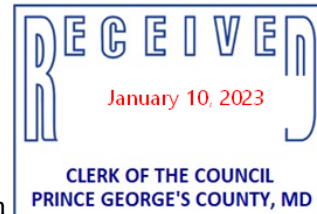


January 5, 2023

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



Re: Notification of Planning Board Action on
Specific Design Plan SDP-2201
NCBP, Parcel 12

Dear Applicant:

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

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

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

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

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

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Anne Fothergill
Reviewer

Attachment: PGCPB Resolution No. **2022-122**

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

RESOLUTION

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

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

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); the Industrial, Employment Zone (IE); and the Agricultural-Residential Zone (AR); and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, certain development applications may be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of submission and acceptance of the application; and

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

WHEREAS, in consideration of evidence presented at a public hearing on December 1, 2022, regarding Specific Design Plan SDP-2201 for National Capital Business Park, Parcel 12, the Planning Board finds:

1. **Request:** The subject application requests approval of the development of a 168,480-square-foot warehouse distribution building.
2. **Development Data Summary:**

| | EXISTING | APPROVED |
|-------------------------------------|-----------------|------------------------|
| Zone | LCD (prior R-S) | LCD (prior R-S) |
| Use(s) | Vacant | Warehouse/Distribution |
| Total Gross Floor Area (GFA) | - | 168,480 sq. ft. |

OTHER DEVELOPMENT DATA

Parking and Loading Spaces

| Use | Required | Approved |
|----------------------|-----------------|-----------------|
| Total Parking Spaces | 83 | 159 |
| Truck Trailer Spaces | 5 | 48 |

3. **Location:** The subject site is a 9.98-acre area in an overall 442.30 acres of development called the National Capital Business Park (NCBP). The subject property is located approximately 3,200 feet west of the intersection of Leeland Road and US 301 (Robert Crain Highway), in Planning Area 74A and Council District 04.
4. **Surrounding Uses:** The entire NCBP development is bounded to the north by Agricultural-Residential (AR) zoned property and Reserved Open Space property. Adjacent to the south are properties zoned AR and Legacy Comprehensive Design Zone (LCD).
5. **Previous Approvals:** The subject property was included in Zoning Map Amendment (Basic Plan) A-9968-03, approved by the Prince George's County District Council on April 12, 2021, and an amendment to Comprehensive Design Plan CDP-0505-01, approved by the Prince George's County Planning Board on April 29, 2021. The Preliminary Plan of Subdivision (PPS 4-20032) was approved by the Planning Board on September 9, 2021 (PGCPB Resolution No. 2021-112) for a 442.30-acre property zoned prior Residential Suburban Development (R-S), Light Industrial (I-1), and Residential-Agriculture (R-A). PPS 4-20032 approved 36 parcels for development of a 3.5 million-square-foot industrial park.

Specific Design Plan 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 (SWM), retaining walls, and directional signage, that will serve the employment and institutional uses approved for the property.

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

The subject application is zoned LCD (formerly R-S), but is subject to the requirements of the E-I-A Zone and permitted under Footnote 38, as authorized pursuant to the provisions of Prince George's County Council Bill CB-22-2020. The applicant included a lotting exhibit, for the overall site, which is consistent with the applicable PPS 4-21056. The development approved with this SDP is for Parcel 12, as currently shown on PPS 4-21056.

The site has an approved SWM Concept Plan, 42013-2020-00, which was approved on June 28, 2021.

6. **Design Features:** The 168,480-square-foot warehouse and distribution building will be 41 feet tall. The building materials will include concrete panels, hollow metal doors and tempered safety glass, and a color combination of white and various shades of gray. The building will have 4 building-mounted signs and 16 small tenant signs on the doors of the building. There is one monument sign located near the first driveway entrance into Parcel 12. The site will have two access points along Queens Court and there will be 159 parking spaces, 12 bike spaces, 33 docks, 2 drive-in bays, and 48 truck and trailer parking spaces.

COMPLIANCE WITH EVALUATION CRITERIA

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

a. Section 27-500, Uses

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

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

This development proposes a warehouse and distribution building, which will result in non-retail employment, in keeping with this general principle of the zone.

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

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

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

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

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

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

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

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

This development is subject to the requirements of the E-I-A Zone and conforms to the regulations outlined in Section 27-501. The subject property meets the minimum area required and exceeds the minimum green space and open space requirements for the zone.

(b) **Other regulations.**

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

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

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

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

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

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

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

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

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

- (d) **Adjoining properties.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This SDP will have a six-year validity period.

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

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

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

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

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

1. Proposed Lane Use Types and Quantities

| | |
|-------------------------------|--|
| Total Area: | 442.30 acres |
| Total in (I-1 Zone): | 15+/- acres (not included in density calculation) |
| Total area (R-A Zone): | 0.78+/- acres (not included in density calculation) |
| Total area (R-S Zone): | 426.52 acres per approved NRI |

Land in the 100-year floodplain: 92.49 acres
Adjusted gross area
(426 less half of the floodplain): 380.27 acres

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

Open Space

Public active open space: 20 +/- acres

Passive open space: 215 +/- acres

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

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

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

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

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

The proposed community park will be reviewed, as part of the mandatory referral review, for a subsequent application for recreational 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 proposed shared-use path was provided with approved SDP-1603-01.

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

3. **Total development within the subject property shall be limited to uses that would generate no more than 1,401 AM and 1,735 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.**

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

4. **The following road improvements shall be phased at the time of future specific design plan applications, and a determination shall be made as to when said improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency**

- a. **US 301 (Robert Crain Highway) at Leeland Road**

- (1) **Provide three left-turn lanes on the eastbound approach**

- b. **Prince George's Boulevard and Queens Court-Site Access, unless modified at the time of preliminary plan of subdivision:**

- (1) **Provide a shared through and left lane and a shared through and right lane on the eastbound approach.**

- (2) **Provide a shared through and left lane and a shared through and right lane on the westbound approach.**

- (3) **Provide a shared through and left lane on the northbound approach and a shared through and right lane on the southbound approach.**

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

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

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

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

2. **Total development within the subject property shall be limited to uses which generate no more than 1,401 AM peak-hour trips and 1,735 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision, with a new determination of the adequacy of transportation facilities.**

The development shown with SDP-2201 is consistent with PPS 4-21056. The site is also subject to prior SDPs that approved development of approximately 3,428,985 square feet of warehouse/distribution uses so far, as part of the overall NCBP development. The SDP application proposes development of approximately 168,480 square feet of general warehouse, which was approved and will bring the total site development to 3,597,465 square feet of warehouse/distribution uses, which is under the 5.5 million square feet of development that was considered as part of the approved PPS application. As such, the uses and development program proposed with the SDP is consistent with the PPS application, and staff finds that the trips generated by the phased development of the subject SDP are within the trip cap.

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

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

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

The development is in conformance with the approved SWM Concept Plan (42013-2020-00) submitted with this application.

5. **Prior to approval of a final plat:**

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

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

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

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

These requirements shall be noted on the specific design plan.

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

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

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

9. **The applicant shall submit a phasing plan (with adequate justification) as part of the first specific design plan for a building to show the phasing of the following transportation improvements to the development of the site. A determination shall be made at that time as to when said improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency.**

- a. **US 301 (Robert Crain Highway) at Leeland Road**

- (1) **Provide three left turn lanes on the eastbound approach.**

- b. **A signal warrant analysis and signalization of the intersection of Prince George’s Boulevard and Queens Court-Site Access with the following lane configuration:**

- (1) **A shared through and left and a shared through and right lane on the eastbound approach.**

- (2) **A shared through and left and a shared through and right lane on the westbound approach.**
- (3) **A shared through and left on the northbound approach and a shared through and right lane on the southbound approach.**

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

A phasing plan was submitted as part of this application and indicated that the eastbound Leeland Road Lane improvement does not need to be implemented until the overall site is developed with the high-cube fulfillment center warehouse and 1,600,000 square feet of general warehouse uses. As previously stated, this SDP application proposes development of approximately 168,480 square feet of general warehouse and the total site development will not be more than the threshold and would not require the need for reconstruction of eastbound Leeland Road. However, the phasing plan indicates that the Prince George's County Capital Improvement Program (CIP) US 301 improvements will need to be implemented to offset the impacts generated by this phase of development at the US 301/Leeland Road intersection, specifically a third southbound through lane. As a condition of approval, the Planning Board recommends that the applicant pay the shared contribution for the US 301 CIP improvements or construct the improvements in lieu of the fee, as provided in the phasing plan.

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

- 10. Prior to approval of a building permit for each square foot of development, the applicant, and the applicant's heirs, successors, and/or assignees shall pay to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), a fee of \$0.92 (1989 dollars) multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for second quarter 1989). The County may substitute a different cost index, if necessary.**

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

- 11. The applicant shall provide an interconnected network of pedestrian and bicycle facilities consistent with the 2009 Countywide Master Plan of Transportation and the 2022 Approved Bowie-Mitchellville and Vicinity Master Plan policies and goals.**

The exact design and details of these facilities shall be provided as part of the first specific design plan, prior to its acceptance.

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

- 12. The applicant's heirs, successors, and/or assignees shall construct a minimum 10-foot-wide master plan hiker/biker trail located along the Collington Branch Stream Valley and a minimum 10-foot-wide feeder trail to the employment uses.**

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

- 13. Prior to the issuance of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall (a) have full financial assurances, (b) a permit for construction through the operating agency's access permit process, and (c) an agreed upon timetable for construction with the appropriate operating agency of a minimum 10-foot-wide master plan shared-use path along the subject site frontage of Leeland Road, consistent with AASHTO standards, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence. The exact details shall be shown as part of the first specific design plan for a building, prior to its approval.**

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

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

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

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

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

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

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

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

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

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

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

- 18. Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan (TCP1-004-2021-03). The following note shall be placed on the final plat of subdivision:**

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-004-2021-03 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George’s County Planning Department.”

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

11. **Specific Design Plan SDP-1603-01:** The Planning Board approved SDP-1603-01 on January 13, 2022, for infrastructure for the overall NCBP 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. Staff has reviewed this application and determined that it is in conformance with the approved SDP.
12. **2010 Prince George’s County Landscape Manual:** The application is subject to the requirements of the Landscape Manual, specifically Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Staff has reviewed this application and determined that it is in conformance with the Landscape Manual, and the required plantings and schedules are provided on the plan.
13. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the 2010 Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the project is subject to a PPS (4-21056). This project is subject to the WCO and the Environmental Technical Manual (ETM). Type 2 Tree Conservation Plan TCP2-026-2021-04 has been submitted with the application and requires revisions, to be found in conformance with Type 1 Tree Conservation Plan TCP1-004-2021-03 and the WCO.

The District Council amended the woodland conservation/afforestation threshold on land with prior R-S zoning, with permitted uses in the prior E-I-A Zone. The subject property shall be developed in accordance with the threshold requirements of the prior E-I-A Zone. The woodland conservation threshold (WCT) for this 442.30-acre property is based on 15 percent for the E-I-A (R-S) and I-1 portions of the site, and 50 percent for the R-A Zone, for a weighted WCT requirement of 15.08 percent, or 52.40 acres. There is an approved TCP1 and TCP2 on the overall development related to the prior residential subdivision, which were grandfathered under the

1991 Woodland Conservation Ordinance, but the prior TCP approvals are not applicable to the new development proposal.

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

Section 25-122(c)(1) of the WCO prioritizes methods to meet the woodland conservation requirements. On November 18, 2022, the applicant submitted a statement of justification (SOJ) dated September 19, 2022, requesting approval of a combination of on-site and off-site woodland conservation, as reflected on the TCP2 worksheet. The site contains 186.15 acres of PMA, approximately 15,622 linear feet of regulated streams, and 94.77 acres of 100-year floodplain. The applicant states that, although they are only preserving 86.76 acres of the 117.85 woodland conservation requirement on-site, they are proposing to preserve the highest quality of woodlands on-site within the PMA and contiguous to these areas, which has a priority of preservation. The WCT for the development is 52.40 acres, or 15.08 percent, which is proposed to be met on-site in preservation. The central portion of the site was the subject of a timber harvest, which was implemented. The applicant states that, clearing of the central portion of the property is supported due to the implemented timber harvest, and that providing on-site afforestation/reforestation, connected to the on-site preservation, is a higher priority over preserving the central areas of woodlands impacted by the timber harvest. The applicant proposes to protect the woodland preservation areas, including areas of reforestation. Ninety-nine of the specimen trees on-site are located in the proposed woodland conservation easement. The applicant states that the site is not suitable for natural regeneration and the next logical step is to provide the remaining requirement off-site, within an approved tree bank. In review of the conservation method priorities of Section 25-122(c)(1), staff agrees that on-site afforestation/reforestation, connected to the on-site preservation, is a higher priority over preserving the central areas of woodlands impacted by the timber harvest, that are not directly connected to environmental features. The Planning Board approves the applicant's request to meet the woodland preservation requirements, as stated in the SOJ, through a combination of on-site and off-site preservation.

The overall woodland conservation worksheet shows clearing of 245.67 acres (prior approvals 260.75 acres) of woodland on the net tract area, and clearing of 1.86 acres (prior 1.09 acres) of woodland in the floodplain. Based on staff's calculations, this results in a woodland conservation requirement of 117.50 acres (prior 118.68 acres). The requirement is proposed to be met with 86.76 acres of on-site woodland preservation, 15.60 acres of on-site reforestation, and 13.57 acres of off-site woodland conservation credits. Although this development has been part of several reviews, as individual applicants submit SDPs for development, future applicants should continue to look for opportunities to provide additional areas of woodland preservation and reforestation.

As submitted, it appears this application proposes to reduce the overall amount of woodland clearing by 7.78 acres, increasing woodland preservation by 7.78 acres. The plan is not clear where the reduction of the clearing is occurring. Prior to certification of TCP2-026-2021-04, the applicant shall demonstrate the areas where woodland clearing was reduced and revise the plan and worksheet, as necessary.

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

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

14. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building or grading permit for 5,000 square feet or greater of gross floor area or disturbance. The TCC is based on the gross tract area and is required to provide a minimum of 10 percent in the prior E-I-A Zone. A schedule has been provided, which shows conformance to Section 25-128 of the County Code.
15. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
 - a. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated October 31, 2022 (Lester to Butler), in which it was noted that master plan conformance is not required for this application.
 - b. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated November 1, 2022 (Stabler and Smith to Butler), in which it was noted that there are no archaeological or historic resources on the site.
 - c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated November 3, 2022 (Yang to Butler), in which it was noted that the subject application is acceptable, subject to the conditions herein.
 - d. **Subdivision Review**—The Planning Board has reviewed and adopts the memorandum dated October 27, 2022 (Gupta to Butler), in which it was noted that the SDP is in substantial conformance with the PPS.
 - e. **Permit Review**—The Planning Board has reviewed and adopts the memorandum dated November 1, 2022 (Bartlett to Butler), in which comments were provided and included as conditions herein, as appropriate.

- f. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated November 2, 2022 (Nickle to Butler), in which it was noted that the environmental features have been preserved, to the fullest extent possible. Technical corrections are included as conditions herein.
- g. **Special Projects**—The Planning Board has reviewed and adopts the memorandum dated October 5, 2022 (Perry to Butler), in which technical corrections were noted, as outlined in conditions included herein.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-026-2021-04, and further APPROVED Specific Design Plan SDP-2201 for the above-described land, subject to the following conditions:

- 1. Prior to certification of this specific design plan (SDP), the applicant shall provide the specified information, or make the following revisions to the plans:
 - a. Provide building dimensions on Sheet 5.
 - b. Provide the detail for the trash enclosures.
 - c. Show the setbacks of the entrance sign on Sheet 5.
 - d. Dimension the proposed electrical equipment pads on Sheet 5 and provide the detail for the equipment, cabinets, or pads.
 - e. Identify the type and location of the loading doors on Sheet 5.
 - f. Add all sign details for approval with the SDP, or a revision to the SDP will be required, prior to approval of any sign permit applications.
 - g. Provide an alternative/lighter shading for the proposed concrete shown on the site plan, as the current shading identifier obscures parking, notes, and site plan elements, which will only get worse as the plan is copied and submitted for future permit applications.
- 2. Prior to approval of a building permit for Parcel 12, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee of \$155,002 (1989 dollars), with a construction cost index determined by the Prince George's County Department of Public Works and Transportation, at the time of payment. In lieu of the payment listed above, prior to issuance of the building permit for Parcel 12, the applicant and the applicant's heirs, successors, and/or assignees shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency for all of the improvements along US 301

(Robert Crain Highway), as described in the phasing plan dated October 13, 2022, submitted as part of the specific design plan application.

3. Prior to issuance of a use and occupancy permit for Parcel 12, 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 the facility.
 - b. Install and maintain a sprinkler system that complies with National Fire Protection Association, NFPA 13, Standard for the Installation of Sprinkler Systems.
 - c. Install and maintain automated external defibrillators (AEDs), in accordance with 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, to be installed next to a fire extinguisher installation, which must be no more than 75 feet from any employee.

4. Prior to certification of the Type 2 tree conservation plan (TCP2), the TCP2 shall meet all of the requirements of Subtitle 25, Division 2, and the Environmental Technical Manual (ETM), and shall be revised as follows:
 - a. Correct the Environmental Planning approval block on all sheets of the TCP2 to reflect that the "03" revision is associated with SDP-1603-04, the "04" revision is associated with SDP-2201, and the "05" revision is associated with an amended rough grading permit.
 - b. Demonstrate the areas where the woodland clearing was reduced and revise the plan and worksheet, as necessary.
 - c. Revise the TCP worksheet to add the acreage of reforestation in the floodplain.
 - d. On Sheet C-300:
 - (1) Remove the nonstandard general notes.
 - (2) Relocate the "Post Development Notes" to Sheet C-301 with the rest of the TCP2 notes.
 - (3) On the Key Map, remove the development from Parcels 1, 7, 8, 9, 10, and 11.
 - (4) In the woodland conservation worksheet, correct the revision number from "7" to "4."

- e. On Sheet C-301:
 - (1) Add the standard TCP2 Notes 1 through 9 to this sheet.
 - (2) Remove the “Phased Development Notes.”
 - (3) Remove the two “Missing or Invalid Reference” notes and add the standard Reforestation Area Sign and the Tree Planting and Maintenance Calendar details from the ETM.
 - (4) Add the standard Removal of Hazardous Trees or Limbs by Developers or Builders notes. Remove the Phased Development notes. Add the source of reforestation seedlings to include the name, address, and phone number of the nursery or supplier.
 - (5) Update the specimen tree list to reflect current approvals.
 - (6) Resolve the discrepancy in the reporting of the woodland reforestation numbers, so that the planting schedules, the reforestation tables, and the worksheet match.
 - f. On Sheet C-303, reflect the PMA impacts as approved with Preliminary Plan of Subdivision 4- 21056, Specific Design Plan SDP-1603-01, and Specific Design Plan SDP-1603-02. Update the plan to reflect the stormwater pond outfall impact approved with SDP-1603-02.
 - g. On Sheet C-310, revise the note regarding the proposed park facilities and the Collington Branch Trail, to reflect the current case number “SDP-2201.”
 - h. Revise Sheet C-318 to add a label for MC-600 and add the hatch pattern to the legend.
 - i. Revise Sheet C-319 to add a label for MC-600 and add the hatch pattern to the legend.
 - j. Have the revised plan signed and dated by the qualified professional preparing the plan.
5. Prior to certification of Specific Design Plan SDP-2201, a copy of the erosion and sediment control technical plan must be submitted, so that the ultimate limit of disturbance for the project can be verified and shown on the Type 2 tree conservation plan.

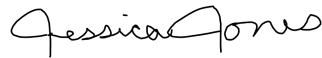
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, December 1, 2022, in Upper Marlboro, Maryland.

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

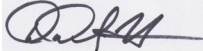
Peter A. Shapiro
Chairman



By Jessica Jones
Planning Board Administrator

PAS:JJ:TB:rpg

APPROVED AS TO LEGAL SUFFICIENCY



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