be on this site. Due to the instability of this soil type, be advised special design measures are required for water and/or sewer extensions constructed within this zone to prevent the pipeline from shifting. See WSSC 2017 Pipeline Design Manual Part Three, Section 19: Geotechnical Considerations for Pipeline Alianments.
- 2. Geotechnical and Corrosion Submittal will be required. It appears that sources of stray current have been identified within 2,000 feet of this site. See WSSC 2017 Pipeline Design Manual Part Three, Section 20
- 3. Environmental Impacts. The proposed water main and/or outfall sewer may impact wetlands, stream buffers, 100 year flood plain, steep slopes and possibly large trees. Main alignment may need adjustment in the design stage of the WSSC Development Services System Integrity review process. See WSSC 2017 Pipeline Design Manual Part Three, Section 23
- 4. Proposed pipeline needs to be realigned to avoid or minimize environmental concerns such as: tree save areas, forested areas, utilities, water quality, champion trees, historic or burial properties, landfills or other soil contaminated areas.
- 5. Wetlands permit will be required for any construction within nontidal wetland areas. See WSSC 2017 Pipeline Design Manual Part Three, Section 23
- 6. Pipeline stream crossing. Follow general guidelines for stream crossing cases presented in WSSC 2017 Pipeline Design Manual Part Three, Section 9

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I have the geotechnical review comments as below:

- 1. Geotechnical report including slope/global stability analysis has been submitted. The global stability analysis, i.e. section 2, 2R, 3, 4, 5 and 15 for the mitigated conditions was performed. The results of the slope analysis appeared to exceed the minimum required the safety factor of 1.5 except for the section 5 and section 15. The geotechnical report recommended mitigation measures for the failed slope sections and re-analyzed. However, the section 5 resulted in the safety factor of 1.3 (page 602 of 602 in the report) and failed to meet the minimum requirement.
- 2. The 1.5 safety factor lines (SFL) shall be delineated on both TCP1 and TCP2. Structures shall not be planned at elevations lower than the 1.5 SFL. The building restriction line shall be at least 25 feet uphill from the 1.5 SFL for compliance with Prince George's County Code Section 24-131 Unsafe Land.
- 3. Retaining walls whose height is up to 20 feet are proposed throughout the site. A global stability analysis modelling the final dimensions shall be performed and submitted to DPIE for their review and approval. The final wall design package for the wall building permit shall also be submitted to DPIE prior to the issuance of the Site Grading Permit.

Best,

Don Sinn, P.E.

Planner III, Environmental Planning Section | Countywide Planning Division



9400 Peppercorn Place, Suite 230, Largo, MD 20774 Direct: 301-883-3224 | Teams Mobile: 240-573-2110

Email: donggeun.sinn@ppd.mncppc.org















STATEMENT OF JUSTIFICATION SDP-1603/02

APPLICANT: AMS 2022 BTS – Upper Marlboro MD LLC

8888 Keystone Crossing, Suite 1150

Indianapolis, IN 46240

ATTORNEY/AGENT: Dan Lynch

McNamee Hosea

6411 Ivy Lane, Suite 200 Greenbelt, Maryland 20770 (301) 441-2420 Voice (301) 982-9450 Fax dlynch@mhlawyers.com

CIVIL ENGINEER: Emily Dean, P.E.

Kimley Horn

215 Washington Avenue

Suite 500

Towson, MD 21204

REQUEST: Approval of Specific Design Plan in accordance with

Section 27-528 of the Zoning Ordinance.

1. Description of Property

- Address Queens Court and Logistics Lane, Upper Marlboro, MD 20774
- Use –Warehouse/distribution
- Incorporated Area None
- Council District 4th
- Total Area –90.11 Acres
- Tax Map/Grid 76/F3, 76/F4, 77/A2, 77A3, 77A4, 77/B2, 77/B3, 77/B4, 77/C3, 77/C4 and 85/B1
- Location The site is located in the north side of Leeland Road

- Zoned: R-S
- 200 Sheet 201SE13, 202SE13, 202SE14, 203SE13 and 203SE14
- 2. **Request:** The subject application requests the approval of a Specific Design Plan for a 3,428,985 square foot warehouse/distribution facility, 1,703 on-site parking spaces and a trailer and loading area.

3. Development Data Summary:

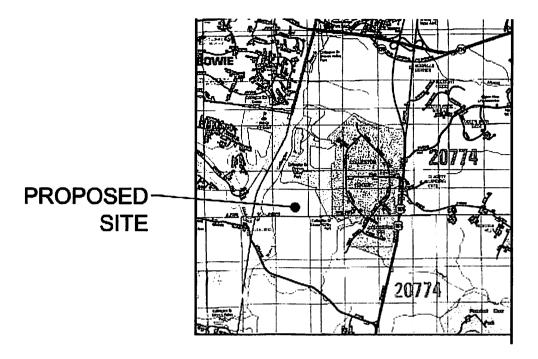
	EXISTING	PROPOSED
Zone	R-S	R-S*
Use	Warehousing/Distribution	Warehousing/Distribution
Total Acreage	90.11	90.11
Lots	1	1
Gross Floor Area (square feet)	0	3,428,985

Parking and Loading

Use	Number of Spaces Required	Number of Spaces Provided
Warehouse/Distribution (157,040 sq. ft.)	725	2067
Office (47,880 sq. ft.)	127	127
Guardhouse (440 sq. ft.)	2	2
Total	854	2196
Handicapped-Accessible	5	28
Total Loading Spaces	84	85

Note: *Prince George's County Council Bill CB-22-2020 was adopted by the Prince George's County District Council on July 14, 2020, for the purposes of allowing uses in the Employment and Institutional Area (E-I-A) Zone on land in the R-S Zone, pursuant to eligibility criteria in Section 27-515(b) of the Prince George's County Zoning Ordinance. Zoning Map Amendment A-9968-02 removed all previously approved residential elements from this site and permits up to 3.5 million square feet of warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses on the subject site. It is anticipated that a majority will be warehouse uses in the National Capital Business Park

4. **Location:** The subject property is a large tract of land that consists of wooded and undeveloped land, located on the north side of Leeland Road, approximately 3,178 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway). The site is located in Planning Area 74A and Council District 4



- 5. Surrounding Uses: The site is bounded to the north by undeveloped properties in the Reserved Open Space and Open Space (O-S) Zones; to the west by a CSX railroad right-of-way and undeveloped properties in the Residential Low Development, Residential-Agricultural (R-A) and O-S Zones, including the Collington Branch Stream Valley; to the south by Leeland Road and beyond by Beech Tree, a residential subdivision in the R-S (Residential Suburban Development) Zone and undeveloped property in the R-A Zone; and to the east by the existing Collington Center, an employment center, in the E-I-A Zone.
- 6. **Previous Approvals:** The site was rezoned from the R-A Zone to the E-I-A Zone during the 1991 Approved Master Plan and Adopted Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A, and 74B. The rezoning was contained in Zoning Map Amendment (Basic Plan) A-9829. In 2005, A-9968 was filed to request a rezoning of the property from the E-I-A Zone to the R-S Zone. At that time, the approval of a new Bowie and Vicinity Master Plan and Sectional Map Amendment was underway. A-9968 was recommended for approval by the Prince George's County Planning Board (PGCPB Resolution No. 05-178) and was transmitted to the District Council for incorporation into the 2006 Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity (Bowie and Vicinity Master Plan and SMA).

The Bowie and Vicinity SMA was approved by Prince George's County Council Resolution CR-90-2005, which was reconsidered by CR-11-2006. The District Council then adopted CR-11-2006 on February 7, 2006, which rezoned the subject property from the E-I-A and R-A Zones to the R-S Zone (CR-11-2006, Amendment 7, pages 18 and 31-34), subject to 13 conditions and 3 considerations. On January 4, 2007, Comprehensive Design Plan CDP-0505, including Type I Tree Conservation Plan TCPI-010-06, was approved by the Planning Board (PGCPB Resolution No. 06-273) for a total of 818 residential dwelling units, of which 60 2 were market rate (97 townhouses and 505 single-

family detached units) and 216 units were in a mixed-retirement component (50 single-family detached, 56 townhomes, and 110 multifamily units), on approximately 427 acres of land with 34 conditions. The Planning Board's decision with conditions was affirmed by the District Council on April 9, 2007.

On March 15, 2007, Preliminary Plan of Subdivision (PPS) 4-06066 and TCPI-010-06-01 were approved by the Planning Board (PGCPB Resolution No. 07-43) subject to 31 conditions. Subsequently, a number of extensions, waivers, and reconsiderations were approved by the Planning Board. The last of which the Planning Board approved on March 8, 2018 (PGCPB Resolution No. 07-43(A)), a reconsideration of the conditions to construct a roundabout at the intersection of Oak Grove Road and Church Road, and convert the roundabout to a four-way, signal-controlled intersection.

On March 30, 2017, SDP-1603 and associated TCPII-028-2016, (PGCPB Resolution No. 17-144), for Phase One of the residential development, which proposed 183 single-family detached and 93 single-family attached market-rate lots, 4 single-family detached and 52 single-family attached mixed-retirement residential lots, and single-family attached architecture, was approved subject to 15 conditions.

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

On April 12, 2021, the District Council approved A-9968-02, which is a revision to A-9968 and A-9968-01, to replace the previously approved residential land use patterns on the subject site, with employment and institutional uses permitted in the E-I-A Zone, as authorized, pursuant to Section 27-515(b), in the R-S Zone, with 17 conditions and 2 considerations. A-9968-02 supersedes the approvals of both A-9968 and A-9968-01 and governs the future development of the subject site for employment and institutional uses, as generally permitted in the E-I-A Zone, without any residential component.

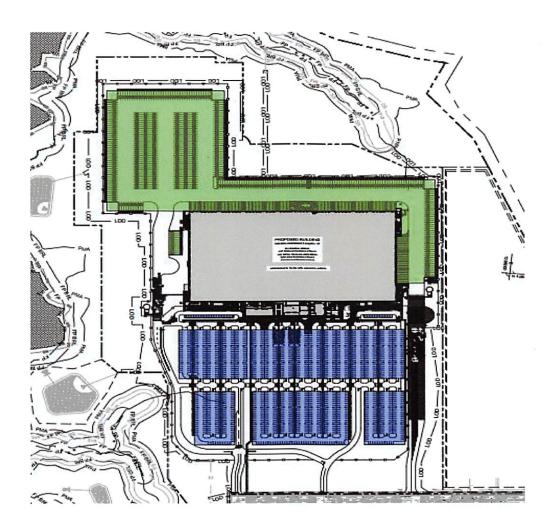
On April 29, 2021, CDP-0505-01 and TCP1-004-2021 were approved by the Planning Board (PGCPB Resolution No. 2021-50), which established the design guidelines for the National Capital Business Park project, subject to five conditions. The District Council elected not to review CDP-0505-01 on June 4, 2021.

On September 30, 2021, the Planning Board approved PPS 4-20032, for the National Capital Business Park, including TCP1-004-2021-01, subject to 32 conditions.

On January 13, 2022, the Planning Board approved SDP-1603-01 which is a Specific Design Plan for Infrastructure only.

This site also has an approved SWM Concept Plan, 42013-2020-00, which is valid through June 28, 2024,

7. Design Features: The applicant is proposing to construct a 3,428,985 square foot warehouse/distribution facility, 1,703 on-site parking spaces, 58 loading docks, 437 trailer parking spaces, and 495 trailer locations. The proposed building will have a 649,653 square foot building footprint and will be approximately 93 feet in height. The building will be centrally located within the site area. The applicant is proposing to located truck and trailer parking on the north side of the building while the on-site parking spaces for employees and visitors will be located on the south side of the building and closer to Queens Court (as highlighted on Sheet C 710). There will be three access driveways leading to the site from Queens Court. As previously approved by CDP-0505-01 and PPS 4-20032, Queens Court is proposed to be extended from the adjacent Collington Center. To the east of the subject property, Queens Court intersects with Prince George's Boulevard, which is a spine road running through Collington Center, and beyond to Robert Crain Highway. There are multiple direction signs located throughout the site and one freestanding sign located at the entrance to the site and the associated detail for that sign in shown on Sheet C300.



As shown on Sheets C304 and C305, the applicant is proposing to construct a building 93 feet in height. The proposed architecture of the building presents a balanced composition of masonry and metal panels, and storefront glazing. This roughly rectangular building is proportionally divided into smaller forms to minimize visual impact by providing projections, mixed materials, and color patterns. The front entrance is located on the north side of the building and is distinguished by a blue canopy. The elevations depict a building mounted sign will be located over the front entrance to the building.



8. COMPLIANCE WITH EVALUATION CRITERIA

Zoning Map Amendment (Basic Plan) A-9968-02: A-9968-02 was approved to remove all residential uses depicted in both A-9968 and A-9968-01, and to show up to 3.5 million square feet of employment and institutional uses. A-9968-02 was approved by the District Council on April 12, 2021, with 17 conditions and 2 considerations that supersede both A-9968 and A-9968-01, which depicted residential development only. Conditions and considerations attached to the approval of A-9968-02 that are relevant to the review of this SDP are as follows:

1. Proposed Land Use Types and Quantities

Total Area: 442.30 acres

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

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

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

Land in the 100-year floodplain: 92.49 acres

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

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

Open Space

Public active open space: 20± acres

Passive open space: 215± acres

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

Comment: This SDP proposes the construction of a 3,428,985 square foot warehouse/distribution facility. This use is consistent with the land uses proposed by A-9968-02.

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

Comment: The two trails are located outside the boundaries of this SDP, but were shown on the SDP-1603-01 drawings and staff found such to be consistent with this condition during the review of the SDP for infrastructure.

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.

Comment: The property owner is coordinating with the DPR to determine appropriate programming and design for the future community park. An exhibit was submitted with this infrastructure SDP (SDP-1603-01) that was referred to DPR for review.

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.

Comment: The shared-use path was shown on the SDP-1603-01 drawings, in accordance with this condition. For the construction, the property owner will work with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) through its separate permitting process.

Prince George's County Zoning Ordinance: This Specific Design Plan complies with Section 27-528. Section 27-528 of the Zoning Ordinance, which provides as follows:

- (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);(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;
- (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;
- (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:
- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and
- (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).(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.

As will be demonstrated below, SDP-1603-02 complies with the criteria of approval set forth in Section 27-528.

Comprehensive Design Plan CDP-0505-01: The proposed specific design plan is in conformance with Comprehensive Design Plan CDP-0505-01. The following conditions of approval are relevant to this SDP

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

Comment: In a letter dated April 12, 2021 (Burke to Nickle), submitted with the CDP certification, DPR consented to the placement of woodland conservation on land to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC), which will be placed in easements subject to the following considerations:

- (1) The applicant will be dedicating substantially more parkland than the normal requirement under Mandatory Dedication of Parkland.
- (2) The woodland conservation easement(s) proposed are primarily located in areas which are not suitable for active recreation.
- (3) The proposed woodland conservation easement(s) are in some cases adjacent to other protected lands or woodland conservation easements
- (4) The proposed woodland conservation easement(s) will not be located within the right-of-way for the proposed hiker/biker trail when constructed.

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

(1) The details of the land to be dedicated to M-NCPPC, the areas of woodland conservation easement contained within that land, and the proposed hiker/biker trail will be evaluated with the review of the Type 2 tree conservation plan (TCP2).

SDP-1603/01 shows a total of 113.28 acres to be dedicated to M-NCPPC, inclusive of the 20-acre park and stream valley trail, which will be developed concurrently.

Preliminary Plan of Subdivision 4-20032: PPS 4-20032 was approved by the Planning Board on September 30, 2021 (PGCPB Resolution No. 2021-112). The following conditions of approval are relevant to this SDP

2. Total development within the subject property shall be limited to uses which generate no more than 1,400 AM peak-hour trips and 1,400 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.

Comment: The peak hour trip generation resulting from this facility will fall within the trip cap contained in 4-20032.

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.

Comment: This SDP is not proposing any residential development.

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

Comment: An approved SWM concept plan (42013-2020-00, approved on June 28, 2021) was submitted that shows the use of seven submerged gravel wetlands, four underground storage treatment facilities and sand filters. The site improvements proposed in the infrastructure SDP will be subject to a site development fine grading permit and continuing reviews by both DPIE and the Soil Conservation District. Therefore, the infrastructure SDP conforms to the approved SWM concept plan.

- 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.

Comment: This note appears on the SDP.

- 8. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following facilities and show these facilities on any submitted specific design plan, prior to its acceptance:
 - a. Minimum 5-foot-wide sidewalks along both sides of all internal roadways.
 - b. Perpendicular or parallel Americans with Disabilities Act accessible curb ramps at all intersections throughout the site.
 - c. Crosswalks crossing all legs of intersections, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - d. For any specific design plan containing a building, a separate and clearly marked pedestrian route from the public roadway to the entrance of each building.
 - e. Bus-shelter ready areas at each intersection and proximate to the ends of each cul-de-sac on Road A.
 - f. Shared-lane markings (sharrows), bikeway guide signs, D11-1/Bike Route and D1-1, D1-2, and D1-3/destination plates and R4=11/Bicycles May Use Full Lane signs be provided within all internal roadways that direct people bicycling to the proposed developments and the Collington Branch Trail, as well as highlight to motorists the potential presence of people bicycling along internal roads, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - g. For any specific design plan containing a building, short-term bicycle parking near the entrances of all buildings shall be required, and long-term bicycle parking and associated facilities at an appropriate location of larger buildings shall be considered.
 - h. A curb ramp connecting Road A and the shared-use path connecting to Leeland Road.
 - i. A minimum 10-foot-wide shared-use path along Leeland Road.
 - j. A minimum 10-foot-wide shared-use path connecting Leeland Road and Road A.

Comment: This condition was addressed during the review of SDP-1603-01.

11. At the time of final plat, the applicant shall dedicate all rights-of-way, consistent with the approved preliminary plan of subdivision. The right-of-way extension for Popes Creek Drive shall only be dedicated if the final site plan design includes access to this roadway and, if the access is not included in the final design, all developable parcels shall be platted to have frontage on and direct access to an alternative public right-of-way.

Comment: This condition was addressed as part of the review of SDP-1603-01. Specifically, SDP-1603-01 did not reflect a right-of-way extension for Popes Creek Drive, nor did it include access to this roadway in the design. All Adjacent developable parcels have been reconfigured to have frontage on and direct access to Queens Court.

- 15. The applicant shall be subject to the following requirements for development of the 10-foot-wide on-site feeder trail:
 - a. The applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, the on-site feeder trail from the southern terminus of Public Road A to the shared-use path on Leeland Road.
 - b. The on-site feeder trail shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the Prince George's County Park and Recreation Facilities Guidelines, with the review of the specific design plan (SDP). Triggers for construction shall also be determined at the time of SDP

Comment: This condition was previously addressed during the review of SDP-1603-01. DPR and the Urban Design Section reviewed the feeder trail associated with the 20-acre park and Collington Branch Stream Valley Trail system during the review of SDP-1603-01 and found them to be adequate.

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

e. Prior to approval of the specific design plan for infrastructure, the applicant and the applicant's heirs, successors, and/or assignees shall submit to Prince George's County Department of Parks and Recreation, for review and approval, detailed construction drawings for the on-site feeder trail.

Comment: A detailed construction cross section for the on-site feeder trail was provided with SDP-1603-01.

- 16. Recreational facilities to be constructed by the applicant shall be subject to the following:
 - a. Prior to approval, the first specific design plan for the subject property (including for infrastructure) shall include the location and concept design details (as shown in the May 7, 2021 Concept Plan) for the 20-acre park and Collington Branch Stream Valley Trail.

Comment: This condition was previously addressed during the review of SDP-1603-01.

b. The timing for the development of the 20-acre park and Collington Branch Stream Valley Trail shall be determined with the first specific design plan for development (not including infrastructure).

Comment: The property owner is coordinating with the DPR to determine appropriate programming and design for the future community park. An exhibit was submitted with this infrastructure SDP (SDP-1603-01) that was referred to DPR for review.

- c. The location of the Collington Branch Stream Valley Trail shall be staked in the field and approved by the Prince George's County Department of Parks and Recreation, prior to construction.
- d. All trails shall be constructed to ensure dry passage. If wet areas must be traversed, suitable structures shall be constructed. Designs for any needed structures shall be reviewed and approved by the Prince George's County Department of Parks and Recreation.
- e. The handicapped accessibility of all trails shall be reviewed during the review of the specific design plan.
- f. The public recreational facilities shall be constructed, in accordance with the standards outlined in the Prince George's County Park and Recreation Facilities Guidelines.

Comment: This condition was previously addressed during the review of SDP-1603-01.

17. The first specific design plan (including for infrastructure) shall show the conceptual location of the Collington Branch Stream Valley Trail and delineate a 16-foot-wide clear space centered along its alignment. The woodland conservation areas shall be shown to exclude this 16-foot-wide clear space.

Comment: This condition was previously addressed during the review of SDP-1603-01.

- 32. The following road improvements shall be provided, and timing for construction of the road improvements shall be determined with the first specific design plan for development (not including infrastructure):
 - a. Queens Court and US 301 (Robert Crain Highway)
 - (1) Install a traffic signal
 - (2) Provide a double left turn and three through lanes on the northbound approach.
 - (3) Provide a double left turn and a free right turn on the eastbound approach.

Comment: Construction Plans will be submitted to SHA in March of 2022. It is anticipated that the Permit/bonds will be issued by March of 2023 and the road improvements will be completed by the first quarter of 2024.

Detailed Site Plan DSP-1603-01: DSP-1603-01 was approved by the Planning Board on January 13-2022 (PGCPB Resolution No. 2022-10). The conditions of approval associated with SDP-1603-01 consist of required revisions to the SDP and TCP and are not directly relevant to the review of this amendment.

- 9. Prince George's County Landscape Manual: The proposed landscape plan demonstrates that the site will be in conformance with Sections 4.3, 4.6 and 4.7 of the Landscape Manual.
- 10. Woodland Conservation and Tree Preservation Ordinance: NRI-098-05-04 was approved April 28, 2021. In addition, the subject property is subject a previously approved and implemented Type II Tree Conservation Plan, TCP2-026-2021. The proposed Specific Design Plan shows that the proposed work will not result in any significant changes to the limits of disturbance of that previously approved TCP2, or create additional impacts to any regulated environmental features.
- 11. Conclusion: The applicant, , believes that this Specific Design Plan complies with the criteria for approval set forth in Section 27-528 of the Zoning Ordinance and requests the approval of this application.

Respectfully submitted,

MCNAMEE HOSEA

By:

Daniel F. Lynch

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Countywide Planning Division Environmental Planning Section

301-952-3650

May 31, 2022

MEMORANDUM

TO: Henry Zhang, Planner IV, Urban Design Section, DRD

VIA: Thomas Burke, Supervisor, Environmental Planning Section, CWPD *TB*

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

SUBJECT: National Capital Business Park, SDP-1603-02 and TCP2-026-2021-02

The Environmental Planning Section (EPS) has reviewed the Specific Design Plan (SDP-1603-02) for National Capital Business Park, received on April 26, 2022. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on May 13, 2022. Revised plans and documents were received on May 24, 2022, and May 25, 2022. The EPS recommend approval of SDP-1603-02 and TCP2-026-2021-02, subject to the recommended findings and conditions found at the end of this memorandum.

BACKGROUND

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
A-9968-01	NA	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

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
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	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		
CDP-0505-02	TCP1-004- 2021-02	Planning Board	Pending	Pending	Pending
4-21056	TCP1-004- 2021-03	Planning Board	Pending	Pending	Pending
SDP-1603-02	TCP2-026- 2021-02	Planning Board	Pending	Pending	Pending

Proposed Activity

This application requests an approval for a 442.30-acre site in the prior Light Industrial (I-1), Residential-Agricultural (R-A), and Residential Suburban Development (R-S) Zones, to remove the residential uses, and to increase the total gross floor area of commercial/warehouse uses to 3.5 million square-feet, and dedication for a public park. Recent reviews for this property propose an increase of the square footage to 5.5 million square-feet, but this application was filed under the prior PPS 4-20032, and will be reviewed based on that approval. 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 4-21056.

Site Description

The subject application is a for a 442.30-acre site in the I-1, R-A and R-S Zones, and is 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 site contains Regulated Areas, Evaluation Areas, and Network Gaps 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, A-9968-01), which proposed to develop a residential subdivision. This prior residential use will not be implemented with the development proposed with SDP-1603-02. 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.

An 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 the staff report, 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 this application, and was reviewed for completeness. The approximate locations of the unmitigated 1.5 safety factor lines are shown on the TCP1.

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, 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 2022. 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 are not proposed with this PPS.

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 4-21056 has been determined in part by the environmental constraints of the site, including the regulated environmental features (REF) and the soils. Minimal impacts to the environmental features are proposed. Impacts to the primary management area (PMA) were previously approved with 4-20032 and SDP-1603-01. The PMA impacts previously approved with 4-20032 are submitted with 4-21056 for approval because the approval of 4-21056 will supersede the 4-20032 approval. The PMA impacts approved with SDP-1603-01 are still valid.

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 the basic plan, 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, as provided in the staff report, 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-ofway 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 4-21056

Preliminary Plan of Subdivision 4-21056 has been reviewed by staff and is pending approval by the Planning Board on June 2, 2022. The approval of 4-21056 will supersede the approval of PPS 4-20032. However, PPS 4-20032 is the valid case that will be reviewed with this memorandum.

Review of Environmental Findings, Conditions and Considerations of Approval for 4-20032

A PPS was approved by the Planning Board (PGCPB Resolution No. 2021-112) for employment and industrial uses, effective September 30, 2021. The approval conditions which are environmental in nature with both applications are shown in **bold** and are addressed below.

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

An approved stormwater management (SWM) concept plan and letter was submitted with SDP-1603-01. A revision to the approved plan is in the review process. This SDP is in conformance to the draft SWM plan. The revised SWM concept plan approval is required prior to certification of the SDP.

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

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

The location of the feeder trail is shown on the TCP2.

- 16. Recreational facilities to be constructed by the applicant shall be subject to the following:
 - a. Prior to approval, the first specific design plan for the subject property (including for infrastructure) shall include the location and concept design details (as shown in the May 7, 2021, Concept Plan) for the 20-acre park and Collington Branch Stream Valley Trail.
- 17. The first specific design plan (including for infrastructure) shall show the conceptual location of the Collington Branch Stream Valley Trail and delineate a 16-foot-wide clear space centered along its alignment. The woodland conservation areas shall be shown to exclude this 16-foot-wide clear space.

The revised TCP2 shows the conceptual locations of the park design and the Collington Branch Trail. The plans show a 10-foot-wide trail, with a 16-foot-wide cleared area. Details on the clearing and proposed impacts to the PMA or specimen tree removals to implement this trail shall be addressed with the application proposing the development of the park.

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

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

26. Prior to acceptance of the first specific design plan (including for infrastructure), if conditions warrant, a detailed slope stability analysis shall be provided, and both the unmitigated and mitigated 1.5 safety factor lines shall be added to the Type 2 tree conservation plans.

The latest geotechnical/slope stability report and an additional slope stability analysis was submitted with this SDP (SDP-1603-02) application. Delineation of the limits of the Marlboro clay lines and the 1.5 safety factor lines, as indicated in the additional slope stability analysis, shall be added to the TCP2 plan and to the legend.

27. Prior to approval of the first fine grading permit, the applicant shall post a rare, threatened, and endangered species monitoring bond with the Prince George's County Department of Permitting, Inspections and Enforcement, or the appropriate agency as determined by M-NCPPC, in accordance with the Habitat Protection and Management Program, as approved by the Maryland Department of Natural Resources.

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

ENVIRONMNENTAL 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 (4-20032). This project is subject to the WCO and the Environmental Technical Manual (ETM). TCP2-026-2021-02 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 use in the prior E-I-A Zone 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 recently approved for the site, utilizing the limits of disturbance of TCP2-026-2021. A revision to TCP2-026-2021-01 was submitted with SDP-1603-01. A revision to TCP2-026-2021-02 was submitted with SDP-1603-02.

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.

The overall woodland conservation worksheet shows the clearing of 260.75 acres of woodland on the net tract area, and 1.09 acres in the floodplain, which based on staff's calculations, results in a woodland conservation requirement of 118.68 acres. The requirement is proposed to be met with 78.98 acres of on-site woodland preservation, 15.47 acres of on-site reforestation, and 24.23 acres of off-site woodland conservation credits.

Although this development has been part of several reviews, as the individual tenants submit SDPs for specific development, the applicant shall continue to look for opportunities to provide additional areas for reforestation. Consider expansion of reforestation area A to the security fencing.

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 letter of justification (LOJ) stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance statement of justification (SOJ) and specimen tree exhibit in support of a variance dated December 7, 2021, were submitted on December 8, 2021.

A timber harvest permit was previously approved for the site utilizing the approved limits of disturbance 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. The trees were located generally in the area proposed for development, outside of REF. No additional trees are requested for removal with SDP-1603-02.

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. A LOJ with exhibits was submitted by the applicant on December 2, 2021, for review with the SDP-1603-01.

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 REF 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 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.

Comments were provided in a SDRC meeting on May 13, 2022, requesting an update to the LOJ and the exhibit to provide the proposed totals for the impacts to the floodplain, stream buffer, and expanded PMA. A revised LOJ was received on May 24, 2022, for the newly proposed impact shown on the TCP2 and amended SDP. This application does not propose revisions to the impact, which will remain as approved with PPS 4-20032 and SDP-1603-01. The proposed impact is requested for a stormdrain outfall.

The current LOJ and associated exhibit reflect one proposed impact to REF associated with the proposed development, totaling approximately 0.10-acre. The following finding provides an evaluation of the proposed impact, as outlined in the applicant's justification.

This impact for a proposed SWM outfall is a revision to the overall stormwater design that was approved for the National Capital Business Park Subdivision. Impacts to the PMA that were approved by the Planning Board as part of the prior PPS 4-20032 and SDP-1603-01 approvals are to remain as approved. The new impact requested with SDP-1603-02 is for a stormdrain outfall is estimated for 0.12-acre located on the north side of the development, and includes 403 square-feet of floodplain impact, 3,287 square-feet of stream buffer impacts, and 1,343 square-feet of expanded PMA impact. This impact is the result of converting a temporary sediment control pond into a permanent stormwater facility. The stormdrain outfalls meet best management practices for discharging water back into the stream while limiting erosion at the discharge points. The development shown on the SDP obtained preliminary approval from both DPIE and SCD.

The proposed PMA impact for a SWM outfall is considered necessary to the orderly development of the subject property. This impact cannot be avoided because it is required by other provisions of the County and state codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of PMA.

Stormwater Management

An approved SWM concept plan (Case 42013-2020-00, approved June 28, 2021) was submitted, which shows the use of seven submerged gravel wetlands, four underground storage treatment facilities, and sand filters. The SWM concept approval letter indicates that additional micro-scaled Environmental Site Design facilities will be evaluated when details of the development pads are proposed with later reviews. The proposed development specific to SDP-1603-02 filed a revised site development concept plan (Case 6108-2022-00) to amend the SWM facilities. The revised SWM concept plan approval is required, prior to certification of the SDP. The geographic area for this development proposes three submerged gravel wetlands and one wet pond. This development will be subject to a site development fine grading permit and continuing reviews by the County's DPIE and Soil Conservation District.

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 Adelphia, Bibb, Collington, Colemantown Elkton, Howel, Marr, Monmouth, Sandy Land, Shrewsbury, and Westphalia series. Adelphi, Collington and Marr soils are in hydrologic class B, and are not highly erodible. Bibb and Shrewsbury soils are in hydrologic class D and pose various difficulties for development due to high water table, impeded drainage, and flood hazard. Colemantown and Elkton soils are in hydrologic class D and have a K factor of 0.43, making them highly erodible. Howell and Westphalia soils are in hydrologic class B and are highly erodible. Monmouth soils are in hydrologic class C and have a K factor of 0.43, making them highly erodible. Sandy land soils are in hydrologic class A and pose few difficulties to development.

Marlboro clay is found to occur extensively in the vicinity of and on this property. The TCP2 shows the approximate location of the unmitigated and mitigated 1.5 safety factor line, in accordance with a Geotechnical report dated August 6, 2021, and prepared by Geo-Technology Associates, Inc. The global stability analysis on Sections 2, 2R, 3, 4, 5, 5R and 15 for the mitigated conditions was performed. The geotechnical report recommends undercutting the Marlboro Clay and replace with structural fill for the failed slope sections (section 5 and section 15). Section 5 is in the geographic area of SDP-1603-02. Prior to the SDRC meeting, staff requested the applicant to reanalyze Section 5. In the additional global slope stability analysis submitted May 24, 2022, Section 5R resulted in higher than minimum required Factor of Safety 1.5 for the mitigated conditions, considering the undercut the problematic soil and replacement with the structural fill. Therefore, the revised location of the Marlboro Clay undercut/replacement shall be shown on the TCP2.

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 Soil Conservation District in their respective reviews for SWM and erosion and sediment control, may be required.

The County requires the approval of an Erosion and Sediment Control Plan prior to issuance of a grading permit. The TCP must reflect the ultimate limits of disturbance, 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-1603-02, a copy of the Erosion and Sediment Control Technical Plan must be submitted so that the ultimate Limits of Disturbance (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-1603-02 and TCP2-026-2021-02, and recommend 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, based on the level of detail, provided with SDP-1603-02 for one proposed impact for a stormwater outfall.
- 2. No specimen trees are proposed for removal with this application.
- 3. The revised Type 2 Tree Conservation Plan (TCP2-026-2021-02) is consistent with the TCP1 approved with the PPS 4-20032, and with the TCP2-026-2021-01 with SDP-1603-01.

Recommended Conditions:

- 1. The TCP2 shall meet all of the requirements of Subtitle 25, Division 2, and the Environmental Technical Manual (ETM) prior to certification, and shall be revised as follows:
 - a. Show the revised location of the Marlboro Clay undercut/replacement 1.5 safety factor line.
 - b. Show the REF on the plan as black lines, not grey.
 - c. In the legend, add "temporary" to the line type for the temporary tree protection fence.
 - d. 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.
 - e. 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.
 - f. Revise Sheet C-303 in accordance with the proposed stormwater outfall, to remove the proposed reforestation from the easement area, update the totals for the label, in the charts, and worksheet accordingly.
 - g. Revise Sheet C-309 to adjust Preservation Area 15 to follow the Limits of Disturbance (LOD), and update the total areas for the label, in the charts, and worksheet accordingly.
 - h. 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."
 - i. Revise Sheet C-318 to add a label for MC-600, and add the hatch pattern to the legend.
 - j. Revise Sheet C-319 to add a label for MC-600, and add the hatch pattern to the legend.
 - k. Have the revised plan signed and dated by the qualified professional preparing the plan.

- 2. Prior to certification of SDP-1603-02, 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.
- 3. Prior to certification of SDP-1603-02, the revised stormwater management concept plan shall be approved.

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PGCPB No. 2022-70

File No. 4-21056

RESOLUTION

WHEREAS, NCBP Property LLC is the owner of a 442.30-acre parcel of land known as Parcels A and B, said property being in the 3rd Election District of Prince George's County, Maryland, and being zoned Legacy Comprehensive Design (LCD); Agricultural-Residential (AR); and Industrial, Employment (IE); and

WHEREAS, on March 31, 2022, NCBP Property LLC filed an application for approval of a Preliminary Plan of Subdivision for 27 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-21056 for National Capital Business Park was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 2, 2022; and

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

WHEREAS, pursuant to Section 24-1703(a) of the Subdivision Regulations, subdivision applications submitted and accepted as complete before April 1, 2022, but still pending final action as of that date, must be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the submission and acceptance of the application; and

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

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

WHEREAS, on June 2, 2022, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Type 1 Tree Conservation Plan TCP1-004-2021-03, and APPROVED a Variance to Section 25-122(b)(1)(G), and further APPROVED Preliminary Plan of Subdivision 4-21056 for 27 parcels with the following conditions:

- 1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised to:
 - a. Revise General Note 6 to provide corrected acreages for area outside primary management area, existing environmentally regulated features area.
 - b. Revise General Note 18 to add the sentence "(Of which 2.7618 million square feet was evaluated as mezzanine floor space of a High-Cube Fulfillment Center Warehouse Sortable)," under Proposed Gross Floor Area.
 - c. Revise General Note 19 to provide the approval date of the applicable stormwater management concept plan.
 - d. Revise General Note 26 with the Type 1 tree conservation plan number associated with this PPS 4-21056.
 - e. Revise General Note 38 to remove reference to I-300 (Prince George's County Boulevard).
 - f. Have the plans signed and sealed by a licensed land surveyor or a property line surveyor who prepared them.
 - g. Remove Sheet 2.
 - h. Remove the phrase "approved under SDP #32123-2021-0" from the label for the proposed 10-foot-wide shared-use path on Sheet 13.
 - 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.
 - j. Show the master plan right-of-way alignment of I-300 and label as "I-300 (Master Plan Alignment)."
- 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.
- 3. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision, prior to the approval of any building permits.
- 4. Development of this site shall be in conformance with the approved stormwater management concept plan (42013-2020-00) and any subsequent revisions.

5. Prior to approval of a final plat:

- a. The applicant and the applicant's heirs, successors, and/or assignees shall grant 10-foot-wide public utility easements along the public rights-of-way, in accordance with the approved preliminary plan of subdivision.
- b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a business owner's association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
- c. The final plat of subdivision shall contain a note reflecting denial of vehicular access along the frontage of Leeland Road, save and except for the public park proposed on the north side of Leeland Road and any temporary construction entrances needed for the project.
- 6. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the business owner's association land as identified on the approved preliminary plan of subdivision. Land to be conveyed shall be subject to the following:
 - a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division.
 - b. All waste matter of any kind shall be removed from the property, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials or soil filling, other than the placement of fill material associated with permitted grading operations that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.

- f. The Prince George's County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.
- 7. Prior to issuance of a use and occupancy permit for nonresidential development, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Contact the Prince George's County Fire/EMS Department to request a pre-incident emergency plan for each building.
 - b. Install and maintain 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.

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

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.

- 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.
- 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.
- 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.
- 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, sidewalls, 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.

- 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.
- 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.
- 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.
- 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."

- 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.
- 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.

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

- 1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
- 2. **Background**—The subject site is a 442.30-acre property known as Tax Parcel 30 and is further described as Parcels A and B by deed in the Prince George's County Land Records in Liber 35350 at folio 319. Parcel A is a larger tract of land, approximately 440.21 acres in area, and Parcel B is a 2.09-acre tract of land separated from Parcel A by the right-of-way of a railway line. The subject property has never been the subject of a final plat of subdivision. The subject property is located in multiple zones; 426.52 acres are located in the Legacy Comprehensive Design (LCD) Zone, 15 acres in the Industrial, Employment Zone, and 0.78 acre in the Agricultural-Residential (AR) Zone. The property is subject to the 2022 Approved Bowie-Mitchellville and Vicinity Master Plan (master plan). This application was reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, as required by Section 24-1703(a) of the Subdivision Regulations. The site is evaluated according to the prior Residential Suburban Development (R-S), Light Industrial (I-1), and Residential-Agricultural (R-A) Zones, pursuant to the prior Zoning Ordinance.

This preliminary plan of subdivision (PPS) application includes 27 parcels for development of up to 5.5 million square feet of industrial use. The proposed development is in accordance with the provisions of the Prince George's County Zoning Ordinance, as modified by Prince George's County Council Bill CB-22-2020. This legislation was adopted by the Prince George's County District Council on July 14, 2020, for the purpose of permitting certain employment and institutional uses permitted by-right in the Employment and Institutional Area (E-I-A) Zone, to be permitted in the R-S Zone under certain specified circumstances, as defined by Footnote 38 in Section 27-515 of the Zoning Ordinance. The council bill also provided procedures for the amendment of approved basic plans to guide the development of such uses.

This property is currently the subject of PPS 4-20032 for National Capital Business Park, which was approved by the Prince George's County Planning Board on September 9, 2021 and is valid until September 30, 2023. PPS 4-20032 was approved for 36 parcels for development of 3.5 million square feet of industrial use. The proposal to change the land use quantities, lot configurations, and prior conditions of PPS 4-20032 (PGCPB Resolution No. 2021-112) requires the approval of a new PPS and a new determination of adequacy. This PPS supersedes PPS 4-20032 for the subject property and includes 27 parcels for industrial use.

The applicant filed a variance request to Section 25-122(b)(1)(G) of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), to allow removal of 13 specimen trees. This variance is approved to allow removal of 11 specimen trees. Two of the specimen trees requested for removal were previously approved by the Planning Board and removal implemented via the issuance of grading permits. Therefore, no action is required pursuant to the current variance request, which is discussed further in the Environmental finding of this resolution.

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

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

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

	EXISTING	APPROVED		
Zone	LCD/IE/AR	LCD/IE/AR		
		(reviewed per R-S/ I-1/ R-A standards)		
Use(s)	Vacant	Industrial		
Acreage	442.30	442.30		
Gross Floor Area	0	5.5 million		
Parcels	2	27		
Lots	0	0		
Outlots	0	0		
Variance	No	Yes (Section 25-122(b)(1)(G))		
Variation	No	No		

It is noted that though the deed of recordation for the subject property, Liber 35350 folio 319, provides the total acreage to be 441.98 acres, the certified boundary survey submitted by the applicant reflects the total tract area as 442.30 acres. Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on April 15, 2022.

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

Basic Plan A-9968

In 2005, A-9968 was filed to request a rezoning of the property from the E-I-A Zone to the R-S Zone. At that time, the approval of a new master plan and sectional map amendment for Bowie and Vicinity was underway. A-9968 was approved by the District Council as part of the 2006 *Approved Sectional Map Amendment for Bowie and Vicinity* by the adoption of Prince George's County Council Resolution CR-11-2006 on February 7, 2006, which rezoned the subject property from the E-I-A and R-A zones to the R-S Zone.

Basic Plan Amendment A-9968-01

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

Council Bill CB-22-2020

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

Footnote 38

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

- (a) The use is located on a parcel, a portion of a parcel, or an assemblage of adjacent land that:
 - (i) was rezoned from the E-I-A and R-A Zones to the I-1 and R-S Zones by a Sectional Map Amendment approved after January 1, 2006;
 - (ii) contains at least 400 acres and adjoins a railroad right-of-way; and
 - (iii) is adjacent to an existing employment park developed pursuant to the E-I-A Zone requirements.
- (b) Regulations regarding green area set forth in Section 27-501(a)(2) shall not apply. The minimum green area (of net lot area) shall be 10%. All other regulations in the E-I-A Zone shall apply to uses developed pursuant to this Section.

- (c) Regulations in the R-S Zone shall not apply to uses developed pursuant to this Section.
- (d) Additional requirements for uses developed pursuant to this footnote shall include the following:
 - (i) Street connectivity shall be through an adjacent employment park;
 - (ii) A public park of at least 20 acres shall be provided.

Basic Plan Amendment A-9968-02

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

1. Proposed Land Use Types and Quantities

Total area: 442.30 +/- acres

Total area (I-1 Zone): 15 +/- acres (not included in density calculation)
Total area (R-A Zone): 0.78 +/- acres (not included in the density calculation)

Total area (R-S Zone): 426.52 acres per approved NRI

Land in the 100-year floodplain: 92.49 acres

Adjusted gross area

(426 less half of the floodplain): 380.27 acres

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

Open Space

Public active open space: 20 +/- acres

Passive open space: 215 +/- acres

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

Basic Plan Amendment A-9968-03

The property is subject to A-9968-03, for National Capital Business Park, approved by the District Council on May 16, 2022, which allows for the development of warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses up to 5.5 million square feet. This

application was approved subject to 18 conditions and 2 CDP considerations, along with the following types and quantities of land use permitted for the subject property:

1. Proposed Land Use Types and Quantities

Total area: 442.30 +/- acres

Total area (I-1 Zone): 15 +/- acres (not included in density calculation)
Total area (R-A Zone): 0.78 +/- acres (not included in the density calculation)

Total area (R-S Zone): 426.52 acres per approved NRI

Land in the 100-year floodplain: 92.49 acres

Adjusted gross area

(426 less half of the floodplain): 380.27 acres

Proposed Use:

Warehouse/distribution, office, light industrial/manufacturing, and/or institutional uses up to 5.5 million square feet*

Open Space

Public active open space: 20 +/- acres

Passive open space: 215 +/- acres

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

Comprehensive Design Plan CDP-0505

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

Comprehensive Design Plan Amendment CDP-0505-01

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

Comprehensive Design Plan Amendment CDP-0505-02

On May 5, 2022, the Planning Board approved CDP-0505-02, amending the previously approved CDP to increase the gross floor area of the permitted employment and institutional uses from 3.5

to 5.5 million square feet, in accordance with pending A-9968-03. The remainder of the subject property, consisting of 15 acres in the I-1 Zone and 0.78 acre in the R-A Zone, was not included in this amendment. At the time of review of this PPS, the CDP was pending final action by the District Council.

This PPS was reviewed for conformance to the relevant conditions of A-9968-03 and CDP-0505-02, as further discussed.

Preliminary Plan of Subdivision 4-06066

An overall PPS 4-06066, titled Willowbrook, was approved on February 8, 2007 (PGCPB Resolution No. 07-43(A)) for 699 lots and 26 parcels for development of 539 single-family detached dwellings, 160 attached dwellings, and 132 multifamily dwellings. However, this PPS was superseded by PPS 4-20032.

Preliminary Plan of Subdivision 4-20032

PPS 4-20032, titled National Capital Business Park, was approved by the Planning Board on September 9, 2021 (PGCPB Resolution No. 2021-112) for 36 parcels for the development of 3.5 million square feet of employment/institutional uses on the subject property. Development proposed via A-9968-03 and CDP-0505-02 required a new PPS to establish a 2 million-square-foot increase to capacity over this PPS. PPS 4-21056 supersedes PPS 4-20032 for the subject property. The conditions of PPS 4-20032 remaining relevant to the subject property have been carried forward, or modified as needed.

Specific Design Plan SDP-1603

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

Specific Design Plan SDP-1603-01

On January 13, 2022, SDP-1603-01 (PGCPB Resolution No. 2022-10) was approved for infrastructure including street network, sidewalks, utilities, grading, stormwater management (SWM), retaining walls, and directional signage, in accordance with prior A-9968-02, CDP-0505-01, and PPS 4-20032. A new SDP application will be required to approve development, in accordance with A-9968-03, CDP-0505-02, and this PPS.

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

Plan 2035

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established communities are most appropriate for context-sensitive infill and low- to

medium-density development (Map 1, Prince George's County Growth Policy Map, pages 18-20).

Master Plan

The master plan 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 in the master plan include:

Policy EP 11: Strengthen the Collington Local Employment Area as a

regionally competitive transportation, logistics and

warehousing employment center.

Policy TM 21.2: Construct active transportation infrastructure including

sidewalks, crosswalks, bus shelters, bicycle facilities, and other amenities for pedestrians, bicycles, and transit riders on all streets within and connecting to the Collington Local

Employment Area.

Policy PF 12.1: Secure 20-acre parkland dedication from National Capital

Business Park development along Leeland Road, with trail connections north through the Collington Branch Stream Valley Park, and to the future South Lake and Liberty

Sports Park Developments.

This PPS proposes industrial uses, fulfilling Policy EP11. The shared-use paths for Collington Branch Trail and along Leeland Road, and a feeder trail to these facilities, are provided on the PPS and meet the master plan policy for active transportation infrastructure. The PPS also provides parkland dedication along the entire stretch of the Collington Branch Stream Valley on the subject site, which connects from Leeland Road to the subject property's northern boundary. The parkland dedication and park development, and the transportation infrastructure to be provided are discussed further in the Parks and Recreation and Transportation findings, respectively.

The 2006 Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity rezoned the subject property to the R-S Zone. In 2020, the District Council approved CB-22-2020, permitting certain employment and institutional uses by-right in the E-I-A Zone to be permitted in the R-S Zone, under certain specified circumstances, and provided procedures for the amendment of the approved basic plans to guide the development of such uses. The master plan does not include a concurrent sectional map amendment. However, it does recommend Industrial, Heavy zoning for the subject property.

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property to the LCD Zone effective April 1, 2022.

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Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this PPS conforms to the land use recommendations of the master plan.

7. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An unapproved SWM concept plan (42013-2020-01) was submitted with this application and is currently in review with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), which shows the use of submerged gravel wetlands, underground storage facilities, sand filters, micro-bioretention facilities, a dry swale, and dry pond. The development will be subject to a site development fine grading permit and continuing reviews by DPIE and the Prince George's County Soil Conservation District.

Development of the site in conformance with SWM concept approval and any subsequent revisions, ensuring that no on-site or downstream flooding occurs, satisfies the requirement of Section 24-130 of the Subdivision Regulations.

8. **Parks and Recreation**—This PPS application was reviewed and evaluated for conformance with the requirements of A-9968-03, CDP-0505-02, Plan 2035, the master plan, the 2017 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and Subdivision Regulations (Subtitle 24), as they pertain to public parks and recreational facilities. This property is currently unimproved and fully wooded and within the Patuxent River watershed.

This PPS includes 27 parcels for the development of a total of 5.5 million square feet of industrial development. In accordance with Section 24-134(a) of the Subdivision Regulations, the subject subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development. However, legislation was adopted by the District Council on July 14, 2020, for the purpose of allowing uses permitted in the prior E-I-A Zone on land in the prior R-S Zone, pursuant to Section 27-515(b). Footnote 38 of this provision contains conditions that apply to this property, including a requirement for the applicant to provide a public park of at least 20 acres. The applicant has been working with the Prince George's County Department of Parks and Recreation (DPR) to design a suitable park to meet the recreational needs of Prince George's County and provided a conceptual plan representative of these needs. The design of the park will be finalized with a mandatory referral, and the park will be developed by the applicant following established timeframes, as required with this approval.

A-9968-03 mandates that the applicant dedicate additional land in the Collington Branch Stream Valley and construct the master plan Collington Branch Stream Valley Trail. This PPS shows a total of 113.21 acres to be dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) inclusive of the 20-acre park, and includes a conceptual layout of the trail, which will be developed concurrently with the 20-acre park.

In addition, the applicant is proposing to construct a 10-foot-wide feeder trail extending from the southern terminus of Logistics Lane to the shared-use path on Leeland Road. This trail will be located on business owners association lands and is subject to conditions provided in this resolution.

Thus, the National Capital Business Park development provides a significant area of riparian forested parkland along the Collington Branch Stream Valley that will maintain an important greenway, trail and hydrologic connection of over a mile linear distance, filling in a gap between two existing bookended sections of Collington Branch Stream Valley Park (M-NCPPC). Public active open space to be provided is 20 acres, and passive open space to be provided is approximately 241 acres including 113+/- acres of parkland conveyance and 128 +/- acres in open space parcels to be owned by the business owners association. The provided open space also includes approximately 92.5 acres of floodplain.

Review of Previous Conditions of Approval

A-9968-03 was approved with 18 conditions and 2 considerations, of which the following conditions relate to the dedication of parkland to M-NCPPC:

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

The PPS shows 113.21 acres to be dedicated to M-NCPPC, in conformance with this condition.

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

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

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

The conceptual location of the master plan Collington Branch Stream Valley trail and the feeder trail from the employment uses have been evaluated. A final master plan trail location will be determined with a mandatory referral, in conjunction with development of the 20-acre community park. Since the areas to be dedicated to M-NCPPC shall be reviewed at the time of SDP for compliance to the WCO, an adequate area shall be shown to include the conceptual location of the master plan trail and associated clearing for construction and maintenance. The PPS delineates a 16-foot-wide clear space centered along the conceptual trail alignment, so that any proposed woodland conservation areas can be established to accommodate the trail. The final location and details of the feeder trail will be approved with the SDP for infrastructure. Conditions relating to these requirements are provided in this resolution.

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

A revised plan showing parkland dedication and the master plan trail was provided with the CDP and reviewed by DPR staff.

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

A list of recreational facilities including a dog park, pickleball courts, a cricket pitch, a playground, restrooms, trails, an exercise circuit, a picnic shelter, a baseball/softball field, and all associated infrastructure was provided and reviewed with SDP-1603-01 for infrastructure, based on guidance offered by DPR staff. The PPS shows a conceptual layout of the park as it was proposed with SDP-1603-01.

CDP-0505-02 was approved by the Planning Board on May 5, 2022. None of the conditions of approval of the CDP, related to parks and recreation, are relevant to this PPS.

Based on the preceding finding, the PPS conforms to the parks and recreation requirements of CB-22-2020, A-9968-03, and CDP-0505-02.

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

Previous Conditions of Approval

There are multiple prior approvals on the subject property. These include CDP-0505, CDP-0505-01, PPS 4-06066, and PPS 4-20032. These applications do not have any bearing on the subject PPS and are replaced by subsequent applications.

The site is subject to A-9968-03 and CDP-0505-02, which are considered with this PPS.

A-9968-03

A-9968-C-03 includes the following conditions and considerations, which relate to pedestrian, bicycle, and vehicular transportation:

- 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.
- 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.
- 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.

In accordance with Condition 6, the PPS shows a 10-foot-wide Collington Branch Trail as a shared-use path, and a 10-foot-wide feeder trail connecting Leeland Road and Logistics Lane. The shared-use path along the property's frontage of Leeland Road required by Condition 15 is also shown on the PPS. Typical sections of streets are provided, which depict dimensions and location of pedestrian and bicycle facilities proposed to serve the development, in accordance with Condition 18. The alignment and design details of these facilities will be evaluated at the time of SDP as a condition of approval.

CDP-0505-02

CDP-0505-02 includes the following conditions (Conditions 2, 4, and 7) which relate to requirements of pedestrian, bicycle, and vehicular transportation:

- 2. This comprehensive design plan has modified Condition 4 attached to CDP-0505-01 as follows:
 - 4. Unless modified at time of preliminary plan of subdivision, prior to approval of a building permit for each square foot of development, the applicant, and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement, a fee calculated as \$0.92 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at time of payment) /

(Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary. The fee set forth above shall be modified at the time of approval of the preliminary plan of subdivision to reflect the project cost in the adopted Prince George's County Public Works & Transportation Capital Improvement Program. In lieu of the fee payment listed in this condition, the applicant may provide improvements along US 301 (Robert Crain Highway), within the limits of US 301 that are covered by the Capital Improvement Program-funded improvements. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.

- 4. The following road improvements shall be included as part of a phasing plan at the time of the first specific design plan for a building, 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 time of preliminary plan:
 - (1) Provide a shared through and left and a shared through and right lane on the eastbound approach.
 - (2) Provide a shared through and left and a shared through and right lane on the westbound approach.
 - (3) Provide a shared through and left on the northbound approach and a shared through and right lane on the southbound approach.
- 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 the Capital Improvement Program-funded improvements. Any improvements proposed as part of any lump sum payment shall have approval of the Maryland State Highway Administration and DPIE.

The above referenced improvements were evaluated as part of the transportation impact study associated with this PPS and are further discussed in the transportation planning review section of this finding.

Master Plan Conformance

Master Plan Right-of-Way

The site is governed by the MPOT and master plan. The subject site is along the 100-foot master-planned right-of-way of Leeland Road (a major collector). Dedication of 4.48-acre right-of-way along Leeland Road is required to meet the right-of-way requirements and is adequately shown on this plan.

The MPOT includes the proposed 70-foot right-of-way of I-300 (Prince George's Boulevard Extended) from Leeland Road to existing Prince George's Boulevard, which is partially located on the subject property. In a letter to staff dated April 22, 2022, DPIE, in a response to the previously approved PPS application, waived the construction of I-300 given environmental constraints on the site. The applicant indicated that they believed that the approved master plan removed I-300 as a master plan right-of-way, but learned later that the right-of-way was not removed and will be part of the published version of the plan. DPIE reiterated that construction of the right-of-way is not feasible, will not be required to be constructed as part of the development of the site, and is not desirable to be improved by the County. DPIE's assessment that the proposed I-300 is unbuildable is supported and removal of the right-of-way (as part of the MPOT update) will be considered, as a result. The right-of-way for master plan I-300 roadway should still be shown and labeled on the PPS, in accordance with Section 24-123(a)(1) of the Subdivision Regulations, though it is not required to be shown as dedicated.

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):

Goals: Provide a continuous network of sidewalks, bikeways, and trails that provides 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, commercial 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 in order 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.

The MPOT includes a multi-use trail, Collington Branch Stream Valley Trail connecting MD 214 (Central Avenue) to Western Branch, which crosses the west section of the site.

The following policies are provided for pedestrian and bicyclist facilities in the master plan:

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

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

The PPS provides for typical street sections, which depict dimensions and location of pedestrian and bicycle facilities proposed to serve the development. The applicant shall provide an interconnected network of on-site pedestrian and bicycle facilities, in accordance with the MPOT and master plan polices, including sidewalks and shared roadway along Queen's Court and 10-foot-wide minimum shared-use paths along both directions of Leeland Road, and construct the MPOT Colington Branch Trail. The exact details of these facilities shall be provided and evaluated with the SDP submission.

Transportation Planning Review

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

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property was evaluated according to the following standards:

Links and Signalized Intersections: Level-of-Service D, with signalized intersections operating at a critical lane volume of 1,450 or better.

Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.

For two-way stop-controlled intersections a three-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed.

For all-way stop-controlled intersections a two-part process is employed: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

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

Trip Generation Summary: PPS 4-21056: National Capital Business Park								
Landillas	Use Quantity	M.4-2-	AM Peak Hour			PM Peak Hour		
Land Use		Metric	In	Out	Total	In	Out	Total
Warehousing	2,087.42	ksf	688	167	835	167	668	835
High-Cube Fulfillment Center Warehouse – Sortable (ITE-155)	650.78	ksf	458	108	566	305	476	781
	User Provide	d Data	505	45	550	447	453	900
	Higher of ITE a		458	108	566	447	453	900
Approved Trip Cap (sum of bold numbers)			1126	275	1401	614	1121	1735

The traffic generated by this PPS impacts the following intersections in the transportation system:

- Southbound (SB) US 301 at Wawa Crossover (signalized in future)
- Northbound (NB) US 301 at Wawa Crossover (signalized in future)
- US 301 at Trade Zone Avenue (signalized)
- US 301 at Queens Court (signalized in future)
- US 301 at Median Crossover between Queens Court and Leeland Road (unsignalized)
- US 301 at Leeland Road (signalized)

- US 301 at Beechtree Pikeway / Swanson Road (signalized)
- US 301 at Village Drive (signalized)
- US 301 at MD 725 (signalized)
- US 301 at Chrysler Drive (signalized)
- Prince George's Boulevard at Trade Zone Avenue (unsignalized)
- Prince George's Boulevard at Commerce Drive (unsignalized)
- Prince George's Boulevard at Queens Court (unsignalized)

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

EXISTING TRAFFIC CONDITIONS						
Intersection	Intersection Critical Lane Volume (AM and PM)		Level of Service (AM and PM)			
SB US 301 at Wawa Crossover	990	1248	A	С		
NB US 301 at Wawa Crossover	1275	1279	C	C		
US 301 at Trade Zone Avenue	1288	1161	С	С		
US 301 at Queens Court	0 sec*	0 sec*				
US 301 at Median Crossover	<100 veh. <100 veh.			1		
US 301 at Leeland Road	924	866	A	A		
US 301 at Beechtree Pikeway / Swanson Road	1330	1321	D	D		
US 301 at Village Drive	1086	1144	В	В		
US 301 at MD 725	1204	1343	С	D		
US 301 at Chrysler Drive	1045	1063	В	В		
Prince George's Boulevard at Trade Zone Avenue	15.0 sec*	15.1 sec*				
Prince George's Boulevard at Commerce Drive	9.5 sec*	9.8 sec*		-		
Prince George's Boulevard at Queens Court	9.5 sec*	12.5 sec*				

^{*}In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

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

BACKGROUND TRAFFIC CONDITIONS							
Intersection	Intersection Critical Lane Volume (AM and PM)		Level of Service (AM and PM)				
SB US 301 at Wawa Crossover	1083	1253	В	С			
NB US 301 at Wawa Crossover	1604	1913	F	F			
US 301 at Trade Zone Avenue	1638	1842	F	F			
US 301 at Queens Court	1208	1458	C	Е			
US 301 at Median Crossover	<100 veh.	<100 veh.					
US 301 at Leeland Road	1491	1631	Е	F			
US 301 at Beechtree Pikeway / Swanson Road	1854	1936	F	F			
US 301 at Village Drive	1571	1573	Е	Е			
US 301 at MD 725	1642	1891	F	F			
US 301 at Chrysler Drive	1435	1410	D	D			
Prince George's Boulevard at Trade Zone Avenue	16.7 sec*	20.4 sec*					
Prince George's Boulevard at Commerce Drive	12.2 sec*	11.6 sec*					
Prince George's Boulevard at Queens Court	1044	1147	В	В			

^{*}In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

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

TOTAL TRAFFIC CONDITIONS (with CIP and Proposed Intersection Improvements)						
Intersection	Intersection Critical La (AM ar		Level of Service (AM and PM)			
SB US 301 at Wawa Crossover	1084	1290	В	С		
NB US 301 at Wawa Crossover	1127	1127 1338		D		
US 301 at Trade Zone Avenue	1138	1427	В	D		
US 301 at Queens Court	1078	1363	В	D		
US 301 at Median Crossover	<100 veh.	<100 veh.				
US 301 at Leeland Road	1409	1350	D	D		
US 301 at Beechtree Pikeway / Swanson Road	1291	1392	С	D		
US 301 at Village Drive	1109	1219	В	С		
US 301 at MD 725	1207	1446	С	D		
US 301 at Chrysler Drive	980	1327	A	D		
Prince George's Boulevard at Trade Zone Avenue	16.7 sec*	20.4 sec*				
Prince George's Boulevard at Commerce Drive	12.2 sec*	11.7 sec*				
Prince George's Boulevard at Queens Court	1044	1353	В	D		

^{*}In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.

The transportation improvements conditioned by CDP-0505-02 (Conditions 2, 4, and 7) have been modified and carried forward as conditions of approval of this PPS. Based on the preceding findings, and with the required improvements, adequate multimodal transportation facilities will exist to serve the PPS, as required, in accordance with Section 24-124 of the Subdivision Regulations, and conforms to the MPOT and master plan policies and goals.

10. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, water and sewer and police facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section, dated April 29, 2022 (Thompson to Gupta), incorporated by reference herein.

This project is served by Pointer Ridge Volunteer Fire/EMS, Company 843, located at 16408 Pointer Ridge in Bowie, as the first due station. Per Section 24 122.01(d)(1)(A) of the Subdivision Regulations, a five-minute total response time is recognized as the national standard for fire/EMS response times. Per the National Fire Protection Association 1710, Chapter 4, 240 seconds (4 minutes) or less travel time is the national performance objective. Prince George's County Fire/EMS Department representative, James V. Reilly, stated in writing (via email) that, as of April 27, 2022, the subject project does not pass the four-minute travel test from the closest Prince George's County Fire/EMS station, Pointer Ridge Volunteer Fire/EMS, Company 843, in Bowie. Prior to construction, the applicant shall contact the Fire/EMS Department to request a pre-incident emergency plan for the facility; install and maintain automated external defibrillators in accordance with Code of Maryland Regulations; and install and maintain hemorrhage kits next to fire extinguishers.

The master plan provides goals and policies related to public facilities (pages 166–177). The proposed development aligns with the master plan intention to provide public facilities designed to support existing development patterns. There are no police, fire and emergency medical service facilities, schools, or libraries proposed on the subject property.

- 11. **Use Conversion**—The total development included in this PPS is for 5.5 million square feet of industrial use. If residential development or a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, that revision of the mix of uses would require approval of a new PPS, prior to approval of any building permits.
- 12. **Public Utility Easement**—Section 24-122(a) of the Subdivision Regulations requires that when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

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

The standard requirement for public utility easements (PUEs) is 10-foot-wide along both sides of all public rights-of-way. The subject site fronts on public right-of-way Leeland Road to the west. Rights-of-way of public streets Popes Creek Drive and Prince George's Boulevard truncate along the eastern property line. Termination of master-planned road I-300 right-of-way in a cul-de-sac is approved, and the required right-of-way will be dedicated within the boundaries of the subject property. To provide access and public street frontage to subdivided parcels, Queens Court shall be extended approximately 1,750 feet from its intersection with Prince George's Boulevard, into the property. Another public road internal to the site, Logistics Lane, is also approved for the subdivision.

The required 10-foot-wide PUE is correctly shown and labeled parallel, contiguous, and adjacent to the rights-of-way lines of all public streets, except frontage of Popes Creek Drive. All required PUEs shall be shown on the PPS, which will be recorded with the final plat.

13. **Lot Layout**—The PPS depicts a configuration of parcels to enable development as proposed, to convey land to M-NCPPC for active and passive recreation, and to preserve environmentally sensitive land by dedication to a business owners association. Each parcel for development has frontage and direct access to a public street.

Open space Parcels A1 and A6, which are to be dedicated to M-NCPPC along with Parcels A2, A3, A4, and A5, do not have direct frontage on a public street, in accordance with Section 24-128(a) of the Subdivision Regulations. Similarly, open space Parcels B3, B4, and B5, which are to be dedicated to the business owners association, do not have direct frontage on a public street. However, these parcels are contiguous to other open space parcels with public street frontage and cannot be developed in isolation without further subdivision. In addition, the open space was divided into multiple parcels to ensure that they can be platted in their entirety. For these stated reasons, these open space parcels are found to conform to Section 24-128(a).

14. **Historic**—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 a consultant 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 archeological sites were identified on the subject property and no further archeological work is recommended on the subject property. With the submittal of the final technical report, the applicant has satisfied Condition 1 of the District Council approval 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.

During a site visit to the subject property in November 2021, Historic Preservation Section staff identified a feature on the subject property along Collington Branch that appears to be an old mill race. The Phase I archeology report identified several pieces of mill stones on the east side of Collington Branch in the southern portion of the subject property. These mill stones were not recorded as an archeological site because there were no additional artifacts found in association with them. The possible mill race and mill stones are located on a portion of the property that will not be developed and will be preserved as open space.

The subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This PPS will not impact any historic sites, historic resources, or known archeological sites.

15. **Environmental**—This PPS (4-21056) and Type 1 Tree Conservation Plan TCP1-004-2021-03 were received on March 31, 2022. Comments were provided in an SDRC meeting on April 15, 2022. Revised information was received on April 22, 2022, and April 28, 2022. The following applications have been previously reviewed for the subject site:

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

Development	Associated Tree	Authority	Status	Action	Resolution Number
Review Case	Conservation Plan			Date	
Number					
NRI-098-05-03	N/A	Planning Director	Signed	2/9/2020	N/A
NRI-098-05-04	N/A	Planning Director	Signed	3/3/2021	N/A
A-9968-02	N/A	District Council	Approved	4/12/2021	ZO No. 2-2021
CDP-0505-01	TCP1-004-2021	Planning Board	Approved	4/29/2021	PGCPB No. 2021-50
4-20032	TCP1-004-2021-01	Planning Board	Pending	Pending	Pending
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	Pending
CDP-0505-02	TCP1-004-2021-02	Planning Board	Approved	5/5/2022	Pending
4-21056	TCP1-004-2021-03	Planning Board	Approved	6/2/2022	PGCPB No. 2022-70

Grandfathering

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

Site Description

The subject PPS is for a 442.30-acre site and is located on the north side of Leeland Road, east of the railroad tracks, and west of US 301. There are streams, wetlands, 100-year floodplains, and associated areas of steep slopes with 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.

Additional information received from DNR NHP staff indicated known records related to three rare, threatened, or endangered aquatic species in Collington Branch, and the possible presence of several rare, threatened, or endangered plants. Leeland Road, a designated scenic road, is adjacent to this development. This property is 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 (ESA) 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The site contains regulated areas and evaluation areas, as designated on the 2017 Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan (Green Infrastructure Plan).

Prior Approvals

The site was subject to several prior approvals (A-9968, CDP-0505, PPS 4-06066, SDP-1603, A-9968-02), which proposed to develop a residential subdivision. This prior residential use will not be implemented with the development proposed with PPS 4-21056. Previous conditions of approval related to the residential use are not applicable because the use and site design have changed.

Basic Plan Amendment A-9968-02

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.

Basic Plan Amendment A-9968-03

A-9968-03 was approved 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, are addressed below:

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

An approved natural resources inventory (NRI) plan, NRI-098-05-04, was submitted with this PPS and CDP-0505-02, as required by this condition.

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

A geotechnical report dated August 6, 2021, and prepared by Geo-Technology Associates, Inc., was included with this PPS and CDP-0505-02 as required by this condition and was reviewed for completeness. The approximate locations of the unmitigated 1.5 safety factor lines are shown on the TCP1.

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 rare, threatened, or endangered 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 dated April 23, 2021, and revised May 7, 2021, was prepared and submitted with PPS 4-20032, and resubmitted with PPS 4-21056. On May 27, 2021, DNR NHP approved the final version of the habitat protection and monitoring plan. Annual monitoring reports are required to be filed with both 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 2022. 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 Environmental Planning Section 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 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.

An approved NRI plan, NRI-098-05-04, was submitted with this PPS.

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 are not proposed or approved with this PPS.

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 PPS 4-21056 has been determined in part by the environmental constraints of the site, including the regulated environmental features and the soils. Minimal impacts to the environmental features are approved. Impacts to the primary management area (PMA) were previously approved with PPS 4 20032 and SDP-1603-01. The PMA impacts previously approved with PPS 4-20032 were reviewed with PPS 4-21056 for approval because the approval of PPS 4-21056 supersedes the PPS 4-20032 approval. The PMA impacts approved with SDP-1603-01 are still valid.

CDP-0505-02

An amendment to 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.

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.

Master Plan Conformance

The master plan includes environmentally related policies and their respective strategies in the Natural Environment Section (Section IX, Policies and Strategies).

The Zoning Ordinance provides guidance regarding the impact and relationship of general plans with master plans and functional master plans. Specifically, Section 27-640(a) of the prior Zoning Ordinance states the following regarding the approval of a general plan, and its effect on a previously approved master plan:

Section 27-640—Relationship between Master, General, and Functional Plans.

(a) When Functional Master Plans (and amendments thereof) and General Plan amendments are approved after the adoption and approval of Area Master Plans, the Area Master Plans shall be amended only to the extent specified by the District Council in the resolution of approval. Any Area Master Plan or Functional Master Plan (or amendment) shall be an amendment of the General Plan unless otherwise stated by the District Council.

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

Green Infrastructure

Policy NE 1: Ensure that areas of connectivity and ecological functions are maintained, restored, or established during development or redevelopment.

Strategies:

NE 1.1. Use the green infrastructure network as a guide to decision-making, and as an amenity in the site design and development review processes.

NE 1.2. Continue to complete Prince George's County DoE's Programmatic Practices, which includes stormwater-specific programs, tree planting, and landscape revitalization programs, public education programs, and mass transit and alternative transportation programs.

The PPS was found to be in conformance with the Green Infrastructure Plan because preservation of the regulated environmental areas is provided, to the maximum extent possible. Protection of green infrastructure elements and regulated environmental features of the site will be further evaluated with future development applications.

This project is subject to a Habitat Protection and Management Program, dated April 23, 2021, and revised May 7, 2021, as a method for monitoring the rare plant and fish species on and in the vicinity of the property. On May 27, 2021, DNR approved the final version of the habitat protection and monitoring plan. Annual monitoring reports are required to be filed with both M-NCPPC and DNR.

Policy NE 2: Preserve, in perpetuity, Nontidal Wetlands of Special State Concern (NTWSSC) within Bowie-Mitchellville and Vicinity (see Map 41, Nontidal Wetlands of Special State Concern (NTWSSC)-2017).

Strategies:

- NE 2.1. Continue to protect the NTWSSC and associated hydraulic drainage area located within the following areas:
 - The Belt Woods Special Conservation Area
 - Near the Huntington Crest subdivision south of MD 197, within the Horsepen Branch Watershed.
 - In the northern portion of Bowie-Mitchellville and Vicinity adjacent to the Patuxent Research Refuge and along the Patuxent River north of Lemon Bridge Road.

The subject PPS is not in the vicinity of the Nontidal Wetlands of Special State Concern areas.

Policy NE 3: Proactively address stormwater management in areas where current facilities are inadequate.

Strategies:

NE 3.1 Identify strategic opportunities to acquire flood-prone and flood-susceptible properties to protect life and property, preserve the subwatersheds, and buffer existing public and private development.

- NE 3.2 Evaluate Bowie-Mitchellville and Vicinity's stormwater management facilities for additional volume capacity to support and encourage redevelopment.
- NE 3.3 Complete the Prince George's County's Department of the Environment's current stormwater management studies within the master plan area (see the Department of the Environment's Clean Water Map for a comprehensive map of current and future projects). Create a catalog of additional sites where stormwater mitigation or intervention is warranted for further evaluation and remediation.
- NE 3.4 Identify opportunities to retrofit portions of properties to enhance stormwater infiltration.

Development of the site is subject to the current SWM regulations, which require that environmental site design be implemented, to the maximum extent practicable.

Forest Cover/Tree Canopy Coverage

Policy NE 4: Support street tree plantings along transportation corridors and streets, reforestation programs, and retention of large tracts of woodland to the fullest extent possible to create a pleasant environment for active transportation users including bicyclists and pedestrians.

Strategies:

- NE 4.1 Use funding from the Prince George's County Woodland Conservation Fund to reverse the decrease in tree canopy coverage in Folly Branch, Horsepen Branch, and Upper Patuxent River watersheds through reforestation programs.
- NE 4.2 Plant street trees to the maximum extent permitted along all roads and trail rights-of-way (see Transportation and Mobility).
- NE 4.3 Increase City of Bowie's funding for the Emerald Ash Borer Abatement Program.

Development of this site is subject to the current WCO requirements, including the tree canopy coverage (TCC) requirement. Additional information regarding woodland preservation, reforestation, and TCC will be evaluated with future development applications; however, the TCP1 submitted with the PPS shows approximately 37 percent of the gross tract remains in woodland (both in and outside of the floodplain). Street tree planting requirements will be

reviewed by the Prince George's County Department of Public Works and Transportation (DPW&T).

Impervious Surfaces

Policy 5: Reduce urban heat island effect, thermal heat impacts on receiving streams, and reduce stormwater runoff by increasing the percentage shade and tree canopy over impervious surfaces.

Strategies:

- NE 5.1 Retrofit all surface parking lots using ESD and best stormwater management practices when redevelopment occurs. Plant trees wherever possible to increase tree canopy coverage to shade impervious surfaces, to reduce urban heat island effect, limit thermal heat impacts on receiving streams, and slow stormwater runoff.
- NE 5.2 Retrofit streets pursuant to the 2017 DPW&T Urban Streets Design Standards as recommended in the Transportation and Mobility Element, which include increased tree canopy cover for active transportation comfort and modern stormwater management practices.

Development of the site is subject to the current SWM regulations, which require that environmental site design be implemented, to the maximum extent practicable. The Soil Conservation District has required the applicant incorporate redundant sediment control methods with the development proposal. Development of this site is subject to the current WCO requirements, including the TCC requirement. Street tree planting requirements will be reviewed by DPW&T.

Climate Change

Policy 6: Support local actions that mitigate the impact of climate change.

Strategies

- NE 6.1 Support implementation of the City of Bowie Climate Action Plan 2020-2025 and the Metropolitan Washington 2030 Climate and Energy Action Plan.
- NE 6.2 Continue to support and promote the Prince George's Climate
 Action Commission as per Council Resolution CR-7-2020 to develop
 a Climate Action Plan for Prince George's County to prepare for

and build resilience to regional climate change impacts, and to set and achieve climate stabilization goals.

Development of this site is subject to the current WCO and TCC requirements. The presence of woodland and tree canopy, particularly over asphalt and other developed surfaces, are proven elements to lessen climate impacts of development and the associated heat island effect, which are known contributors to climate change. Providing buffers along the streams, the preservation of wetlands, and SWM best management practices all contribute to building resilience to flooding and to retaining the overall health of the stream system.

Conformance with the Green Infrastructure Plan

The entire site is mapped within the Green Infrastructure Network, as delineated in accordance with the Green Infrastructure Plan. The regulated area is mapped along the streams and regulated environmental features, and the Evaluation Area is mapped on the remainder of the site due to the existing forest contiguous to the streams.

The plans, as approved, show preservation of the regulated areas, to the maximum extent possible. Therefore, the PPS is found to be in conformance with the Green Infrastructure Plan. More detailed information will be evaluated during subsequent applications.

Environmental Review

Natural Resources Inventory

An approved NRI plan (NRI-098-05-04) was submitted with this application. The PPS and TCP1 reflect the environmental conditions. No further information is needed regarding the NRI.

Woodland Conservation

This site is subject to the provisions of the WCO because the application is for a new PPS. This project is subject to the WCO and the Environmental Technical Manual (ETM). TCP1-004-2021-03 was submitted with the subject application and requires minor revisions to be found in conformance with the WCO.

The District Council amended the woodland conservation/afforestation threshold on land with R-S zoning, with uses allowed in the E-I-A Zone, to be developed in accordance with the threshold requirements of the 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 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 Type 2 tree conservation plan (TCP2) on the overall development related to the prior residential subdivision which were grandfathered under the 1991 WCO, but the prior tree conservation plan approvals are not applicable to the new development proposal. The National Capital Business Park project is subject to the WCO and ETM. TCP1-004-2021-03 was submitted with the PPS application.

The woodland conservation worksheet shows the clearing of 257.44 acres of woodland on the net tract area, and 1.09 acres in the floodplain, which results in a woodland conservation requirement of 117.85 acres. This requirement will be met with 82.29 acres of on-site woodland preservation, 17.35 acres of reforestation, and 18.21 acres of off-site woodland conservation credits.

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

Specimen Trees

Tree conservation plans are required to meet all of the requirements of Subtitle 25, Division 2 of the County Code, which include the preservation of specimen trees, Section 25-122(b)(1)(G). Every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the ETM for guidance on each species' ability to tolerate root zone disturbances).

If, after careful consideration has been given to 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 Subtitle 25, Division 2, provided all the required findings in Section 25-119(d) can be met. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances. An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 Variance Application and a statement of justification (SOJ) in support of a variance, dated July 31, 2021, and August 2, 2021, were submitted.

A timber harvest permit was approved for the site utilizing the limits of disturbance that were approved on a TCP2 for the previous residential development, Willowbrook. Within the limits of the timber harvest area were 50 specimen trees. The 50 trees include specimen trees 1, 2, 3, 4, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 79, 84, 85, 218, 219, 225, 226, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 238, 243, 305, and 306. The specimen tree table shall be corrected to label the 50 specimen trees as removed with the timber harvest permit. No variance was required for the removal of these specimen trees because the TCP2 was approved under the 1993 WCO. The TCP2 is grandfathered from the variance requirements that were established in the current 2010 WCO.

A rough grading permit was recently approved for the site, utilizing the limits of disturbance of TCP2-026-2021. Within the limits of the area of the rough grading permit were 51 specimen trees. A variance was approved with the prior PPS 4-20032 and SDP-1603-01 for the removal of these specimen trees. The 51 trees include specimen trees 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77a, 139, 140, 141, 142, 143, 144, 145, 146, 148, 149, 151, 156, 157, 158, 307, 308, 309, 311, 312, 314, 317, 318, 319, 320, and 321. Corrections are required to the specimen tree table to reflect the 51 trees approved for removal with PPS 4-20032 and SDP-1603-01 and implemented with associated TCP2-026-2021.

The remainder of the trees within the development area that were approved with PPS 4-20032, and not cleared in accordance with the approved TCP2-026-2021, were requested for consideration with this PPS, as this approval supersedes the prior PPS approval.

The SOJ submitted for review with PPS 4-21056 requested the removal of 13 specimen trees. Specifically, the applicant seeks to remove trees 25, 26, 132, 133, 134, 135, 136, 137, 139, 240, 241, 320, and 321. As stated above, specimen trees 320 and 321 were approved for removal with SDP-1603-01. Nothing with this current PPS impacts that approval, and the removal of the two specimen trees (320 and 321) requires no further action with this PPS. The tree conservation plan and specimen tree removal exhibit show the locations of the trees proposed for removal. Technical corrections are required to show all the trees on the plan and in the table that are to be removed on this plan, as well as the TCP1, prior to certification. The specimen trees located within the proposed dedicated parkland will be analyzed with the application proposing the development of the park.

Eight of these trees are in fair condition and three specimen trees are in good condition. Two of the specimen trees requested for removal are tulip poplar trees, which have weak wood and overall poor construction tolerance. The other species of trees requested for removal are American beech (1), white oak (4), southern red oak (3), and black oak (1), which range from a poor to good construction tolerance. The specimen trees requested for removal are located within the most developable part of the site and are not located in the regulated environmental PMA areas.

The variance for the removal of the 11 specimen trees requested by the applicant is approved based on the findings below. These 11 specimen trees are considered to be new because this PPS approval supersedes the prior PPS 4-20032 approval, and two trees (320 and 321) were previously approved for removal with SDP-1603-01 and require no further action.

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

The property is 442.30 acres and contains approximately 186.15 acres of PMA comprising streams, wetlands, 100-year floodplains, and associated areas of steep slopes with highly erodible soils on the property that comprise the PMA. This represents approximately 42 percent of the overall site area. These existing conditions are peculiar to the property, when compared to nearby properties in the area, and cause the requirement to preserve specimen trees to impact the subject property disproportionately. Specimen trees have been identified in both the upland and lowland PMA areas of the site. The applicant is proposing to remove the specimen trees located outside of the PMA. The proposed uses include warehouse/ distribution, office, light industrial/ manufacturing and/or institutional uses, and a park. These are significant and reasonable uses for the site, which is located near other similar uses, and the proposed project cannot be accomplished elsewhere on the site without the requested variance. Development cannot occur on the portions of the site containing PMA, which limits the site area available for development. Requiring the applicant to retain the thirteen specimen trees on the site

would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site. The proposed warehouse/distribution, office, light industrial/manufacturing and/or institutional uses, and a potential public park align with the uses permitted in the E-I-A (R-S), I-1, and R-A Zone, as well as the vision for such zones, as described in the master plan. Based on the unique characteristics for the property, enforcement of these rules would deprive the applicant of the right to develop the property in a similar manner to other properties similarly zoned in the area.

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

If other regulated environmental features and fully wooded properties were encountered with specimen trees in a similar condition and in a similar location on a site, the same considerations would be provided during the review of the required variance application. This is not a special privilege that would be denied other applicants.

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

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The request to remove the trees is solely based on the trees' locations on the site, their species, and their condition. As stated previously, specimen trees 320 and 321 were approved for removal with SDP-1603-01. Nothing with this current PPS changes that approval, and no further action is required for removal of these two specimen trees.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There are no existing conditions on the neighboring properties or existing building uses that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

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

Granting this variance request, for the removal of 11 trees, will not adversely affect water quality standards, nor cause measurable degradation in water quality. The project is subject to SWM regulations as implemented locally by DPIE. The project is subject to environmental site design, to the maximum extent practicable. The unapproved SWM concept plan shows the use of submerged gravel wetlands, underground storage facilities, sand filters, micro-bioretention facilities, a dry swale, and dry pond on the site.

Erosion and sediment control requirements are reviewed and approved by the Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws to ensure that the quality of water leaving the site meets the states standards. State standards are set to ensure that no degradation occurs.

Regulated Environmental Features

There is PMA comprised of regulated environmental features which include streams and associated buffers, 100-year floodplain, steep slopes, and wetlands with their associated buffers. Under Section 27-521(a)(11) of the Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible. This PPS approves impacts to the PMA. A revised letter of justification with exhibits was submitted by the applicant on March 31, 2022, and April 28, 2022, for review with the PPS.

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

Impacts to the regulated environmental features should be limited to those that are necessary for 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 SWM facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where

reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

A letter of justification was received on March 31, 2022. Comments were provided in a SDRC meeting on April 15, 2022, requesting more detail justifying the proposed impacts. A revised letter of justification was received on April 28, 2022, for the proposed impacts. This PPS approves impacts to the PMA. The nine approved impacts are for a roadway crossing, stormdrain outfalls, and utility connections. The approved on-site impacts total approximately 1.69 acres. An additional 0.24 acre of impacts are proposed to the PMA located off-site.

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

Impacts C, and F Area 1 – Road Crossings

These impacts total approximately 0.96 acre and are for the installation of two separate road crossings. Because of a zoning restriction, the project cannot use Leeland Road as its vehicular access, and is limited to providing connections from Queens Court and Prince George's Boulevard. Impact C is where Queens Court will access the site, with an additional 0.24 acre of this impact being located off-site. The road impact portion of Impact F Area 1 is located on-site. With the applicant's collaboration with both DPIE and the Soil Conservation District, these impacts are necessary to provide access to the site and are approved in specific locations for minimal disturbance. Much of the site cannot be accessed without crossing the PMA. The applicant located the crossings at the points where the PMA is the narrowest and designed the road to result in the smallest impact.

Impacts B, D, and E Area 3 – Sewer Connections

These impacts total 0.55 acre and are proposed sewer connections. These impacts were designed to limit disturbances to the PMA as much as possible.

Impacts A, E Areas 1 and 2, and F Area 2 – Stormdrain outfalls and structures
These impacts total 0.18 acre. The stormdrain outfalls meet best management practices for discharging water back into the stream, while limiting erosion at the discharge points.

Scenic and Historic Roads

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

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

Soils

According to the Prince George's County Soil Survey, the principal soils on the site are in the Adelphia, Bibb, Collington, Colemantown Elkton, Howel, Marr, Monmouth, Sandy Land, Shrewsbury, and Westphalia series. Adelphi, Collington and Marr soils are in hydrologic class B, and are not highly erodible. Bibb and Shrewsbury soils are in hydrologic class D and pose various difficulties for development due to high water table, impeded drainage, and flood hazard. Colemantown and Elkton soils are in hydrologic class D and have a K factor of 0.43, making them highly erodible. Howell and Westphalia soils are in hydrologic class B and are highly erodible. Monmouth soils are in hydrologic class C and have a K factor of 0.43, making them highly erodible. Sandy land soils are in hydrologic class A and pose few difficulties to development. Marlboro clay is found to occur extensively in the vicinity of and on this property. The TCP1 shows the approximate location of the unmitigated 1.5 safety factor line, in accordance with a Geotechnical report dated August 6, 2021, and prepared by Geo-Technology Associates, Inc. The plans show the unmitigated 1.5 safety factor line in black, while the legend shows the line as magenta. The plan and the legend shall be coordinated.

Erosion and Sediment Control

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

The County requires the approval of an Erosion and Sediment Control Plan. The tree conservation plan must reflect the ultimate limits of disturbance not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure, including erosion and sediment control measures.

16. **Urban Design**—Conformance with the Zoning Ordinance (Subtitle 27) was evaluated, as follows:

The PPS approves subdivision of deed Parcels A and B into 27 smaller parcels to support the construction of up to 5.5 million square feet of employment and institutional uses. These are permitted on the property, in accordance with Section 27-511(a)(7) of the Zoning Ordinance and Section 27-515(b), Footnote 38, which notes that most uses allowed in the E-I-A Zone can be permitted in the R-S Zone, subject to specific criteria. Conformance with these criteria and other guidelines for building massing, materials, architecture, landscaping, and other design elements will be reviewed with a future SDP application.

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

- Section 27-426 requirements for the R-A Zone as applicable;
- Section 27-469 requirement for I-1 Zone as applicable;
- Section 27-499 requirements for E-I-A zone as applicable;
- Part 11 Off Street Parking and Loading; and
- Part 12 Signs, respectively.

Conformance with Previous Approvals

The property is the subject of multiple prior approvals, including CDP-0505-01 and A-9968-02 to allow up to 3.5 million square feet of employment and institutional uses that are generally permitted in the E-I-A Zone subject to specific requirements outlined in Section 27-511(a) of the Zoning Ordinance. Amendment CDP-0505-02 was approved by the Planning Board on May 5, 2022 to increase the total gross floor area from the previously approved 3.5 million square feet to 5.5 million square feet. This PPS is in conformance with CDP-0505-02.

Conformance with the 2010 Prince George's County Landscape Manual

The proposed development is subject to the Landscape Manual. Specifically, development in the R-S Zone is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, apply to this site. Conformance with the applicable landscaping requirements will be determined at the time of SDP review. For development in other zones, conformance with the Landscape Manual requirements will be evaluated at time of permit review.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that require grading and building permits and propose more than 5,000 square feet or greater of gross floor area or disturbance. Properties in the LCD Zone are subject to the thresholds for the prior zoning of the

properties, before their designation as a legacy zone, as specified by CB-27-2010. The subject property's prior zoning was R-S, I-1, and R-A. The prior R-A Zone is exempt from TCC while the R-S Zone requires a minimum of 15 percent of TCC, and I-1 Zone requires a minimum of 10 percent of TCC. Compliance with this requirement will be evaluated at the time of SDP review. For development in other zones, conformance with TCC requirements will be evaluated at time of permit review.

- 17. **Other Referrals**—The PPS application was referred to the City of Bowie on April 4, 2022, since the subject property is located within one mile of its geographical boundary. At the time of the Planning Board hearing, no referral or correspondence was received from the City of Bowie.
- 18. **Planning Board Hearing**—The Planning Board held a public hearing on this application on June 2, 2022. At the hearing, and in rendering its decision, the Planning Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures. During the hearing, the Planning Board received eight opposition exhibits (OE) and two applicant exhibits (AE):
 - OE1-Letter from G. Macy Nelson (1 page)
 - OE2-CB-22-2020 Planning Board Analysis (2 pages)
 - OE3-Ruth Grover's Resumé (2 pages)
 - OE4-Lawrence Green Resumé (3 pages)
 - OE5-CB-22-2020 OOL Memo (1 page)
 - OE6-CB-22-2020 Planning Board signed Votes Letter (3 pages)
 - OE7-Images (24 pages)
 - OE8-CB-022-2020 Report (2 pages)
 - AE1-1 4-21056 Revised Conditions (3 pages)
 - AE2-1 4-21056 Statement of Justification (27 pages)

At the hearing, citizens and an organization were represented by counsel and opposed the application. The Planning Board heard testimony from the opposing counsel and their experts. While the opponents raised important issues, much of the testimony and argument was not germane to considerations for approval of this PPS.

The opposition contended that CB-22-2020, the Council bill that amended the prior Zoning Ordinance, was an "illegal special law." The criteria for approving a PPS were not affected by that bill, and no court has ever held that CB-22-2020 is an illegal special law. The opposition

PGCPB No. 2022-70 File No. 4-21056 Page 47

cited *Maryland Reclamation Associates, Inc. v. Harford County*, 468 Md. 339 (2020) in support of their assertion that the Board can consider the constitutionality of CR-22-2020; however, that case addressed "whether a landowner may withhold a claim alleging an unconstitutional taking from the application of a zoning regulation from the administrative agency's consideration and present the claim to a jury in a separate action invoking the court's original jurisdiction." The case did not involve an approval of a PPS.

The opponent's counsel also asserted that this PPS conflicts with Plan 2035, the County's General Plan, but they did not cite any law that requires denial of a PPS for conflicting with the General Plan. Furthermore, the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* amended Plan 2035 when it was adopted earlier this year. The PPS is in conformance with the 2022 Bowie-Mitchellville and Vicinity Master Plan.

The opponent's counsel also asserted that the PPS did not meet the adequacy of public facilities requirements set forth in Section 24-122.01 for fire and rescue services, and adequacy of roads set forth in Section 24-124. Their concern regarding failing travel time for fire/EMS services has been adequately addressed by ensuring that any development on the subject site has required mitigation in place including, but not limited to, having a pre-incident emergency plan approved by the Prince George's County Fire/EMS Department. The opposition raised an issue with traffic impacts that were not relevant for approval of the PPS, utilizing a daily trip count on Leeland Road, a road to which no access is proposed with this PPS. The Transportation Review Guidelines for approval of a PPS require analysis based on peak hour trips generated by the proposed development. In addition, the opposition insisted that the criteria for developing along a scenic road and for approving a variance under Subtitle 25 for removal of specimen trees was not adequately met. The published technical staff report, the applicant's SOJ, along with staff and the applicant's testimony demonstrate that there is substantial evidence in the record to find that the application meets the relevant criteria.

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

* * * * * * * * * * * *

PGCPB No. 2022-70 File No. 4-21056 Page 48

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Geraldo, with Commissioners Bailey, Geraldo, and Shapiro voting in favor of the motion, and with Commissioners Doerner and Washington absent at its regular meeting held on Thursday, June 2, 2022, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of June 2022.

Peter A. Shapiro Chairman

By Jessica Jone

Planning Board Administrator

PAS:JJ:MG:rpg

Approved for Legal Sufficiency M-NCPPC Office of General

Counsel

Dated 6/8/22

AGENDA ITEM: 7 AGENDA DATE: 6/30/2022

Additional Back-up

For

SDP-1603-02 National Capital Business Park

Specific Design Plan National Capital Business Park

SDP-1603-02

APPLICANT'S REVISED CONDITIONS

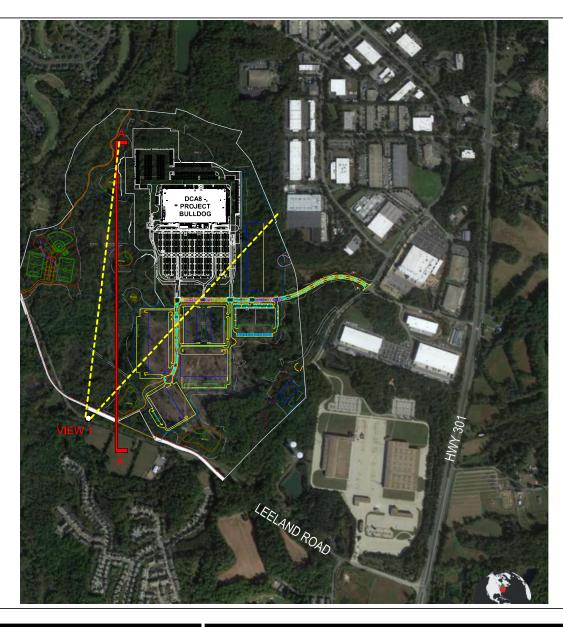
1. provi	Prior to the c		f the Specific	Design Plan	, the applicar	nt shall
*	*	*	*	*	*	*
n.	Provide a feet to the US 30 with the phase SDP, as show building per physical impured CIP Project) the applicant	1 County Imposed developes on the feem in	provement I ment of the schedule, sh <u>f the fee pay</u> along US 301	Program imp SDP. The fee all be provice ment, the ap (within the	orovements and associated the tire of tire of the tire of tire	associated with the ne of provide e US 301
*	*	*	*	*	*	*
p.	Provide bike D1-3/ destir all internal r developmen highlight to internal road Department corresponde	nation plates oadways tha ts and the Co motorists the ds, unless mo of Permittin	, and R4-11, at direct peoplington Brace potential podified by the	Bicycles Maple bicycling Sinch Stream Fesence of per Prince Geo	y Use Full La to the prop Valley Trail, eople bicycl orge's Count	ane) within osed , as well as ing along y
*	*	*	*	*	*	*
r.	Provide a mi Branch Strea				necting the	Collington
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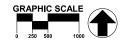
t. Resolve all discrepancies between the SDP and building elevations, so that all plans are consistent with each other related to building square footage and parking schedules

* * * * * * * *

KEY:

<u>Underline</u> indicates language added to findings/conditions; <u>Strikethrough</u> indicates language deleted from findings/conditions; Asterisks *** indicate intervening existing findings/conditions that remain unchanged.





AERIAL MASTER SITE PLAN





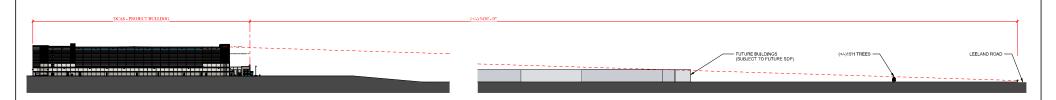
8888 KEYSTONE CROSSING, SUITE 1150 INDIANAPOLIS, IN 46240 Contact Number: (574) 835-3530

PROJECT NUMBER: 2021-121
SCALE: 1:6000

PROJECT BULLDOG UPPER MARLBORO, MARYLAND SK-101 SIGHTLINE STUDY







SITE SECTION 'A'



2727 Paces Ferry Road SE Building Two, Suite 1400 Atlanta, Georgia 30339 770-432-9400



8888 KEYSTONE CROSSING, SUITE 1150 INDIANAPOLIS, IN 46240 Contact Number: (574) 835-3530

PROJECT NUMBER: 2021-121
SCALE: 1" = 100'-0"

PROJECT BULLDOG UPPER MARLBORO, MARYLAND SK-102 SIGHTLINE STUDY The Planning Board must disapprove SDP-1603-02 because:

- 1. SDP-1603-02 is based on an illegal special law (CB-22-2020). Pursuant to *Maryland Reclamation Associates, Inc. v. Harford County*, 468 Md. 339, 398-99 (2020), Citizens are permitted to raise this issue when the validity of CB-22-2020 would impact the validity of a subsequent development application.
- 2. The Planning Board lacks the authority to approve SDP-1603-02 based on contingencies that the application must satisfy Section 27-528(a) at a later date.
- 3. The record lacks evidence to support a finding that SDP-1603-02 satisfies the Section 27-528(a). No evidence presented at this hearing would enable the Planning Board to write a resolution that sufficiently articulates the required findings. Section 27-528(a) requires that "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);
 - (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;
 - (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;
 - (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;

- (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and
- (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).
- 4. The record lacks evidence to support a finding that SDP-1603-02 satisfies all of the applicable conditions imposed through previous applications. No evidence presented at this hearing would enable the Planning Board to write a resolution that sufficiently articulates the required findings.
- 5. The prior zoning ordinance does not permit the proposed use ("a High-Cube Fulfillment Center Warehouse Sortable") on the Subject Property.
- 6. The proposed impacts to Primary Management Areas (PMA) are not necessary and therefore should not be approved.
- 7. The TCP2 must be denied because the Applicant failed to articulate how it exhausted onsite preservation methods before requesting offsite preservation credits.
- 8. SDP-1603-02 conflicts with the applicable Area Master Plan the 2006 Approved Master Plan for Bowie and Vicinity and the general plan (Plan 2035). The 2022 Approved Bowie-Mitchellville and Vicinity Master Plan is not applicable to SDP-1603-03 because the SDP is being evaluated under the prior zoning ordinance.

Ruth E. Grover, M.U.P., A.I.C.P. 5727 Ridge View Drive Alexandria, VA 22310 703-966-1436/ruth.e.weiss@gmail.com

Experience

Senior Planner/Planner Coordinator (November 2002-August 2018)

Maryland-National Planning and Parks Commission, Upper Marlboro, Maryland Reviewed site plan applications for landscaping, hardscape, architecture and site design for the Urban Design Section; Compiled extensive technical staff reports incorporating comments from other sections of M-NCPPC and outside agencies; Presented cases before the Planning Board and the District Council; Interfaced and negotiated with and provided information to applicants, developers, their representatives; and Supervised the preparation of urban design referrals on zoning cases and mandatory referrals prepared as required by law for entities otherwise exempt from site plan review.

Deputy Director of Planning and Zoning (November 1999-November 2002)

St. Mary's Office of Planning and Zoning, Leonardtown, Maryland

Assisted the Director with the management of the Office of Planning and Zoning; Supervised the development review section in the processing of plat, subdivision and site plan approvals; Regularly presented applications before and provided staff support to the Planning Commission and Board of Appeals; Participated in the creation of a new zoning ordinance for the County; Reviewed and edited written materials issued by the Office and issued all written decisions on staff level cases.

Planner (November 1996-November 1999)

Spotsylvania County Department of Planning, Spotsylvania County, Virginia

Processed rezoning, special use, historic board and replatting applications; Presented applications before the Spotsylvania Planning Commission, Board of Supervisors and Historic Preservation Commission; Acted as staff liaison to the telecommunications industry, implementing a newly adopted policy to control the proliferation of telecommunications towers; and Assisted in the expansion of the Courthouse Historic District, the National Register Nomination Process and in developing an appropriate and effective sign ordinance for the Historic District.

Environmental Program Planner (August 1992-May 1994)

Department of Environmental Quality, Richmond, Virginia

Ensured financial accountability of petroleum storage tank owners; Drafted financial responsibility regulations; Evaluated and processed applications for reimbursement from the Virginia Petroleum Storage Tank Fund; Reviewed demonstrations of financial responsibility for tank vessels; and Provided information to the public on the telephone, through the preparation and distribution of detailed explanatory materials, and by participating in presentations in various locations in Virginia on behalf of the Department.

Planner (April 1987-June 1989)

Monroe County Growth Management Division, Key West, Florida

Helped to implement newly implemented land development regulations; Managed the vested rights program; Reviewed development applications for compliance; Worked on amending the comprehensive plan; Prepared various plans; Presented before the Planning Commission; Acted as public information officer in the Building Department; and Represented the Department on the Development Review Committee and the Keys Council for the Disabled.

Planner (April 1986-June 1987)

AKRF, Inc., New York, NY

Prepared land use, economic and historic sections of environmental impact statements; Supervised the preparation and inclusion of graphics, maps and photographs; Conducted site and market analyses for development proposals; and Negotiated the terms of development proposals as necessary.

Planner (October 1984-December 1985)

Mayo, Lunch & Associates, Inc. Hoboken, NJ

Prepared master plans for local governments, utilities and various Boards of Education; Analyzed development plans for compliance with local requirements; Wrote planning analysis reports; Prepared site plan, rezoning and variance applications; Presented client's cases before planning and zoning boards; Acted in a planning advisory capacity for local governments; and Prepared grant applications.

Paralegal (October 1981-October 1984)

Sullivan and Cromwell, New York, NY

Provided support to the mergers and acquisitions and real estate sections of the firm while clerking for the bar exam; Proofread and checked citations; Did legal research in case and statutory law as well as periodicals; Completed incorporations; Conducted serial closings for construction loans; Proofread; Reviewed and drafted legal documents; and Completed incorporations.

Internships: Law Clerk for Judge Henry Bramwell (June 1981-July 1981); Research Assistant at the American Civil Liberties Union (February 1981-May 1981); Urban Planning and Legal Intern for the Public Development Corporation (September 1980-December 1980; and Liaison to Community Planning Board for the Queens Office of the New York City Planning Department.

Education:

Hunter College, Master of Urban Planning, 1981; Brooklyn Law School, Legal Studies, 1978-1981; Kirkland College, Bachelor of Arts in Architectural Studies, 1978; University of Virginia, Architectural and Art History Studies, 1975-1977

Professional Affiliations:

American Planning Association, since 1981 and American Institute of Certified Planners, since 1991.



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.

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.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

Office of the Chairman
Prince George's County Planning Board

(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

Dear Chairman Tymer:

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

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:

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

<u>Planning Board Recommendation:</u> 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 Honorable Todd M. Turner Planning Board Recommendation Page 2

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.).

<u>CB-22-2020</u> 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.

<u>Planning Board Recommendation:</u> 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.

The Honorable Todd M. Turner Planning Board Recommendation Page 3

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

CB-22-2020 Video Links:

https://princegeorgescountymd.granicus.com/MediaPlayer.php?view_id=2&clip_id=1432 &meta_id=225472

https://princegeorgescountymd.granicus.com/MediaPlayer.php?view_id=2&clip_id=1438 &meta_id=226849

https://princegeorgescountymd.granicus.com/MediaPlayer.php?view_id=2&clip_id=1441 &meta_id=227539

https://princegeorgescountymd.granicus.com/MediaPlayer.php?view_id=4&clip_id=1454

RAY CRAWFORD, et al.

v.

- * IN THE
- * COURT OF APPEALS
- * OF MARYLAND
- * Petition Docket No. 1 September Term, 2022

(No. 2050, Sept. Term, 2021

* Court of Special Appeals)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, SITTING AS THE DISTRICT COUNCIL, et al.

(No. CAL20-18900, Circuit Court for Prince George's County)

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals and the answer filed thereto, in the above-captioned case, it is this 25th day of April, 2022

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, GRANTED, and a writ of certiorari to the Court of Special Appeals shall issue; and it is further

ORDERED, that said case shall be transferred to the regular docket as No. 4, September Term, 2022 (COA-REG-0004-2022); and it is further

ORDERED, that counsel shall e-file briefs and printed record extract in

accordance with Md. Rules 8-501, 8-502, 20-403, 20-404 and 20-406, appellants' brief(s)

and record extract to be filed on or before June 6, 2022; appellees' brief(s) to be filed on or

before July 6, 2022; and it is further

ORDERED, that this case shall be set for argument during the September

session of Court.

/s/ Matthew J. Fader
Chief Judge

IN THE MARYLAND COURT OF APPEALS

Ray Crawford, et al.,		
•	*	
Petitioners,	*	Petition Docket No.
,	*	
v.		
County Council of Prince George's County,		September Term, 2022
Sitting as the District Council, et al.,		•
Respondents.	*	
•		

PETITION FOR WRIT OF CERTIORARI

Petitioners, Ray A. Crawford, Kathy H. Crawford, and Charles Reilly (collectively, "Citizen-Petitioners"), by their attorneys, G. Macy Nelson and Grant Amadeus Giel, in accordance with Maryland Rule 8-302 petition for a Writ of Certiorari. This petition arises out of a decision of the Circuit Court for Prince George's County dated February 18, 2022 in Crawford, et al., For Judicial Review of the Decision of the County Council, Sitting as the District Council in the case of SDP-00703, Amazon.com Services, LLC, Case No. CAL20-18900. The Circuit Court's judgment adjudicated all claims in the action in their entirety, and the rights and liabilities of all parties to the action. On February 22, 2022, Citizen-Petitioners appealed to the Court of Special Appeals, in Case No. CSA-REG-2050-2021. That court has not rendered a decision or issued the mandate.

Citizen-Petitioners attach the following documents in accordance with Md. Rule 8-303: docket entries for the Circuit Court (Exhibit A); order of the Circuit Court (Exhibit

B); and docket entries for the Court of Special Appeals (Exhibit C). Citizen-Petitioners have also attached the Resolution of the Prince George's County Planning Board ("Planning Board") (Exhibit D), the Final Decision of the County Council, Sitting as the District Council ("District Council") (Exhibit E), the Council Bill for the new Zoning Ordinance (Exhibit F), the transcript of the CB-18-2019 proceedings (Exhibit G); and Amazon's Statement of Justification (Exhibit H).

QUESTION PRESENTED FOR REVIEW

1. Whether an Amazon Last Mile Hub is a "Warehouse" and, therefore, permitted by right at the Subject Property.

PERTINENT ORDINANCES

This case requires an interpretation of portions of the old and new Prince George's County Zoning Ordinance, which have both been located in Subtitle 27 of the Prince George's County Code ("PGCC"). On October 23, 2018, the County Council enacted a new zoning ordinance, effective April 1, 2022.

STATEMENT OF FACTS

Amazon.com Services, LLC ("Amazon") applied to the Maryland-National Capital Park and Planning Commission ("M-NCPPC") for the approval an Amazon Last Mile Parcel Hub in Prince George's County at the intersection of US 301 and MD 214 ("Subject Property"). Amazon's distribution system functions with two major types of buildings: Fulfillment Centers, which are approximately one million square feet in size, and Last Mile Hubs, which are about 175,000 square feet. There are eight Fulfillment Centers now

operating in Maryland.¹ Eighteen-wheel trucks distribute products daily from Fulfillment Centers to the nine Last Mile Hubs now operating in Maryland.² Amazon delivery vehicles deliver the products from the Last Mile Hubs to the customer.

Prince George's County has been at the forefront of the e-commerce revolution in Maryland since the spring of 2019 when the District Council enacted CB-18-2019 in order to permit the development of a Fulfillment Center in Westphalia, Prince George's County. Five of the nine operating Maryland Last Mile Hubs are in Prince George's County, and a developer is advocating for another in Prince George's County.

Subject Property, 1000 Prince Georges Boulevard, Upper Marlboro, MD 20774 – Prince George's County;

10406 Tucker Street, Beltsville, MD 20705 - Prince George's County;

10100 Willowdale Road, Lanham, MD 20706 - Prince George's County;

5801 Columbia Park Road, Landover, MD 20785 - Prince George's County;

14601 Sweitzer Lane, Laurel, MD 20707 - Prince George's County;

9 Jay Gould Court, Waldorf, MD 20602 - Charles County

5501 Holabird Avenue, Baltimore, MD 21224 - Baltimore City;

913 Old Philadelphia Road, Aberdeen, MD 21001 - Harford County; and

16604 Industrial Lane, Williamsport, MD 21795 - Washington County.

¹ The Fulfillment Centers are located at the following locations:

²⁰¹⁰ Broening Hwy. Baltimore, MD 21224 - Baltimore City;

¹¹⁰⁰ Woodley Rd, Aberdeen, Maryland 21001-4042 - Harford County;

¹³⁹⁰⁵ Crayton Blvd, Hagerstown, Maryland 21742 - Washington County;

¹¹¹⁵ Wesel Blvd, Hagerstown, MD 21740 - Washington County;

⁶⁰⁰ Principio Parkway West, North East, MD 21901-2914 - Cecil County;

¹⁷⁰⁰ Sparrows Point Blvd, Sparrows Point, MD 21219-1046 - Baltimore County;

⁶⁰⁰¹ Bethlehem Blvd, Edgemere, MD 21219 - Baltimore County; and

⁵³⁰⁰ Nottingham Dr, Nottingham, MD 21236 - Baltimore County.

² Last Mile Hubs are located at the following locations:

The administrative process for this case included the following steps: application to the M-NCPPC for approval; review of application by the M-NCPPC's Technical Staff; evidentiary hearing before Planning Board; decision by Planning Board; and review by the District Council.

Amazon's Statement of Justification described the proposed Amazon Last Mile Parcel Hub as follows:

Amazon Logistics ("AMZL"), a division of the Applicant, specializes in the "last mile" delivery of customer orders. AMZL delivery stations receive packages from other Amazon facilities and deliver the packages to the customers. Packages arrive from line haul trucks, are sorted by delivery routes and then loaded into delivery vans operated by delivery service providers ("DSP") or personal vehicles operated by individuals ("Amazon FLEX"). Delivery stations operate 24/7, with the majority of the sortation activity done early in the morning when the line haul trucks arrive with customer packages. Packages are typically in the delivery station for under 12 hours prior to being loaded onto the DSP vans and Amazon FLEX cars for delivery.

The first "wave" of DSP drivers arrive at a delivery station first thing in the morning. Depending on the design and layout of the delivery station, DSP drivers either park their personal vehicles onsite and pick up their delivery vans or park their personal vehicles offsite, pick up their delivery vans and drive to the delivery station. Once at the delivery station with their delivery van, DSP drivers load their delivery van and depart to deliver packages directly to customers. Each delivery wave takes about 30 minutes to load and depart. As a wave of DSP drivers prepare to depart, a new wave of DSP drivers queue and prepare to load their delivery van. The last wave of DSP drivers depart the delivery station in the early afternoon.

After DSP drivers complete their routes, they return to the delivery station with any packages that may have been non-deliverable. After proper checkout and release, the DSP drivers park the delivery van either onsite or at the offsite location and leave using a personal vehicle or public transport.

AMZL also uses Amazon FLEX to deliver packages. Amazon FLEX is a new innovation from Amazon that allows individuals to [] use their own vehicles to deliver packages to customers. FLEX loading waves similarly take 30 minutes to complete. FLEX drivers only return to the station at the end of the route if any packages were undeliverable.

After departure of the last wave of delivery vehicles, delivery station associates prepare the delivery station for the next day's delivery of packages from the line haul trucks.

Ex. H at 2–3. Technical Staff informed the Planning Board that Amazon sought approval of a warehouse distribution facility. Citizen-Petitioners argued that the Amazon Last Mile Hub was not a permitted use because "the proposed use is not a warehouse. It's a parcel hub, it's a last mile distribution center."

The Planning Board's Chair stated, "Our decision is that this is a warehouse." The Planning Board's Resolution stated, that the proposed use is "for warehouse and distribution uses." Ex. D at 4. The District Council's Final Decision acknowledged that Citizen-Petitioners argued that the Amazon Last Mile Hub "is not a warehouse/distribution use." Ex. E at 1. The District Council then ruled that the Amazon Last Mile Hub is permitted by right at the Subject Property. *Id.* at 28. The Circuit Court affirmed the Final Decision of the District Council.

SUMMARY OF ARGUMENT

The applicable Prince George's County Zoning Ordinance allows by right a "Warehouse" at the Subject Property. The flawed legal premise of the application for the Amazon Last Mile Hub, and its subsequent approval, is that the Last Mile Hub is properly classified as a "Warehouse" under the Ordinance.

Since the spring of 2020, the Prince George's County Planning Department, the Planning Board, and the District Council, have variously approved a series of Amazon Last Mile Hubs on the incorrect theory that an Amazon Last Mile Hub is a "Warehouse" and that the Zoning Ordinance permits a "Warehouse" by right at those locations. This case is the first instance where the Circuit Court addressed whether an Amazon Last Mile Hub is a "Warehouse."

It is desirable and in the public interest for this Court to determine whether an Amazon Last Mile Hub is a "Warehouse" and, therefore, permitted by right at the Subject Property. The Circuit Court's ruling implicates significant and wide-reaching land use issues because e-commerce parcel hubs, like an Amazon Last Mile Hub, are larger and more vehicular dependent than a conventional warehouse and, unlike a conventional warehouse, they operate 24/7. For those reasons, an Amazon Last Mile Hub generates more vehicular trips, requires more parking surfaces, and generates more light and noise pollution than a conventional warehouse. Every Amazon facility profoundly affects the community surrounding it.

Both the plain language of the Zoning Ordinance and the legislative history make clear that an Amazon Last Mile Hub is not a "Warehouse." It is desirable and in the public interest for this Court to review this issue before more Last Mile Hubs are proposed, approved, and built in Prince George's County in reliance on the flawed premise that an Amazon Last Mile Hub is a "Warehouse." A ruling by this Court on this issue will also

inform the interpretation of other county zoning ordinances that include a definition of a warehouse from the pre e-commerce era.

<u>ARGUMENT</u>

I. It is desirable and in the public interest for this Court to determine whether an Amazon Last Mile Hub is a "Warehouse" and, therefore, permitted by right at the Subject Property.

Three bills—CB-90-1992, CB-18-2019, and CB-13-2018—amended the Prince George's County Zoning Ordinance to include definitions that inform the analysis of whether the Amazon Last Mile Hub is a "Warehouse."

CB-90-1992

In 1992, the County Council enacted CB-90-1992, which added the definitions of "Warehouse Unit" and "Distribution Facility" to the Zoning Ordinance. The Committee of the Whole Report for CB-90-1992 stated that the legislation "defines these uses for the first time" Citizen-Petitioners set forth those definitions below:

(256) Warehouse Unit: A "Building" used for the storage of goods and materials in connection with the day-to-day operation of a wholesale or distribution business, or a—business that is not located in the same "Building" or on the same property as the "Warehouse Unit." *** A "Warehouse Unit" is sometimes referred to as a "Warehouse."

(66.4) Distribution Facility:

- (A) A facility to or from which a wholesaler or retailer ships merchandise, materials, or supplies for storage or distribution by that wholesaler or retailer to the sales outlets or service operations it supports; or
- (B) A business whose functions are similar to those of the United States Postal Service, that is exclusively devoted to the receiving, sorting, sending, and delivery of letters, parcels, and other postal express matter.

CB-18-2019

On June 18, 2019, the County Council enacted CB-18-2019 which amended the Zoning Ordinance to include the following definition:

(150.1) Merchandise Logistics Center: A facility located within a Regional Urban Community, where goods or products are received and may be sorted, packed and stored for the purpose of distribution to parcel carriers or delivery directly to a customer, and which may include ancillary, and related functions such as indoor or outdoor loading and unloading, light maintenance and refueling of fleet vehicles, employee break room(s), ancillary retail sales and customer service areas, pick and pack areas, printing, packaging, and assembling or making products on demand and ancillary and related uses.

The District Council conducted the first reading of CB-18-2019 on April 30, 2019 and referred it the Planning, Housing, and Economic Development ("PHED") Committee.

On May 7, 2019, the PHED Committee conducted a hearing regarding CB-18-2019. Councilwoman Jolene Ivey asked, "a Merchandise Logistics Center, is that a warehouse or what is it exactly? Tell me." Ex. G at 4. Karen Zavacos, Zoning and Legislative Counsel for the County Council responded:

[W]ell, a Merchandise Logistics Center is not intended to be a warehouse. If the definition is crafted as precisely as we hope, the idea is it's basically a touchdown place where [the product] goes in anticipation of being dispatched to local or very nearby local area. The idea behind it is that nothing lingers. It is not a storage hub or any kind of warehouse-type facility as our local zoning laws contemplate that.

Id. The PHED Committee recommended approval of CB-18-2019.

The District Council conducted the second reading of CB-18-2019 on May 14, 2019 Councilwoman Glaros explained, "This legislation amends the County Zoning Ordinance Definitions section to define a new use, Merchandise Logistics Center . . . " *Id.* at 13.

On June 18, 2019, the District Council conducted the third reading of CB-18-2019 and voted to enact it.³

CB-13-2018

On October 23, 2018, the County Council enacted CB-13-2018, which adopted the new Zoning Ordinance. CB-13-2018 appears at PGCC, Subtitle 27. CB-13-2018 provided that new Zoning Ordinance would go into effect when the County Council adopted the new zoning map. Ex. F at 3. The County Council enacted the new zoning map on November 29, 2021, as CR-136-2021. The new Zoning Ordinance also provided for a two-year grace period during which applicants may, in certain circumstances, elect to proceed under the old or the new Zoning Ordinance. ZO § 27-1900, et seq. ⁴ Thus, any new applicant for a Last Mile Hub may proceed under the old Zoning Ordinance until November 29, 2023.

The new Zoning Ordinance includes a definition for a "Distribution warehouse":

A facility primarily engaged in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution.

ZO § 27-2500. A "Distribution warehouse" is similar to a Merchandise Logistics Center and includes e-commerce distribution facilities such as an Amazon Fulfillment Center and

³ On February 14, 2020, the Circuit Court for Prince George's County declared CB-18 invalid because the District Council failed to provide the required public notice. Corryne Carter, et al., For Judicial Review of the Decision of the County Council, Sitting as the District Council in the cases of CB-18-2019 and CB-19-2019, Case No. CAL19-23357.

⁴ Citations to the new Zoning Ordinance enacted by CB-13-2018 are cited hereinafter as "ZO § ___". Citations to the old Zoning Ordinance enacted by CB-90-1992 are cited as "Old ZO § __".

Last Mile Hub. The new Zoning Ordinance allows a Distribution Warehouse by special exception in the Industrial, Employment ("IE") zone and by right in the Industrial, Heavy ("IH") zone. ZO § 27-5101.

The new Zoning Ordinance also includes a definition for "Warehouse storerooms:"

A facility primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

ZO § 27-2500. A "Warehouse storeroom" includes a conventional warehouse. The new Zoning Ordinance allows a Storage Warehouse by right in the IE and IH zones. ZO § 27-5101.

A. The Planning Board and the District Council erred when they determined that the Amazon Last Mile Parcel Hub was permitted by right at the Subject Property.

The Planning Board and District Council erred when they determined that an Amazon Last Mile Parcel Hub was a "Warehouse." The definition of "Warehouse Unit" makes clear that it is a synonym for a "Warehouse." A "Warehouse Unit" is defined under the old Zoning Ordinance as "A 'Building' used for the storage of goods and materials in connection with the day-to-day operation of a wholesale or distribution business" Old ZO § 27-107.01(256).

A plain reading of the definition of a "Warehouse Unit" illustrates that an Amazon Last Mile Hub is not a "Warehouse" or "Warehouse Unit." The definition includes the following elements: storage of goods and materials in connection with the day-to-day operation of (a) a wholesale business or (b) a distribution business.

Amazon will not store "goods and materials" in the building. An Amazon Last Mile Parcel Hub is a location where Amazon receives products from the Amazon Fulfillment Centers and promptly transfers the products to the Amazon delivery vans. No product will be in the building for more than a few hours. Karen Zavacos, Zoning and Legislative Counsel for the County Council, explained that a facility similar to an Amazon facility "is not a storage hub or any kind of warehouse-type facility as our local zoning laws contemplate that." Ex. G at 4. Amazon itself stated: "Packages are typically in the delivery station for under 12 hours." Ex. H at 2. Prior to the adoption of CB-18-2019, there was no definition in the Zoning Ordinance that described either a Fulfillment Center or a last Mile Hub for the simple reason that a company like Amazon did not exist.

Even if Amazon will store "goods and materials" in the building, the Last Mile Hub is not a "Warehouse" because the use is not a wholesale business or a distribution business. No one has ever suggested that an Amazon Last Mile Parcel Hub is a "wholesaling establishment." Nor is an Amazon Last Mile Parcel Hub a "distribution business." The Amazon Last Mile Hub does not satisfy part (A) of the definition of a Distribution Facility because Amazon is shipping products to end-user, not "sales outlets or service operations it supports." See Old ZO § 27-101.01(66.4). The Amazon Last Mile Hub also does not satisfy part (B) of the definition because Amazon's functions are not similar to those of the U.S. Postal Service. See id. The USPS sorts letters and parcels for anyone in the public and delivers them to other members of the public. In contrast, Amazon

ships its own products from a Fulfillment Center to the Last Mile Facilities, which sorts and delivers the products to the customer.

The District Council's enactment of CB-18-2019 which amended the Zoning Ordinance to include the definition of Merchandise Logistics Center is further and conclusive support for the conclusion that the definition of a "Warehouse unit" does not encompass either a Fulfillment Center or a Last Mile Hub. Rather, the definition of a Merchandise Logistics Center describes an Amazon Fulfillment Center or Last Mile Hub. Councilwoman Glaros stated that a Merchandise Logistics Center was "a new use" with its own definition. A Merchandise Logistics Center is "[a] facility located within a Regional Urban Community, where goods or products are received and may be sorted, packed and stored for the purpose of distribution to parcel carriers or delivery directly to a customer "Old ZO § 27-107.01(150.1). The Zoning and Legislative Counsel for the County Council informed the District Council:

[A] merchandise logistic center is not intended to be a warehouse. If the definition is crafted as precisely as we hope, the idea is it's basically a touchdown place where [the product] goes in anticipation of being dispatched to local or very nearby local area. The idea behind it is that nothing lingers. It is not a storage hub or any kind of warehouse-type facility.

Ex. G at 4.

For these reasons, this Court should reverse the Planning Board's and District Council's approval of the Amazon Last Mile Hub because the Amazon Last Mile Parcel Hub is not a "Warehouse" and is not a permitted use at the Subject Property.

II. It is desirable and in the public interest for this Court to review whether an Amazon Last Mile Hub is a "Warehouse" and, therefore, permitted by right at the Subject Property.

Under the County's current interpretation of the old Zoning Ordinance, developers will be able to construct Last Mile Hubs by right in each of the Industrial Zones⁵ until November 29, 2023 (when development under the old Ordinance is no longer allowed), and they will thereafter only be able to construct a Last Mile Hub with a special exception in the IE zone and by right in the IH zone. *See generally* ZO § 27-1900, *et seq.*; *see also* ZO § 27-5101 – "Warehouse and Freight Movement Uses."

The development community in Prince George's County is therefore in a sprint to develop as many Amazon facilities by right as they can before the new Zoning Ordinance begins requiring a special exception for such uses in late 2023. That effort is, again, based on the flawed legal premise that an Amazon Last Mile Hub is a Warehouse.

Amazon Fulfillment Centers and Last Mile Hubs and other e-commerce distribution facilities are changing the land use fabric wherever they are built. Since the decision makers in Prince George's Country have concluded that an Amazon Last Mile Hub is a "Warehouse" and therefore permitted by right, the decision makers are not giving adequate consideration to the likely adverse effects of the Last Mile Hubs. Citizen-Petitioners' traffic

⁵ I-1, I-2, I-3, I-4, and the U-L-I.

expert testified that an Amazon Last Mile Parcel Hub generates significantly more vehicular traffic than a traditional warehouse.

Second, Amazon warehouses require truck and automobile parking, drive-around truck courts, onsite truck queuing lanes, and separate truck and automobile yards and entrances—all of which require a greater surface area of pavement than a conventional warehouse would. Indeed, in this case Amazon increased the size of the existing parking lot from 6.8 acres to 13.6 acres. Amazon is unique in its requirements for vehicular parking because Amazon requires parking for its warehouse workers, its delivery trucks and for its contract ("flex") delivery drivers. As a result, Amazon distribution facilities require extremely large impervious parking lots which are likely to cause problems caused by stormwater runoff.

Third, Amazon warehouses create more light and noise pollution than conventional warehouse because, unlike conventional warehouses, Amazon warehouses operate 24 hours a day.

For all of these reasons, it is desirable and in the public interest for this Court to review whether an Amazon Last Mile Hub is a "Warehouse" and, therefore, permitted by right at the Subject Property.

CONCLUSION

Citizen-Petitioners respectfully urge this Court to grant their Petition for Writ of Certiorari. This Court's ruling on this issue will guide county planning departments and

administrative land use tribunals when they consider applications for e-commerce distribution facilities.

Respectfully submitted,

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Grant Amadeus Giel, Esquire Law Office of G. Macy Nelson, LLC 600 Washington Avenue, Suite 202 Towson, Maryland 21204 (410) 296-8166 grant@gmacynelson.com AIS No. 2002200011

Attorneys for Citizen-Petitioners

CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112

- 1. This Petition for Writ of Certiorari contains 3,659 words, excluding the parts of the petition exempted from the word count by Rule 8-503.
- 2. This Petition for Writ of Certiorari complies with the font, spacing and type size requirements stated in Rule 8-112.

G. Macy Nelson, Esquire AIS No. 8112010268

CERTIFICATION OF COMPLIANCE WITH RULE 20-201(f)

I HEREBY CERTIFY, that in accordance with Maryland Rule 20-201(f), this submission does not contain any restricted information.

G. Macy Nelson, Esquire AIS No. 8112010268

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of March, 2022, a copy of the foregoing Petition for Writ of Certiorari was served via the Court's Odyssey E-Filing System and mailed first-class postage pre-paid to:

C. Robert Dalrymple, Esquire
Selzer Gurvitch Rabin Wertheimer & Polott, P.C.
4416 East West Highway, Fourth Floor Bethesda, Maryland 20814
Attorney for Amazon.com Services, LLC

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> G. Macy Nelson, Esquire AIS No. 8112010268



IN THE COURT OF APPEALS OF MARYLAND Robert C. Murphy Courts of Appeal Building 361 Rowe Boulevard Annapolis, Maryland 21401-1699 410-260-1500

OFFICIAL NOTICE

No. 4, September Term, 2022 COA-REG-0004-2022

Ray Crawford, et al.

V.

County Council of Prince George's County,
Sitting as the District Council, et al.

has been set for argument on Tuesday, September 13, 2022.

You should report in the Clerk's Office by 9:30 a.m. on that date.

SUZANNE C. JOHNSON CLERK

IN THE

COURT OF APPEALS OF MARYLAND

SEPTEMBER TERM, 2022 NO. 0004

RAY CRAWFORD, et al.

Appellants,

 \mathbf{v} .

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY SITTING AS THE DISTRICT COUNCIL, et al.

Appellees.

BRIEF OF APPELLANTS

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PRINCE GEORGE'S COUNTY ZONING ORDINANCE

STATEMENT OF THE CASE

On June 1, 2020, the Maryland-National Capital Park and Planning Commission accepted the application of Amazon.com Services, LLC ("Amazon") to allow the redevelopment of an existing building for an ecommerce parcel hub in Prince George's County. The Prince George's County Planning Board conducted a hearing on July 23, 2020, and approved the application. Citizen-Appellants appealed the approval to the County Council of Prince George's County, Maryland, Sitting as the District Council ("District Council"), which affirmed. Citizen-Appellants appealed to the Circuit Court, which affirmed. Citizen-Appellants appealed to the Court of Special Appeals on February 22, 2022 and eight days later petitioned for a Writ of Certiorari. This Court granted the petition on April 25, 2022.

QUESTION PRESENTED

Whether an Amazon Last Mile Hub is a "Warehouse" and, therefore, permitted by right at the Subject Property.

STATEMENT OF FACTS

This case concerns a proposal to develop an e-commerce parcel hub facility in the Collington Center planned business community in Prince George's County. E. 019–33. The 1975 Sectional Map Amendment for Bowie Collington and Vicinity placed the property in the Employment and Institutional Area ("E-I-A") zone. E. 023. The E-I-A zone is a Comprehensive

Design Zone ("CDZ") under the Zoning Ordinance ("ZO"). See ZO §§ 27-476, 27-502. A CDZ "is different from the traditional Euclidian Zones." E. 142. Development in a CDZ requires a "three (3) phase plan review procedure." ZO § 27-478.¹ The first phase is the Basic Plan. The Basic Plan for the Collington Center was first approved in 1975. E. 023, 359. The second phase is the Comprehensive Design Plan ("CDP"). The third phase is the Specific Design Plan ("SDP").

The CDP and SDP are relevant to the issue presented in this case. The CDP for the Collington Center was first approved in 1978. E. 163. A CDP provides the regulatory framework governing the development of the land within it. CDPs "encourage the optional and imaginative utilization of land." ZO § 27-476(a)(3). "[T]he Planning Board (and its technical planning staff) must exercise expertise and judgment to determine whether to approve a CDP, wielding necessarily significant discretion in that endeavor." Zimmer, 444 Md. at 535. For example, a CDP "show[s] amounts and locations of land use" within it. ZO § 27-478(a)(2). A CDP "specifies the design principles of buildings, landscapes and streetscapes. It also specifies the densities and locations of

¹ See Cty. Council of Prince George's Cty. v. Zimmer Dev. Co., 444 Md. 490, 530–36 (2015) (Harrell, J.) for an overview of the development process in a Comprehensive Design Zone.

dwelling units and other improvements." Coscan Washington, Inc. v. Md.-Nat'l Cap. Park & Plan. Comm'n, 87 Md. App. 602, 608 (1991).

The SDP for the Collington Center was first approved in 2000. E. 361. An SDP addresses an area within a CDP. ZO § 27-525(a). Before approving an SDP, the Planning Board "shall find that: (1) The plan conforms to the approved Comprehensive Design Plan" ZO § 27-528(a)(1). The Maryland National-Capital Park and Planning Commission website explains: a SDP "must conform to the design and approval conditions of any preceding Comprehensive Design" SPECIFIC DESIGN PLAN (SDP) | MNCPPC, MD, https://www.mncppc.org/5059/Specific-Design-Plan-SDP (last visited June 14, 2022). See also Zimmer, 444 Md. at 536 (stating that SDP must conform to CDP).

Since 1978, the CDP, as amended, for the Collington Center ("1978 CDP") has guided the development of land within the Center. E. 163–272. The 1978 CDP included a "[a] detailed list of permitted uses within the six (6) major land use categories" E. 287. The six land use categories were Commercial/Recreation, Research/Office, Manufacturing/Wholesale, Manufacturing/Office, Manufacturing/General, and Industrial Land Reserve. E. 287–94. The category "Manufacturing/Wholesale" included "Warehouses and wholesaling establishments." E. 288–89.

On April 27, 1992, the Prince George's County Planning Board ("Planning Board") approved a more detailed list of permitted uses in the Collington Center in five different land use categories. E. 284. This list continued to identify "Warehouses and wholesaling establishments" as permitted uses in the "Manufacturing/Wholesale" land use category. E. 284.

In the same memorandum the Planning Board also provided an administrative mechanism to add a use to the list of permitted uses in the Collington Center.

The County's Collington Center Employment Park on U.S. 301 was approved a number of years ago as a comprehensive design zone (EIA) for approximately 900 acres. A detailed list of permitted uses within six major land use categories was approved by the District Council with the provision in each land use category that other uses not listed must be approved by the Planning Board or its designee. As the Park has developed and properties were sold, the County has provided a project manager to continue to market the Center, coordinate the architectural review committee, and generally manage the Park. Mr. Donald Spicer has been that project manager for a number of years by contract with the County. A number of owners have approached Mr. Spicer and the Planning Department to request an administrative review and approval for uses not listed in the Comprehensive Design Plan but found to be compatible with the listed uses. The Planning Director and I have devised the following process which is intended to provide owners in the Park the ability to quickly obtain review and approval of proposed uses but still ensure that the County's interests are protected.

Applicants for uses not included in the detailed use list for the Center must apply in writing providing any information necessary for the Planning Director to determine that the new use is not a net generator of trips in the a.m. or p.m. peak hours,

that the use is not of a primary retail character and that it is compatible with the uses listed. The letter application will be referred to the Transportation Planning Division, and the Development Review Division for review and comment and to Mr. Spicer, the County's Park Project Manager. Following receipt of comment from these sources, the Planning Director is authorized to approve or disapprove the proposed use. Appeals from the decision go to the Planning Board.

E. 289.

In the years since the approval of the 1978 CDP, the District Council amended the Zoning Ordinance to include certain definitions that are relevant to the issue in this case. On December 31, 1992, the District Council enacted CB-90-1992, which added the definitions of "Warehouse Unit" and "Distribution Facility" to the Zoning Ordinance. The Committee of the Whole Report for CB-90-1992 stated that the legislation "defines these uses for the first time" App. 001. Citizen-Appellants set forth those definitions below:

Warehouse Unit: A "Building" used for the storage of goods and materials in connection with the day-to-day operation of a wholesale or distribution business, or a-business that is not located in the same "Building" or on the same property as the "Warehouse Unit." *** A "Warehouse Unit" is sometimes referred to as a "Warehouse."

ZO Section 27-107(256).

Distribution Facility:

- (A) A facility to or from which a wholesaler or retailer ships merchandise, materials, or supplies for storage or distribution by that wholesaler or retailer to the sales outlets or service operations it supports; or
- (B) A business whose functions are similar to those of the United States Postal Service, that is exclusively devoted to

the receiving, sorting, sending, and delivery of letters, parcels, and other postal express matter.

ZO Section 27-107(66.4).

On April 30, 2019, the District Council introduced a Zoning Text Amendment labeled CB-18-2019, see App. 028–29, which amended the Zoning Ordinance to include the following definition:

Merchandise Logistics Center: A facility located within a Regional Urban Community, where goods or products are received and may be sorted, packed and stored for the purpose of distribution to parcel carriers or delivery directly to a customer, and which may include ancillary, and related functions such as indoor or outdoor loading and unloading, light maintenance and refueling of fleet vehicles, employee break room(s), ancillary retail sales and customer service areas, pick and pack areas, printing, packaging, and assembling or making products on demand and ancillary and related uses.

ZO Section 27-107(150.1). The District Council thereafter conducted the first reading of CB-18-2019 and referred it to the Planning, Housing, and Economic Development ("PHED") Committee. App. 033–34.

On May 7, 2019, the PHED Committee conducted a hearing regarding CB-18-2019. Councilwoman Ivey asked, "a Merchandise Logistics Center, is that a warehouse or what is it exactly? Tell me." App. 038. Karen Zavakos, Zoning and Legislative Counsel for the County Council, responded:

[W]ell, a Merchandise Logistics Center is not intended to be a warehouse. If the definition is crafted as precisely as we hope, the idea is it's basically a touchdown place where [the product] goes in anticipation of being dispatched to local or very nearby local area. The idea behind it is that nothing lingers. It is not a

storage hub or any kind of warehouse-type facility as our local zoning laws contemplate that.

Id. Ms. Zavakos testified that a Merchandise Logistics Center would only be allowed "within the Regional Urban Community which only resides within Westphalia." App. 039. The PHED Committee recommended approval of CB-18-2019. App. 027, 042–43.

The District Council conducted a second reading of CB-18-2019 on May 14, 2019. App. 044–46. Councilwoman Glaros explained, "This legislation amends the County Zoning Ordinance Definitions section to define a new use, Merchandise Logistics Center . . ." App. 045. On June 18, 2019, the District Council conducted the third reading of CB-18-2019 and voted to enact it. App. 047–51.²

During these years, the District Council was working on the new Zoning Ordinance ("New ZO" or "New Zoning Ordinance"). CB-013-2018 was introduced on September 25, 2018 and the District Council enacted it on

² On February 14, 2020, the Circuit Court for Prince George's County declared CB-18 invalid because the District Council failed to provide the required public notice. Corryne Carter, et al., For Judicial Review of the Decision of the County Council, Sitting as the District Council in the cases of CB-18-2019 and CB-19-2019, Case No. CAL19-23357.

October 20, 2020.³ The New Zoning Ordinance defines "Distribution Warehouse," "Storage warehouse," and "Warehouse storerooms" respectively as follows:

A facility primarily engaged in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution.

* * *

A facility used for storage by retail stores such as furniture and appliance stores.

* * *

A facility primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

New ZO § 27-2500.

Against this backdrop, the Maryland-National Capital Park and Planning Commission ("MNCPPC") received in a two-week period in the spring of 2020 two applications for Amazon e-commerce parcel hub facilities. On May 15, 2020, MNCPPC accepted an application for a Preliminary Plan of

Ordinance is cited simply as ZO, to distinguish from "New ZO."

³ As to the New Zoning Ordinance enacted by CB-013-2018, the entire text may be found at https://online.encodeplus.com/regs/princegeorgescounty-md/. The old Ordinance cited herein is effective for two years from April 1, 2022 in a

statutory transitional period, and a developer may thus develop under the old ZO so long as their "application that elects to utilize the prior ordinance is filed and accepted within 2 years from the effective date [of April 1, 2022] of this ordinance." See New ZO §§ 27-1701, 27-1901, 27-1903(d). The old Zoning

Subdivision for an Amazon e-commerce facility known as the Washington Gateway project in Cheverly. E. 334. Technical Staff noted, "this proposed warehouse facility will be operated as an Amazon.Com facility." E. 341. See also E. 155 ("Amazon was the end user" in the Cheverly case). The Planning Board heard that case on July 16, 2020. E. 334.

On June 1, 2020, MNCPPC accepted Amazon's application for SDP-0007-03 to amend the prior SDP to allow the redevelopment of an existing building for an e-commerce parcel hub ("Amazon Last Mile Parcel Hub") located at 1000 Prince George's Boulevard ("Subject Property") in the Collington Center. E. 019. Amazon did not apply in accordance with the Planning Board's 1992 memorandum, E. 289, to add its proposed use to the list of permitted uses in the Collington Center. The Planning Board heard that case on July 23, 2020. E. 049–162.

Amazon's Statement of Justification described the proposed Amazon

Last Mile Parcel Hub as follows:

Amazon Logistics ("AMZL"), a division of the Applicant, specializes in the "last mile" delivery of customer orders. AMZL delivery stations receive packages from other Amazon facilities and deliver the packages to the customers. Packages arrive from line haul trucks, are sorted by delivery routes and then loaded into delivery vans operated by delivery service providers ("DSP") or personal vehicles operated by individuals ("Amazon FLEX"). Delivery stations operate 24/7, with the majority of the sortation activity done early in the morning when the line haul trucks arrive with customer packages. Packages are typically

in the delivery station for under 12 hours prior to being loaded onto the DSP vans and Amazon FLEX cars for delivery.

The first "wave" of DSP drivers arrive at a delivery station first thing in the morning. Depending on the design and layout of the delivery station, DSP drivers either park their personal vehicles onsite and pick up their delivery vans or park their personal vehicles offsite, pick up their delivery vans and drive to the delivery station. Once at the delivery station with their delivery van, DSP drivers load their delivery van and depart to deliver packages directly to customers. Each delivery wave takes about 30 minutes to load and depart. As a wave of DSP drivers prepare to depart, a new wave of DSP drivers queue and prepare to load their delivery van. The last wave of DSP drivers depart the delivery station in the early afternoon.

After DSP drivers complete their routes, they return to the delivery station with any packages that may have been non-deliverable. After proper checkout and release, the DSP drivers park the delivery van either onsite or at the offsite location and leave using a personal vehicle or public transport.

AMZL also uses Amazon FLEX to deliver packages. Amazon FLEX is a new innovation from Amazon that allows individuals to [] use their own vehicles to deliver packages to customers. FLEX loading waves similarly take 30 minutes to complete. FLEX drivers only return to the station at the end of the route if any packages were undeliverable.

After departure of the last wave of delivery vehicles, delivery station associates prepare the delivery station for the next day's delivery of packages from the line haul trucks.

E. 008; see also E. 067–72.

During the Planning Board hearing, counsel for Citizen-Appellants argued "the CDP... has a very general list of permitted uses. We know that in 1992 the Planning Board provided a more detail[ed] list which included

warehouses and wholesale and establishments.... [A[n Amazon Last Mile Facility is a par[cel] hub not a traditional warehouse." E. 089. He argued further that the Amazon Last Mile Facility is "not a permitted us[e]... because it's not on the list of the permitted uses and there's a mechanism in the Planning Board document that allows the applicant to apply to add a use to the list." E. 094–95.

Citizen-Appellants' expert land planner similarly testified:

... [T]he use proposed in this application is not the standard warehousing and distribution contemplated for Collington Center where products are normally stored on the site in excess of a month.... But is a parcel hub utilized by companies such as Amazon to get their products the last mile to the retail purchaser, the end line user, which they aim to do often in 24 hours. As such, the application should have followed the procedure outlined above to get the parcel hub added as a permitted use.

E. 097–98.

The Planning Board's Chair stated at the end of the hearing, "Our decision is that this is a warehouse." E. 157. The Planning Board's Resolution stated, "The Basic Plans designate the subject lot for manufacturing/warehouse uses. Warehouse establishments are also listed as permitted uses in the memorandum dated April 27, 1992, from John Rhoads, Chairman, to the Prince George's County Planning Board" E. 361.

Citizen-Appellants appealed the Planning Board's Resolution to the District Council, E. 372, and argued that the Amazon Last Mile Parcel Hub was not a permitted use. E. 378–82. The District Council affirmed. E. 474–514.

Citizen-Appellants petitioned for judicial review, E. 514–16, and argued that the Amazon Last Mile Parcel Hub was not a permitted use. E. 574–82. The Circuit Court affirmed the Final Decision of the District Council. E. 666.

STANDARD OF REVIEW

This Court looks through the Circuit Court and District Council and reviews the Planning Board's decision. Zimmer, 444 Md. at 567–573. When reviewing the Planning Board's decision, this Court asks whether the Planning Board premised its decision on an erroneous conclusion of law. Bd. of Physician Quality Assurance v. Banks, 354 Md. 59, 67–68 (1991). "An agency decision based on regulatory and statutory interpretation is a conclusion of law." GenOn Mid-Atl., LLC v. Md. Dep't of the Env't, 248 Md. App. 253, 269 (2020) (internal quotation omitted). While a measure of deference is granted to administrative interpretations of an ordinance, that deference is affected by whether the interpretation has been "applied consistently and for a long period of time." Balt. Gas & Elec. Co. v. Pub. Serv. Comm'n of Md., 305 Md. 145, 161 (1986). An agency is also not entitled to deference if its interpretation conflicts with unambiguous statutory language. "An agency's erroneous interpretation of its regulations must yield to the plain language of the statute. 'No custom,

however long and generally it has been followed by officials, can nullify the plain meaning and purpose of a statute." *Kerpelman v. Disability Review Bd.* of Prince George's Cty. Police Pension Plan, 155 Md. App. 513, 521 (2004) (quoting Bouse v. Hutzler, 180 Md. 682, 687 (1942)).

ARGUMENT

The Planning Board erred when it concluded that the Amazon Last Mile Parcel Hub was a "Warehouse" and therefore permitted by right at the Subject Property.

The 1978 CDP, as amended, governs this case. E. 163. The list of permitted uses in the land use category "Manufacturing/Wholesale" includes "Warehouses and wholesaling establishments." E. 284, 289. This case presents the question of whether an Amazon Last Mile Parcel Hub is within the land use category "Manufacturing/Wholesale" and, if so, whether it is a "Warehouse." The Amazon Last Mile Parcel Hub is not in the "Manufacturing/Wholesale" land use category and, even if it is, it is not a "Warehouse."

This Court owes little deference to the Planning Board's conclusion that the Amazon Last Mile Parcel Hub is a "Warehouse" for several reasons. First, the only evidence is that the Washington Gateway and the Collington Center cases were the first cases in which the Planning Board considered the question of whether an Amazon Last Mile Parcel Hub was a "Warehouse." The Planning Board's decisions in those cases occurred within seven days in July, 2020. The

Planning Board approved the application for the Washington Gateway case on July 16, 2020, E. 334, and the application for the Collington Center case on July 23, 2020. E. 019. The Planning Board's interpretation is entitled to little deference because the Planning Board had only held that interpretation for seven days when it decided this case. *Baltimore Gas*, 305 Md. at 161 (While a measure of deference is granted to administrative interpretations of a statute, that deference is affected by whether the interpretation has been applied "for a long period of time"). Second, the only Circuit Court decision that has reviewed the Planning Board's determination is the Circuit Court decision in this case. Third, the Planning Board's decision was legally erroneous because it both conflicted with both the plain language of the Zoning Ordinance and the legislative history of the relevant portions of the Zoning Ordinance.

"The cardinal rule of statutory construction is to ascertain and carry out the intention of the Legislature." Marriott Employees Fed. Credit Union v. Motor Vehicle Admin., 346 Md. 437, 444 (1997). Rathkopf's The Law of Zoning and Planning explains that a court should first look to "the definitions contained in the ordinance itself [to ascertain legislative intent], for the legislative body may furnish its own definitions of words or phrases in order to guide and direct judicial determinations of the intendments of legislation, and such definitions may be different from ordinary usage." 1 Rathkopf's The Law

of Zoning and Planning § 5:10 (4th ed.). *Moore v. RealPage Util. Mgmt., Inc.*, 476 Md. 501 (2021) explained further:

It is "the modern tendency of this Court to continue the analysis of the statute beyond the plain meaning" of the statutory language. An examination of the legislative history helps confirm that our plain language interpretation of the statute is consistent with the legislature's intent. In doing so, the Court may examine "the context of a statute, the overall statutory scheme, and archival legislative history of relevant enactments."

Id. at 514 (internal citations omitted).

When a court is tasked with determining whether a proposed use qualifies as a use already defined by the county zoning code, Rathkopf suggests that "it is not the name used by the owner that determines the character of the use. This is to be ascertained from what the use actually consists of and its method of operation." 1 Rathkopf's The Law of Zoning and Planning § 5:18 (4th ed.).

Two cases, Marzullo v. Kahl, 366 Md. 158 (2001), and Lucas v. People's Counsel for Balt. Cty., 147 Md. App. 209 (2002), demonstrate how Maryland courts apply these principles of statutory interpretation specifically in the context at issue here—whether a proposed use qualifies as a use already defined by a county zoning code.

Marzullo analyzed whether a snake breeding operation qualified as "commercial agriculture" based on the definition provided in the county zoning

ordinance. 366 Md. at 174. The Court's analysis turned on both whether the legislature contemplated snake breeding operations when it drafted the definition of "commercial agriculture" and whether substantial evidence supported the Board of Appeals' interpretation of the zoning ordinance. Based on previously proposed text amendments to the definitions of several agricultural uses, the Court concluded that the legislature did not contemplate snake breeding when it defined "commercial agriculture" because snakes are not "farm animals" and there was no indication that the legislature intended to "extend[] any of the relevant definitions to include any new animals involved in new types of commercial agriculture that were not explicitly stated in the new definition." Id. at 190-91. Therefore, there was clear legislative intent that the definition of "commercial agriculture" did not include the proposed snake breeding use. Here, the District Council did not intend to include an Amazon Last Mile Parcel Hub in the "Warehouse" use. Rather, the District Council intended to include it in the "Merchandise Logistics Center" use in the Zoning Ordinance or the "Distribution Warehouse" use in the New Zoning Ordinance.

In *Lucas*, the intermediate appellate court considered whether a proposed facility consisting of a helicopter landing pad and a landing strip for fixed-wing aircraft qualified as an "airport" based on the definition in the Baltimore County zoning ordinance. 147 Md. App. 209. The court's analysis turned on whether the County Council created a narrower definition that more

specifically described the proposed use. The court concluded that "in light of the legislative history, it is appropriate to view the specific designations of airstrip, helistop, and helipad as modifications of the general term 'airport,' and creating distinct and separate uses for different levels of aircraft operations. The combination of an airstrip with a helistop and helipad does not create an airport." *Id.* at 235. Therefore, subsequent text amendments that more specifically described the proposed use served as clear legislative intent that the broader "airport" use no longer included the proposed use.

While *Marzullo* and *Lucas* also look to the effect of substantial evidence supporting administrative analysis of a certain definition, that consideration is not present here for the simple reason that there is no substantial evidence in this case. Rather, the Planning Board merely concluded that an Amazon Last Mile Parcel Hub is a "Warehouse" by fiat, without reference or analysis of the Zoning Ordinance language.

The Planning Board erred when it determined that an Amazon Last Mile Parcel Hub was a "Warehouse." Moreover, it violated the *Accardi* Doctrine when it rejected Citizen-Appellants' argument that the Amazon Last Mile Parcel Hub is "not a permitted us[e]... because it's not on the list of the permitted uses and there's a mechanism in the Planning Board document that allows the applicant to apply to add a use to the list." E. 094–95; *see generally United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

The Planning Board's memorandum prescribed the administrative procedure for adding a land use to the list of permitted uses in the CDP. E. 285. The Accardi Doctrine established the principle that "rules and regulations promulgated by an administrative agency cannot be waived, suspended or disregarded in a particular case as long as such rules and regulations remain in force." Md. Transp. Auth. v. King, 369 Md. 274, 282 (2002). Amazon did not apply to the Planning Board to add an Amazon Last Mile Parcel Hub to the list of permitted uses in the CDP. The Planning Board's approval of the amended SDP prejudiced Citizen-Appellants because they did not have the opportunity to argue that Amazon failed to comply with the required findings for adding a use to the list of permitted uses. E. 285.

The definition of "Warehouse Unit" makes clear that it is a synonym for a "Warehouse." A "Warehouse Unit" is defined under the Zoning Ordinance as "[a] 'Building' used for the storage of goods and materials in connection with the day-to-day operation of a wholesale or distribution business" ZO § 27-107.01(256).

A plain reading of the definition of a "Warehouse Unit" illustrates that an Amazon Last Mile Parcel Hub is not a "Warehouse" or "Warehouse Unit." The definition includes the following elements: storage of goods and materials in connection with the day-to-day operation of (a) a wholesale business or (b) a distribution business.

Amazon will not store "goods and materials" in the building. An Amazon Last Mile Parcel Hub is a location where Amazon receives products from the Amazon Fulfillment Centers and promptly transfers the products to the Amazon delivery vans. No product will be in the building for more than a few hours. Karen Zavakos, Zoning and Legislative Counsel for the County Council, explained that a facility similar to an Amazon facility "is not a storage hub or any kind of warehouse-type facility as our local zoning laws contemplate that." App. 038. Amazon itself stated: "Packages are typically in the delivery station for under 12 hours." E. 008. In the years leading up to the adoption of CB-18-2019, there was no definition in the Zoning Ordinance that described either a Fulfillment Center or a Last Mile Hub for the simple reason that a company like Amazon did not exist.

Even if Amazon will store "goods and materials" in the building, the Last Mile Parcel Hub is not a "Warehouse" because the use is not a wholesale business or a distribution business. No one has ever suggested that an Amazon Last Mile Parcel Hub is a "wholesaling establishment." Nor is an Amazon Last Mile Parcel Hub a "distribution business." The Amazon Last Mile Parcel Hub does not satisfy part (A) of the definition of a Distribution Facility because Amazon is shipping products to end-user, not "sales outlets or service operations it supports." See ZO § 27-101.01(66.4). The Amazon Last Mile Hub also does not satisfy part (B) of the definition because Amazon's functions are

not similar to those of the U.S. Postal Service. *See id.* The USPS sorts letters and parcels for anyone in the public and delivers them to other members of the public. In contrast, Amazon ships its own products from a Fulfillment Center to the Last Mile Facilities, which sorts and delivers the products to the customer. E. 008; *see also* E. 067–72.

The District Council's enactment of CB-18-2019, which amended the Zoning Ordinance to include the definition of Merchandise Logistics Center, is further and conclusive support for the conclusion that the definition of a "Warehouse unit" does not encompass either a Fulfillment Center or a Last Mile Hub. Rather, the definition of a Merchandise Logistics Center describes an Amazon Fulfillment Center or Last Mile Parcel Hub. Councilwoman Glaros stated that a Merchandise Logistics Center was "a new use" with its own definition. App. 045. A Merchandise Logistics Center is "[a] facility located within a Regional Urban Community, where goods or products are received and may be sorted, packed and stored for the purpose of distribution to parcel carriers or delivery directly to a customer "ZO § 27-107.01(150.1). The Zoning and Legislative Counsel for the County Council informed the District Council:

[A] merchandise logistic center is not intended to be a warehouse. If the definition is crafted as precisely as we hope, the idea is it's basically a touchdown place where [the product] goes in anticipation of being dispatched to local or very nearby

local area. The idea behind it is that nothing lingers. It is not a storage hub or any kind of warehouse-type facility.

App. 038.

Moreover, the New Zoning Ordinance includes additional definitions that support the conclusion that the Amazon Last Mile Parcel Hub is not a Warehouse. The New Zoning Ordinance defines a "Distribution Warehouse" as follows:

A facility primarily engaged in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution.

New ZO § 27-2500. A "Distribution warehouse" is similar to a Merchandise Logistics Center and includes e-commerce distribution facilities such as an Amazon Fulfillment Center and Last Mile Parcel Hub. The New Zoning Ordinance allows a Distribution Warehouse by special exception in the Industrial, Employment ("IE") zone and by right in the Industrial, Heavy ("IH") zone. New ZO § 27-5101. The New Zoning Ordinance also includes a definition for "Storage warehouse" and "Warehouse storerooms":

A facility used for storage by retail stores such as furniture and appliance stores.

A facility primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

New ZO § 27-2500. These definitions include conventional warehouses. The New Zoning Ordinance allows a Storage Warehouse by right in the IE and IH zones. ZO § 27-5101. It is appropriate to view the new definitions of these land uses as the District Council's recognition that these land uses are not described by the old definition of a "Warehouse."

There is no ambiguity about the definition of a "Warehouse." An Amazon Last Mile Parcel Hub is not a "Warehouse." But even the Court determines that there is some ambiguity, the legislative history makes clear that an Amazon Last Mile Parcel Hub is not a "Warehouse." On May 7, 2019, the PHED Committee conducted a hearing regarding CB-18-2019. Councilwoman Jolene Ivey asked, "a Merchandise Logistics Center, is that a warehouse or what is it exactly? Tell me." E. 038. Karen Zavakos, Zoning and Legislative Counsel for the County Council responded:

[W]ell, a Merchandise Logistics Center is not intended to be a warehouse. If the definition is crafted as precisely as we hope, the idea is it's basically a touchdown place where [the product] goes in anticipation of being dispatched to local or very nearby local area. The idea behind it is that nothing lingers. It is not a storage hub or any kind of warehouse-type facility as our local zoning laws contemplate that.

Id. Councilman Thomas Dernoga echoed the same theme when he stated during the District Council proceeding:

I do think that there is an argument to be made that this type of distribution hub model is not the same as the warehousing we're used to. Warehousing was defined in the Prince George's County Code in 1992. The world was a lot different 30 some years ago, and there could be consequences.

E. 053–54.

CONCLUSION

The Planning Board's interpretation that that an Amazon Last Mile Parcel Hub is a "Warehouse" is entitled to little deference because the Planning Board had only held that interpretation for seven days when it decided this case. The Planning Board erred when it concluded that the Amazon Last Mile Parcel Hub was permitted by right at the Subject Property because the decision conflicted with both the plain language of the Zoning Ordinance and the legislative history of the relevant portions of the Zoning Ordinance.

For all of these reasons, Citizen-Appellants respectfully request that this Court reverse the decision of the Planning Board.

Respectfully submitted,

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REQUEST FOR ORAL ARGUMENT

Pursuant to Maryland Rule 8-523(b)(2), Citizen-Appellants hereby request oral argument in this case.

STATEMENT REGARDING TYPE SIZE

This brief was prepared with proportionally spaced type using Century Schoolbook font and 13-point type size.

CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112

- 1. This brief contains 5,994 words, excluding the parts of the brief exempted from the word count by Rule 8-503.
- 2. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th of June, 2022, a copy of the foregoing Brief of Appellants was served via the Court's Odyssey E-Filing System and mailed first-class postage pre-paid to:

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APPENDIX

Reference No: CB-90-1992

AGENDA ITEM SUMMARY

Draft No:

Prince George's

10/27/92 Meeting Date:

County Council

Requester: MC

Item Title: An Ordinance to eliminate ambiguities and

conflicts in Industrial Zones concerning motor freight facilities, other trucking operations, & warehousing, wholesaling, etc.

FAV (A)

Sponsors MC

Date Presented 9/22/92 Executive Action

Committee Referral(1) 9/22/92 C.O.W. Effective Date

Committee Action (1) 9/29/92 Date Introduced

10/6/92

Pub. Hearing Date (1) 10/27/92 1:30

Council Action

(1) 10/27/92 Enacted

Council Votes

CA: A , B : A , C : A , D : A , F : A , MC: A ,

M : A , P : A , WI: A

Pass/Fail

Remarks

Resource Mary Lane, Director Drafter: Personnel: Planning & Zoning Com.

LEGISLATIVE HISTORY

COMMITTEE-OF-THE-WHOLE REPORT

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members

Castaldi, Del Giudice, Fletcher, Mills,

Pemberton).

Staff explained that this legislation eliminates the ambiguities and conflicts that currently exist in the interpretation of Motor Freight Facilities, Trucking Operations, Distribution Facilities, Warehousing and Storage uses. It defines these uses for the first time, and amends the use table for the Industrial Zones to be consistent with these definitions and to reflect the way in which M-NCPPC has usually interpreted the Ordinance in the past.

Ruth Senes, representing the Planning Board, briefed the Council on the situation that brought this problem to the attention of the

DATE: 9/29/92

Planning Board and the sponsor. This problem was mainly the result of the ambiguities in the descriptions of Motor Freight and Warehousing Facilities in the table of uses, and the absence of definitions upon which to make an interpretation. As a result, a Motor Freight Facility was inadvertently permitted in the I-1 Zone.

The Planning Board supports the legislation, with several amendments that were agreed to by the Committee. The Municipal Association also supports the legislation. The Legislative Officer found it to be in proper legislative form.

Larry Taub testified in support of the legislation. Arthur Horne, on behalf of Carolina Freight, the use that was inadvertently permitted in the I-1 Zone, requested that his client not be given nonconforming status with the enactment of this legislation, but in fact continue to operate as a conforming use enjoying all of the privileges set forth in the applicable zone. Grandfathering language to protect this use was proposed, but the Committee agreed to an alternative proposal. The grandfathering provision accepted by the Committee would not only apply to Carolina Freight, but to all legal Motor Freight facilities that had previously been considered nonconforming uses. This was viewed by Committee members as a more equitable treatment of all affected parties. Paul Rodbell, testifying on behalf of Montgomery Ward, requested that minor amendments be made to the the definition of Distribution Facility. This amendment was accepted by the Committee.

BACKGROUND INFORMATION/FISCAL IMPACT (Includes reason for proposal, as well as any unique statutory requirements)

There has recently been confusion regarding the status of Motor Freight facilities, distribution facilities and trucking operations in the Zoning Ordinance. This legislation eliminates the ambiguities by defining these uses, and further clarifies the allowance of storage facilities.

CODE INDEX TOPICS:

Zoning Definitions	27-107.01
Motor freight facilities	27-467.01
Uses Permitted Industrial Zones	27-472

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL

Legislative Session	
1992	
Bill No	CB-90-
1992	
Chapter No.	
70	
Proposed and Presented by	Council Member
<u>MacKinnon</u>	
Introduced by	Council Member
<u>MacKinnon</u>	
Co-Sponsors	
Date of Introduction	October 6,
1992	

ZONING BILL

AN ORDINANCE concerning

Motor Freight Facilities, Other Trucking Operations, and Warehousing, Wholesaling, Distribution, and Storage Uses

FOR the purpose of eliminating ambiguities and conflicts in the provisions of the Industrial Zones concerning motor freight facilities, other trucking operations, and warehousing, wholesaling, distribution, and storage uses.

-2- CB-90-1992

DR-3

BY repealing and reenacting with amendments:

Sections 27-107.01,

27-471, and

27-473,

BY adding:

Section 27-467.01,

The Zoning Ordinance of Prince George's County, Maryland,

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-107.01, 27-471, and 27-473 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

(a) Terms in the Zoning Ordinance are defined as follows:

* * * * * * *

*

(66.4) Distribution Facility:

- (A) A facility to or from which a wholesaler or retailer ships merchandise, materials, or supplies for storage or distribution by that wholesaler or retailer to the sales outlets or service operations it supports; or
- (B) A business whose functions are similar to those of the United States Postal Service, that is exclusively devoted to the receiving, sorting, sending, and delivery of letters, parcels, and other postal express matter.

* * * * * * * * *

*

(158.1) **Motor Freight:** Goods transported by truck for compensation by common carrier companies, as distinguished from other "Trucking Operations."

[(158.1)](158.2) Multifamily Dwelling Management Company:

* * * * * * *

*

than the administrative offices, of a business established for the purpose of carting, hauling, moving, or otherwise transporting goods, materials, equipment, supplies, possessions, vehicles, or other items by truck for compensation. A "Motor Freight" company is a "Trucking Operation" shall be considered a "Distribution Facility" or "Warehouse

Unit."

* * * * * * *

*

storage of goods and materials in connection with the day-to-day operation of a wholesale or distribution business, or a business that is not located in the same "Building" or on the same property as the "Warehouse Unit." The storage of goods and materials as an "Accessory Use" to a business located on the same property is not a "Warehouse Unit." A "Warehouse Unit" is sometimes referred to as a "Warehouse."

* * * * * * * *

*

(258) Wholesale: The sale of commodities or goods [(usually in large quantities)] to distributors or retail outlets for resale to ultimate consumers.

* * * * * * *

*

PART 7. INDUSTRIAL ZONES.

DIVISION 2. SPECIFIC INDUSTRIAL ZONES.

Sec. 27-471. I-3 Zone (Planned Industrial/Employment Park).

* * * * * * *

(c) Outside uses

(1) With the exception of off-street parking and

05 30 1332

DR-3

loading areas, recreational facilities (unless otherwise provided), airports, agricultural uses, sidewalk cafes (as an accessory use), surface mining operations, towers (poles, whips, and antennas), and public utility uses, all uses allowed in the Table of Uses shall be located in wholly enclosed buildings. Outdoor storage is prohibited.

* * * * * * *

*

(g) Warehousing

(1) Warehousing, wholesaling, distribution, [and] $\underline{\text{or}}$ storage of materials not used, or products not produced, on the premises

* * * * * * *

*

DIVISION 3. USES PERMITTED.

may be permitted, subject to the following:

Sec. 27-473. Uses permitted.

(a) No use shall be allowed in the Industrial Zones, except as provided for in the Table of Uses or in Subsection (c) of this Section. In the table, the following applies:

* * * * * * *

*

- (4) The letters "PB" indicate that the use is permitted, subject to the following:
- (A) The use shall be related to, dependent on, and secondary to a primary use on the premises;

- (B) The use shall be located on the same record lot as the primary use;
- (C) The use shall not be located within a building not occupied by the primary use; and
- (D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the primary use is located, unless otherwise provided.
- (5) The letters "NA" indicate that the language is not applicable.
- [(5)] $\underline{\text{(6)}}$ The letter "X" or a blank (unless otherwise clear from the context) indicates that the use is prohibited.
 - [(6)] $\underline{(7)}$ All uses not listed are prohibited.
- [(7)] $\underline{(8)}$ The word "manufacture" includes the words "fabricate," "assemble," and "repair."
- [(8)] $\underline{(9)}$ In the I-3 Zone, the word "manufacture" also means that the activity involves materials or parts produced elsewhere.
- [(9)] (10) Whenever the table refers to an allowed use, that use is either permitted (P), permitted by Special Exception (SE), or permitted as a (PA) or (PB) use, as accordingly listed in the zone in which it is allowed.

-6- CB-90-1992

DR-3

(b) TABLE OF	USES							
	USE					I-1	ZONE I-2	I-3	T-4
*	*	*	*	*	*	*		- 3	
(2)	INDUSTRIAI	ı:							
*	*	* T- 1 - 1	*	*	* - 1 D-1-4-1	*			
(F) *	Miscellane *	ous Industri *	.aı, manura *	$\operatorname{\mathtt{cturing}}_{\star}$, ar	ча кетатеа	uses:			
Heavy	motorized e	quipment, mo	tor vehicl	e, truck, k	oat, camp	ing P	P	ХР	
		.er storage <u>y</u>		·	•				
*	*	*	*	*	*	*			
	ge bullding) a permitte	accessory to	<u>) :</u>		Р	P	P	P	
		al Exception	use		<u>:</u> Se	<u>:</u> Se	<u>P</u> SE	<u>P</u> SE	
	ge yard, exc	ept as other		fied	P	P	X	P	
*	*	*	*	*	*	*	г	D.I	
[Ware.	nousing of s	storage which	Pl	a whotty e	encrosed b	urrarng,	L	P]	
		se specified							
		rage buildir		as otherwi	ise specif	ied]	[P]	
[P]	X]	() lesaling, di	[P]	and atom	aga of mat	oriola			
		sed or produc			age or mac	ELTAT2			
\1	,	1		1			ZONE		
	USE	~	454 ()			I-1	I-2	I-3	I-4
) Subject to i) All oth	Section 27-	-4/1(g)		P	[X] <u>NA</u> P	[X] <u>NA</u> X	P [X] <u>N</u> P	<u>A</u>
(_	I) AII OU	iers			E	r	Λ	F	
[Ware		lesaling, di	stribution	, or storag	ge of mate	rials	[P]	[P]	[P]
		r produced o	on the prem	ises]					
(M)	Wholesale *	Trade: ^9	ale.	*	*	*			
Whole		.stribution c	* of material		*	*			
		ed or produc		_					
(i) Subject to	Section 27-		-	<u>NA</u>	<u>NA</u>	<u>P</u>	<u>NA</u>	
(i			6	_	<u>NA</u> <u>P</u>	<u>P</u> P	$\frac{P}{X}$	<u>NA</u> <u>P</u> <u>P</u>	
		stribution or produced o			<u>P</u>	<u> </u>	<u>P</u>	<u>P</u>	
12100	uccs, useu c	r Produced c	TI CITC PIE	1000					

App. 009

//LAND//

Wholesaling or distribution use not listed *	SE *	P *	[P] <u>X</u>	P	
(9) TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITI	ES:	*			
Motor freight receiving or shipping (loading) facili freight garaging and equipment storage and maintenan		ehicle			
USE		ZC I-1	NE I-2	I-3	T-4
trucking operations and storage]:			1 2	1 3	T 4
(i) When accessory to, in conjunction with, as an	integral	part of,	[X] <u>P</u>	[X] <u>P</u>	P
[X] <u>P</u>					
[and] under the same ownership or leasehold i			norti		
<pre>solely serving another [use] allowed [in I-3 (ii) All others</pre>	X 23 use	P P	<u>x ²³</u>	X 23	
* * * * * *	*	*	21	21	
Tower, pole, whip, or antenna (electronic, radio, or		on,			
transmitting or receiving), except a satellite dish			D.	D D	ъ
(A) Nonprofit, noncommercial purposes, with no he (B) Freestanding, for commercial purposes, not ex			P P	P P P P	P P
above ground level	ceeding 50	J leet	г	rr	Г
(C) Freestanding, for commercial purposes, exceed	ina 50 fee	et above	SE	SE	SE
SE	,				
ground level					
(D) Attached to a roof, for commercial purposes,	not exceed	ding 15	P	PΡ	Р
feet above the height of the building (E) Attached to a roof, for commercial purposes,	ovacodina	15 foot	SE	SE	SE
SE	exceeding	1) Teer	SE	SE	تاد
above the height of the building					
Trucking operations, except as otherwise specified	X	<u>P</u>	X	X	
$\frac{23}{8}$ Except as provided for in Section 27-467.01	*	*			
Except as provided for in Section 27-467.01.					

App. 010

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Section 27-467.01 be and the same is hereby added to the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code:

SUBTITLE 27. ZONING.

PART 7. INDUSTRIAL ZONES.

DIVISION 1. GENERAL.

Sec. 27-467.01. Motor freight facilities.

Any Motor Freight Trucking Operation, defined pursuant to

Section 27- 107.01, which has a valid permit issued prior to

December 31, 1992, shall be considered a permitted use,

provided the use has not changed to a different use since

issuance of the permit. This provision shall apply only to the

property which was the subject of the original permit.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on December 31, 1992.

-9- CB-90-1992

DR-3

Adopted this 27th day of October, 1992.

COUNTY COUNCIL OF PRINCE

GEORGE'S

COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART

OF

THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S

COUNTY,

MARYLAND

BY:

Richard J. Castaldi Chairman

ATTEST:

Joyce T. Sweeney

Acting Clerk of the Council

KEY:

<u>Underscoring</u> indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that

remain unchanged.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL

Legislative Session

Bill No.	CB-13-2018
Chapter No.	37
Proposed and Pre	sented by The Chair (by request – Planning Board)
Introduced by	Council Members Glaros, Davis, Franklin, Taveras, and Turner
Co-Sponsors	
Date of Introduct	ion September 25, 2018
	ZONING BILL
AN ORDINANCE	Concerning
	The Zoning Ordinance of Prince George's County
For the purpose of	approving text of a new Zoning Ordinance of Prince George's County, being
also and the same	Subtitle 27 of the County Code, subject to such further approvals by the
County Council, si	tting as the District Council for that portion of the Maryland-Washington
Regional District v	within Prince George's County, pursuant to applicable prescriptions of law.
BY repealing:	
	Sections 27-101 through Section 27-1907,
	The Zoning Ordinance of Prince George's County, Maryland,
	being also
	SUBTITLE 27. ZONING.
	The Prince George's County Code
	(2015 Edition, 2017 Supplement).
BY adding:	
	Sections 27-1100 through Section 27-8602,
	The Zoning Ordinance of Prince George's County, Maryland,
	being also
	SUBTITLE 27. ZONING.
	The Prince George's County Code
	(2015 Edition, 2017 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that the provisions of Sections 27-101 through 27-1810, Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code (2015 Ed., 2017 Supp.), be and the same are hereby suspended, unless authorized within the provisions of Attachment A hereto, in furtherance of the effectuation of said provisions approved herein.

SECTION 2. BE IT FURTHER ENACTED that the provisions of Sections 27A-101 through 27A-804, Urban Centers and Corridors Nodes Development Code, being also Subtitle 27A of the Prince George's County Code (2015 Ed., 2017 Supp.), be and the same are hereby suspended, unless authorized within the provisions of Attachment A hereto, in furtherance of the effectuation of said provisions approved herein.

SECTION 3: BE IT FURTHER ENACTED that the text set forth within Attachment A to this Ordinance, including the text of all such Amendments duly incorporated by action of the Council, be and the same are hereby approved, in accordance with applicable law, and incorporated as if restated fully herein.

SECTION 4. BE IT FURTHER ENACTED that the provisions of this Ordinance are hereby declared to be severable; and, in the event that any Section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Ordinance, since the same would have been enacted without the incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or Section.

7

SECTION 4. BE IT FURTHER ENACTED that effective date of this Ordinance shall be the date of the approval, by the County Council of Prince George's County Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Prince George's County, of a Countywide Sectional Map Amendment, for purposes of effectuating the land use and zoning regulations approved within 'Attachment A' to this Ordinance, as amended, regarding a new Zoning Ordinance of Prince George's County, being also Subtitle 27 of the Prince George's County Code.**

Adopted this 23rd day of October, 2018.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

	BY:	
	Dannielle M. Glaros	
	Chair	
ATTEST:		
Redis C. Floyd		

NOTE: ATTACHMENT A IS AVAILABLE FOR REVIEW IN THE OFFICE OF THE CLERK OF THE COUNCIL, AT THE PRINCE GEORGE'S COUNTY MEMORIAL LIBRARY SYSTEM BRANCHES AND ONLINE AT: https://princegeorgescountymd.legistar.com/

**NOTE: The effective date set forth above is a reasonable estimate for this legislation to take effect. However, in order for CB-013-2018 and CB-015-2018 to become effective, the Council must approve, pursuant to the process enacted via CB-014-2018 on October 23, 2018, a Countywide Sectional Map Amendment ("CMA") to apply the appropriate zoning classification within the new Ordinance to each parcel of real property in the County. As such, the actual effective date of this legislation shall be the date of Council approval, if any, of the CMA.

Clerk of the Council

KEY:

<u>Underscoring</u> indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Office of the Chairman Prince George's County Planning Board 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.mncppc.org/pgco

(301) 952-3561

May 2, 2019

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-13-2019, CB-14-2019, CB-17-2019, CB-18-2019 and CB-19-2019

Dear Chairman Turner: Jodd

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the May 2, 2019 Planning Board meeting, the following positions were adopted after very close consideration 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:

<u>CB-13-2019</u> amends Section 27-461 (Uses Permitted in Commercial Zones.) by adding a new footnote to the Commercial Office (C-O) Zone under "Eating or Drinking establishment, with drivethrough service".

<u>Planning Board Recommendation:</u> With the inclusion of the amendment(s) the Planning Board supports the bill.

(See Attachment 1 for full analysis)

The Planning Board believes this bill was drafted for a specific property. There are approximately seven (7) properties that could be impacted by this bill.

The Planning Board would like to add two (2) technical amendments. On page 2 under footnote 76 add the word "a" in front of the words "functional transportation classification".

<u>CB-14-2019</u> amends Section 24-107.01 (Definitions.) by reusing the definition for "Urban farm" to align with the definition under the Zoning Ordinance Rewrite.

<u>Planning Board Recommendation:</u> With the inclusion of the amendment(s) the Planning Board supports the bill.

(See Attachment 2 for full analysis)

Perhaps the title and purpose statement should be amended by adding the word "generally" in front of the word "align".

The Honorable Todd M. Turner Planning Board Recommendation Page 2

This change would clarify that the proposed definition "generally aligns" with the "Urban farm" definition enacted under CB-13-2018, as the Planning Board notes minor revisions have been incorporated in the proposed definition.

On page 1, line 4 delete the word "farm" behind the word "urban" and replace with the word "Agriculture". The new Zoniug Ordinance renamed the "Urban farm" use to "Urban Agriculture".

<u>CB-17-2019</u> amends Section 27-441(b) (Uses Permitted in Residential Zones) by adding a new footnote under "Dwelling, One-family detached (in general)" and "Townhouse, all others" in the Residential Agricultural (R-A) Zone.

Planning Board Recommendation: Oppose with amendments

(See Attachment 3 for full analysis)

The Planning Board believes this bill was drafted for a specific property. There are approximately two hundred sixty-two (262) properties that meet the criteria of (a) (i), (ii), and (iv) of the footnote. The Planning Board has been unable to identify all properties meeting the criteria of (a)(iii) because the Department does not have records which list land "formerly used as an airport." The Planning Board believes there are four (4) operating airports in the County currently. One (1) operating airport, Freeway Airport, contains land zoned R-A and would meet the criteria of CB-17-2019 if the airport ceased to operate.

The purposes of the R-A Zone are to provide large lot one-family detached dwellings, while encouraging the retention of agriculture as a primary land use; and to encourage the preservation of trees and open spaces. Permitting townhouses in this zone is not appropriate.

If the District Council intends to enact this bill the language under footnote 134(b) should be deleted and replaced with new language.

<u>CB-18-2019</u> amends Section 27-107.01(a) (Definitions.) by adding a new definition for "Merchandise Logistics Center". Next, the bill amends the definition for "Regional Urban Community" by adding language which permits employment or a major employment use or center consistent with County economic development strategies as permitted uses.

<u>Planning Board Recommendation:</u> With the inclusion of the amendment(s) the Planning Board supports the bill.

(See Attachment 4 for full analysis)

The Planning Board recommends adding the use to the M-X-T Zone and the Comprehensive Design Zones Tables of Uses if the District Council would like to permit the use in those zones.

The Honorable Todd M. Turner Planning Board Recommendation Page 3

<u>CB-19-2019</u> amends Section 27-554 (Regulations.) and 27-546 (Site Plans.) in the Mixed Use – Transportation (M-X-T) Zone. Section 27-544 adds regulations for a major employment use or center identified after the adoption of the applicable Sector Plan. The Conceptual Site Plan may be amended to provide appropriate guidelines for the development to be applied at Detailed Site Plan (DSP) review to integrate the use into the surrounding development pattern. Next, Section 27-546 amends the site plan requirements by including language for a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan.

<u>Planning Board Recommendation:</u> With the inclusion of the amendment(s) the Planning Board supports the bill.

(See Attachment 5 for full analysis)

On page 3, lines 18 through 23, the sentences "The Planning Board or the District Council shall find that the proposed guidelines will not adversely affect the surrounding residential community. The Planning Board or the District Council shall consider noise, height of the building, setbacks from surrounding properties, street frontages and sufficiency of green area when determining the proposed development's effect on surrounding residential communities" are not regulations but instead seem to be a required finding for approval. It is not appropriate to incorporate findings in regulations; therefore, the Planning Board recommends the Council relocate (and adapt as may be necessary) this language to the required findings for the approval of Conceptual Site Plans in Section 27-276(b) of the Zoning Ordinance.

On page 4, lines 4 through 6 should be amended. Delete the words "or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan" and replace with the words "or alternate guidelines approved pursuant to Section 27-544(f)(2)(I)." This revised language clarifies the language under this section should mirror the language under the M-X-T Zone regulations.

Next, the Planning Board believes that Sections 27-544(c)(1) and 27-548 (j) of the M-X-T Zone regulations should be added to the bill and the language under these sections should be amended. It will be challenging for design standards commensurate with and supportive of certain types of major employment use or center, such as a Merchandise Logistics Center, for example, to meet the current requirement under Section 27-544(c) the "design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan" or the requirement in Section 27-548(j) that such design standards "be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property."

The provisions of the Zoning Ordinance addressed by this bill pertain solely to property within the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment; the development concept recommended for the Westphalia Core is a vertical mixed-use, urban, trausit-oriented development.

The Honorable Todd M. Turner Planning Board Recommendation Page 4

This development concept, or the design guidance provided for this concept in the Sector Plan, cannot be amended through approval of a Conceptual Site Plan. While Conceptual Site Plan applications are required to be guided by [27-544(c)] and "be based on" these guidelines, there are many types of "major employment use or center" uses, such as a Merchandise Logistics Center, whose design may be incongruent with a vertical mixed-use, walkable neighborhood. The purpose of CB-19-2019 is to accommodate such uses; this is challenging without amending these provisions. The Planning Board recommends adding references to alternate development regulations pursuant to Section 27-544(f)(2)(I) to Sections 27-544(c)(1) and 27-548(j), as follows:

Section 27-544(c)(1) would read: For property not subject to the provisions of Section 27-44(f)(2)(I), the [The] design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.

Section 27-548(j) would read: As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance). Notwithstanding the above, this regulation does not apply to property subject to the provisions of Section 27-544(f)(2)(I).

This change would delete the conflicts that would exist in the Zoning Ordinance between Sections 27-544(c)(1) and 27-548(j) and Section 27-544(f)(2)(I).

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

Setty

Chairman

Attachments

CB-13-2019 – Planning Board Analysis (Attachment 1)

CB-13-2019 amends Section 27-461 (Uses Permitted in Commercial Zones.) by adding a new footnote to the Commercial Office (C-O) Zone under "Eating or Drinking establishment, with drive-through service". Footnote 76 permits the use by right provided: (A) the use is located on a lot(s) or parcel(s) of less than one (1) acre in size; (B) the property has frontage on both a roadway with a functional transportation classification of arterial and a roadway with a function transportation classification of collector on the applicable Master Plan; (C) the drive-through service facility shall be designed to avoid obstruction to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances, and to provide a minimum of six (6) stacking spaces measured from the order box; and (D) the design of any roof or awning over the drive-through service facility and lanes, including any supporting columns and brackets, shall match the design and exterior building materials of the principal building.

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

The Planning Board believes this bill was drafted for a specific property. There are approximately seven (7) properties that could be impacted by this bill. There are three (3) properties in Council District 4, one (1) property located in Council Districts 3, 5, 7 and 8. Zero (0) properties located in Council Districts 1, 2, 6, and 9.

The Planning Board would like to add two (2) technical amendments. On page 2 under footnote 76 add the word "a" in front of the words "functional transportation classification". The language would read: "The property has frontage on both a roadway with a functional transportation classification of arterial and a roadway with a functional transportation classification of a collector".

The new Zoning Ordinance will consolidate the C-O Zone into the Commercial General and Office (CGO) Zone. "Eating or Drinking Establishment" uses — restaurant, quick-service" will be permitted by right subject to specific — use standards.

Following discussion, the Planning Board voted to support CB-13-2019 with the inclusion of the amendment(s).

CB-14-2019 – Planning Board Analysis (Attachment 2)

CB-14-2019 amends Section 24-107.01 (Definitions.) by reusing the definition for "Urban farm" to align with the definition under the Zoning Ordinance Rewrite.

The Planning Board has the following amendments for consideration by the District Council:

Perhaps the title and purpose statement should be amended by adding the word "generally" in front of the word "align". This change would clarify that the proposed definition "generally aligns" with the "Urban farm" definition enacted under CB-13-2018, as the Planning Board notes minor revisions have been incorporated in the proposed definition.

On page 1, line 4 delete the word "farm" behind the word "urban" and replace with the word "Agriculture". The new Zoning Ordinance renamed the "Urban farm" use to "Urban Agriculture".

On page 2, line 18 delete the words "Urban farm" and replace with the words "Urban Agriculture". Line 27 the roman numeral "II" behind the word "Part" should be deleted and replaced with the number "11". The Planning Board realizes this language is bracketed for deletion, but if the District Council decides to retain parts of the existing definition the language should be corrected to read "Part 11".

Line 29 add the word "of" behind the word "raising". The language would read: "the limited keeping and raising of bees".

Line 31 delete the words "Urban farm" and replace with the words "Urban Agriculture".

In addition, on page 3, lines 3, 6 and 8 delete the words "Urban farm" and replace with the words "Urban Agriculture".

Following discussion, the Planning Board voted to support CB-14-2019 with the inclusion of the amendment(s).

CB-17-2019 – Planning Board Analysis (Attachment 3)

CB-17-2019 amends Section 27-441(b) (Uses Permitted in Residential Zones.) by adding a new footnote under "Dwelling, One-family Detached (in general)" and "Townhouse, all others" in the Residential Agricultural (R-A) Zone. Footnote 134 permits the uses and the uses may be developed pursuant to the density and net lot area requirements of the Residential Townhouse (R-T) Zone provided: (a) the use is located on an assemblage of land that (i) is no more than one hundred forty (140) acres in size; (ii) is located within one (1) mile of a municipal boundary; (iii) all or a portion of the land was formerly used as an airport; and (iv) has frontage on a public right-of-way classified as an arterial or higher in the Master Plan Transportation and is maintained by the State Highway Administration; (b) a Detailed Site Plan (DSP) shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, density, accessory buildings, private streets, minimum area for development, and other requirements of the R-A Zone shall not apply. All other development requirements shall be established by and shown on the approved DSP.

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

The Planning Board believes this bill was drafted for a specific property. There are approximately two hundred sixty-two (262) properties that meet the criteria of (a) (i), (ii), and (iv) of the footnote. The Planning Board has been unable to identify all properties meeting the criteria of (a)(iii) because the Department does not have records which list land "formerly used as an airport." The Planning Board believes there are four (4) operating airports in the County currently. One (1) operating airport, Freeway Airport, contains land zoned R-A and would meet the criteria of CB-17-2019 if the airport ceased to operate.

The purposes of the R-A Zone are to provide large lot one-family detached dwellings, while encouraging the retention of agriculture as a primary land use; and to encourage the preservation of trees and open spaces. Permitting townhouses in this zone is not appropriate.

If the District Council intends to enact this bill the language under footnote 134(b) should be deleted and replaced with new language. The current language is not clear and does not seem to include compliance with the Landscape Manual, signage, and the Park and Loading Standards. In addition, the R-T Zone regulation language contradicts the language establishing all regulations on the DSP. The revised language would read: "A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, density, accessory buildings, private streets, and minimum area for development of the R-A Zone shall not apply, but all R-T Zone development regulations shall apply and be shown on the approved Detailed Site Plan."

Following discussion, the Planning Board voted to oppose CB-17-2019 with amendments.

CB-18-2019 - Planning Board Analysis (Attachment 4)

CB-18-2019 amends Section 27-107.01(a) (Definitions.) by adding a new definition for "Merchandise Logistics Center". Next, the bill amends the definition for "Regional Urban Community" by adding language which includes employment or a major employment use or a center consistent with the County economic development strategies as permitted uses.

The Planning Board has the following amendment for consideration by the District Council:

The Planning Board recommends adding the use to the M-X-T Zone and the Comprehensive Design Zones Tables of Uses if the District Council would like to permit the use in those zones.

Following discussion, the Planning Board voted to support CB-18-2019 with the inclusion of the amendment(s).

CB-19-2019- Planning Board Analysis (Attachment 5)

CB-19-2019 amends Sections 27-544 (Regulations.) and 27-546 (Site Plans.) in the Mixed Use — Transportation (M-X-T) Zone. Section 27-544 adds regulations for a major employment use or center identified after the adoption of the applicable Sector Plan. The Conceptual Site Plan (CSP) may be amended to provide appropriate guidelines for the development to be applied at Detailed Site Plan (DSP) review to integrate the use into the surrounding development pattern. The guidelines may include architecture, streetscape, amenities, buffering and landscaping. The guidelines shall be flexible to accommodate the requirements of the proposed employment use or center.

Next, Section 27-546 amends the site plan requirements by including language for a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan.

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

On page 3, lines 18 through 23, the sentences "The Planning Board or the District Council shall find that the proposed guidelines will not adversely affect the surrounding residential community. The Planning Board or the District Council shall consider noise, height of the building, setbacks from surrounding properties, street frontages and sufficiency of green area when determining the proposed development's effect on surrounding residential communities" are not regulations but instead seem to be a required finding for approval. It is not appropriate to incorporate findings in regulations; therefore, the Planning Board recommends the Council relocate (and adapt as may be necessary) this language to the required findings for the approval of Conceptual Site Plans in Section 27-276(b) of the Zoning Ordinance.

On page 4, lines 4 through 6 should be amended. Delete the words "or include a major employment use or center which is consistent with the economic development strategies of the Sector Plan or General Plan" and replace with the words "or alternate guidelines approved pursuant to Section 27-544(f)(2)(I)." This revised language clarifies the language under this section should mirror the language under the M-X-T Zone regulations.

Next, the Planning Board believes that Sections 27-544(c)(1) and 27-548 (j) of the M-X-T Zone regulations should be added to the bill and the language under these sections should be amended. It will be challenging for design standards commensurate with and supportive of certain types of major employment use or center, such as a Merchandise Logistics Center, for example, to meet the current requirement under Section 27-544(c) the "design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan" or the requirement in Section 27-548(j) that such design standards "be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property."

The provisions of the Zoning Ordinance addressed by this bill pertain solely to property within the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment;* the development concept recommended for the Westphalia Core is a vertical mixed-use, urban, transit-oriented development.

CB-19-2019 - Planning Board Analysis (Attachment 5) Page 2

This development concept, or the design guidance provided for this concept in the Sector Plan, cannot be amended through approval of a Conceptual Site Plan. While Conceptual Site Plan applications are required to be guided by [27-544(c)] and "be based on" these guidelines, there are many types of "major employment use or center" uses, such as a Merchandise Logistics Center, whose design may be incongruent with a vertical mixed-use, walkable neighborhood. The purpose of CB-19-2019 is to accommodate such uses; this is challenging without amending these provisions.

The Planning Board recommends adding references to alternate development regulations pursuant to Section 27-544(f)(2)(I) to Sections 27-544(c)(1) and 27-548(j), as follows:

Section 27-544(c)(1) would read:

For property not subject to the provisions of Section 27-544(f)(2)(I), the [The] design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.

Section 27-548(j) would read:

As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance). Notwithstanding the above, this regulation does not apply to property subject to the provisions of Section 27-544(f)(2)(I).

This change would delete the conflicts that would exist in the Zoning Ordinance between Sections 27-544(c)(1) and 27-548(j) and Section 27-544(f)(2)(I).

Following discussion, the Planning Board voted to support CB-19-2019 with the inclusion of the amendment(s).

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT 2019 Legislative Session

Reference No.: CB-018-2019

Draft No.:

Committee: PLANNING, HOUSING, AND ECONOMIC DEVELOPMENT

Date: 05/07/2019

Action: FAV

REPORT:

Committee Vote: Favorable, 4-0-1 (In favor: Council Members Glaros, Davis, Hawkins and Ivey. Abstain: Council Member Dernoga)

The Planning, Housing, and Economic Development Committee Director summarized the purpose of the legislation and informed the committee as to comments received on referral. This legislation amends the County Zoning Ordinance definitions section to define a new use, Merchandise Logistics Center and to amend the current definition of Regional Urban Community.

Council Member Davis, the bill sponsor, informed the Committee that CB-18-2019 and CB-19-2019 (a subsequent legislative item on the Committee's May 7, 2019 agenda) are proposals to provide a significant employment generator opportunity in the County. This is also consistent with the County's vision and policies for Economic Development in strategically located areas.

The Office of Law reviewed CB-18-2019 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board transmitted a May 2, 2019 letter to Council Chair Turner with a recommendation of support with the inclusion of suggested amendments as follows. "The Planning Board recommends adding the use to the M-X-T Zone and the Comprehensive Design Zones Table of Uses if the District Council would like to permit the use in those zones."

Rana Hightower, representing the Planning Board, informed the Committee that after discussion with Council staff, the Planning Board's amendments were no longer relevant since it is clear in the definition of Merchandise Logistics Center that it is a use only permitted in a Regional Urban Community.

The Committee voted favorable on the legislation as drafted.



Prince George's County Council

Agenda Item Summary

Meeting Date: 6/18/2019 Effective Date: 6/18/2019

Reference No.: CB-018-2019 **Chapter Number:** 10

Public Hearing Date: 6/18/2019 @ 10:00 a.m.

Proposer(s): Davis

Sponsor(s): Davis, Taveras, Franklin, Harrison, Turner, Anderson-Walker, Glaros and Hawkins

Item Title: AN ORDINANCE CONCERNING DEFINITIONS for the purpose of adding a

definition of a Merchandise Logistics Center and amending the definition of Regional

Urban Community in the County Zoning Ordinance.

Drafter: Jackie Brown, PHED Committee Director

Resource Personnel: Nellvenia W. Johnson, Chief of Staff/Legislative Aide, Council District 6

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
04/30/2019	County Council	presented and referred	PHED
		presented by Council Member d Economic Development Com	
05/07/2019	PHED	Favorably recommended	County Council
	Action Text: A motion was made by	y Council Member Davis, secon	nded by Vice Chair Hawkins

A motion was made by Council Member Davis, seconded by Vice Chair Hawkins, that this Council Bill be Favorably recommended to the County Council. The motion carried by the following vote:

Aye: 4 Glaros, Hawkins, Davis and Ivey

Abstain: 1 Dernoga

05/14/2019 County Council introduced

Action Text:

This Council Bill was introduced by Council Members Harrison, Turner,

Anderson-Walker, Glaros, Hawkins, Taveras and Franklin

06/18/2019 County Council public hearing held

Action Text:

This public hearing was held

06/18/2019 County Council rules suspended

Action Text:

A motion was made by Council Member Davis, seconded by Council Member Glaros, that the County Council Rules of Procedure be suspended to allow for an effective date on the date of adoption. The motion carried by the following vote:

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

Abstain: 1 Dernoga

06/18/2019 County Council enacted

Action Text:

A motion was made by Council Member Davis, seconded by Council Member Glaros, 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

Abstain: 1 Dernoga

AFFECTED CODE SECTIONS:

27-107.01

BACKGROUND INFORMATION/FISCAL IMPACT:

This legislation amends the County Zoning Ordinance definitions section to amend the current definition of Regional Urban Community and add a new definition for a Merchandise Logistics Center.

Document(s): B2019018, CB-018-2019 AIS, CB-018-2019 Report

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL

2019 Legislative Session

Bill No.	CB-18-2019
Chapter No.	10
Proposed and Presented by	Council Member Davis
Introduced by Co	uncil Members Davis, Taveras, Franklin, Harrison, Turner,
	Anderson-Walker, Glaros and Hawkins
Date of Introduction	May 14, 2019
	ZONING BILL
AN ORDINANCE concerni	ng
	Definitions
For the purpose of adding a	definition of a Merchandise Logistics Center and amending the
definition of Regional Urban	n Community in the County Zoning Ordinance.
BY repealing and reenacting	g with amendments:
Se	ction 27-107.01(a),
Th	e Zoning Ordinance of Prince George's County, Maryland,
be	ing also
SU	JBTITLE 27. ZONING.
Th	e Prince George's County Code
(20	015 Edition, 2018 Supplement).
SECTION 1. BE IT E	NACTED by the County Council of Prince George's County,
Maryland, sitting as the Dist	rict Council for that part of the Maryland-Washington Regional
District in Prince George's C	County, Maryland, that Section 27-107.01(a) of the Zoning Ordinance
of Prince George's County, 1	Maryland, being also Subtitle 27 of the Prince George's County
Code, be and the same is her	reby repealed and reenacted with the following amendments:
	SUBTITLE 27. ZONING.
	PART 2. GENERAL.
	DIVISION 1. DEFINITIONS.

1	Sec. 27-107.01. Definitions.
2	(a) Terms in the Zoning Ordinance are defined as follows:
3	* * * * * * * * *
4	(150.1) Merchandise Logistics Center: A facility located within a Regional Urban
5	Community, where goods or products are received and may be sorted, packed and stored for the
6	purpose of distribution to parcel carriers or delivery directly to a customer, and which may
7	include ancillary, and related functions such as indoor or outdoor loading and unloading, light
8	maintenance and refueling of fleet vehicles, employee break room(s), ancillary retail sales and
9	customer service areas, pick and pack areas, printing, packaging, and assembling or making
10	products on demand and ancillary and related uses.
11	[(150.1)] (150.2) Methadone Treatment Center: An establishment licensed by the
12	Federal Government and certified by the State of Maryland from which methadone, prescribed
13	for the treatment of heroin addiction, is dispensed. This term shall not include "Drug Store,"
14	"Medical Clinic," the "Office" of a "Medical Practitioner," or "Public Building and Use."
15	[(150.2)] (150.3) Metro Planned Community: A contiguous land assemblage, no less
16	than one hundred fifty (150) acres, abutting an existing mass transit rail station site operated by
17	the Washington Metropolitan Area Transit Authority and including land placed in preservation
18	by the State of Maryland, and planned to be developed with an array of commercial, lodging,
19	recreational, residential, entertainment, retail, social, cultural, or similar uses which are
20	interrelated by one or more themes.
21	* * * * * * * * *
22	(197.1) Regional Urban Community: A contiguous land area of 500 or more acres in
23	the M-X-T or R-M Zone within a General Plan designated center in the Developing Tier, and
24	which is to be developed as follows: a mixed use, urban town center including retail, office,
25	employment and residential uses with a defined core, edge and fringe as defined by the Sector
26	Plan or a major employment use or center consistent with County economic development
27	strategies; transit-and-pedestrian-oriented, with ample public spaces suitable for community
28	events, adjacent to a planned or developed public park of 100 or more acres that includes a
29	variety of recreational and cultural facilities for public use, such as amphitheaters, performance
30	stages and plazas.
31	* * * * * * * * *
32	

1	SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
2	date of its adoption.
	Adopted this 18th day of June, 2019.
	COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND
	BY: Todd M. Turner Chair
	ATTEST:
	Donna J. Brown
	Acting Clerk of the Council
	KEY: <u>Underscoring</u> indicates language added to existing law. [Brackets] indicate language deleted from existing law. Asterisks *** indicate intervening existing Code provisions that remain unchanged.

1	BEFORE THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY					
2						
3	ORDINANCE CONCERNING DEFINITIONS (CB-018-2019)					
4						
5	FIRST READING OF BILLS					
6	April 30, 2019					
7	COUNTY ADMINISTRATIVE BUILDING					
8	UPPER MARLBORO, MARYLAND					
9						
10	COUNCIL MEMBERS:					
11	TODD M. TURNER, District 4, Chair					
12	RODNEY C. STREETER, District 7, Vice Chair					
13	THOMAS E. DERNOGA, District 1					
14	DENI L. TAVERAS, District 2					
15	DANNIELLE M. GLAROS, District 3					
16	JOLENE IVEY, District 5					
17	DERRICK LEON DAVIS, District 6					
18	MONIQUE ANDERSON-WALKER, District 8					
19	SYDNEY J. HARRISON, District 9					
20	MEL FRANKLIN, At-Large					
21	CALVIN S. HAWKINS, II, At-Large					
	Blair Scoping & Transcription Service 12166 Cavalier Drive Dunkirk, MD 20754 443-404-0437					

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P-R-O-C-E-E-D-I-N-G-S

CHAIR TURNER: Moving on, we have CB-18-2019, Draft 1, an Ordinance concerning Definitions for the purpose of adding a definition of a Merchandise Logistics Center and amending the definition of Regional Urban Community in the County Zoning Ordinance again sponsored by Council Member Davis, I believe, with referral to P, Planning, Housing and Economic Development.

(Whereupon, the first reading of this Bill was concluded.)

CERTIFICATE OF TRANSCRIBER

I, Ruth Kerker Blair, hereby certify that the excerpt of the testimony given in the above-entitled matter was transcribed by me, and that said transcript is a true record, to the best of my ability, of said testimony.

I further hereby certify that I am neither a relative to nor an employee of any attorney or party herewith, and that I have no interest in the outcome of these proceedings.

This 26 day of August, 2019.

RUTH KERKER BLAIR

Blair Scoping & Transcription Service

1	BEFORE THE PLANNING, HOUSING AND
2	ECONOMIC DEVELOPMENT COMMITTEE
3	
4	ORDINANCE CONCERNING DEFINITIONS (CB-018-2019)
5	
6	
7	May 7, 2019
8	COUNTY ADMINISTRATIVE BUILDING
9	UPPER MARLBORO, MARYLAND
10	
11	
12	
13	
14	
15	
16	COMMITTEE MEMBERS:
17	DANNIELLE M. GLAROS, Chair
18	CALVIN S. HAWKINS, II, Vice Chair
19	THOMAS E. DERNOGA
20	DERRICK LEON DAVIS
21	JOLENE IVEY
22	
	Blair Scoping & Transcription Service 12166 Cavalier Drive Dunkirk, MD 20754 443-404-0437

P-R-O-C-E-E-D-I-N-G-S

MS. BROWN: The first item on today's agenda is CB-018-2019. This Bill amends
the Zoning Ordinance Definitions section to add a new definition for a Merchandise
Logistics Center and amends the existing definition for Regional Urban Community. The
Planning Board supports CB-018. They had a suggested amendment, but I believe they are
okay with Draft 1. Ms. Hightower can expand on that. I think they have resolved that issue
on the amendment. The Office of Law determined the Bill is in proper legislative form with
no impediments to its enactment. Thank you.

CHAIR GLAROS: Okay, thank you, Ms. Brown. Let me turn to the sponsor of the Bill, Mr. Davis.

MR. DAVIS: Thank you, Madam Chair. As Ms. Brown has already articulated, this is not beginning of a process. This is kind of the middle of the process. We've been working at this in our community for some time, and we certainly appreciate the Planning Board's opinion with regard to this specific issue. I think CB-018 and 019 have a symbiotic relationship, and so I'm glad that we were able to work through all of the pieces. But what I'll do is ask Ms. Zavakos to just give us just a teenie bit more explanation, and if in fact Park and Planning has anything that they need to add to that, then at which time I'll make the motion to put it on the floor.

CHAIR: Okay, thank you. Let me turn to Ms. Zavakos, and then I'll go to Ms. Hightower and Ms. McNeil. Ms. Zavakos.

MS. ZAVAKOS: Thank you, Madam Chair, and thank you for, Mr. Davis, for your opening remarks. The Planning Board's comments suggest that perhaps the Bill could be tweaked to include use tables that would include the mixed-use tables in the (inaudible) as well as the Floating Zone or Comprehensive Design Zone uses to permit said use in the Blair Scoping & Transcription Service

1	Ordinance. Quite frankly, I will respond to that gently by saying that that's not necessary,
2	and my reasons for that are twofold.
3	One, the addition of this enhancement to the Regional Urban Community definition
4	implies necessarily that they could not be anywhere but within the standard Regional Urban
5	Community use, which is already permitted within the mixed-use zones. Secondly, we're
6	on the cusp of initiating a new Zoning Ordinance implementation process in which case this
7	would be consistent with and not confuse the public as we go to take on that endeavor. So,
8	in consultation with Park and Planning, we had a friendly discussion about it, and they can
9	see my viewpoint and I see theirs. There you are.
10	CHAIR: Okay, thank you, Ms. Zavakos. Ms. Hightower or Ms. McNeil.
11	MS. HIGHTOWER: Thank you, Madam Chair and Members of the Committee.
12	We have no additional comments. Thank you.
13	CHAIR: Okay. Ms. Hightower, thanks for the review of this one. Ms. McNeil.
14	MS. MCNEIL: No additional comment.
15	CHAIR: Okay, thanks, Ms. McNeil. Let me turn to Ms. Hernandez and Ms. Austin.
16	MS. HERNANDEZ: We have no additional comments.
17	CHAIR: Okay, thank you, Ms. Hernandez.
18	MR. DAVIS: Thank you, and with that, Madam -
19	CHAIR: Up, up, Ms. Austin.
20	MS, AUSTIN: You going to leave me?
21	MR. DAVIS: Oh, you know what? I owe you lunch.
22	CHAIR: You should do that more often, Ms. Austin.
23	MS. AUSTIN: Right.
24	MR. DAVIS: No, it was yesterday. I meant to say that she was there.
	Blair Scoping & Transcription Service

1	MS. AUSTIN: We have no additional comments.
2	CHAIR: Okay, Ms. Austin. Let me turn back to the sponsor of the Bill.
3	MR. DAVIS: Thank you, Madam Chair. As I said, this is - and they work in
4	tandem - CB-018 and -019, and so, on CB-019, when we get to it, I do believe that there's
5	some additional work that we have already begun the process of, but I'd like to move CB-
6	018, Draft 1, favorable.
7	MR. HAWKINS: Second.
8	MR. DAVIS: Thank you.
9	CHAIR: Okay, so I have a motion by Mr. Davis, a second by Mr. Hawkins. We are
10	in discussion, colleagues. Mr. Hawkins, you're queued up. Was that for the motion?
11	MR. HAWKINS: Yes.
12	CHAIR: Okay, let me see if there's any questions on the table. I have a question
13	from Ms. Ivey. Ms. Ivey.
14	MS. IVEY: Yeah, I was just trying to figure out – I'm sure I'm just missing
15	something, but a Merchandise Logistics Center, is that a warehouse or what is it exactly?
16	Tell me.
17	MS. ZAVAKOS: Okay, well, a Merchandise Logistics Center is not intended to be a
18	warehouse. If the definition is crafted as precisely as we hope, the idea is it's basically a
19	touchdown place where it goes in anticipation of being dispatched to local or very nearby
20	local areas. The idea behind it is that nothing lingers. It is not a storage hub or any kind of
21	warehouse type facility as our local zoning laws contemplate that.
22	MS. IVEY: And where would they be allowed?
23	MS. ZAVAKOS: Only within a Regional Urban Community.
24	MS. IVEY: And what is that? I'm still learning.
	Blair Scoping & Transcription Service

1	MS. ZAVAKOS: A Regional Urban Community is something that was actually
2	devised by way of a prior, prior Council with which I have the pleasure of saying that we are
3	rejoined by one that was on the Council that approved the plan that actually created it as
4	well as the legislation. A Regional Urban Community is the creature of, quite frankly, the
5	2007 Westphalia Sector Plan and Sectional Map Amendment. And that exists only, as far as
6	I know, at this point, yet it is subject to be expanded by the legislative action of this Council,
7	elsewhere. But at the moment it only exists within the area boundaries of the Westphalia
8	Plan.
9	MS. IVEY: So, a Merchandise Logistics Center at this point would only be allowed
10	in Westphalia?
11	MS. ZAVAKOS: No, only within the Regional Urban Community which only
12	resides within Westphalia.
13	MS. IVEY: Right now?
14	MS. ZAVAKOS: That's right.
15	MS. IVEY: Okay. Thank you.
16	CHAIR: Thank you, Ms. Ivey, for those questions. On a side note, if we did want to
17	expand the definition and apply it elsewhere, we would need to just set it up a little bit
18	differently, which I think is where Planning's comments were going. One thing on the
19	Merchandise Logistics Center, given Ms. Ivey's question about her concern, well, isn't this
20	just a warehouse, the, I think this is intended, as you said, to be greater than a single-story
21	warehouse, which is sort of like the vision that a lot of people have. It may - I don't know if
22	you want to put this in the definition, maybe it's taken up actually in CB-019, Draft 2. By
23	the end of the day, I believe this, the logistics that are as envisioned would be multiple

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stories. And so, or you could just put in more than one story, which maybe will help people understand that it's no, not exactly a warehouse.

MS. ZAVAKOS: Right, it is not. The definition, we start drifting into the category of regulations when we start talking about stories.

CHAIR: Got it. Okay.

MS. ZAVAKOS: And remember, there is not only under the zone but under the use itself when you get to the particulars of the next Bill that go with it, and I think that would clear it up.

CHAIR: Okay, no worries. I was just suggesting that, given her question, it might be a helpful clarification to replace the "a" with "multiple-story" facility. But sounds like 019 is going to solve that. Let me turn to Mr. Dernoga, and, Ms. Ivey, thank you for your questions. Mr. Dernoga.

MR. DERNOGA: Thank you. I appreciate Ms. Ivey's questions because, frankly, I have no idea what this Bill does, and this was presented last week. And because it's in the middle of a budget, and this is not typically a scheduled meeting date, as much as I tried to get to the Park and Planning comments, I was unable. And I tried to read them real quickly, but they're complicated. And I am just at a loss as to how these two Bills go together, what the impact is. I gather it's a Westphalia thing, so maybe I should just leave it at that and just say, congratulations Westphalia.

The thing that jumped out at me when I first saw the Bill, we have one of these things in Beltsville. And the citizens there are engaged in fighting the building user because they do exactly what Ms. Zavakos said, which is swoop in with a bunch of big trucks, drop a whole lot of stuff off, and then very shortly thereafter, they take out a lot of little trucks which in the middle of the – it was a touchdown area. And because of the close proximity to

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the residential community in that case, it's led to a lot of noise violation complaints and back and forth, so I just have a sensitivity. Now, I assume Mr. Davis has that under control in Westphalia.

But I'm worried about expanding this use, because one of the issues in that case – for those in the audience, it's the brick yard – and the citizens claim it's a warehouse, and Park and Planning claim – no, the citizens claim it's a trucking operation, which it is, and Park and Planning thinks it's a warehouse, even though nothing ever stays in the building. So, I'm just concerned that there's some impetus. I gather, we have a lot of suits in the back, so we have a bunch of lobbyists here on behalf of this. I'd love to hear what they have to say, a lot of suits. Anyway, I'll get off – I'll get off the mike, but I just am not comfortable that we're moving so fast that – you know, I would love that, particularly when CB-019, I hope we walk through the building and explain what it does and what the policies are just so we can understand and the public can understand, because this is – I have a pretty good grasp of zoning law, and I have no clue what's going on. So, sorry.

CHAIR: Thank you, Mr. Dernoga, and thank you for the thoughts and comments on this one. As you may or may not know, Mr. Davis wasn't able to be at our meeting on the 16th, and I ended up with a personal conflict, so there was a lot of shuffling and that's why I thanked people in the beginning to get us here.

As far as I – as my understanding of this, in essence, what we're doing is we're just adding a new definition. At least from the standpoint, Mr. Dernoga, of the concerns in your community, it looks like you'll be narrowly focused on the Regional Urban Community, which is a fairly unique community as it is, or zoning as it is within the County. So, I suppose that's the – it doesn't have much application beyond within the Regional Urban

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1 Community. With that, let me turn to Mr. Davis, who's queued up, and then, once again, 2 the longer Bill of this package is CB-019, which will be the next Bill. Mr. Davis. 3 MR. DAVIS: Thank you, Madam Chair, and understanding the comments of colleagues, and what we tried to do is follow the Master Plans as they exist, follow the 4 5 history of zoning as it exists and ensure that we're preparing not only from the past but for 6 the future. And the reality that Mr. Dernoga articulated in his commentary with regard to a 7 specific piece of property in his district, I believe, when I supported Ms. Ivey's Bill last 8 week and knowing the level of necessity with regard to relationship with the community, all 9 of those things have played out over a long period of time. So, I'm very confident and 10 comfortable that the types of concerns that Mr. Dernoga expressed have been vetted, will 11 continue to be vetted. And all the way through the process of this economic opportunity, 12 they will be considered. And with that, Madam Chair, we can call the question. 13 CHAIR: We don't need to call the question. I know other speakers queued up, and 14 we are in the discussion. However, I did have people here identify from the audience who 15 want to be speakers on this. If I may suggest, I think we can move forward on this Bill, and you guys can come up on -019 if that's okay. Okay, with that said, seeing no other further 16 17 speakers, we've been in discussion, there was a motion by Mr. Davis, a second by Ms. 18 Hawkins [sic]. I think we're ready for a vote. 19 CLERK: Chair Glaros. 20 CHAIR: I vote aye. 21 CLERK: Vice Chair Hawkins. MR. HAWKINS: (Inaudible) 22 23 CLERK: Council Member Davis.

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MR. DAVIS: Aye.

1	CLERK: Council Member Dernoga.
2	MR. DERNOGA: I abstain.
3	CLERK: Council Member Ivey.
4	MS. IVEY: (Inaudible)
5	CLERK: Motion carries 4-0-1.
6	CHAIR: Okay, thank you. Thank you, colleagues.
7	(Whereupon, the Committee discussion of this Bill was concluded.)
8	
9	CERTIFICATE OF TRANSCRIBER
10	I, Ruth Kerker Blair, hereby certify that the excerpt of the testimony given in the
11	above-entitled matter was transcribed by me, and that said transcript is a true record, to the
12	best of my ability, of said testimony.
13	I further hereby certify that I am neither a relative to nor an employee of any attorney
14	or party herewith, and that I have no interest in the outcome of these proceedings.
15	This 26 day of August, 2019.
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18	RUTH KERKER BLAIR
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1	BEFORE THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY
2	
3	ORDINANCE CONCERNING DEFINITIONS (CB-018-2019, Draft 1)
4	
5	SECOND READING OF BILLS
6	May 14, 2019
7	COUNTY ADMINISTRATIVE BUILDING
8	UPPER MARLBORO, MARYLAND
9	
10	COUNCIL MEMBERS:
11	TODD M. TURNER, District 4, Chair
12	RODNEY C. STREETER, District 7, Vice Chair
13	THOMAS E. DERNOGA, District 1
14	DENI L. TAVERAS, District 2
15	DANNIELLE M. GLAROS, District 3
16	JOLENE IVEY, District 5
17	DERRICK LEON DAVIS, District 6
18	MONIQUE ANDERSON-WALKER, District 8
19	SYDNEY J. HARRISON, District 9
20	MEL FRANKLIN, At-Large
21	CALVIN S. HAWKINS, II, At-Large

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P-R-O-C-E-E-D-I-N-G-S

3	CHAIR TURNER: Moving on again, second reading of Bills, we have CB-018-
4	2019, Draft 1. It's an Ordinance concerning Definitions for the purpose of adding a
5	definition of Merchandise Logistics Center and amending the definition of Regional Urban
6	Community within the County Zoning Ordinance. This is sponsored by Council Member
7	Davis, favorably reported out of the Planning, Housing and Economic Development
8	Committee on May 7, 2019. Let me again turn to Ms. Glaros for a Committee report.
9	MS. GLAROS: Thank you, Mr. Chair. The Planning, Housing and Economic
10	Development Committee met to consider CB-018-2019 on May 7th. This legislation amends
11	the County Zoning Ordinance Definitions section to define a new use, Merchandise
12	Logistics Center, and to amend the current definition of Regional Urban Community.
13	During Committee discussion of CB-018, provisions in a subsequent Bill on the agenda,
14	CB-019-2019, were also discussed as they relate to a Regional Urban Community in the M-
15	X-T Zone.
16	Following discussion, the Committee voted favorable 4-0-1 on CB-019-2019 [sic] as
17	drafted. This concludes the report of the Planning, Housing and Economic Development
18	Committee.
19	CHAIR: Thank you, Ms. Glaros. Are there any additional sponsors of CB-018-
20	2019?
21	CLERK FLOYD: Additional sponsors? Council Members Harrison, Turner,
22	Anderson-Walker, Glaros and Hawkins. Thank you.
23	CHAIR: Thank you, everyone. CB-018-2019, Draft 1 stands introduced. Can we

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add Ms. Taveras as well and Mr. Franklin?

1	CLERK: Thank you. That is Ms. Taveras and Mr. Franklin.
2	CHAIR: Okay.
3	CLERK: Thank you.
4	CHAIR: Thank you.
5	(Whereupon, the second reading of this Bill was concluded.)
6	
7	CERTIFICATE OF TRANSCRIBER
8	I, Ruth Kerker Blair, hereby certify that the excerpt of the testimony given in the
9	above-entitled matter was transcribed by me, and that said transcript is a true record, to the
10	best of my ability, of said testimony.
11	I further hereby certify that I am neither a relative to nor an employee of any attorney
12	or party herewith, and that I have no interest in the outcome of these proceedings.
13	This Add day of August, 2019.
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16	RUTH KERKER BLAIR
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1	BEFORE THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY
2	
3	ORDINANCE CONCERNING DEFINITIONS (CB-018-2019)
4	
5	PUBLIC HEARING
6	June 18, 2019
7	COUNTY ADMINISTRATIVE BUILDING
8	UPPER MARLBORO, MARYLAND
9	
10	COUNCIL MEMBERS:
11	TODD M. TURNER, District 4, Chair
12	RODNEY C. STREETER, District 7, Vice Chair
13	THOMAS E. DERNOGA, District 1
14	DENI L. TAVERAS, District 2
15	DANNIELLE M. GLAROS, District 3
16	JOLENE IVEY, District 5
17	DERRICK LEON DAVIS, District 6
18	MONIQUE ANDERSON-WALKER, District 8
19	SYDNEY J. HARRISON, District 9
20	MEL FRANKLIN, At-Large
21	CALVIN S. HAWKINS, II, At-Large
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3 CHAIR TURNER: Moving on, again, with our public hearings for a third reading eligible for enactment, we have CB-018-2019, Draft 1, an Ordinance concerning Definitions 4 5 for the purpose of adding a definition of Merchandise Logistics Center and amending the 6 definition of Regional Urban Community in the County Zoning Ordinance. This is 7 sponsored by Council Members Davis, Taveras, Franklin, Harrison, Turner, Anderson-8 Walker, Glaros and Hawkins. Madam Clerk, are there any speakers on CB-018-2019? 9 CLERK BROWN: No speakers, sir. 10 CHAIR: Seeing no speakers, this public hearing has been held. With that, is there a 11 motion? 12 MS. ZAVAKOS: Mr. Chairman. CHAIR: Yes. 13 14 MS. ZAVAKOS: Point of order. 15 MS. ZAVAKOS: This Bill is styled in Section 2 on page three as to take effect on 16 the date of its adoption. As such, pursuant to your Rules, you will need a motion to suspend 17 the Rules to allow that to happen. 18 CHAIR: Got you. Thank you. 19 MR. DAVIS: Suspension of the Rules. 20 MS. GLAROS: Second. CHAIR: We have a motion by Mr. Davis, seconded by Ms. Glaros, to suspend the

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23 24 Madam Clerk, please call the roll.

CLERK: Ms. Anderson-Walker.

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Rules with respect to the date of enactment. Any discussion on the motion? Seeing none,

1	MS. ANDERSON-WALKER: Aye.
2	CLERK: Mr. Davis.
3	MR. DAVIS: Vote aye.
4	CLERK: Mr. Dernoga.
5	MR. DERNOGA: I abstain.
6	CLERK: Mr. Franklin.
7	MR. FRANKLIN: Aye.
8	CLERK: Ms. Glaros.
9	MS. GLAROS: Aye.
10	CLERK: Mr. Harrison.
11	MR. HARRISON: Aye.
12	CLERK: Mr. Hawkins.
13	MR. HAWKINS: Aye.
14	CLERK: Ms. Ivey.
15	MS. IVEY: Aye.
16	CLERK: Mr. Streeter.
17	MR. STREETER: Aye.
18	CLERK: Ms. Taveras.
19	MS. TAVERAS: Aye.
20	CLERK: Chair Turner.
21	CHAIR: Aye.
22	CLERK: Motion carries 10-0-1.
23	MR. DAVIS: Move for enactment.
24	MS. GLAROS: Second.
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1	CHAIR: I have a motion by Mr. Davis, a second by Ms. Glaros to enact CB-018-
2	2019, Draft 1. Any discussion on the motion? Seeing none, Madam Clerk, please call the
3	roll.
4	CLERK: Ms. Anderson-Walker.
5	MS. ANDERSON-WALKER: Aye.
6	CLERK: Mr. Davis.
7	MR. DAVIS: Aye.
8	CLERK: Mr. Dernoga.
9	MR. DERNOGA: I abstain.
10	CLERK: Mr. Franklin.
11	MR. FRANKLIN: Aye.
12	CLERK: Ms. Glaros.
13	MS. GLAROS: Aye.
14	CLERK: Mr. Harrison.
15	MR. HARRISON; Aye.
16	CLERK: Mr. Hawkins.
17	MR. HAWKINS: Aye.
18	CLERK: Ms. Ivey.
19	MS. IVEY: Aye.
20	CLERK: Mr. Streeter.
21	MR. STREETER: Aye.
22	CLERK: Ms. Taveras.
23	MS. TAVERAS: Aye, (inaudible).
24	CLERK: Chair Turner.
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1	CHAIR: Aye.
2	CLERK: 10-0-1, motion carries.
3	CHAIR: Thank you.
4	(Whereupon, the public hearing was concluded.)
5	
6	CERTIFICATE OF TRANSCRIBER
7	I, Ruth Kerker Blair, hereby certify that the excerpt of the testimony given in the
8	above-entitled matter was transcribed by me, and that said transcript is a true record, to the
9	best of my ability, of said testimony.
10	I further hereby certify that I am neither a relative to nor an employee of any attorney
11	or party herewith, and that I have no interest in the outcome of these proceedings.
12	This 26th day of August, 2019.
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14	Leuto Leiber Blair
15	RUTH KERKER BLAIR
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Sec. 27-107.01. Definitions.

* *

(66.4) **Distribution Facility:**

- (A) A facility to or from which a wholesaler or retailer ships merchandise, materials, or supplies for storage or distribution by that wholesaler or retailer to the sales outlets or service operations it supports; or
- (B) A business whose functions are similar to those of the United States Postal Service, that is exclusively devoted to the receiving, sorting, sending, and delivery of letters, parcels, and other postal express matter.

(CB-90-1992)

* * *

(150.1) Merchandise Logistics Center: A facility located within a Regional Urban Community, where goods or products are received and may be sorted, packed and stored for the purpose of distribution to parcel carriers or delivery directly to a customer, and which may include ancillary, and related functions such as indoor or outdoor loading and unloading, light maintenance and refueling of fleet vehicles, employee break room(s), ancillary retail sales and customer service areas, pick and pack areas, printing, packaging, and assembling or making products on demand and ancillary and related uses.

(CB-18-2019)

Editor's note(s)—By Order of Court dated February 14, 2020, The Circuit Court for Prince George's County, in CAL 19-23357, invalidated the Council's enactment of CB-018-2019 and CB-019-2019. As such, the provisions of this Section are null and void.

* * *

(256) **Warehouse Unit:** A "Building" used for the storage of goods and materials in connection with the day-to-day operation of a wholesale or distribution business, or a business that is not located in the same "Building" or on the same property as the "Warehouse Unit." The storage of goods and materials as an "Accessory Use" to a business located on the same property is not a "Warehouse Unit." A "Warehouse Unit" is sometimes referred to as a "Warehouse."

(CB-90-1992)

Sec. 27-476. Reasons for Comprehensive Design Zones.

- (a) The following are the reasons for having Comprehensive Design Zones:
 - (1) It is within the ultimate objectives of the District Council's authority (under Article 28 of the Annotated Code of Maryland) to use recent planning and zoning innovations;
 - (2) The demands for housing, commercial and industrial activities, and related public facilities and services are undergoing substantial and rapid changes, requiring improved methods of land use control; and
 - (3) There is a need to encourage the optional and imaginative utilization of land contemplated by Comprehensive Design Zones in order to:
 - (A) Improve the total environment;
 - (B) Lessen the public costs associated with land development and use;
 - (C) Fulfill the purposes of each individual Comprehensive Design Zone; and
 - (D) Fulfill the recommendations and purposes of the General Plan, Master Plans, or Sector Plans in selected areas.

(CB-84-1990; CB-47-1996; CB-77-2006)

Sec. 27-478. Review process.

- (a) The purposes of each individual Comprehensive Design Zone (Division 2 of this Part) are intended to be satisfied by establishing incentives for good development, and the following three (3) phase plan review procedure:
 - (1) The initial phase is the review of a Basic Plan, which shall show the types, amounts, and general location of land uses proposed. The Basic Plan shall be reviewed concurrently with the review of, and action on, the Zoning Map Amendment application (Part 3, Division 2, Subdivision 3). When a Comprehensive Design Zone is established through a Sectional Map Amendment intended to implement land use recommendations for mixed-use development as recommended by a Master Plan or Sector Plan, design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change may constitute the Basic Plan for development on the subject property.
 - (2) The second phase is the review of a Comprehensive Design Plan, text, and schedule, which shall show amounts and locations of land use, the circulation system, and the portions of development which may be constructed during the same time period.
 - (3) The third phase is the review of a Specific Design Plan, which serves as the final design of the development for each portion to be constructed during the same time period.
- (b) All plans referred to in (a), above, shall be reviewed and acted upon prior to, or concurrently with, the review of, and action on, a subdivision proposal.
- (c) The three (3) phases of review may be filed or considered concurrently.
- (d) The above provisions shall not apply to the review process for property or properties in the R-M Zone which are part of an assemblage of properties, inclusive of property already zoned M-X-T, which are included in a Conceptual Site Plan application for a Waterfront Entertainment/Retail Complex. In such instances, the Comprehensive Design Plan and Specific Design Plan are not required. The R-M zoned property or properties shall be governed by the process and regulations concerning development and use of M-X-T zoned property.
- (e) The above provisions are applicable to a Planned Environmental Preservation Community in the E-I-A Zone, but an approved Comprehensive Design Plan may be amended by the reduced Comprehensive Design Plan process in Section 27-518. A Planned Environmental Preservation Community is governed by the development regulations in Divisions 1 and 5 of this Part. Where the regulations are in conflict, those in Division 5 shall apply.

(CB-18-1990; CB-44-1997; CB-35-2003; CB-77-2006)

Sec. 27-502. Minimum size exceptions.

- (a) The minimum size requirements of Section 27-501 shall not apply if:
 - (1) The District Council finds that a basic plan for an area of less than five (5) acres is suitable because of its compatibility with a public urban renewal plan; or
 - (2) The subject property abuts an existing E-I-A Zone.

Sec. 27-525. Filing.

- (a) A Specific Design Plan for the area (or portion of the area) included in the Comprehensive Design Plan shall be filed either prior to, or at the same time as, the final plat of subdivision (in accordance with the requirements of Subtitle 24 of this Code).
- (b) Specific Design Plans and final plats of subdivision shall be on separate drawings, and shall be acted on individually by the Planning Board.

(CB-15-1998; CB-12-2003)

Sec. 27-528. Planning Board action.

- (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);
 - (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;
 - (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;
 - (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;
 - (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and
 - (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).
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.

- (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.
- (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.
- (CB-1-1989; CB-75-1989; CB-53-1991; CB-108-1993; CB-32-1994; CB-56-1996; CB-32-1998; CB-25-2003; CB-29-2008; CB-28-2010; CB-34-2011; CB-23-2015; CB-83-2015)
- Editor's note(s)—Section 1 of CB-7-2009 (DR-2) provides that the provisions for the running of validity periods contained in Sections 27-287, 27-528, 27-546.07, and 27-548.08 of the Zoning Ordinance of the County Code, are hereby temporarily suspended until December 31, 2010.
- Section 2 of CB-7-2009 (DR-2) provides that the suspension of the validity period for a given application shall only be applied if the application was in an active, current validity period as of January 1, 2009. This suspension shall not be applied to any whose validity period begins after the date of the adoption of this Ordinance.
- Section 1 of CB-6-2010 provides that the provisions for the running of validity periods contained in Sections 27-287, 27-528, 27-546.07, and 27-548.08 of the Zoning Ordinance of the County Code, are hereby temporarily suspended until December 31, 2011.
- Section 2 of CB-6-2010 provides that the suspension of the validity period for a given application shall only be applied if the application was in an active, current validity period as of January 1, 2010. This suspension shall not be applied to any whose validity period begins after the date of the adoption of this Ordinance.
- Section 3 of CB-28-2010 provides that a development project for which all required development applications have been approved by the Planning Board, Zoning Hearing Examiner, or District Council, and appeal periods have not expired as of September 1, 2010, is grandfathered; or a development project that has an approved preliminary plan of subdivision, but has not completed subsequent processes such as final plat or site plan as of September 1, 2010, is grandfathered for that portion of the project covered by the preliminary plan.
- Section 1 of CB-7-2011 (DR-2) provides that the provisions for the running of validity periods contained in Sections 27-287, 27-527, 27-528, 27-546.07, and 27-548.08 of the Zoning Ordinance of the County Code, are hereby temporarily extended until December 31, 2012.
- Section 2 of CB-7-2011 (DR-2) provides that the extension of the validity period for a given application shall only be applied if the application was in an active, current validity period as of January 1, 2011. This extension shall not be applied to any whose validity period begins after the date of the adoption of this Ordinance.
- Section 3 of CB-7-2011(DR-2) provides that the provisions of this Ordinance shall be abrogated and be of no further force and effect after December 31, 2012.
- Section 3 of CB-34-2011 (DR-2) provides that a development project for which all required development applications have been approved by the Planning Board, Zoning Hearing Examiner, or District Council, notwithstanding any appeal period, is grandfathered regarding the provisions of CB-28-2010 that became effective on September 1, 2010, or any subsequent revisions in conformance with the grandfathered approval; or a development project that has an approved preliminary plan of subdivision, notwithstanding any further development review requirements including record plats is grandfathered regarding the provisions of CB-28-2010 that became effective on September 1, 2010, or any subsequent revisions in conformance with the grandfathered approval for that portion of the project covered by the preliminary plan.

- Section 1 of CB-67-2012 (DR-2) provides that the provisions for the running of validity periods contained in Sections 27-287, 27-528, 27-546.07, and 27-548.08 of the Zoning Ordinance of the County Code, are hereby temporarily extended until December 31, 2013.
- Section 2 of CB-67-2012 (DR-2) provides that the extension of the validity period for a given application shall only be applied if the application was in an active, current validity period as of January 1, 2012. This extension shall not be applied to any whose validity period begins after the date of the adoption of this Ordinance.
- Section 3 of CB-67-2012 (DR-2) provides that the provisions of this Ordinance shall be abrogated and be of no further force and effect after December 31, 2013.
- Section 1 of CB-71-2013 (DR-2) provides that the provisions for the running of validity periods contained in Sections 27-287, 27-528, 27-546.07, and 27-548.08 of the Zoning Ordinance of the County Code, are hereby temporarily extended until December 31, 2015.
- Section 2 of CB-71-2013 (DR-2) provides that the extension of the validity period for a given application shall only be applied if the application was in an active, current validity period as of January 1, 2013. This extension shall not be applied to any whose validity period begins after the date of the adoption of this Ordinance.
- Section 3 of CB-71-2013 (DR-2) provides that the provisions of this Ordinance shall be abrogated and be of no further force and effect after December 31, 2015.
- CB-81-2015 is uncodified law enacted by the District Council effective from November 17, 2015, and provides as follows: Sections 1 and 2 of CB-81-2015 temporarily extend, until December 31, 2017, validity periods prescribed in Sections 27-287, 27-528, 27-546.07, and 27-548.08 of the Zoning Ordinance for approved applications for Specific Design Plans and Detailed Site Plans, including Detailed Site Plans in the M-X-C and Transit District Overlay Zones, provided that the approved application was in a valid status on January 1, 2015. Section 3 of CB-81-2015 provides that the provisions of CB-81-2015 will automatically expire on December 31, 2017, while Section 5 calls for a work group to be established by the District Council to determine the viability of Detailed Site Plans and Specific Design Plans to proceed in the development process prior to December 17, 2017.
- CB-97-2017 is uncodified law enacted by the District Council effective from November 7, 2017, and provides as follows: Sections 1 and 2 of CB-97-2017 temporarily extend, until December 31, 2018, validity periods prescribed in Sections 27-287, 27-528, 27-546.07, and 27-548.08 of the Zoning Ordinance for approved applications for Specific Design Plans and Detailed Site Plans, including Detailed Site Plans in the M-X-C and Transit District Overlay Zones, provided that the approved application was in a valid status on January 1, 2017. Section 3 of CB-97-2017 provides that the provisions of CB-97-2017 will automatically expire on December 31, 2018.
- CB-59-2018 is uncodified law enacted by the District Council effective from October 23, 2018, and provides as follows: Sections 1 and 2 of CB-59-2018 temporarily extend, until December 31, 2020, validity periods prescribed in Sections 27-287, 27-528, 27-546.07, and 27-548.08 of the Zoning Ordinance for approved applications for Specific Design Plans and Detailed Site Plans, including Detailed Site Plans in the M-X-C and Transit District Overlay Zones, provided that the approved application was in a valid status on January 1, 2018. Section 3 of CB-59-2018 provides that the provisions of CB-59-2018 will automatically expire on December 31, 2020.
- On November 17, 2020, the County Council sitting as the District Council enacted Chapter 55, 2020 Laws of Prince George's County, Maryland (CB-73-2020), concerning the time for expiration of certain approved applications in a valid status as of January 1, 2020. Accordingly, the provisions for the running of validity periods set forth in Sections 27-287, 27-528, 27-546.07, and 27-548.08 of the Zoning Ordinance, being also Subtitle 27 of the Prince George's County Code, are hereby temporarily extended until December 31, 2021, for detailed site plans and specific design plans approved prior to January 1, 2015. The provisions for the running of validity periods set forth in Sections 27-287, 27-527, 27-528, 27-546.07, and 27-548.08 of the Zoning





Sec. 27-1700 Transitional Provisions

27-1701. Effective Date

This Ordinance shall become effective on April 1, 2022, and repeals and replaces Subtitle 27. Zoning, Prince George's County Code, 2019 Edition, as amended from time to time.



Sec. 27-1900 Development Pursuant to Prior Ordinance

27-1901. Abrogation

The provisions of this Section shall be abrogated, and of no further force and effect after two (2) years after the effective date of this Ordinance, absent further extension by legislative act of the District Council.

27-1902. Purpose and Intent

Notwithstanding the provisions set forth within this Part, the District Council finds that there is a need to retain certain procedures, regulations, zones, uses, and/or other aspects embodied within the prior Zoning Ordinance (being also Subtitle 27, Prince George's County Code, 2019 Edition) for purposes of sustaining and/or minimizing wholesale abandonment, for proposals for the development of land in Prince George's County.

In approving CB-013-2018, it is the intent of the District Council to prospectively implement the provisions of this Subtitle in furtherance of the orderly growth and development of land, as well as the protection of the public health, safety, morals, and general welfare of citizens and residents, in Prince George's County. However, based on significant public testimony received during consideration of this Ordinance, the Council recognizes that such immediate, wholesale implementation of this Subtitle may not be feasible or appropriate in all circumstances. Accordingly, the purpose of this Section is to provide, for a limited time period, a process to apply the requirements of the prior Zoning Ordinance (Subtitle 27, Prince George's County Code, 2019 Ed.).

27-1903. Applicability

- Development proposals for property within the LCD, LMXC, and LMUTC zones are ineligible for application of the prior Zoning Ordinance. All development proposed in the zones set forth in this Section shall develop in accordance with the requirements of this Ordinance, unless subject to the Transitional Provisions set forth in Section 27-1700, Transitional Provisions, of this Subtitle.
- Notwithstanding procedures specified in Sections 27-548.09.01 and 27-548.26 of the prior Zoning Ordinance, development proposals within a Transit District Overlay Zone (TDOZ) or Development District Overlay Zone (DDOZ) may not include requests to change the boundary of the approved TDOZ or DDOZ or change the underlying zones.
- (c) Development proposals or permit applications of any type for properties in all other zones of the County may utilize the prior Zoning Ordinance or Subdivision Regulations for development of the subject property.
- (d) Notwithstanding the abrogation provisions in Section 27-1901, if an application that elects to utilize the prior ordinance is filed and accepted within 2 years from the effective date of this ordinance, the development project shall be reviewed in accordance with the Zoning Ordinance and Subdivision Regulations in existence at the time of the acceptance of a development application.
- (e) Once approved, development applications that utilize the prior Zoning Ordinance shall be considered "grandfathered" and subject to the provisions set forth in Section 27-1704 of this Subtitle.

27-1904. Procedures

In order to proceed with development under the prior Zoning Ordinance, the following procedures shall apply:



- (a) The applicant shall schedule and participate in a pre-application conference, notwithstanding the requirements of Section 27-3401(b), Applicability.
- **(b)** The applicant shall provide a statement of justification which shall explain why the Applicant has elected not to develop a specific property pursuant to the provisions of this Zoning Ordinance.
- (c) The Planning Director shall submit quarterly reports to the District Council as to the development applications proceeding under the prior Ordinance.



Sec. 27-2500 Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section.

* * *

Distribution warehouse

A facility primarily engaged in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution.

Storage warehouse

A facility used for storage by retail stores such as furniture and appliance stores.

Warehouse storerooms

A facility primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.



Sec. 27-5100 Principal Uses

27-5101. Principal Use Tables

Structure of Principal Use Tables

(1) **Designation of Principal Uses as Permitted**

The Principal Use Tables in this Section use the following abbreviations to designate whether and how a principal use is allowed in a particular zone:

Р	A "P" under a base zone column indicates that the use is permitted as a principal use in the zone, subject to applicable regulations of this Ordinance.
SE	An "SE" under a base zone column indicates that the use is permitted as a principal use in the zone only on approval of a special exception in accordance with Section 27-3604, Special Exception, and subject to all special exception requirements and all other applicable regulations of this Ordinance.
А	An "A" designation within the Planned Development (PD) zone column indicates that the use is permitted as a principal use in the PD Zone, subject to applicable regulations of this Ordinance—unless the PD Basic Plan/Conditions of Approval approved for the zone expressly identifies the use as prohibited.
Х	An "X" under a base or Planned Development (PD) zone column indicates that the use is prohibited as a principal use in the zone.
x	An "X" under an overlay zone column indicates that the use is prohibited as a principal use in the overlay zone, irrespective of whether it is allowed in the underlying base zone. This designation applies only to overlay zones.
SE*	An SE* under an overlay zone column indicates that, irrespective of whether it is a permitted use in the underlying base zone, the use is permitted as a principal use in the overlay zone only on approval of a special exception in accordance with Section 27-3604, Special Exception, and subject to all special exception requirements and all other applicable regulations of this Ordinance.
P*	A P* under an overlay zone column indicates that, irrespective of whether it is prohibited in the underlying base zone, the use is permitted as a permitted principal use in the overlay zone, subject to applicable regulations of this Ordinance.
	A blank cell under an overlay zone column indicates the use is permitted as a principal use in the overlay zone if it is permitted in the underlying base zone.

All uses not listed are prohibited.

(2) **Reference to Use-Specific Standards**

A particular use category or use type permitted as a principal use in a zone may be subject to additional standards that are specific to the particular use. The applicability of use-specific standards is noted in the last column of the Principal Use Tables ("Use-Specific Standards") through a reference to standards in Section 27-5102, Requirements for Permitted Principal Uses.

(3) **Reference to Special Exception Standards**



A particular use category or use type permitted as a principal use in a zone may be subject to special exception standards when such use category or use type is indicated as requiring approval of a special exception. The applicability of special exception standards is noted in the last column of the Principal Use Tables ("Use-Specific Standards") through a reference to standards in Sec. 27-5400, Special Exception Standards. In the event the last column of the Principal Use Tables references both usespecific standards and special exception standards for a particular use category or use type, the usespecific standards shall only apply to uses listed as P, P*, or A in the use tables, while the special exception standards shall only apply to uses listed as SE or SE* in the use tables.

Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones (b)

Т	able 27-5101(d) P = Per																nes
Principal Use Category	Principal Use Type	mitted by Right SE = All Nonresidential Base Zones									y Center Base RTO-L				Other Base Zones	Use-Specific	
		CN	CS	CGO	IE	IH	NAC	Core	Edge	Core Edge		Core Edge		Core Edge		RMH	Standards
	Cold storage plant or distribution warehouse	х	х	х	SE	Р	x	х	Р	х	х	х	х	х	х	х	Refer to special exception standards
	Consolidated storage	x	SE	Р	Р	Р	SE	x	SE	x	SE	x	х	х	x	x	27- 5102(f)(4)(A) and refer to special exception standards
Warehouse	Motor freight facility	х	х	х	SE	P	х	х	х	х	Х	х	Х	Х	х	х	Refer to special exception standards
and Freight Movement Uses	Outdoor storage (as a principal use)	X	SE	х	Р	Р	X	х	x	х	х	х	х	х	х	х	27- 5102(f)(4)(B) and refer to special exception standards
	Storage warehouse	х	SE	х	P	Р	х	х	Р	х	х	x	х	х	х	X	Refer to special exception standards
	Warehouse showroom	х	SE	х	Р	Р	x	x	Р	х	x	x	х	х	x	x	27- 5102(f)(4)(C) and refer to special exception standards